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SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 200, 201, and 203

[Release Nos. 33–11431; 34–105923; IC–36254; IA–6981]

Modernization of Delegations of Authority to Commission Staff

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission (the “Commission”) is amending its rules delegating authority to the Commission’s staff to further modernize these rules, to better reflect the way the Commission conducts its business, and to more efficiently use the Commission’s resources.

DATES: This release was published in the **Federal Register** on July 20, 2026. This rule is effective July 26, 2026.

FOR FURTHER INFORMATION CONTACT: J. Matthew DeLesDernier, Deputy Secretary, Office of the Secretary, (202) 551–5400, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–9040.

SUPPLEMENTARY INFORMATION: The Commission is adopting amendments to the following rules:

Commission reference	CFR citation (17 CFR)
Rules of General Organization	
Article 10	200.10
Article 13a	200.13a
Article 19d	200.19d
Article 30–3a	200.30–3a
Article 30–18	200.30–18
Article 30–19	200.30–19
Rules of Practice	
Rule 430	201.430
Rule 431	201.431

Commission reference	CFR citation (17 CFR)
Rules Related to Investigations	
Rule 2	203.2

I. Discussion

The Commission is amending certain of its rules delegating authority to the Commission’s staff. Currently, the Commission delegates to its staff certain authorities that would otherwise be exercised only by the Commission itself. These delegations are codified in our Rules of General Organization,¹ alongside descriptions of the divisions and offices.² The Securities Exchange Act of 1934 (the “Exchange Act”) ³ authorizes the Commission to delegate certain of its functions by published rule to an agency division or employee.⁴ Subject to certain conditions, actions taken pursuant to delegated authority are deemed the action of the Commission.⁵ The Exchange Act provides that the Commission retains a right of review any such action for a period of time prescribed by rule, and that the vote of any one member of the Commission is sufficient to bring any such action before the Commission for review.⁶ The Commission is amending certain of its rules delegating authority to the Commission’s staff to further modernize these rules, to better reflect the way the Commission conducts its business, and to more efficiently use the Commission’s resources, as discussed in detail below.

A. Delegation to the Director of the EDGAR Business Office

The Commission is consolidating certain of its administrative functions within the EDGAR Business Office. Many filer support functions are currently carried out by the EDGAR Business Office, but authority to perform the following related functions is currently delegated to the Director of the Division of Examinations:

- Authority to issue an order under the Investment Advisers Act of 1940

(the “Advisers Act”) ⁷ cancelling the registration of an investment adviser;⁸

- Authority to issue an order granting or cancelling registration of brokers, dealers, municipal advisors, municipal securities dealers, government securities brokers, government securities dealers, and transfer agents;⁹

- Authority to issue an order under the Advisers Act granting registration as an investment adviser;¹⁰

- Certain authorities related to broker or dealer reporting or assessment delinquency;¹¹ and

- Authority to issue an order granting or cancelling registration of securities-based swap dealers and major securities-based swap participants.¹²

We believe that consolidating these functions within the EDGAR Business Office and delegating authority to perform these functions to the Director of the EDGAR Business Office will promote more efficient and streamlined operations, reduce redundancy, and improve customer service to the public. Accordingly, we have determined to rescind the delegations to the Director of the Division of Examinations and make corresponding delegations to the Director of the EDGAR Business Office.¹³

B. Delegation to the Director of the Office of Municipal Securities

We are also delegating one of the above authorities to the Director of the Office of Municipal Securities. Currently, the Director of the Office of Municipal Securities is, like the Director of the Division of Examinations, authorized to issue an order granting or cancelling the registration of a municipal advisor or to grant the registration of a municipal securities dealer.¹⁴ However, unlike the Director

⁷ 15 U.S.C. 80b–1 *et seq.*

⁸ Current Article 30–18(i)(1).

⁹ Current Article 30–18(j).

¹⁰ Current Article 30–18(k).

¹¹ Current Article 30–18(l).

¹² Current Article 30–18(m).

¹³ Article 30–18; Article 30–19. We are also making technical corrections to Rule 2 of our Rules Related to Investigations, which permits certain officials to orally share information obtained in investigations or examinations with other regulators, to reflect current division names and the effect of a recent internal reorganization. 17 CFR 203.2.

¹⁴ Current Article 30–3a(a)(1); current Article 30–3a(a)(3); current Article 30–18(j)(2); current Article 30–18(j)(7).

¹ Articles 30–1 through 30–19.

² Articles 10 through 27.

³ 15 U.S.C. 78a *et seq.*

⁴ Section 4A(a) of the Exchange Act.

⁵ Section 4A(c) of the Exchange Act.

⁶ Section 4A(b) of the Exchange Act.

of the Division of Examinations, the Director of the Office of Municipal Securities is not currently authorized to issue an order cancelling the registration of a municipal securities dealer.¹⁵ Many of the delegations that we have made to the Director of Trading and Markets have a corresponding delegation to the Director of the Office of Municipal Securities, when applied to matters involving the Municipal Securities Rulemaking Board, municipal securities, or municipal securities dealers,¹⁶ but this is an exception. To provide greater consistency across these regulated entities and enhance efficiency, we have determined to delegate this authority to the Director of the Office of Municipal Securities, who will, as discussed above, now share it with the Director of the EDGAR Business Office.¹⁷

C. Technical Correction Regarding Review of Delegated Action

Finally, we are making a set of technical corrections to Rules 430 and 431 of our Rules of Practice, which specify procedural parameters for the right of Commission review of delegated actions under Section 4A of the Exchange Act.¹⁸ The corrections clarify that these rules apply to delegated actions taken by the Director of the EDGAR Business Office.¹⁹

II. Administrative Law Matters

The Commission finds, in accordance with the Administrative Procedure Act (the “APA”), that these amendments relate solely to agency organization, procedure, or practice and do not constitute a substantive rule.²⁰ Accordingly, the APA’s provisions regarding notice of proposed rulemaking and opportunity for public comment are not applicable. These amendments do not substantially affect the rights or

obligations of non-agency parties and pertain to the management of internal Commission operations. These changes are effective on July 26, 2026. For the same reasons, the provisions of the Small Business Regulatory Enforcement Fairness Act are not applicable.²¹ Additionally, the provisions of the Regulatory Flexibility Act,²² which apply only when notice and comment are required by the APA or other law, are not applicable.²³ These amendments do not contain any collection of information requirements as defined by the Paperwork Reduction Act of 1995.²⁴ Further, because these amendments impose no new burdens on private parties, the Commission does not believe that the amendments will have any impact on competition for purposes of section 23(a)(2) of the Exchange Act.²⁵

Statutory Authority

The amendments are adopted pursuant to statutory authority granted to the Commission including section 19 of the Securities Act of 1933, 15 U.S.C. 77s; sections 4A, 4B, and 23 of the Exchange Act, 15 U.S.C. 78d–1, 78d–2, and 78w; section 38 of the Investment Company Act of 1940, 15 U.S.C. 80a–37; section 211 of the Investment Advisers Act of 1940, 15 U.S.C. 80b–11; and section 3 of the Sarbanes-Oxley Act of 2002, 15 U.S.C. 7202.

List of Subjects

17 CFR Part 200

Administrative practice and procedure, Authority delegations (Government agencies).

17 CFR Part 201

Administrative practice and procedure.

17 CFR Part 203

Administrative practice and procedure, Investigations.

Text of Rule Amendments

For the reasons stated in the preamble, the Commission is amending title 17, chapter II of the *Code of Federal Regulations* as follows:

²¹ See 5 U.S.C. 804(3)(C) (the term “rule” does not include “any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties”).

²² 5 U.S.C. 60 *et seq.*

²³ See 5 U.S.C. 601(2).

²⁴ See 5 CFR 1320.3.

²⁵ 15 U.S.C. 78w(a)(2).

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

■ 1. The authority citation for part 200 continues to read as follows:

Authority: 5 U.S.C. 552, 552a, 552b, and 557; 11 U.S.C. 901 and 1109(a); 15 U.S.C. 77c, 77e, 77f, 77g, 77h, 77j, 77o, 77q, 77s, 77u, 77z–3, 77ggg(a), 77hhh, 77sss, 77uuu, 78b, 78c(b), 78d, 78d–1, 78d–2, 78e, 78f, 78g, 78h, 78i, 78k, 78k–1, 78l, 78m, 78n, 78o, 78o–4, 78q, 78q–1, 78t–1, 78u, 78w, 78ll(d), 78mm, 78eee, 80a–8, 80a–20, 80a–24, 80a–29, 80a–37, 80a–41, 80a–44(a), 80a–44(b), 80b–3, 80b–4, 80b–5, 80b–9, 80b–10(a), 80b–11, 7202, and 7211 *et seq.*; 29 U.S.C. 794; 44 U.S.C. 3506 and 3507; Reorganization Plan No. 10 of 1950 (15 U.S.C. 78d); sec. 8G, Pub. L. 95–452, 92 Stat. 1101 (5 U.S.C. App.); sec. 913, Pub. L. 111–203, 124 Stat. 1376, 1827; sec. 3(a), Pub. L. 114–185, 130 Stat. 538; E.O. 11222, 30 FR 6469, 3 CFR, 1964–1965 Comp., p. 36; E.O. 12356, 47 FR 14874, 3 CFR, 1982 Comp., p. 166; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235; Information Security Oversight Office Directive No. 1, 47 FR 27836; and 5 CFR 735.104 and 5 CFR parts 2634 and 2635, unless otherwise noted.

■ 2. Remove the undesignated center heading before § 200.10.

■ Amend § 200.13a by removing paragraph (c).

■ 3. Revise § 200.19d to read as follows:

§ 200.19d Director of the Office of Municipal Securities.

The Director of the Office of Municipal Securities is responsible to the Commission for the administration and execution of the Commission’s programs under the Securities Exchange Act of 1934 relating to the registration and regulation of municipal advisors, the registration and regulation of municipal securities brokers and dealers, and oversight of the Municipal Securities Rulemaking Board. The functions involved include recommending the adoption and amendment of Commission rules, reviewing proposed rule changes of the Municipal Securities Rulemaking Board, and responding to interpretive and no-action requests.

■ 4. Section 200.30–3a is amended by revising paragraph (a)(3) to read as follows:

§ 200.30–3a Delegation of authority to Director of the Office of Municipal Securities.

* * * * *

(a) * * *

* * * * *

(3) Pursuant to section 15B(a) of the Act [15 U.S.C. 78o–4(a)]:

(i) To authorize the issuance of orders granting registration of municipal securities dealers within forty-five days

¹⁵ Current Article 30–18(j)(2); current Article 30–3a(a)(3).

¹⁶ See Modernization of Delegations of Authority to Commission Staff and Division and Office Descriptions, Securities Act Release No. 10913 (Dec. 22, 2020) [86 FR 9436 (Feb. 16, 2021)], at Part II.C.

¹⁷ Article 30–3a(a)(3); Article 30–19(e)(8). We are also making a correction to the description of the Office of Municipal Securities in our Rules of General Organization regarding its responsibilities.

¹⁸ Current Rule 430 of the Commission’s Rules of Practice; current Rule 431 of the Commission’s Rules of Practice; see also *supra* note 6 and accompanying text.

¹⁹ Rule 430 of the Commission’s Rules of Practice; Rule 431 of the Commission’s Rules of Practice. We are also making a correction to the description of the Office of the Secretary in our Rules of General Organization to remove a statement about administration of the library, which function has been reassigned within the agency. Current Article 13a(c).

²⁰ 5 U.S.C. 553(b)(A).

of the filing of an application for registration as a municipal securities dealer (or within such longer period as to which the applicant consents); and

(ii) To authorize the issuance of orders canceling the registration of a municipal securities dealer, if such municipal securities dealer is no longer in existence or has ceased to do business as a municipal securities dealer.

* * * * *

■ 5. Section 200.30–18 is amended by:

■ a. Removing and reserving paragraph (i)(1); and

■ Removing and reserving paragraphs (j) through (m).

■ 6. Section 200.30–19 is amended by adding paragraphs (d) through (h) to read as follows:

§ 200.30–19 Delegation of authority to Director of the EDGAR Business Office.

* * * * *

(d) With respect to the Investment Advisers Act of 1940 (“Advisers Act”) (15 U.S.C. 80b–1 *et seq.*), pursuant to Section 203(h) of the Advisers Act (15 U.S.C. 80b–3(h)), to authorize the issuance of orders cancelling registration of investment advisers, or applications for registration, if such investment advisers or applicants for registration are no longer in existence or are not engaged in business as investment advisers.

(e) With respect to the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*):

(1) Under section 15(b) of the Act (15 U.S.C. 78o(b)):

(i) To authorize the issuance of orders granting registration of brokers or dealers within 45 days of the acceptance of an application for registration as a broker or dealer (or within such longer period as to which the applicant consents);

(ii) To grant registration of brokers or dealers sooner than 45 days after acceptance of an application for registration;

(iii) To authorize the issuance of orders canceling registrations of brokers or dealers, or pending applications for registration, if such brokers or dealers or applicants for registration are no longer in existence or are not engaged in business as brokers or dealers; and

(iv) To determine whether notices of withdrawal from registration on Form BDW shall become effective sooner than the normal 60-day waiting period.

(2) Under section 15B(a) of the Act (15 U.S.C. 78o–4(a)):

(i) To authorize the issuance of orders granting registration of municipal securities dealers within 45 days of the

filing of acceptable applications for registration as a municipal securities dealer (or within such longer period as to which the applicant consents); and

(ii) To grant registration of municipal securities dealers sooner than 45 days after receipt by the Commission of acceptable applications for registration.

(3) Under section 15B(c) of the Act (15 U.S.C. 78o–4(c)):

(i) To authorize the issuance of orders canceling registrations of municipal securities dealers, or pending applications for registration, if such municipal securities dealers or applicants for registration are no longer in existence or are not engaged in business as municipal securities dealers; and

(ii) To determine whether notices of withdrawal from registration on Form MSDW shall become effective sooner than the normal 60-day waiting period.

(4) Under section 15C(a) of the Act (15 U.S.C. 78o–5(a)):

(i) To authorize the issuance of orders granting registration of government securities brokers or government securities dealers for which the Commission is the appropriate regulatory agency within 45 days of the acceptance of an application for registration as a government securities broker or government securities dealer (or within such longer period as to which the applicant consents); and

(ii) To grant registration of government securities brokers or government securities dealers for which the Commission is the appropriate regulatory agency sooner than 45 days after acceptance of an application for registration.

(5) Under section 15C(c) of the Act (15 U.S.C. 78o–5(c)):

(i) To authorize the issuance of orders canceling registrations of government securities brokers or government securities dealers registered with the Commission, or pending applications for registration, if such government securities brokers or government securities dealers or applicants for registration are no longer in existence or are not engaged in business as government securities brokers or government securities dealers; and

(ii) To determine whether notices of withdrawal from registration on Form BDW shall become effective sooner than the normal 60-day waiting period.

(6) Under section 17A(c) of the Act (15 U.S.C. 78q–1(c)):

(i) To authorize the issuance of orders granting registration of transfer agents within 45 days of the filing of acceptable applications for registration as a transfer agent (or within such

longer period as to which the applicant consents);

(ii) To grant registration of transfer agents sooner than 45 days after receipt by the Commission of acceptable applications for registration;

(iii) To authorize the issuance of orders canceling registrations of transfer agents, or pending applications for registration, if such transfer agents or applicants for registration are no longer in existence or are not engaged in business as transfer agents; and

(iv) To determine whether notices of withdrawal from registration on Form TA–W shall become effective sooner than the normal 60-day waiting period.

(7) Under section 15B(a) of the Act (15 U.S.C. 78o–4(a)):

(i) To authorize the issuance of orders granting registration of municipal advisors within 45 days of the filing of an application for registration as a municipal advisor (or within such longer period as to which the applicant consents); and

(ii) To grant registration of municipal advisors sooner than 45 days after the filing of an application for registration.

(8) Under section 15B(c) of the Act (15 U.S.C. 78o–4(c)):

(i) To authorize the issuance of orders canceling the registration of a municipal advisor, if such municipal advisor is no longer in existence or has ceased to do business as a municipal advisor; and

(ii) To determine whether notices of withdrawal from registration on Form MA–W shall become effective sooner than the 60-day waiting period.

(f) With respect to the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 *et seq.*):

(1) Under section 203(c) of the Act (15 U.S.C. 80b–3(c)):

(i) To authorize the issuance of orders granting registration of investment advisers within 45 days of the filing of acceptable applications for registration as an investment adviser (or within such longer period as to which the applicant consents); and

(ii) To grant registration of investment advisers sooner than 45 days after receipt by the Commission of acceptable applications for registration.

(2) [Reserved]

(g) With respect to the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa *et seq.*):

(1) To cause a written notice to be sent by registered or certified mail, upon receipt of a copy of a notice sent by or on behalf of the Securities Investor Protection Corporation that a broker or dealer has failed to timely file any report or information or to pay when due all or any part of an assessment as required under section 10(a) of this Act,

to such delinquent member advising such member that it is unlawful for the member under the provisions of such section of the Act to engage in business as a broker-dealer while in violation of such requirements of the Act and requesting an explanation in writing within ten days stating what he or she intends to do in order to cure such delinquency;

(2) To authorize formerly delinquent brokers or dealers, upon receipt of written confirmation from or on behalf of the Securities Investor Protection Corporation that the delinquencies referred to in paragraph (g)(1) of this section have been cured, and upon having been advised by the appropriate regional office of this Commission and the Division of Enforcement and Division of Trading and Markets that there is no objection to such member being authorized to resume business, and upon there appearing to be no unusual or novel circumstances which would warrant direct consideration of the matter by this Commission, to resume business as registered broker-dealers as provided in section 10(a) of this Act.

(h) With respect to the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*):

(1) Under section 15F(b) of the Act (15 U.S.C. 78o–10(b)):

(i) To authorize the issuance of orders granting on-going registration to security-based swap dealers and major security-based swap participants based on the security-based swap dealer's or major security-based swap participant's application, pursuant to § 240.15Fb2–1(e) of this chapter (Rule 15Fb2–1(e));

(ii) To authorize the issuance of orders canceling the registration of security-based swap dealers and major security-based swap participants registered pursuant to § 240.15Fb2–1 of this chapter (Rule 15Fb2–1) if such persons are no longer in existence or have ceased to do business as security-based swap dealers or major security-based swap participants, pursuant to § 240.15Fb3–3(a) of this chapter (Rule 15Fb3–3(a)); and

(iii) To determine by order, pursuant to § 240.15Fb3–2(b) of this chapter (Rule 15Fb3–2(b)), whether notices of withdrawal of registration filed by security-based swap dealers or major security-based swap participants pursuant to section 15F(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(b)) shall become effective sooner than the normal 60 day waiting period provided in Rule 15Fb3–2(b) (§ 240.15Fb3–2(b) of this chapter).

PART 201—RULES OF PRACTICE

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

Authority: 15 U.S.C. 77s, 77sss, 78w, 78x, 80a–37, and 80b–11; 5 U.S.C. 504(c)(1).

* * * * *

■ 8. Section 201.430 is amended by revising paragraphs (a) and (c) to read as follows:

§ 201.430 Appeal of actions made pursuant to delegated authority.

(a) *Scope of rule.* Any person aggrieved by an action made by authority delegated in §§ 200.30–1 through 200.30–8 or §§ 200.30–11 through 200.30–19 of this chapter may seek review of the action pursuant to paragraph (b) of this section.

* * * * *

(c) *Prerequisite to judicial review.* Pursuant to Section 704 of the Administrative Procedure Act, 5 U.S.C. 704, a petition to the Commission for review of an action made by authority delegated in §§ 200.30–1 through 200.30–19 of this chapter is a prerequisite to the seeking of judicial review of a final order entered pursuant to such an action. Pursuant to 15 U.S.C. 7214(h)(2), any decision by the Commission pursuant to 200.30–11 shall not be reviewable under 15 U.S.C. 78y and shall not be deemed ‘final agency action’ for purposes of 5 U.S.C. 704.

■ 9. Section 201.431 is amended by revising paragraph (a) to read as follows:

§ 201.431 Commission consideration of actions made pursuant to delegated authority.

(a) *Scope of review.* The Commission may affirm, reverse, modify, set aside or remand for further proceedings, in whole or in part, any action made pursuant to authority delegated in §§ 200.30–1 through 200.30–19 of this chapter.

* * * * *

PART 203—RULES RELATED TO INVESTIGATIONS

■ 10. The authority citation for part 203 continues to read as follows:

Authority: 15 U.S.C. 77s, 77sss, 78w, 80a–37, and 80b–11, unless otherwise noted.

■ 11. Section 203.2 is revised to read as follows:

§ 203.2 Information obtained in investigations and examinations.

Information or documents obtained by the Commission in the course of any investigation or examination, unless made a matter of public record, shall be

deemed non-public, but the Commission approves the practice whereby officials of the Divisions of Enforcement, Examinations, Corporation Finance, Trading and Markets, Investment Management, and the Office of International Affairs at the level of Assistant Director or higher, may engage in and may authorize members of the Commission's staff to engage in discussions with persons identified in § 240.24c–1(b) of this chapter concerning information obtained in individual investigations or examinations, including formal investigations conducted pursuant to Commission order.

By the Commission.

Dated: July 15, 2026.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2026–14540 Filed 7–17–26; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 146

[Docket No. FDA–2022–P–1668]

RIN 0910–AI98

Food Standards of Identity Modernization; Pasteurized Orange Juice

AGENCY: Food and Drug Administration, Health and Human Services.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA or we) is issuing a final rule to amend the standard of identity for pasteurized orange juice by lowering the minimum orange juice soluble solids content from 10.5° to 10° Brix and permitting up to 15 percent *Citrus reticulata* juice or *Citrus reticulata* hybrid juice, by volume. This final rule modernizes the pasteurized orange juice standard. This action responds to two citizen petitions: one submitted by the Florida Citrus Processors Association Inc. and the Florida Citrus Mutual Inc., and another submitted by the Florida Department of Citrus, the Florida Citrus Mutual, and the Juice Products Association.

DATES: This rule is effective August 19, 2026. This compliance date is August 19, 2026.

ADDRESSES: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and insert the

docket number found in brackets in the heading of this final rule into the "Search" box and follow the prompts, and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

FOR FURTHER INFORMATION CONTACT:

Vivien Yan Peng, Office of Nutrition and Food Labeling, Human Food Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240-402-2371; or Keronica C. Richardson, Office of Policy and International Engagement, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240-402-2378.

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I. Executive Summary

A. Purpose of the Final Rule

We are lowering the minimum Brix requirement and increasing the maximum allowable percentage of *Citrus reticulata* juice or *Citrus reticulata* hybrid juice by volume for pasteurized orange juice (POJ). The purpose of this final rule is to reflect current agricultural conditions and to ensure that the standard of identity (SOI) for POJ promotes honesty and fair dealing in the interest of consumers.

B. Summary of the Major Provisions of the Final Rule

The final rule revises the minimum soluble solids content from 10.5° to 10° Brix and the maximum allowable percentage of unfermented juice from *Citrus reticulata* or its hybrids from 10 percent to 15 percent by volume for POJ in 21 CFR 146.140(a).

C. Legal Authority

We are finalizing this rule consistent with our authority in sections 401 and 701 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 341, 371).

D. Costs and Benefits

Our primary estimates of annualized costs are approximately –\$28.8 million at a 3 percent discount rate and approximately –\$28.4 million at a 7 percent discount rate over 10 years. Non-quantified benefits include flexibility for manufacturers, flexibility of product choice for consumers, and potential sustainability for manufacturers in the face of disease or environmental impacts.

II. Background

A. Need for the Regulation/History of the Rulemaking

Under section 401 of the FD&C Act, FDA establishes SOIs to promote honesty and fair dealing in the interest of consumers. The SOI for POJ, first established in 1963, specifies compositional requirements for POJ, including a minimum soluble solids content of not less than 10.5° Brix and a maximum of 10 percent by volume of the unfermented juice obtained from mature oranges of the species *Citrus reticulata* or *Citrus reticulata* hybrids (see "Orange Juice and Orange Juice Products; Definitions and Standards of Identity; Findings of Fact and Final Order," 28 FR 10900, October 11, 1963). The percentage soluble solids by weight of an aqueous solution (e.g., grams of sucrose in 100 grams of solution at 68 degrees Fahrenheit) can be expressed as Brix or degree of Brix (° Brix).

The Florida Citrus Processors Association Inc. and the Florida Citrus Mutual Inc. (petitioners) jointly submitted a citizen petition (Docket No. FDA-2022-P-1668) on July 22, 2022, asking us to amend the SOI for POJ to reduce the minimum soluble solids content for POJ from 10.5° to 10° Brix, exclusive of the soluble solids from any added optional sweetening ingredients (see Citizen Petition from the Florida Citrus Processors Association Inc. and the Florida Citrus Mutual Inc., titled "Request to Amend Pasteurized Orange

Juice Standard of Identity," sent to the Division of Dockets Management (now the Dockets Management Staff), Food and Drug Administration, dated July 22, 2022 (Petition)). Brix measures the sugar content in orange juice, and citrus greening disease is a bacterial infection that weakens orange trees, causing fruit to develop with lower Brix levels.

Weather conditions, such as hurricanes, can also reduce the sugar content of the fruit. The petitioners stated that current agricultural conditions, including the effects of citrus greening disease, and substantial severe weather in recent years have caused damage to Florida's orange crop, have reduced the average soluble solids content of oranges, and that the SOI limits manufacturing flexibility without providing a benefit to consumers (Petition at pages 3–4).

We received another citizen petition, jointly submitted by the Florida Department of Citrus, the Florida Citrus Processors Association, the Florida Citrus Mutual and the Juice Products Association, regarding SOIs for orange juice and orange juice products (Docket No. FDA-2023-P-5063) on November 15, 2023. Most of the requests in that petition were outside the scope of this rulemaking. However, one request was relevant to the SOI for POJ. The petition requested that we consider increasing the maximum allowable percentage of unfermented juice from *Citrus reticulata* or its hybrids from 10 percent to 15 percent by volume in POJ.

After reviewing these petitions and available information submitted to the docket, FDA published a proposed rule to amend the SOI for POJ on August 6, 2025 (90 FR 37817). We tentatively concluded that lowering the minimum soluble solids content to 10° Brix would promote honesty and fair dealing in the interest of consumers and better reflect current agricultural conditions. In addition to the proposed amendments, we requested comment on whether the maximum allowable percentage of unfermented juice from *Citrus reticulata* or its hybrids should be increased from 10 percent to 15 percent by volume and whether such an increase would affect the essential characteristics or consumer acceptance of POJ.

In the proposed rule, FDA stated its intent to exercise enforcement discretion for POJ manufactured with a Brix level between 10° and 10.5°. FDA is continuing to exercise enforcement discretion for POJ with a Brix level between 10° and 10.5° until the effective date of this final rule. We are also exercising enforcement discretion for POJ manufactured with 10 percent to 15 percent by volume of the unfermented juice obtained from mature oranges of

the species *Citrus reticulata* or *Citrus reticulata* hybrids until the effective date of this final rule.

B. Summary of Comments to the Proposed Rule

The proposed rule provided a 90-day comment period. We received fewer than 50 comments. The comments came from industry members, consumer advocacy groups, academia, healthcare professionals, and other interested persons. Among other things, the comments discussed:

- *Lowering the minimum Brix.* Many comments supported lowering the minimum Brix requirement, stating that the current minimum soluble solids content requirement of 10.5° Brix in POJ standard is outdated due to modern environmental and agricultural conditions and that lowering the minimum Brix requirement from 10.5° to 10° would not compromise the quality or consumer expectations of POJ.

- *Increasing the *Citrus reticulata* limit.* Some comments supported increasing the maximum allowable percentage of unfermented juice from *Citrus reticulata* or its hybrids from 10 percent to 15 percent. Supporters stated that this change would reflect modern citrus varieties, meet consumer expectations, maintain consumer transparency, preserve quality and nutrition, retain POJ's essential characteristics, and offer manufacturing flexibility.

- *Concerns regarding the proposed rule.* Comments opposing the proposed rule argued that lowering the minimum Brix standard of POJ from 10.5° to 10° could reduce sweetness, quality, and nutritional value, potentially misleading consumers about what qualifies as "orange juice."

III. Legal Authority

We are issuing this final rule consistent with our authority in sections 401 and 701 of the FD&C Act (21 U.S.C. 341, 371). Section 401 of the FD&C Act permits us to promulgate regulations establishing for foods a reasonable definition and SOI to promote honesty and fair dealing in the interest of consumers. Section 701 of the FD&C Act grants us the authority to promulgate regulations for the efficient enforcement of the FD&C Act.

IV. Comments on the Proposed Rule and FDA Response

A. Introduction

We received fewer than 50 comments on the proposed rule by the close of the comment period, and each comment

discussed one or more issues. We received comments from industry members, trade associations, academia, healthcare professionals, and other interested persons. The majority of the comments supported decreasing the minimum Brix requirement to 10° Brix. Numerous comments from industry stakeholders and citrus growers' associations strongly supported lowering the minimum Brix requirement to 10°. These comments cited longstanding agricultural challenges, including citrus greening (*Huanglongbing* or HLB) and severe weather events, which have contributed to declining Brix levels in domestic oranges. The comments also generally supported increasing the maximum percentage of unfermented juice from *Citrus reticulata* or its hybrids from 10 percent to 15 percent in POJ.

We describe and respond to the comments in sections B through G of this document. We have numbered each comment to help distinguish between different comments. We have grouped similar comments together under the same number, and, in some cases, we have separated different issues discussed in the same comment and designated them as distinct comments for purposes of our responses. The number assigned to each comment or comment topic is purely for organizational purposes and does not signify the comment's value or importance or the order in which comments were received.

B. Description of General Comments and FDA Response

Many comments made general remarks supporting or opposing the proposed rule without focusing on a particular proposed provision.

(Comment 1) Many comments expressed general support for the proposed rule to lower the required minimum Brix level and to increase the allowable maximum percentage of unfermented juice from *Citrus reticulata* or its hybrids. A few comments stated that this rule is overdue and would have a positive impact for manufacturers and consumers.

(Response 1) We are amending the SOI for POJ to lower the required minimum soluble solids content from 10.5° to 10° Brix and to increase the allowable maximum percentage of unfermented juice from *Citrus reticulata* or its hybrids from 10 percent to 15 percent by volume. FDA finds that a minimum 10° Brix and maximum 15 percent by volume of unfermented juice from *Citrus reticulata* or its hybrids in the SOI for POJ are reasonable and

promote honesty and fair dealing in the interest of consumers.

C. Comments on Lowering the Minimum Brix Level and FDA Response

(Comment 2) Although numerous comments supported lowering the minimum Brix requirement to 10°, some comments asserted there would be no health benefit to consumers if FDA lowered the Brix requirement.

(Response 2) As explained in the proposed rule, lowering the minimum Brix requirement for POJ to 10° is reasonable given the decrease in the Brix of oranges that has occurred from citrus greening disease and the impacts of severe weather events (90 FR 37817, 37820). We acknowledged that until a treatment is found to prevent or cure citrus greening disease, it is unlikely that orange production will recover or that the Brix level of orange juice will return to previously observed levels. We also explained that we do not anticipate a negative impact on consumers because lowering the Brix has minimal impact on sugar and nutrient content and therefore is unlikely to significantly affect taste and nutritional value. We discussed that a lower Brix requirement may prevent the addition of concentrated orange juice ingredients to POJ and therefore provide consumers with "not from concentrate" POJ, which consumers tend to prefer (see Petition at page 5). As such, we maintain our conclusion that lowering the Brix to 10° is reasonable and promotes honesty and fair dealing in the interest of consumers.

(Comment 3) A few comments opposed the proposed rule, asserting that it would allow orange juice manufacturers to take advantage of the American public by producing lower-quality POJ.

(Response 3) We disagree. Lowering the minimum Brix requirement does not compromise quality; rather, it increases the likelihood that quality POJ products will be available to consumers. Most of these comments did not identify or describe factors related to quality that would be impacted by this rulemaking. The few comments that identified factors discussed potential changes in nutrition, taste, and flavor. We address these factors in the subsequent response as they relate to consumer expectations and whether the essential characteristics of POJ will be affected as a result of this final rule.

Also, it is important to note that the change in Brix does not require manufacturers to alter their practices. Manufacturers may continue to manufacture and sell POJ with a Brix of 10.5° if they would like, and if consumers prefer, since the Brix

requirement is only a minimum requirement.

(Comment 4) Several comments addressed consumer expectations and raised concerns that lowering the minimum Brix level could alter product flavor, taste, or nutritional value. Some comments expressed concern that a lower Brix requirement could diminish sweetness. Other comments stated that most consumers cannot reliably distinguish between 10° and 10.5° Brix and that a small reduction in natural sugars (about 1 gram per 8 ounce serving) would be minimal from both taste and nutritional perspectives.

One comment stated that nutrient content, other than sugar, would be compromised if the minimum Brix for POJ is lowered from 10.5° to 10°. The comment asserted that orange growers use Brix to assess the health, mineral content, and nutrient density of plants. The comment further stated that scientists do not use the Brix values of crops as a direct measure of the crops' nutritional value, but that Brix values can correlate with some accepted components of nutritive value. The comment concluded that lowering the required minimum Brix level for POJ presents a significant risk of reducing nutritional value.

(Response 4) FDA carefully considered these views and concludes that differences in soluble solids between 10.5° and 10° Brix range are unlikely to have any perceptible or significant impact on the flavor, taste, or nutritional value of POJ. We base this conclusion on our review of available data, including information submitted to the docket. For example, data submitted to the docket demonstrated that consumers' sensory evaluations did not reveal meaningful differences in taste or flavor between POJ with a 10.5° and 10° (See Petition, Supplemental Appendix 3 at page 2). The change in sugar content between POJ with a Brix of 10.5° and POJ with a Brix of 10° is modest, changing from 18 grams per serving to 17 grams per serving, as acknowledged in the proposed rule. The comments did not counter this information.

Regarding the comment about nutrient content other than sugar, we agree that Brix can correlate with some nutrients in oranges and therefore in POJ. However, lowering the minimum Brix requirement from 10.5° to 10° has minimal impact on the nutrient levels in orange juice: potassium decreased from 455 to 419 milligrams per serving (2 percent decrease in daily value), folate decreased from 96 to 89 micrograms of dietary folate equivalents per serving (5 percent decrease in daily value), and

vitamin C increased from 74 to 85 milligrams per serving (10 percent increase in daily value) (see Petition, Appendix 4 at page 19). The comment did not identify any specific nutrients that would be reduced in POJ with a Brix of 10.5° compared to POJ with a Brix of 10° or whether such a reduction would be significant. We disagree with the comment's conclusion that lowering the minimum Brix to 10° presents a significant risk to the nutritional value of POJ.

(Comment 5) A comment stated that lowering the Brix level to 10° would allow more juice from oranges from trees affected with HLB to be used in the manufacture of POJ such that the ratio of such juice in POJ would increase. The comment further argued that we should impose a limit on the amount of juice from oranges from trees affected with HLB that may be used in the manufacture of POJ. The comment stated that the limit should be set at 25 percent maximum when juice from oranges from trees affected with HLB is blended or consumers will receive "bitter, off-flavor juice, which will noticeably impact their taste buds." In support of this assertion, the comment pointed to studies that showed that independent of total soluble solids content (*i.e.*, Brix), the flavor of POJ is affected and certain components related to flavor (*i.e.*, limonin and nomilin) are impacted when made with fruit from trees with HLB.

(Response 5) Juice from oranges from trees with HLB in POJ has varying Brix and total sugar levels due to multiple factors (*i.e.*, disease progression, supplemental tree nutrition) (Refs. 1–2). Because of this, POJ producers would consider relative proportions as opposed to universally higher proportions. For example, a POJ producer with juice from trees with an early stage of HLB may need to use a higher proportion of this juice when blended in a final POJ product when compared to a producer with juice from trees with an advanced stage of HLB who may need to use a lower proportion of this juice in a final POJ product. Both POJ producers would be under the same market pressure to meet consumer expectations of flavor and taste profiles of POJ. Therefore, producers must consider the relative proportions, as opposed to making juice with overall higher proportions of juice.

We decline to impose a limit on the amount of juice from oranges from trees affected with HLB. The study on which the comment's 25 percent maximum recommendation appears to be based did not consider other scientific studies investigating such juice or other factors

that impact growth and production (see Ref. 3). The study also failed to take other factors into consideration, including the stage of infection of a tree, research on supplemental nutrition for diseased trees, or differences in flavor profiles of different varieties infected with HLB (Refs. 3–5). Regarding the comment's assertion that the flavor of POJ made from oranges from trees with HLB is affected and certain flavor components (*i.e.*, limonin and nomilin) are impacted, the authors cited a study where limonin and nomilin were examined in juice from oranges of different cultivars of trees with HLB (Ref. 2). The study concluded that overall flavor differences are low between juice from oranges from trees with or without the causal agent of HLB, the alphaproteobacterium known as *Candidatus Liberibacter asiaticus* (Ref. 2). Further, the study authors stated that when juice is made and blended on a commercial scale, the flavor differences are "likely to be not detectable" (Ref. 2).

(Comment 6) One comment stated that FDA exceeded its authority by lowering the minimum Brix requirement without identifying a specific health risk.

(Response 6) We disagree that we are exceeding our authority or need to identify a health risk to amend the SOI for POJ. FDA is amending the SOI consistent with our authority in section 401 of the FD&C Act. Under section 401 of the FD&C Act, FDA is authorized to establish "a reasonable definition and standard of identity . . . to promote honesty and fair dealing in the interest of consumers." In evaluating whether to revise the SOI, we considered the reasonableness of the minimum Brix requirement in light of current environmental and agricultural conditions and whether lowering the minimum Brix to 10° would impact the essential characteristics of POJ or result in products inconsistent with consumer expectations. This rule reflects our reasoned determination that amending the SOI promotes honesty and fair dealing in the interest of consumers, consistent with section 401 of the FD&C Act, because it does not impact the essential characteristics of POJ or result in products inconsistent with consumer expectations.

(Comment 7) Some comments asserted that lowering the minimum Brix requirement could mislead consumers into purchasing a product perceived as "watered down."

(Response 7) We disagree that POJ will become "watered down" with the Brix level set at 10° because § 146.140 does not permit added water or dilution. We reviewed available data, including

sensory information submitted to the docket, and we find that the differences in soluble solids between 10° and 10.5° are unlikely to materially affect the sensory experience for consumers. Furthermore, all compositional and production requirements other than the Brix value remain unchanged.

(Comment 8) One comment argued that by lowering the Brix, we fail to account for consumer preference.

(Response 8) FDA disagrees that we have not considered consumer preferences. In 2023, we issued a Request for Information (RFI) seeking comments, data, and other information regarding consumers' interest in, expectations of, and acceptance of POJ with a lower Brix level (FDA–2023–N–2632). Consumers who responded to the RFI stated that the change would have no detrimental effect on orange juice and that a 0.5° difference in Brix is not detectable in taste even by a trained sensory panel. The proposed rule invited comments from the public, including consumers, on lowering the minimum Brix requirement. We received comments from consumers and individuals that both supported and opposed lowering the minimum Brix requirement to 10°. We have considered all of these comments in developing this final rule.

D. Comments on Increasing the Citrus Reticulata Limit and FDA Response

(Comment 9) In the proposed rule, FDA invited additional public comment on the acceptability of increasing the maximum allowable amount of unfermented juice from *Citrus reticulata* or its hybrids from 10 percent to 15 percent by volume in POJ. All comments that responded to this issue supported this change. The comments discussed that the increase would improve blend flexibility, flavor balance, and color consistency and would maintain consumer expectations. Additionally, one comment stated that it would be more efficient for FDA to amend both the minimum Brix requirement and the maximum amount of unfermented juice from *Citrus reticulata* or its hybrids in the same rulemaking.

(Response 9) Since we received supportive comments and no adverse comments, we are amending the SOI for POJ to permit up to 15 percent unfermented juice from *Citrus reticulata* or its hybrids. Since FDA established the SOI for POJ in 1963, our regulations have been clear that *Citrus reticulata* or its hybrids may also be added to orange juice to achieve a uniform color and flavor without altering its essential characteristics (see 27 FR 10494,

October 27, 1963). We anticipate that the amendment permitting up to 15 percent unfermented juice from *Citrus reticulata* or its hybrids will maintain the basic nature and essential characteristics of POJ. Increasing the amount of *Citrus reticulata* or its hybrids in POJ can help maintain a higher level of sweetness in products sold to consumers. We find this amendment to the SOI to be reasonable in light of current environmental and agricultural conditions.

Although the proposed codified text did not include this amendment, the preamble to the proposed rule requested comment on whether FDA should increase the maximum allowable amount of unfermented juice from *Citrus reticulata* or its hybrids to 15 percent. Interested parties had notice that FDA was considering this change and had an opportunity to comment. Therefore, FDA is amending both the minimum Brix requirement and the maximum amount of unfermented juice from *Citrus reticulata* or its hybrids in this rulemaking.

E. Comments on Additional Questions in the Proposed Rule and FDA Response

(Comment 10) In the proposed rule, FDA invited additional public comment on whether the minimum Brix requirement should be eliminated from the SOI. We also requested comments on whether the SOI for POJ is no longer necessary to promote honesty and fair dealing in the interest of consumers and therefore should be revoked to provide manufacturers with greater flexibility in POJ production. All comments in response to these questions opposed removing the Brix requirement and revoking the SOI. Comments that opposed revoking the SOI stated that FDA would not be able to fulfill its duty to protect and inform consumers. These comments expressed concerns that removing the minimum Brix requirement could negatively affect the quality and integrity of POJ. The comments further explained that consumers expect a certain quality in “not from concentrate” POJ, as guaranteed by the SOI, and removal of the SOI would undermine the consistency and quality of POJ. The comments also explained that without a Federal standard, states would impose differing or conflicting standards. Commenters also noted that it could disrupt the U.S. Department of Agriculture's (USDA's) Grade Standards, which serve as a foundation for marketing in the United States and quality assurance. Some comments stated that revocation would not be effective because manufacturers could

face challenges in maintaining the consistency in POJ as consumers expect.

(Response 10) Since we did not receive any comments supportive of either option, we are not revoking the SOI for POJ or removing a minimum Brix requirement from the SOI for POJ. We are not aware of any evidence that the SOI for POJ or a minimum Brix requirement for POJ no longer promote honesty and fair dealing in the interest of consumers. The SOI ensures that POJ is consistent with the basic nature and essential characteristics of the food and meets consumer expectations about the food.

(Comment 11) One comment recommended that FDA lower the Brix to 9°. Another comment said that FDA should lower the levels of sugar in all foods, including orange juice, although it was not clear whether the comment deemed a Brix of 10° for POJ to be sufficiently low.

(Response 11) In the proposed rule, FDA invited public comments on whether the minimum Brix requirement should be further reduced. The recommendation in the comment to establish a minimum 9° Brix did not include any data, studies, or information to explain the rationale for this level and whether a Brix of 9° would maintain the essential characteristics of POJ. Reducing the Brix level too low could undermine POJ's essential characteristics, including consistency, taste, and flavor. No information was submitted in the comments to support a Brix lower than 10° or a lower sugar content for POJ.

(Comment 12) One comment asked how consumers would know that the POJ they are purchasing is naturally lower in sugar content.

(Response 12) The SOI for POJ allows for the addition of concentrated orange juice § 146.140(b) and optional sweetening ingredients under § 146.140(c). If concentrated orange juice is used to adjust the orange juice solids of POJ, it must be declared in the ingredients list, and the label must bear the statement “prepared in part from concentrated orange juice” or “with added concentrated orange juice” or “concentrated orange juice added” under § 146.140(e)(1). Similarly, if optional sweetening ingredients listed in § 146.140(c) are added to POJ, the sweetening ingredients must be declared in the ingredients list, and the product label must bear the appropriate statement in § 146.140(e)(1). Therefore, consumers can check the labeling and the ingredient list to determine whether the POJ contains added sugar. The sugar content of POJ is listed in the Nutrition Facts label. Consumers can consult the

Nutrition Facts label to determine the grams of sugar per serving and can compare the amount of sugar between POJ products.

F. Miscellaneous Comments and FDA Response

(Comment 13) Comments stated that FDA should require a “category or grading system” and “a tiered labeling system” to inform consumers of the Brix level or sweetness of POJ on product labeling. Comments advocated for labeling statements such as “10.5° Orange Juice” and “10° Orange Juice”; and “More Sweet” for POJ with Brix 10.5° and “Less Sweet” for POJ with Brix 10°. Another comment assumed that POJ with a Brix of 10° would be labeled as “10° Brix.” Comments also stated that the labeling of POJ should include nutritional differences between products. One comment stated that we should offer “an optional front-panel descriptor like ‘Lower Sweetness Option’ so that consumers who prefer a less-sweet juice can easily identify it.”

(Response 13) We do not agree that additional measures such as mandatory disclosure of Brix levels or relative sweetness would be helpful to consumers. Brix level does not have meaning to the average consumer. While consumers understand sweetness, we do not anticipate that the reduction in sugar between products with a Brix of 10° and 10.5° is significant from a taste perspective, especially considering other taste factors that may vary between brands of products. As previously explained, POJ with a Brix of 10.5° has approximately 18 grams of sugar per serving, whereas POJ with a Brix of 10° has approximately 17 grams of sugar per serving. There is a one gram decrease of sugar per serving from 18 grams to 17 grams. Moreover, the comments assume only two types of POJ are on the market: POJ with a Brix of 10° and POJ with a Brix of 10.5°. In reality, the Brix requirement is a minimum requirement, and products may vary in Brix across the market. POJ products could, for example, be sold with a Brix of 10°, 10.3°, 10.5°, 10.7°, and so on. Labeling these different Brix levels or associating them with labeling terms of relative sweetness may cause consumer confusion and fail to convey organoleptic differences between products. We believe that the best way to convey product differences to consumers in this case is through declaration of the sugar content on the Nutrition Facts label. With this information, consumers can compare labels and identify POJ products with slightly lower sugar content.

We disagree that labeling of nutritional differences between POJ products is necessary because of this rule. As explained, we evaluated the Nutrition Facts labels submitted by the petitioners, which showed minimal impact on key nutrient levels in orange juice, including potassium, folate, and vitamin C, when the Brix of POJ is lowered from 10.5° to 10°. The comments did not identify any other key nutrients that would be impacted by lowering the Brix requirement to 10°. The Nutrition Facts label will continue to disclose the amount of potassium, folate, and vitamin C on the labels of POJ, and consumers may compare the amount of these nutrients between products if they wish. The information on product labels, including any labeling regarding nutrition content claims, must be truthful, not misleading, and comply with regulations, including the regulations in 21 CFR 101.54 through 21 CFR 101.69.

(Comment 14) One comment stated that FDA cannot invoke consumer interest as a pretext to justify changing the long-standing SOI for purposes outside of our statutory authority, such as tariffs, economic hardship, or challenges facing the orange industry.

(Response 14) FDA issued the proposed rule consistent with our authority in section 401 of the FD&C Act. Under section 401, we can establish a reasonable definition and SOI to promote honesty and fair dealing in the interest of consumers. The amendments to the SOI for POJ are reasonable given the declining Brix levels of oranges largely driven by citrus greening disease and weather-related stress on orange crops. They are in the interest of consumers because they are unlikely to create a noticeable taste difference for consumers and will ensure that POJ products consistent with consumer expectations are available. This final rule is not based on tariff policy or economic hardship. Such considerations are irrelevant to the statutory standard and are not the basis for this rulemaking.

(Comment 15) Some comments proposed alternatives to lowering the minimum Brix requirement, such as establishing seasonal Brix or Brix grading systems, regional Brix standards, or a Brix range instead of a fixed minimum Brix requirement.

(Response 15) We reviewed these suggestions but determined that a single minimum Brix requirement in the SOI for POJ best maintains uniformity and prevents marketplace confusion. FDA concludes that the 10° Brix minimum requirement is clear and enforceable.

Also, FDA’s SOIs generally do not provide for grading of commodities or products. Grading systems are typically within USDA’s jurisdiction, as in the case of canned orange juice (see, e.g., <https://www.ams.usda.gov/grades-standards/canned-orange-juice-grades-and-standards>). One option to address seasonal variations could be for FDA to issue a temporary marketing permit (TMP). In our 2023 RFI, we asked whether orange juice producers would be interested in applying for a TMP under 21 CFR 130.17 that would permit manufacturers to deviate from SOI and market POJ with Brix levels between 10° and 10.5° (88 FR 55607 at 55610). Such TMPs would allow producers to collect data on consumer expectations and acceptance of POJ within this range (id.). We did not receive comments supporting the use of TMPs. Several comments in response to the RFI stated that TMPs are not appropriate because they are temporary and would not address a long-term solution. These comments also stated that the associated labeling requirements and additional stock-keeping units would create logistical burdens for manufacturers and could cause consumer confusion.

(Comment 16) Some comments urged FDA to make the final rule effective immediately upon publication. Another comment asked us to adopt a minimum 24-month compliance period for all entities and a 36-month compliance period for small entities.

(Response 16) We are maintaining an effective date of 30 days after publication of the final rule. Until the effective date, we are exercising enforcement discretion for POJ with a Brix between 10° and 10.5° and for POJ from unfermented juice obtained from mature oranges as specified in § 146.135 (21 CFR 146.135), to which is added 10–15 percent by volume of the unfermented juice obtained from mature oranges of the species *Citrus reticulata* or *Citrus reticulata* hybrids, provided that all other requirements in § 146.140 are met. Due to the voluntary nature of this rule and the fact that it does not introduce any new compositional or labeling requirements, FDA disagrees with a 24-month compliance period for all entities and a 36-month compliance period for small entities. Because the rule does not impose any new restriction or make an existing regulation stricter, which would require manufacturers to make production changes by a specific date to meet a new or stricter requirement, FDA will retain the 30-day compliance date from the proposed rule after publication of this final rule in the **Federal Register**. Therefore, the final rule will become

effective 30 days after publication with a concurrent 30-day compliance date after publication.

(Comment 17) A comment suggested that we should revise the Paperwork Reduction Act (PRA) analysis and submit an Information Collection Request to the Office of Management and Budget that quantifies incremental third-party disclosure (labeling) and recordkeeping burdens associated with the rule.

(Response 17) We disagree. This rulemaking does not change any labeling requirements for POJ. While the grams of sugar may vary based on the Brix level, the responsibility of labeling the grams of sugar in the Nutrition Facts label remains the same. As such, no additional PRA analysis is needed and Office of Management and Budget clearance under the PRA is not necessary.

G. Comments Outside of the Scope and FDA Response

(Comment 18) A few comments asked FDA to consider increasing the maximum percentage of *Citrus reticulata* or its hybrids from 10 percent to 15 percent by volume for three other orange juice standards (Canned orange juice, 21 CFR 146.141; Frozen concentrated orange juice, 21 CFR 146.146; and Orange juice for manufacturing, 21 CFR 146.151).

(Response 18) In the proposed rule, we invited public comment on the acceptability of increasing the maximum percentage of unfermented juice from *Citrus reticulata* or its hybrids from 10 percent to 15 percent by volume in POJ. In response to our question, some comments requested that we increase the maximum percentage of juice from *Citrus reticulata* or its hybrids from 10 percent to 15 percent in other orange juice-related regulations, such as Canned orange juice (§ 146.141), Frozen concentrated orange juice (§ 146.146), and Orange juice for manufacturing (§ 146.151). This request is outside the scope of this rulemaking. However, FDA may consider this request in the future through separate rulemaking.

(Comment 19) A comment suggested that FDA specify that Brix measurements must follow a named official method, such as Association of Official Analytical Collaboration (AOAC) 932.12 or an equivalent International Organization for Standardization protocol. The comment further suggested that FDA require digital refractometer calibration at 20° Celsius, with those details published in a guidance so that state inspectors and

commercial laboratories can apply uniform protocols.

(Response 19) The proposed rule did not address this issue, so it is out of scope. We disagree that FDA should specify Brix measurements because Brix is a well-established analytical measurement with widely accepted standard practices already in use throughout the food industry and testing laboratories. Brix can be measured using specific gravity or density, as both have a linear relationship with sugar concentration. The most popular instruments for Brix measurement are either a refractometer or a hydrometer (see Sensors and Instruments for Brix Measurement: A Review <https://pmc.ncbi.nlm.nih.gov/articles/PMC8951823/pdf/sensors-22-02290.pdf>). Most industry personnel and inspectors use AOAC official method 932.12, which measures total soluble solids in fruits and fruit products using a refractometer and applies corrections for temperature and acidity (particularly citric acid in citrus) to determine sugar content (AOAC 932.12, *Official Methods of Analysis of AOAC International*, 20th edition, 2016). The data supports that the current approach provides adequate assurance of measurement reliability while allowing laboratories the flexibility to use validated methods appropriate for their operations.

(Comment 20) One comment stated that lowering the minimum Brix requirement is not a long-term solution for the issues plaguing Florida growers. Another comment suggested that we create a “Florida Fresh” designation for POJ made exclusively from Florida-grown oranges.

(Response 20) SOIs are established to promote honesty and fair dealing in the interest of consumers, rather than to address broader economic or agricultural policy challenges. This rulemaking does not preclude us from amending the SOI for POJ in the future should circumstances change that are relevant to section 401 of the FD&C Act. Furthermore, the creation of geographic marketing designations in the labeling of POJ, such as “Florida Fresh,” falls outside the scope of FDA’s SOI authority. Manufacturers may include truthful statements in the labeling of their POJ about the origin of the oranges used in the manufacture of their POJ.

(Comment 21) A comment stated that “FDA should amend the SOI for orange juice by changing the requirement that 90 percent of juice needs to be from *Citrus sinensis*.”

(Response 21) The SOI for orange juice under § 146.135 states that orange juice is the unfermented juice obtained

from mature oranges of the species *Citrus sinensis* or of the citrus hybrid commonly called “Ambersweet.” The SOI for POJ states that POJ is prepared from unfermented juice obtained from mature oranges as specified in § 146.135, to which may be added not more than 10 percent by volume of the unfermented juice obtained from mature oranges of the species *Citrus reticulata* or *Citrus reticulata* hybrids. Consequently, the starting point for orange juice manufactured into POJ is unfermented juice that is at least 90 percent *Citrus sinensis* and up to 10 percent *Citrus reticulata* or *Citrus reticulata* hybrids. This final rule amends the SOI for POJ to permit up to 15 percent *Citrus reticulata* or *Citrus reticulata* hybrids. Once this final rule is effective, the amount of unfermented juice from *Citrus sinensis* must be at least 85 percent.

It is unclear which SOI the comment thought we should amend or what percentage of orange juice the comment thought should be from *Citrus sinensis*. To the extent the comment was requesting amendment to § 146.135, the request is out of scope. To the extent the comment was requesting that the percentage of *Citrus sinensis* be changed in the SOI for POJ, this rulemaking changes the minimum percentage of *Citrus sinensis* as a consequence of the maximum percentage of *Citrus reticulata* being increased.

(Comment 22) Individual comments included requests to launch a plant sterol fortification campaign for POJ and to create a “better and natural form of Vitamin C,” a proposal to expand USDA’s program to include pasteurized heart-healthy fortified juice in school nutrition programs, an authorization request, a comment about O.J. Simpson, and a submission purported to be in the form of a petition.

(Response 22) These comments were outside the scope of this rulemaking. However, the petition submitted to this docket was treated as a comment rather than as a citizen petition because it was not properly submitted under 21 CFR 10.30 as required by FDA for citizen petitions.

Finally, while not included in the proposed rule, we have identified a typographical error in § 146.140(a) that we correct in this final rule. We are changing the word “that” to “than” in the first sentence of § 146.140(a) so that the sentence reads, “Pasteurized orange juice is the food prepared from unfermented juice obtained from mature oranges as specified in § 146.135, to which may be added not more than 15 percent by volume of the unfermented juice obtained from mature oranges of

the species *Citrus reticulata* or *Citrus reticulata* hybrids . . .”.

V. Effective/Compliance Date(s)

Effective date: This rule is effective August 19, 2026.

Compliance date: The compliance date of this final rule is August 19, 2026.

VI. Economic Analysis of Impacts

A. Introduction

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), the Congressional Review Act/Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801, Pub. L. 104–121), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

Executive Orders 12866 and 13563 direct us to assess all benefits, costs, and transfers of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits. 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 a significant regulatory action under Executive Order 12866. This final rule is expected to be an Executive Order 14192 deregulatory action.

Because this rule is not likely to result in an annual effect on the economy of \$100 million or more or to meet other

criteria specified in the Congressional Review Act (also known as subtitle E of the Small Business Regulatory Enforcement Fairness Act), OIRA has determined that this rule does not fall within the scope of 5 U.S.C. 804(2).

The Regulatory Flexibility Act requires us to analyze regulatory options that would minimize any significant impact of a rule on small entities. We conclude that this final rule would not generate compliance costs to industry, and we certify that the final rule will not have a significant economic impact on a substantial number of small entities.

The Unfunded Mandates Reform Act of 1995 (Section 202(a)) requires us to prepare a written statement, which includes estimates of anticipated impacts, before proposing “any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any one year.” 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.

B. Overview of Benefits, Costs, and Transfers

The final rule does not require firms in the POJ industry to change their manufacturing practices or behavior in any way. As a result, we conclude that there would be no compliance costs associated with the rule. The final rule allows additional flexibility for, and the

opportunity for innovation regarding, the manufacture of POJ, providing benefits to industry without harming consumers. Manufacturers may experience cost savings by avoiding or reducing blending single strength orange juice with higher Brix orange juice or orange juice concentrate, or by substituting cheaper inputs like local lower-Brix oranges that previously would not have been used to meet the SOI. Manufacturers may also experience cost savings by substituting a larger percentage of juice from unfermented *Citrus reticulata* or its hybrids in POJ. We note specifically that the final rule does not require any behavioral changes on the part of manufacturers, as it provides manufacturers with greater flexibility rather than imposing any restrictions. Manufacturers may continue to manufacture and sell POJ with a Brix of 10.5° if they choose, as the new Brix requirement of 10° is only a minimum requirement. No changes would be required for products that meet the existing POJ standard.

Our primary estimate of potential cost savings experienced by manufacturers due to the added flexibility that would allow substitution to cheaper inputs is –\$28.4 million, annualized at 7 percent over 10 years; this primary estimate is –\$28.8 million, annualized at 3 percent over 10 years. Our primary estimate of cost savings, annualized at 7 percent over a perpetual time horizon, is –\$28.9 million. Therefore, we conclude that the final rule to amend the SOI for POJ is a deregulatory action under Executive Order 14192. Table 1 provides a summary of the benefits and costs associated with the final rule.

TABLE 1—SUMMARY OF BENEFITS, COSTS, AND DISTRIBUTIONAL EFFECTS OF THE FINAL RULE
[Millions of 2024 dollars]

Category	Primary estimate	Low estimate	High estimate	Units			Notes
				Year dollars	Discount rate (%)	Period covered	
Benefits:							
Annualized Monetized \$millions/year	\$0 0	\$0 0	\$0 0	2024 2024	7 3	2026–2035 2026–2035	Benefits include additional flexibility for firms in production and innovation.
Annualized Quantified .....	.....	.....	.....	.....	7 3	..... .....	
Qualitative .....	.....	.....	.....	.....	.....	2026–2035	
Costs:							
Annualized Monetized \$millions/year	–28.4 –28.8	–11.6 –11.8	–51.0 –51.7	2024 2024	7 3	2026–2035 2026–2035	
Annualized Quantified .....	.....	.....	.....	.....	.....	7 3	
Qualitative .....	.....	.....	.....	.....	.....	.....	
Transfers:							
Federal Annualized Monetized \$millions/year.	.....	.....	.....	.....	7 3	..... .....	
From/To	From:			To:			

TABLE 1—SUMMARY OF BENEFITS, COSTS, AND DISTRIBUTIONAL EFFECTS OF THE FINAL RULE—Continued
[Millions of 2024 dollars]

Category	Primary estimate	Low estimate	High estimate	Units			Notes
				Year dollars	Discount rate (%)	Period covered	
Other Annualized Monetized \$millions/year.	.....	.....	.....	.....	7	.....	
	.....	.....	.....	.....	3	.....	
From/To	From:			To:			

Effects:
State, Local or Tribal Government: None.
Small Business: None.
Wages: None.
Growth: None.

In line with Executive Order 14192, in table 2 we estimate present and annualized values of costs, cost savings, and net costs over an infinite time horizon, assuming 1 percent annual growth in cost savings corresponding to 1 percent annual growth of POJ market in perpetuity.

TABLE 2—E.O. 14192 SUMMARY TABLE

[Millions of 2024 dollars, discounted over an infinite time horizon at a 7 percent discount rate]

	Primary estimate
Present Value of Costs	0
Present Value of Cost Savings	– 412.6
Present Value of Net Costs	– 412.6
Annualized Costs	0
Annualized Cost Savings	– 28.9
Annualized Net Costs	– 28.9

We have developed a comprehensive Economic Analysis of Impacts that assesses the impacts of the final rule. The full analysis of economic impacts is available in the docket for this final rule (Ref. 6) and at <https://www.fda.gov/economics-staff/regulatory-impact-analyses-ria>.

VII. Analysis of Environmental Impact

We have determined under 21 CFR 25.32(a) that this action is of a type that does not normally have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VIII. Paperwork Reduction Act of 1995

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

IX. Federalism

We have analyzed this final rule in accordance with the principles set forth in Executive Order 13132. We have determined that the rule does not contain policies that 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. Accordingly, we conclude that the rule does not contain policies that have federalism implications as defined in the Executive Order and, consequently, a federalism summary impact statement is not required.

X. Consultation and Coordination With Indian Tribal Governments

We have analyzed this rule in accordance with the principles set forth in Executive Order 13175. We have determined that the rule does not contain policies that 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. Accordingly, we conclude that the rule does not contain policies that have tribal implications as defined in the Executive Order and, consequently, a tribal summary impact statement is not required.

XI. References

The following references are on display at the Dockets Management Staff (see ADDRESSES) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; however, except for the FDA Final Regulatory Impact Analysis (reference 6), these are not available electronically at <https://www.regulations.gov> as these references are copyright protected. Some may be

available at the website address, if listed. Although FDA has verified the website addresses in this document, please note that websites are subject to change over time.

1. Bassanezi, R.B., L.H. Montesino, and E.S. Stuchi. "Effects of Huanglongbing on Fruit Quality of Sweet Orange Cultivars in Brazil," *European Journal of Plant Pathology*, 125(4):565–572, 2009. Available at: <https://doi.org/10.1007/s10658-009-9506-3>.
2. Baldwin, E., A. Plotto, J. Manthey, G. McCollum, et al. "Effect of Liberibacter Infection (Huanglongbing Disease) of Citrus on Orange Fruit Physiology and Fruit/Fruit Juice Quality: Chemical and Physical Analyses," *Journal of Agricultural and Food Chemistry*, 58(2):1247–1262, 2010. Available at: <https://doi.org/10.1021/jf9031958>.
3. Raithore, S., S. Dea, A. Plotto, et al. "Effect of Blending Huanglongbing (HLB) Disease Affected Orange Juice with Juice from Healthy Orange on Flavor Quality," *LWT-Food Science and Technology*, 62(1):868–874, 2015. Available at <https://doi.org/10.1016/j.lwt.2014.06.020>.
4. Dala-Paula, B.M., A. Plotto, J. Bai, et al. "Effect of Huanglongbing or Greening Disease on Orange Juice Quality, a Review." *Frontiers in Plant Science*, 9:1976, 2019. Available at: <https://doi.org/10.3389/fpls.2018.01976>.
5. Ikpechukwu, C. *A Sensory Evaluation of Citrus Greening-Affected Juice Blends*. Diss. University of Florida, 2012.
6. FDA, "Food Standards of Identity Modernization; Pasteurized Orange Juice; Proposed Rule, Docket No. FDA–2022–P–1668, Final Regulatory Impact Analysis, Initial Regulatory Flexibility Analysis, Unfunded Mandates Reform Act Analysis." Available at: <https://www.fda.gov/about-fda/economics-staff/regulatory-impact-analyses-ria>.

List of Subjects in 21 CFR Part 146

Food grades and standards, Fruit juices.
Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 146 is amended as follows:

PART 146—CANNED FRUIT JUICES

■ 1. The authority citation for part 146 continues to read as follows:

Authority: 21 U.S.C. 321, 341, 343, 348, 371, 379e.

■ 2. Amend § 146.140 by revising paragraph (a) to read as follows:

§ 146.140 Pasteurized orange juice.

(a) Pasteurized orange juice is the food prepared from unfermented juice obtained from mature oranges as specified in § 146.135, to which may be added not more than 15 percent by volume of the unfermented juice obtained from mature oranges of the species *Citrus reticulata* or *Citrus reticulata* hybrids (except that this limitation shall not apply to the hybrid species described in § 146.135). Seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) are removed, and pulp and orange oil may be adjusted in accordance with good manufacturing practice. If the adjustment involves the addition of pulp, then such pulp shall not be of the washed or spent type. The solids may be adjusted by the addition of one or more of the optional concentrated orange juice ingredients specified in paragraph (b) of this section. One or more of the optional sweetening ingredients listed in paragraph (c) of this section may be added in a quantity reasonably necessary to raise the Brix or the Brix-acid ratio to any point within the normal range usually found in unfermented juice obtained from mature oranges as specified in § 146.135. The orange juice is so treated by heat as to reduce substantially the enzymatic activity and the number of viable microorganisms. Either before or after such heat treatment, all or a part of the product may be frozen. The finished pasteurized orange juice contains not less than 10 percent by weight of orange juice soluble solids, exclusive of the solids of any added optional sweetening ingredients, and the ratio of the Brix hydrometer reading to the grams of anhydrous citric acid per 100 milliliters of juice is not less than 10 to 1.

* * * * *

Robert F. Kennedy, Jr.,

Secretary, Department of Health and Human Services.

[FR Doc. 2026–14573 Filed 7–17–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 100**

[Docket No. USCG–2026–0801]

Special Local Regulations; Marine Events Within the USCG East District—Atlantic City, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce special local regulations for the Atlantic City Triathlon on August 9, 2026, to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the USCG East District identifies the regulated area for this event in Atlantic City, NJ. During enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulations in 33 CFR 100.501 will be enforced for the special local regulation listed in Table 1 to Paragraph (i)(1) of § 100.501 for the event titled “Triathlons in Atlantic City” from 6 a.m. through 11 a.m. on August 9, 2026.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Petty Officer Dominick Dobridge, Waterways Management Division, Sector Delaware Bay, U.S. Coast Guard; telephone 206–815–6688, option 3, email SecDelBayWWM@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulations in Table 1 to Paragraph (i)(1) in 33 CFR 100.501, for the regulated area of the event titled “Triathlons in Atlantic City” from 6 a.m. to 11 a.m. on August 9, 2026. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the USCG East District, § 100.501, specifies the location of the regulated area for the “Triathlons in Atlantic City” which encompasses portions of the New Jersey Intracoastal Waterway in Atlantic City, NJ. During the enforcement period, as reflected in § 100.501(d)(2), a vessel operator may request permission to enter and transit through a regulated area by contacting the Event PATCOM or official patrol vessel on VHF–FM channel 16. When authorized to transit through the

regulated area, the vessel must proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the event area.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners and Broadcast Notice to Mariners.

Roberto Rivera,

Captain, U.S. Coast Guard, Acting Captain of the Port, Sector Delaware Bay.

[FR Doc. 2026–14546 Filed 7–17–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Parts 100 and 165**

[USCG–2026–0050]

2026 Quarterly Listings: First Quarter; Safety Zones, Security Zones, and Special Local Regulations

AGENCY: Coast Guard, DHS.

ACTION: Notification of expired temporary rules issued.

SUMMARY: This document provides notification of substantive rules issued by the Coast Guard that were made temporarily effective but expired before they could be published in the **Federal Register**. This document lists temporary safety zones, security zones, and special local regulations, all of limited duration and for which timely publication in the **Federal Register** was not possible. This document also announces notifications of enforcement for existing reoccurring regulations that we issued but were unable to be published before the enforcement period ended.

DATES: This document lists temporary Coast Guard rules that became effective, primarily between January 2026 and March 2026, unless otherwise indicated, and were terminated before they could be published in the **Federal Register**.

ADDRESSES: Temporary rules listed in this document may be viewed online, under their respective docket numbers, using the Federal eRulemaking Portal at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For questions on this document contact Ambar Ali, Office of Regulations and Administrative Law, email HQS-SMB-CG-LRA-Admin@uscg.mil, telephone (202) 372–3862.

SUPPLEMENTARY INFORMATION: Coast Guard District Commanders and Captains of the Port (COTP) must be

immediately responsive to the safety and security needs within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. *Safety zones* may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. *Security zones* limit access to prevent injury or damage to vessels, ports, or waterfront facilities. *Special local regulations* are issued to enhance the safety of participants and spectators at regattas and other marine events.

Timely publication of these rules in the **Federal Register** may be precluded when a rule responds to an emergency, or when an event occurs without sufficient advance notice. The affected public is, however, often informed of these rules through Local Notices to Mariners, press releases, and other

means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the rule. Timely publication of notifications of enforcement of reoccurring regulations may be precluded when the event occurs with short notice or other agency procedural restraints.

Because **Federal Register** publication was not possible before the end of the effective period, mariners would have been notified of the contents of these safety zones, security zones, special local regulations, regulated navigation areas or drawbridge operation regulations by Coast Guard officials on-scene prior to any enforcement action. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To meet this obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary safety zones, security zones,

special local regulations, regulated navigation areas and drawbridge operation regulations. Permanent rules are not included in this list because they are published in their entirety in the **Federal Register**. Temporary rules are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. In some of our reoccurring regulations, we say we will publish a notice of enforcement as one of the means of notifying the public. We use this notification to announce those notifications of enforcement that we issued and will post them to their dockets.

The following unpublished rules were placed in effect temporarily during the period between January 2026 and March 2026. To view copies of these rules, visit www.regulations.gov and search by the docket number indicated in the following table.

Docket No.	Type	Location	Effective date
USCG–2025–1050	Safety Zone	Savannah, GA	12/31/2025
USCG–2025–1035	Security Zone	Bal Harbor, FL	12/31/2025
USCG–2025–1121	Safety Zone	Grafton, IL	12/31/2025
USCG–2026–0002	Safety Zone	Pittsburgh, PA	1/12/2026
USCG–2026–0078	Safety Zone	Cape Fear River Channel, NC	1/13/2026
USCG–2026–0097	Safety Zone	Memphis, TN	1/23/2026
USCG–2026–0104	Safety Zone	Miami Beach, FL	1/28/2026
USCG–2026–0133	Safety Zone	San Francisco, CA	2/2/2026
USCG–2025–1132	Safety Zone	Chicago, IL	2/6/2026
USCG–2026–0165	Safety Zone	Lake Charles, LA	2/22/2026
USCG–2026–0214	Safety Zone	San Juan, PR	2/24/2026
USCG–2026–0265	Safety Zone	Covington, KY	3/2/2026
USCG–2026–0224	Safety Zone	San Juan, PR	3/5/2026
USCG–2026–0170	Safety Zone	Orange, TX	3/7/2026
USCG–2026–0227	Safety Zone	Paducah, KY	3/8/2026
USCG–2026–0163	Safety Zone	New Orleans, LA	3/9/2026
USCG–2026–0297	Safety Zone	Fortescue, NJ	3/10/2026
USCG–2026–0290	Security Zone	Cincinnati, OH	3/11/2026
USCG–2026–0146	Safety Zone	Tampa, FL	3/14/2026
USCG–2026–0213	Safety Zone	Chicago, IL	3/14/2026
USCG–2026–0269	Special Zone	Charleston, SC	3/15/2026
USCG–2026–0304	Safety Zone	Paducah, KY	3/16/2026
USCG–2026–0293	Safety Zone	Lake Charles, LA	3/17/2026
USCG–2026–0305	Safety Zone	Paducah, KY	3/20/2026
USCG–2026–0338	Security Zone	Cincinnati, OH	3/20/2026
USCG–2026–0105	Security Zone	Miami Beach, FL	3/27/2026
USCG–2026–0331	Safety Zone	Paris, TN	3/27/2026
USCG–2026–0156	Safety Zone	Brigantine, NJ	3/28/2026
USCG–2026–0167	Safety Zone	Wharf, Washington, DC	3/28/2026
USCG–2026–0138	Safety Zone	Cape Canaveral, FL	4/1/2026
USCG–2026–0347	Safety Zone	Sacramento, CA	4/3/2026

Michael T. Cunningham,

Chief, Office of Regulations and
Administrative Law, United States Coast
Guard.

[FR Doc. 2026–14553 Filed 7–17–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 117****[Docket No. USCG–2025–0805]****RIN 1625–AA09****Drawbridge Operation Regulation; Newark Bay, Between the City of Newark and City of Bayonne, NJ****AGENCY:** Coast Guard, DHS.**ACTION:** Final rule.

SUMMARY: The Coast Guard is modifying the operating regulation that governs the Lehigh Valley Drawbridge across Newark Bay, mile 4.6, between the City of Newark and City of Bayonne, NJ. This change in the regulation will not alter the operating schedule of the bridge but will allow the bridge to be remotely operated from the Conrail North Jersey Dispatch Center in Mount Laurel, NJ. This change to allow for remote bridge operations is necessary to reduce delays and improve the efficiency of bridge openings.

DATES: This rule is effective August 19, 2026.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>. Type the docket number (USCG–2025–0805) in the “SEARCH” box and click “SEARCH”. In the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Gregory P. Hitchen, Northeast Coast Guard District (dpb); telephone 571–607–8154, email Gregory.P.Hitchen@uscg.mil.

SUPPLEMENTARY INFORMATION:**I. Table of Abbreviations**

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking
(Advance, Supplemental)
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

On November 18, 2025, the Coast Guard published a Test Deviation, with a request for comments, entitled “Drawbridge Operating Regulation: Newark Bay, Between the City of Newark and City of Bayonne, NJ” in the **Federal Register** (90 FR 51508), to test this operating regulation governing the

Lehigh Valley Drawbridge. Three comments were received during the test period, and those comments are addressed in Section IV of this Final Rule.

On November 18, 2025, the Coast Guard published a Notice of Proposed Rulemaking entitled “Drawbridge Operating Regulation: Newark Bay, Between the City of Newark and City of Bayonne, NJ” in the **Federal Register** (90 FR 51508). There, we stated why we issued the NPRM and invited comments on our proposed regulatory action. During the comment period that ended April 16, 2026, we received two comments, and those comments are addressed in Section IV of this Final Rule.

III. Legal Authority and Purpose

The Coast Guard is issuing this rule under authority 33 U.S.C. 499.

The Lehigh Valley Drawbridge across Newark Bay, between the City of Newark and City of Bayonne, NJ, mile 4.6, owned and operated by Conrail, has a vertical clearance of 35 feet above mean high water when closed and 135 feet above mean high water when open.

This regulation will allow the bridge to be remotely operated from the Conrail North Jersey Dispatch Center in Mount Laurel, NJ. The current operating schedule is published in 33 CFR 117.735 and will not change with the implementation of remote operation of the bridge. There are 28 daily train transits that cross the bridge and a daily average of four bridge openings for vessel transits. The bridge is normally maintained in the closed position due to the average daily number of trains crossing the bridge. Newark Bay is a major commercial waterway containing multiple waterfront facilities. However, most of these facilities are well south (downstream) of the Lehigh Valley Lift Bridge.

The Coast Guard is allowing remote operations to improve the efficiency of bridge openings. Currently, the on-site bridge operator must consult with the Conrail train dispatcher in Mount Laurel, NJ to obtain authorization to open the Lehigh Valley Drawbridge. This process causes delays in authorizing the opening of the bridge, which is a major causative factor in complaints the Coast Guard receives from mariners. Remote operations will facilitate direct communication between the mariner and the Conrail train dispatcher, who has much better situational awareness of the multimodal transportation picture.

This modification will also allow the Arthur Kill Railroad Bridge and Hack Freight Railroad Bridge to be remotely

operated from the Conrail North Jersey Dispatch Center in Mount Laurel, NJ, instead of being operated by the bridge tender at the Lehigh Valley Drawbridge. The operating schedules for the Arthur Kill Railroad Bridge and Hack Freight Railroad Bridge are published in 33 CFR 117.702 and 33 CFR 117.723, respectively. These regulations already authorize both bridges to be remotely operated, and their schedules will not change as a result of the implementation of remote operation of the Lehigh Valley Drawbridge.

IV. Discussion of Comments, Changes, and the Final Rule

As noted above, the Coast Guard provided 120 days for comment regarding this rule and five comments in the docket were received. We provide a detailed discussion below in response to each comment in turn.

The American Waterways Operators (AWO) provided a comments letter, dated April 16, 2026, which included the following five specific concerns:

Public Review of Remote Operations and Contingency Plans: AWO encouraged the Coast Guard to share information submitted in accordance with the agency’s Bridge Remote/Automated Operation Request Guide in future **Federal Register** notices regarding remote bridge operation proposals.

Coast Guard Response: The Coast Guard incorporated applicable information from the Bridge Remote/Automated Operation Request Guide, particularly regarding operations and contingency plans, in the Notice of Proposed Rulemaking for this regulatory action. Conrail also provided applicable information during outreach to the New York/New Jersey Harbor Safety Committee and other stakeholders. The Coast Guard will seek to incorporate these best practices for future bridge remote operations rulemaking actions.

Investigation and Transparency: AWO urged the Coast Guard to fully investigate incidents, near-misses, and operational delays associated with remote bridge operations and share data from test periods with waterways users.

Coast Guard Response: The Coast Guard will continue to fully investigate and share findings with waterway users as they are reported to Coast Guard bridge program offices on a case-by-case basis. During the six-month test period for the Lehigh Valley Drawbridge remote operations, no delays were reported due to failures of the remote operations system. There were 15 other delays reported, 7 due to mechanical failures not associated with remote operations, and 8 due to other factors

not related to remote operations. These reported delays were less than half those reported during the same time frame in 2025. No safety incidents or near misses were reported during the test deviation period.

Automated Identification System (AIS): AWO supports the inclusion of AIS broadcasting of bridge status as part of operational requirements for remote bridge operations.

Coast Guard Response: AIS is incorporated on the Lehigh Valley Drawbridge. The Coast Guard will continue to assess its benefit for future remote operations requests.

Minimizing Impacts on Maritime Commerce: AWO requested that when final rules are published authorizing remote operation, the Coast Guard include any subsequent data on vessel delays or incidents in the **Federal Register**. If remote operations lead to continued operational delays for maritime commerce, AWO urged the Coast Guard not to authorize remote operations until a test period of at least six months can be sustained without any delays to maritime commerce. If delays continue after the Coast Guard resumes remote operations, AWO urged the Coast Guard to require a bridge tender to operate the bridge on site until delays are resolved for an additional period of six months.

Coast Guard Response: The Coast Guard will take this comment into consideration and assess potential corrective action to mitigate delays caused by bridge remote operations approved in accordance with Bridge Remote/Automated Operation Request Guide.

Nationalization of Bridge Delay Reporting Form: AWO strongly supports the nationalization of the Coast Guard Great Lakes District's Bridge Delay Reporting Form to ensure that information is consistently captured and relayed to relevant regulatory agencies for the record and for any necessary follow-up investigations or enforcement actions.

Coast Guard Response: The Coast Guard will review Bridge Delay Reporting Forms for potential standardization.

The Citizens Rulemaking Alliance provided comments on November 2, 2025, which included the following four specific concerns:

Administrative Procedures Act Good Cause: The commenter stated that if the Coast Guard relied on 5 U.S.C. 553(b)(B) to forgo prior notice-and-comment, and/or 553(d)(3) to waive the 30-day delayed effective date, the record does not demonstrate "impracticability," "unnecessariness," or "contrary to the

public interest" with sufficient specificity for this waterway and user community.

Coast Guard Response: The Coast Guard did not forgo a public comment period nor waive the 30-day delayed effective date.

Inadequate Small Entity Analysis under Regulatory Flexibility Act: The commenter stated that the rule's Regulatory Flexibility Act (RFA) treatment appears to rely on a conclusory 5 U.S.C. 605(b) certification without an adequate factual basis or meaningful consideration of less burdensome alternatives for small entities as required by 5 U.S.C. 603–604 and Small Business Regulatory Enforcement Fairness Act principles.

Coast Guard Response: The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities. The operating schedule of the Lehigh Valley Drawbridge has not changed because of this rulemaking. Vessels will continue to transit the bridge per the operating schedule defined in 33 CFR 117.735. Furthermore, the Coast Guard tested the remote operation of the bridge and assessed it provided equal or greater capabilities compared to an on-site bridge tender.

Paperwork Reduction Act: The commenter stated that any requirement that mariners provide advance notice (e.g., hours before an opening) or specified information by phone, radio, email, portal, or similar means to the bridge owner or the Coast Guard constitutes a "collection of information" within 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), which requires a valid OMB control number. The notice does not identify such clearance.

Coast Guard Response: This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). It does not require mariners to provide advance notice (e.g., hours before opening) or provide additional information by phone, radio, email, portal, or similar means to the bridge owner.

Executive Order 12866 Economic Analysis: The commenter stated the economic analysis as to foreseeable effects on port operations and small maritime businesses is underdeveloped and does not adequately assess reasonable regulatory alternatives.

Coast Guard Response: The operating schedule of the Lehigh Valley Drawbridge has not changed because of this rulemaking. Vessels will continue to transit the bridge per the operating schedule defined in 33 CFR 117.735. Thus, there are no foreseeable

significant economic effects on port operations and small maritime businesses as a result of the operational change. Furthermore, the Coast Guard tested the remote operation of the bridge and assessed it provided equal or greater capabilities compared to an on-site bridge tender.

An anonymous individual provided comments on April 16, 2026, which included the following four specific concerns:

60-Minute Restoration Standard: The commenter requested additional information identifying the staffing model, practical details, and personnel locations that support Conrail's plan to restore bridge operations locally should remote operations fail.

Coast Guard Response: In the event of a remote operating system failure, personnel from the Oak Island Rail Yard, immediately adjacent to the Lehigh Valley Drawbridge, will be deployed to operate bridges locally. The Coast Guard assesses that deploying personnel from this location will meet the 60-minute restoration standard addressed in this rule. Additionally, the Arthur Kill Railroad Bridge is stowed in the open position, which mitigates impacts to maritime traffic in the event the remote operations system fails in advance of a scheduled closure of the bridge.

Test Period Evaluation and Performance Data: The commenter stated that the temporary deviation runs from January 16 through July 14, 2026, while the comment period closes partway through that test. The commenter requested a summary of the deviation-period performance data and the criteria used to determine whether remote operation provides equal or greater capability.

Coast Guard Response: During the six-month test period for the Lehigh Valley Drawbridge remote operations, no delays were reported due to failures of the remote operations system. There were 15 other delays reported, 7 due to mechanical failures not associated with remote operations, and 8 due to other factors not related to remote operations, such as train congestion. These reported delays were less than half those reported during the same time frame in 2025. No safety incidents or near misses were reported during the test deviation period.

Dispatch Center Concentration and System Level Operations: The commenter stated this rule will consolidate operation of the Lehigh Valley, Arthur Kill, and Hack Freight bridges at the Conrail North Jersey Dispatch Center. Since publication of the NPRM, the Point No Point Railroad

Bridge has also been finalized for remote operation from the same location, increasing the number of bridges controlled from a single node. This development was finalized after the NPRM was published and was not before the public during this comment period, making it newly material context the agency should address in the final rule.

Coast Guard Response: The Point No Point Bridge opens on average once every six months. The Coast Guard has assessed that adding that bridge to remote operations from the Conrail North Jersey Dispatch Center will have minimal additional impact on the efficiency of consolidated remote operations.

Cyber-Risk Review of Remote Operation Architecture: The commenter requested information on whether a cyber-risk review of the remote-control architecture was conducted and under what framework or explain why such a review was not required.

Coast Guard Response: In accordance with the Bridge Remote/Automated Operation Request Guide, Conrail provided a cyber risk review on its remote operations infrastructure. This review leveraged Conrail's overarching Cybersecurity Implementation Plan and Cybersecurity Response Plan, updated in 2024 and submitted to the Transportation Security Administration in accordance with applicable Department of Homeland Security directives.

One individual provided a comment on November 26, 2025, supporting remote operations of the Lehigh Valley Drawbridge, and asked if shifting operational control from the on-site bridge tender to the remote dispatch center would affect current liability policy in the event of an accident. The Coast Guard is not aware of any shift in liability policy. Liability would be assessed in accordance with current federal, state, and local laws.

One individual provided a comment on April 16, 2026, conferring general support for improving the efficiency of moveable bridges in the New Jersey Region.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive Orders.

A. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires federal agencies to consider the

potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities for the following reasons. (1) vessels will continue to transit the bridge per the operating schedule defined in 33 CFR 117.735, (2) the remote operation system is designed to provide equal or greater capabilities compared to the on-site bridge tender, and (3) the bridge owner will be capable of restoring on-site operation of the bridge within 60 minutes if the remote operation system fails.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

B. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

C. Federalism and Indian Tribal Government

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect 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. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect 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.

D. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the annual expenditure of \$100,000,000 or more (adjusted for inflation) by a State, local, or tribal government, in the aggregate, or by the private sector. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

E. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, Rev.1, associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series) which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard has determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule promulgates the operating regulations or procedures for drawbridges and is categorically excluded from further review, under paragraph L49, of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; and DHS Delegation No. 00170.1. Revision No. 01.4.

■ 2. Revise § 117.735 to read as follows:

§ 117.735 Newark Bay.

(a) The following requirements apply to all bridges across this waterway:

(1) Public vessels of the United States, state or local vessels used for public service, and vessels in distress shall be passed through the draw without delay. The opening signal from these vessels is four or more short blasts of a whistle or horn or a radio request.

(2) The owners of these bridges shall provide and keep in good legible condition two board gages painted white with black figures not less than 12 inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gauges shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

(3) Trains and locomotives shall be controlled so that any delay in opening the draw span shall not exceed five minutes. However, if a train moving toward the bridge has crossed the home signal for the bridge before the signal requesting opening of the bridge is given, the train may continue across the bridge and must clear the bridge interlocks before stopping.

(b) The draw of the Lehigh Valley Drawbridge, mile 4.6, between the City of Newark and City of Bayonne, NJ, shall be operated from a remote location at all times, except when it is tended locally.

(1) Closed circuit television cameras shall be operated and maintained at the bridge site to enable the remotely located bridge tender to have a full view of both vessel traffic and the bridge.

(2) Radiotelephone Channel 13/16 VHF–FM shall be maintained and utilized to facilitate communication in both remote and local control locations. A push-to-talk (PTT) will be maintained on VHF–FM channel 13. Vessels may push the PTT button five times while on VHF–FM channel 13 and the remotely located bridge tender will receive and respond to the request and commence opening of the bridge.

(3) The bridge shall also be equipped with directional microphones and horns to receive and deliver signals to vessels.

(4) A telephone number will be maintained and posted for mariners to

directly contact the remotely located bridge tender.

(5) Whenever the remote-control system equipment is partially disabled or fails for any reason, the bridge shall be physically tended and operated by local control as soon as possible, but no more than 60 minutes after malfunction or disability of the remote system. Mechanical bypass and override capability of the remote system shall be provided and maintained.

M.E. Platt,

Rear Admiral, U.S. Coast Guard, Commander, Northeast Guard District.

[FR Doc. 2026–14598 Filed 7–17–26; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–0831]

RIN 1625–AA00

Safety Zones; Delaware River Dredging, Marcus Hook, PA

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary interim rule and request for comments.

SUMMARY: The Coast Guard is establishing three temporary safety zones on the waters of the Delaware River, in portions of Marcus Hook Range, Anchorage 7, off Marcus Hook, PA, and Anchorage 9, near entrance to Mantua Creek. The safety zones temporarily restrict vessel traffic from transiting or anchoring in portions of the Delaware River while maintenance dredging is being conducted. The safety zones are needed to protect personnel, vessels, and the marine environment from hazards created by dredging operations. Entry of vessels or persons into these zones is prohibited unless specifically authorized by the COTP or his designated representatives.

DATES: This rule is effective without actual notice from July 20, 2026, through October 31, 2026. For the purposes of enforcement, actual notice will be used from July 15, 2026, until July 20, 2026.

Comments due date: Comments and related material must be received by the Coast Guard on or before August 19, 2026.

ADDRESSES: You may submit comments, identified by docket number USCG–2026–0831, at <https://www.regulations.gov>.

www.regulations.gov. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments. To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2026–0831 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email Petty Officer Emmanuel E. Melendez, Waterways Management Branch, U.S. Coast Guard Sector Delaware Bay; telephone (206) 815–6688, option 3, email SecDelBayWWM@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port, Delaware Bay
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background and Authority

The Coast Guard is issuing this temporary rule under the authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable to do so given that there is insufficient time to allow for a reasonable comment period and publish a final rule prior to July 15, 2026, the start date for dredging operations.

Also, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** for the same reason provided above.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port, Delaware Bay (COTP) has determined that dredging operations present potential hazards, such as the presence of submerged and floating pipelines, booster pumps, head sections, and vessels with a restricted ability to maneuver. The purpose of this rulemaking is to ensure the safety of

personnel, vessels, and the marine environment within a 250-yard radius of dredging operations and all associated pipeline and equipment, and to ensure safe anchorage availability for larger vessels which are not able to anchor in areas being dredged.

IV. Discussion of the Rule

This rule establishes three safety zones from July 15, 2026, through October 31, 2026. Two safety zones are being established to facilitate maintenance dredging of the Delaware River in the vicinity of Marcus Hook Range, and Anchorage 7, off Marcus Hook, as described in 33 CFR 110.157(a)(8). The third safety zone is being established in Anchorage 9, near entrance to Mantua Creek, as described in 33 CFR 110.157(a)(10), to ensure safe anchorage availability for larger vessels that cannot anchor in Anchorage 7 because of the dredging. Dredging will most likely be conducted with the dredge CHARLESTON, though other dredges may be used, along with associated dredge pipeline and boosters. The pipeline consists of a combination of floating hoses immediately behind the dredge and submerged pipeline leading to upland disposal areas. Due to the hazards related to dredging operations, the associated pipeline and the location of submerged pipeline, safety zones are being established in the following areas:

(1) Safety Zone One includes all navigable waters within 250 yards of the dredge, and all related dredge equipment when the dredge is operating in Marcus Hook Range, and Anchorage 7. The dredge will be displaying lights and shapes for vessels restricted in ability to maneuver, as described in our Inland Navigation Rules at 33 CFR 83.27. This safety zone is being established for the duration of the maintenance project. Vessels requesting to transit the safety zone must contact the dredge on VHF channel 13 or 16 at least 1 hour prior to arrival to arrange safe passage. At least one side of the main navigational channel will be kept clear for safe passage of vessels in the vicinity of the safety zone. At no time will the entire main navigational channel be closed to vessel traffic. Vessels should avoid meeting in these areas where one side of the main navigational channel is open and proceed per this rule and the Rules of the Road (33 CFR subchapter E).

(2) Safety Zone Two includes all the waters of Anchorage 7 off Marcus Hook Range, as described in 33 CFR 110.157(a)(8). Vessels wishing to anchor in Anchorage 7 off Marcus Hook Range while this rule is in effect must obtain

permission from the COTP at least 24 hours in advance by calling (215) 271–4807. Vessels requesting permission to anchor within Anchorage 7 off Marcus Hook must be at least 650 feet in overall length. The COTP will permit, at maximum, two vessels to anchor at a time, on a “first-come, first-served” basis. Vessels will only be allowed to anchor for a 12-hour period. Vessels that require an examination by the Public Health Service, Customs, or Immigration authorities will be directed to an anchorage by the COTP for the required inspection. Vessels under 650 feet in overall length may request to anchor in Anchorage 7, off Marcus Hook Range by contacting the COTP via phone at (215) 271–4807 and may be approved on a case-by-case basis. Vessels are encouraged to use Anchorage 9 near the entrance to Mantua Creek, Anchorage 12 between Gloucester and Camden, Philadelphia, and Anchorage 6 off Deepwater Point Range as alternative anchorages.

(3) Safety Zone Three includes all the waters of Anchorage 9, near entrance to Mantua Creek, as described in 33 CFR 110.157(a)(10). Vessels must be at least 500 feet in overall length to anchor in Anchorage 9, near entrance to Mantua Creek. Vessels under 500 feet in overall length may request to anchor in Anchorage 9, near entrance to Mantua Creek by contacting the COTP via phone at (215) 271–4807 and may be approved on a case-by-case basis.

Vessels must be at least 650 feet in overall length to use Anchorage 7 and 500 feet in overall length to use Anchorage 9 while this rule is in effect. We are instituting this restriction because vessels of this size are limited in their ability to utilize other anchorages due to draft and Anchorage 9 needs to be utilized as overflow for vessels between 500 feet and 700 feet in overall length. Smaller vessels maintain a host of other options to include, but not limited to, Anchorage 6 and 12, as recommended above.

Entry into, transiting, or anchoring within safety zone one is prohibited unless vessels obtain permission from the COTP or make satisfactory passing arrangements with the operating dredge per this rule and the Rules of the Road (33 CFR subchapter E). The COTP may issue updates regarding the vessel and equipment being utilized for these dredging operations via Marine Safety Information Bulletin, Broadcast Notice to Mariners and Local Notice to Mariners.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and

Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders.

A. Impact on Small Entities

The regulatory flexibility analysis provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to rules that are not subject to notice and comment. Because the Coast Guard has, for good cause, waived the notice and comment requirement that would otherwise apply to this rulemaking, the Regulatory Flexibility Act’s flexibility analysis provisions do not apply here.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if this rule will affect your small business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

B. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

C. Federalism and Indian Tribal Governments

We have analyzed this rule under Executive Order 13132, Federalism, and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in that Order.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect 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.

D. Unfunded Mandates Reform Act

As required by The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Coast Guard certifies that this rule will not result in an annual expenditure of \$100,000,000 or more (adjusted for inflation) by a State,

local, or tribal government, in the aggregate, or by the private sector.

E. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

This rule involves three safety zones to protect waterway users that would prohibit entry within 250 yards of dredging operations and will close only one side of the main navigation channel. Vessels can request permission to pass through the channel. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

VI. Public Participation and Request for Comments

An interim rule may be issued when it is in the public interest to promulgate an effective rule while keeping the rulemaking open for further refinement. 33 CFR 1.05–45(a). Although this regulation is published as an interim rule without prior notice, public comment is nevertheless desirable following the effective date to ensure that the regulation is both workable and reasonable while the rule remains in effect. If the Coast Guard determines on the basis of comments submitted that changes to the temporary interim rule are necessary, we will publish a temporary final rule, or other document, as appropriate.

Although we are promulgating this as a temporary interim rule for lack of time to take comments prior to issuing the rule, we view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments at [https://](https://www.regulations.gov)

www.regulations.gov. To do so, go to <https://www.regulations.gov>, type USCG–2026–0831 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this rule as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the “Document Type” column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. Also, if you click on the Dockets tab and then the rule, you should see a “Subscribe” option for email alerts. The option will notify you when comments are posted, or a final rule is published.

We review all comments received, but we will only post comments that address the topic of the rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

Personal information. We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided, except that contact information (such as email or mailing address) will not be available for public viewing, unless the submitter includes that information in the body of the docket submission. For more about privacy and submissions to the docket in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; DHS Delegation No. 00170.1, Revision No. 01.4.

■ 2. Add § 165.T05–0556 to read as follows:

§ 165.T05–0556 Safety Zones, Delaware River Dredging; Marcus Hook, PA.

(a) *Location.* The following areas are safety zones:

(1) Safety zone one includes all waters within 250 yards of the dredge displaying lights and shapes for vessels restricted in ability to maneuver as described in 33 CFR 83.27, as well as all related dredge equipment, while the dredge is operating in Marcus Hook Range. For enforcement purposes, Marcus Hook Range includes all navigable waters of the Delaware River, bound by a line drawn perpendicular to the center line of the channel at the farthest upriver point of the range to a line drawn perpendicular to the center line of the channel at the farthest downriver point of the range.

(2) Safety zone two includes all the waters of Anchorage 7 off Marcus Hook Range, as described in 33 CFR 110.157(a)(8).

(3) Safety zone three includes all the waters of Anchorage 9, near entrance to Mantua Creek, as described in 33 CFR 110.157(a)(10).

(b) *Definitions.* As used in this section, *designated representative* means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to assist with enforcement of the safety zones described in paragraph (a) of this section.

(c) *Regulations.* (1) Entry into or transiting within safety zone one is prohibited unless vessels make satisfactory passing arrangements via VHF–FM radio channel 13 or 16 with the operating dredge per this section and the rules of the Road (33 CFR chapter I, subchapter E). Vessels requesting to transit shall contact the operating dredge via VHF–FM radio channel 13 or 16 at least 1 hour prior to arrival. Alternatively, vessels may obtain permission from the Captain of the Port, Sector Delaware Bay (COTP) via VHF–FM radio channel 16 or via phone at (833) 453–1007.

(2) Vessels desiring to anchor in safety zone two, Anchorage 7 off Marcus Hook Range, must be at least 650 feet in overall length and must obtain permission from the COTP at least 24 hours in advance by calling (833) 453–1007. The COTP will permit, at maximum, two vessels at a time to anchor on a “first-come, first-served” basis. Vessels will only be allowed to anchor for a 12-hour period. Vessels under 650 feet in overall length may request to anchor in Anchorage 7, off Marcus Hook Range by contacting the COTP at the phone number detailed above and may be approved on a case-by-case basis. Vessels that require an

examination by the Public Health Service, Customs, or Immigration authorities will be directed to an anchorage for the required inspection by the COTP.

(3) Vessels desiring to anchor in safety zone three, Anchorage 9, near entrance to Mantua Creek, must be at least 500 feet in overall length. Vessels under 500 feet in overall length may request to anchor in Anchorage 9, near entrance to Mantua Creek, and may be approved on a case-by-case basis.

(4) This section applies to all vessels except those engaged in the following operations: enforcement of laws, service of aids to navigation, and emergency response.

(d) *Enforcement.* The U.S. Coast Guard may be assisted by Federal, State, and local agencies in the patrol and enforcement of the zones.

(e) *Enforcement period.* This section will be enforced from July 15, 2026, through October 31, 2026, unless cancelled earlier by the Captain of the Port, Sector Delaware Bay.

Roberto Rivera,

Captain, U.S. Coast Guard, Acting Captain of the Port, Sector Delaware Bay.

[FR Doc. 2026-14584 Filed 7-17-26; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 217

[Docket No. 260715-0170]

RIN 0648-BN58

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Texas Parks and Wildlife Department Fisheries Research

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; notification of issuance of Letter of Authorization (LOA).

SUMMARY: NMFS, upon request from Texas Parks and Wildlife Department (TPWD), is promulgating regulations to govern the taking of marine mammals incidental to fisheries research in the coastal bays of Texas over the course of 5 years. These regulations, which allow for the issuance of a Letter of Authorization (LOA) for the incidental take of marine mammals during the

specified activities in the specified geographical region during the effective dates of the regulations, prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat, as well as requirements pertaining to the monitoring and reporting of such taking.

DATES: Effective from August 1, 2026, through July 31, 2031.

ADDRESSES: A copy of the TPWD's application and any supporting documents, as well as a list of the references cited in this document, may be obtained online at <https://www.fisheries.noaa.gov/action/incidental-take-authorization-texas-parks-and-wildlife-departments-independent-fisheries>.

In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT:

Craig Cockrell, Office of Protected Resources, NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

Purpose of Regulatory Action

These regulations, promulgated under the authority of the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 *et seq.*), establish a framework for authorizing the take of marine mammals incidental to fisheries-independent research conducted by the TPWD in Texas bays and estuaries.

Legal Authority for the Action

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1371(a)(5)(A)) directs the Secretary of Commerce, as delegated to NMFS, to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region for up to 5 years if, after notice and public comment, the agency makes certain findings and promulgates regulations that set forth permissible methods of taking pursuant to that activity and other means of effecting the "least practicable adverse impact" on the affected species or stocks and their habitat (see Mitigation section), as well as monitoring and reporting requirements.

Summary of Major Provisions Within the Rule

The following is a summary of the major provisions of this rule regarding TPWD's fisheries research:

- TPWD staff and others involved in the research activities will be required to attend the Protected Species Safe

Handling, Release, and Identification Workshops prior to conducting the fisheries research activities.

- TPWD would eliminate dolphin "hot spot" sampling grids where bottlenose dolphins have been taken more than once since the beginning of the survey or grids where multiple adjacent grids have had at least one bottlenose dolphin encounter.

- TPWD would minimize soak time by utilizing the "last out/first in" strategy for gillnets set in grids where bottlenose dolphins have been encountered within the last 5 years. A net set in this manner will be deployed last for the day and retrieved first on the next day which may reduce soak times by as much as 6.6 hours. This procedure will be implemented in six sampling grids.

- TPWD would set only new or fully repaired gillnets thereby eliminating holes greater than 6 inches (in) (15 centimeter (cm)) stretched mesh.

- TWPD would set gillnets with minimal slack and a short marker buoy attached to the deep end of the net.

- Staff would immediately respond to any net disturbance observed while gear is soaking.

- TWPD would modify gillnets to avoid more than a 4- in (10- cm) gap between float/lead line and net when net is set.

- TWPD would conduct dedicated marine mammal observations at least 15 minutes prior to setting nets and avoid setting nets if dolphins are observed at or approaching within the survey area.

Background

The MMPA prohibits the take of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed incidental harassment authorization (IHA) is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and

other means of effecting the least practicable adverse impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (collectively referred to as “mitigation”) and requirements pertaining to the monitoring and reporting of the takings. The definitions of all applicable MMPA statutory terms used above are included in the relevant sections below and can be found in section 3 of the MMPA (16 U.S.C. 1362) and NMFS regulations at 50 CFR 216.103.

Summary of Request

On October 31, 2023, NMFS received a request from TPWD for a rulemaking and associated 5-year LOA to take marine mammals incidental to fisheries research activities. Following NMFS’ review of the application, TPWD submitted a revised version on March 3, 2025. NMFS deemed TPWD’s application adequate and complete on May 12, 2025. TPWD requests authorization for take of bottlenose dolphins by mortality and serious injury (M/SI) and by Level A harassment.

A notice of receipt of the application submitted by TPWD was published in the **Federal Register** on May 19, 2025 (90 FR 21285), with a 30-day comment

period. During the comment period NMFS received 50 comments from members of the public regarding TPWD’s application for an incidental take authorization. The comments largely expressed general support for TPWD’s request. NMFS considered these comments in the preparation of the proposed and final rule.

On March 18, 2026, NMFS published a proposed rule and request for comments in the **Federal Register** (91 FR 12972). The public comment period on the proposed rule was open for 30 days from March 18, 2026, through April 17, 2026. A summary of public comments received during this 30-day period are described in the Comments and Responses section of this final rule; full public comments may be viewed at <https://www.regulations.gov/docket/NOAA-NMFS-2025-0801>.

Description of the Activity

Overview

TPWD conducts a long-term standardized fishery-independent monitoring program to assess the relative abundance and size of finfish and shellfish in Texas bays. Results from this program are primarily used by TPWD to manage Texas’ marine finfish and shellfish resources. Data gathered through the survey are also used by multiple other state and federal agencies, universities, non-

governmental organizations, and the private sector. The use of gillnets during these surveys may result in take by Level A harassment (injury) or M/SI of marine mammals.

Dates and Duration

These gillnet surveys are conducted throughout the coastal bay system of Texas and occur in the spring and fall. The spring season begins the second full week in April and extends for 10 weeks. The fall season begins the second full week in September and extends for 10 weeks. TPWD expects to set 780 gillnets annually within the Texas bay system.

Specific Geographic Region

Gillnets would be used in each of the 10 major Texas bay systems: Sabine Lake, Galveston, Cedar Lakes, East Matagorda, Matagorda, San Antonio, Aransas, Corpus Christi, upper Laguna Madre, and lower Laguna Madre (see figure 1). Each bay is separated into 1 minute by 1 minute grid cells and sampling sites are chosen at random. These bays consist of open-bay bottom (*i.e.*, mainly sand and mud bottom) habitat which are influenced by ocean waters through inlets. Marshes and intertidal flats typically make up the edges of the bays and are made up of relatively shallow water (Armstrong 1987).

BILLING CODE 3510–22–P



Figure 1 – Project Area for the TPWD Gillnet Sampling Activities

BILLING CODE 3510–22–C

Detailed Description of the Specified Activity

A detailed description of TPWD's planned activities are provided in the proposed rule (91 FR 12972; March 18, 2026). Since publication of the proposed rule, TPWD has not made any modifications to their specified activities; therefore, we refer the reader to the proposed rule for a detailed description of the specified activities. Mitigation, monitoring, and reporting measures proposed by TPWD and included in this final rule are also described in detail in the proposed rule and summarized later in this document (please see Mitigation and Monitoring and Reporting).

Changes From Proposed to Final Rule

Since the publication of the proposed rule, NMFS has updated the annual M/SI values for three of the seven stocks of bottlenose dolphin stocks authorized for take under this final rule. After reviewing data in Maze-Foley and Garrison (2024) and the Marine Mammal Strandings Database, NMFS determined that the "at sea" serious injuries were inadvertently omitted from the annual M/SI analysis. NMFS updated the annual M/SI values for the Laguna Madre stock by adding three additional serious injuries resulting in an increase of annual M/SI for that stock from 0.6 to 1.2. The Copano Bay/Aransas Bay/San Antonio Bay/Redfish Bay/Espiritu Santo Bay stock has been updated to include one additional serious injury resulting in an increase of

annual M/SI for that stock from 0.6 to 0.8. The Galveston Bay, East Bay, Trinity Bay stock has been updated to include one additional serious injury resulting in an increase of annual M/SI for that stock from 1.2 to 1.4. The descriptions of serious injuries and the annual M/SI calculations have been updated in Description of Marine Mammals in the Area of Specified Activities and Negligible Impact Determination sections (table 7) of this final rule.

NMFS also determined that the calculation of the Potential Biological Removal (PBR) value for the Matagorda Bay, Tres Palacios Bay, Lavaca Bay stock was incorrect. In the proposed rule the PBR was presented as 1.3, but the correct PBR is 1.2 and has been updated in table 7 of the Negligible

Impact Determination section of this final rule.

NMFS has also updated the permanently eliminated grid numbers for sampling in the Mitigation section of this final rule. At the time of the proposed rule TPWD had not updated the list of eliminated sampling grids based on the two most recent (2024) encounters with bottlenose dolphins. Grid 302 in the Matagorda Bay complex has been updated as a permanently excluded grid cell as a result of those recent bottlenose dolphin encounters.

Finally, NMFS is correcting an error in the reporting section of the preamble that stated TPWD would be required to report all encounters with bottlenose dolphins within 48 hours of the encounter. NMFS has corrected this requirement to 24 hours to make it consistent with the regulatory text of this final rule.

Comments and Responses

NMFS published the proposed rule (91 FR 12972) on March 18, 2026, with a 30-day comment period. NMFS received 130 comments in total, with 124 being from the general public, including two letters from groups of students at the University of Arizona. The majority of these comments expressed general support for TPWD and NMFS' proposed action. Some comments also expressed general support for conservation of marine mammals. As these comments did not provide information specific to NMFS' proposed action, we do not address them further. In addition, NMFS received comment letters from the following organizations: American Sportfishing Association, Coastal Conservation Association, Center for Sportfishing Policy, Coastal Carolina University (CCU), Galveston Bay Foundation (GBF), and Texas Marine Mammal Stranding Network (TMMSN). The comments submitted by recreational fishing groups (American Sportfishing Association, Coastal Conservation Association, and Center for Sportfishing Policy) expressed general support for TPWD and NMFS' proposed action. Summaries of all relevant, substantive comments and NMFS' responses to these comments are provided below.

Comment 1: CCU and the GBF urged caution in relying on the preliminary abundance estimates developed by Garrison (2025) on the basis of photo-identification data collected by Texas A&M for the Copano Bay/Aransas Bay/San Antonio Bay/Redfish Bay/Espiritu Santo Bay, Nueces Bay/Corpus Christi Bay, and Laguna Madre stocks. The commenters suggested that the

abundance estimates may overestimate true stock abundance because some sighted individuals may be transients from coastal stocks.

Response 1: The last stock assessment update for these stocks was completed in 1992. The abundance estimates from 1992 were known to be underestimates (Garrison, pers. comm.), and it is likely that these stocks have increased in size since that time. For example, the abundance estimate for the Galveston Bay/East Bay/Trinity Bay stock increased from 152 in 1992 to 842 in 2016 (NMFS 2022). Therefore, NMFS and TPWD identified a need to update the abundance estimates with more recent information, and NMFS Southeast Fisheries Science Center (SEFSC) performed an analysis of photo-identification data provided by Texas A&M University researchers to determine minimum abundance estimates ($N_{\min}$) for the three stocks listed above. While we acknowledge the potential that some sighted dolphins included in the analysis are transients from coastal stocks, the $N_{\min}$ may also be underestimated because they do not include individuals with non-distinct fins (primarily calves and younger animals) and do not account for animals that are present in the population but have not been seen during the surveys. There was insufficient data available to conduct a full analysis to estimate detection probability and population size. The SEFSC noted uncertainty in the boundaries between the defined stocks and little information on animal movement within and between these estuarine systems. Given these levels of uncertainty, the SEFSC's approach to developing the estimates, discussed below, minimizes the potential that they represent overestimates of actual abundance.

SEFSC's analysis recognized the potential for transient animals (*i.e.*, animals from neighboring coastal stocks) within the estuaries and attempted a partial correction. SEFSC plotted a 2-kilometer (km) buffer area around the Aransas Pass, a major entry point into the estuaries of interest, and excluded individuals that were observed exclusively within the Aransas Pass region from the estimates of $N_{\min}$. There were 374 individual dolphins in the catalog that were seen only within the Aransas Pass buffer zone. Of these, 336 have only been seen once during the surveys. One individual with eight sightings in this area was seen four times in the Corpus Christi Bay stock area and four times in the Copano/Aransas Bay area. These data support excluding animals occurring only within the Aransas Bay buffer area from

our estimates of minimum stock size. However, we acknowledge that this does not fully address the potential for transient animals occurring well inside the estuaries away from Aransas Pass.

Most animals observed during the Texas A&M University photo-identification surveys were seen only once, providing limited information on stock identity or residence patterns. For stock assignment of animals sighted once, the SEFSC examined the data from animals seen multiple times to estimate the probability that an animal belongs to a given stock when it is seen within that stock area on its first observation. Based on this probability equation, an individual was included in or excluded from a given stock based on the location of the first sighting of the individual. Insufficient information exists within these data to exclude animals with only one sighting from the estuarine stock. While the direct count likely underestimates the total population size, including significant numbers of transient animals would inflate the minimum estimate. Observations of takes also include both estuarine resident and transient animals in this population estimate. Thus, while there is significant uncertainty, the Texas A&M University photo-identification surveys represent the best available data and, as analyzed by the SEFSC, provide a reasonable assessment of the impact of human-caused mortality and serious injury on these estuarine bottlenose dolphin stocks.

Comment 2: CCU and TMMSN expressed concerns specifically regarding the West Bay stock of bottlenose dolphins, noting the low estimated population abundance for the stock. CCU noted that the two takes that were proposed for authorization for the stock would represent 5.7 percent of the estimated stock size and 11.4 percent of the female population (assuming an even ratio of males and females) and that the potential for loss of females with offspring may compound the effects on the small stock size. As acknowledged by NMFS in the proposed rule, TMMSN noted that any single M/SI event would exceed the West Bay stock's annual PBR and stated that the rule does not fully account for cumulative mortality from other ongoing stressors to which this stock is exposed. The commenters requested "a more explicit cumulative mortality analysis for the West Bay stock prior to finalizing the LOA."

Response 2: NMFS acknowledges commenters' concerns regarding the small size of the West Bay stock, including the potential impacts of loss of reproductive females. However, the

results of our negligible impact analysis demonstrated that the annual mortality authorized under the rule (0.2) is less than the annual PBR value of 0.3. Therefore, while the authorized mortality of dolphins from the West Bay stock, including the potential for mortality of a female dolphin, may affect annual rates of recruitment, it is unlikely to adversely affect the stock through this impact. No compelling information that would contradict this finding is provided by commenters, who recite information (e.g., low population size) acknowledged by NMFS and accounted for in its negligible impact analysis for the stock.

Regarding TMMSN's suggestion that NMFS fails to adequately account for all mortality, there are no data regarding other sources of annual M/SI, and TMMSN provides none for consideration. TMSSN provides no details regarding the "more explicit cumulative mortality analysis" it recommends be conducted, nor does it provide information that might be evaluated in such an analysis.

Comment 3: GBF recommended "development of a plan that outlines steps to follow if numbers surpass PBR during a given year."

Response 3: If a single take of a West Bay dolphin occurs, PBR for that year (annual value currently estimated at 0.3) will necessarily be exceeded. This does not indicate that any special measures must be undertaken, as this is the scenario contemplated in this rule and evaluated as part of the negligible impact analysis, i.e., one take over 5 years. If a second take of West Bay dolphins occurs during the 5-year effective period for the rule, NMFS agrees that it would be appropriate to reevaluate the activity in West Bay and determine whether additional measures are necessary to prevent additional take from occurring. The LOA includes a measure allowing NMFS to modify, suspend, or withdraw the LOA if it determines that the taking may be causing a greater than negligible impact on the stock. However, NMFS does not agree that the issue of takes in West Bay requires development of a plan, as suggested by GBF.

Comment 4: The TMMSN asserted that predicted entanglement risks and injury outcomes may be underestimated because 43 percent of historical entanglements with TPWD gillnets have unknown or undetermined dispositions. TMMSN suggested that these incidents were likely to have resulted in M/SI and further recommended that NMFS "reflect this uncertainty conservatively in final take authorization levels."

Response 4: Injury determinations did not begin until 2007, which explains why there are 19 interactions with undetermined outcomes in TPWD's historical bottlenose dolphin encounter data. However, we did reasonably use rates of known injury, serious injury, and mortality to assign a disposition to bottlenose dolphin take estimates. These estimates provide the best available information for use in estimating future take numbers, and the take numbers analyzed herein are reasonable representations of the available information. TMMSNs comment does not provide data or other specific information to suggest that the take numbers are not reasonably reflective of what is likely to occur.

Comment 5: Several commenters suggested that NMFS should make changes to the proposed mitigation requirements. Recommendations included encouraging the use of sampling gear other than gillnet gear that would have a lower chance of take by M/SI and that nets should only be set during the daytime hours. Commenters also noted that some of the mitigation measures do not provide sufficient protection for bottlenose dolphins. Specifically, commenters asserted that dolphins can become entangled in gillnets with 6-in mesh, noting that the rostrum or appendages can still become entangled in the net and that immediate response to net disturbances is not realistic during overnight soaks. Commenters also urged NMFS to implement additional mitigation measures specifically limiting sampling areas or limiting sampling in the spring.

Response 5: NMFS addressed known issues associated with the specified activity in the proposed rule. For example, while we acknowledge that a requirement to set nets only during daylight hours would reduce dolphin takes due to the increased ability of field personnel to quickly respond to a dolphin entanglement, significant changes to the specified activity would be impracticable, as they would fundamentally change TPWD's longstanding survey protocols and impact TPWD's multi-decade time series of data.

Regarding the recommended changes to mitigation, NMFS and TPWD have worked together to identify survey blocks where surveys will not occur due to the higher risk of dolphin encounters. In the proposed rule, NMFS preliminarily determined that the proposed measures were sufficient to effect the least practicable adverse impact on the affected stocks, and commenters do not provide new information for NMFS' consideration.

Comment 6: A commenter expressed concerns over the enforcement of the mitigation and monitoring requirements within the regulations and LOA.

Response 6: The mitigation measures will be evaluated in the annual reports required by the regulations and subsequent LOA. NMFS will review the mitigation measure effectiveness used during the surveys. The mitigation measures are required, and failure to adhere to the required measure may result in the suspension or revocation of the LOA. NMFS and TPWD have agreed to the required measures, and they are expected to result in a least practical adverse impact to coastal stocks of bottlenose dolphins. NMFS does not have concerns over the enforcement of these measures, and the commenter did not present any information for NMFS to consider that may make these mitigation measures unenforceable.

Comment 7: CCU and the TMMSN both commented on the required time to report marine mammal interactions. They noted that in the preamble of the rule the requirement was stated as 48 hours and in the regulatory text it was 24 hours.

Response 7: NMFS acknowledges this error and has corrected the required time period to 24 hours as recommended by CCU and TMMSN.

Comment 8: TMMSN suggested NMFS require TPWD to notify the NMFS Office of Protected Resources (OPR) and NMFS Southeast Regional Office (SERO) at "near real-time" when a live entangled dolphin is released from the gear with GPS location, photographs, a description of any visible injuries or gear remaining on the animal, and the animal's direction of travel at last observation. If a mortality or a suspected serious injury occurs, TMMSN suggested that NMFS require TPWD to notify the same offices in "near real-time" of the first observation in order to aid timely carcass retrieval. TMMSN asserted that these requirements would be operationally achievable with the use of a cell phone and the minimum necessary for stranding network responders to provide meaningful support.

Response 8: As stated above and in the reporting requirements of this rule, the current requirement for TPWD to report encounters with dolphins is 24 hours. TMMSN did not define "near real-time" in its comment letter. The 24-hour requirement remains sufficient for notification of dolphin encounters with gillnets.

Comment 9: The GBF suggested that the photo-identification data used in relevant analyses be submitted to the Gulf of Mexico Dolphin Identification

System (GoMDIS), noting that this database is used by dolphin researchers throughout the Gulf, helps ensure quality control, and facilitates matching among regional catalogs.

Response 9: NMFS acknowledges the value of GoMDIS for use in harmonizing the data collected by researchers throughout the GOA. The raw data that was used in the population estimates was collected by Texas A&M researchers and is not the property of NMFS. Given this, NMFS is not able to share the data with the GoMDIS database.

Comment 10: TMMSN suggested NMFS add several requirements and recommendations to the LOA for TPWD's gillnet surveys. First, TMMSN requested NMFS require TPWD to formalize non-governmental (NGO) stranding network involvement for any encounters with dolphins by TPWD. This would involve an agreement to coordinate with and support the NGO stranding network organization(s) for response, necropsy, and data collection costs associated with gillnet related dolphin interactions. TMMSN asserted that this agreement would meaningfully strengthen the scientific record on which future authorizations depend.

TMMSN also stated that the proposed rule relied heavily on photo-identification data to assess stock structure and abundance estimates and that continued support of long-term research could aid in tracking any changes in status of the small resident population where take is requested by TPWD. TMMSN requested that NMFS include a recommendation in the LOA for TPWD to provide continued support for photo-identification research in the coastal bays of Texas.

Finally, TMMSN suggested that NMFS include a recommendation for TPWD to contribute to stranding response capacity where their gillnet surveys occur. TMMSN noted that Bay, Sound, and Estuary (BSE) bottlenose dolphin stocks face multiple compounding stressors including harmful algal blooms, vessel strikes, contaminant loads, and human-caused harassment not including the gillnets TPWD uses for their surveys. Timely stranding response enables recovery of dead dolphins for necropsy and data collection and rescue of some animals

that might otherwise survive may not without prompt care.

Response 10: The requirements in the LOA include coordination with the stranding coordinator at the SERO. Once a gillnet encounter occurs and the stranding coordinator is notified, the partner stranding networks are notified for response. In an effort to require TPWD to reach out to a single point of contact for reporting gillnet encounters, NMFS will continue to require TPWD to reach out to the SERO. Although not included in this rule, NMFS will continue to work with TPWD and stranding networks to find feasible ways to encourage and support collaboration to improve stranding response in the future.

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of TPWD's application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species. NMFS fully considered all of this information, and we refer the reader to these descriptions. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs) (<https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>), and more general information about these species (e.g., physical and behavioral descriptions) may be found on NMFS' website (<https://www.fisheries.noaa.gov/find-species>).

Table 1 lists all species or stocks for which take is expected and authorized for this activity and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs) defined in section 3 of the MMPA (16 U.S.C. 1362(20)). Since serious injury or

mortality is anticipated to be authorized under this action, PBR and annual M/SI from anthropogenic sources are included here as gross indicators of the status of the species or stocks.

To provide a background for how estuarine bottlenose dolphin stocks are identified, we provide the following excerpt from the Bottlenose Dolphin Stock Structure Research Plan for the Central Northern Gulf of America (GOA) (NMFS 2007), which more specifically describes the stock structure of bottlenose dolphins within the bays, sounds, and estuaries of the GOA. "The distinct stock status for each of the 31 inshore areas of contiguous, enclosed, or semi-enclosed bodies of waters is community-based. That is, stock delineation is based on the finding, through photo-identification (photo-ID) studies, of relatively discrete dolphin communities in the few Gulf of America (GOA) areas that have been studied (Waring *et al.*, 2007). This finding was then generalized to all enclosed inshore GOA waters where bottlenose dolphins exist. A community consists of resident dolphins that regularly share large portions of their ranges and interact with each other to a much greater extent than with dolphins in adjacent waters. The term emphasizes geographic and social relationships of dolphins. Bottlenose dolphin communities do not necessarily constitute closed demographic populations, as individuals from adjacent communities may interbreed."

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' U.S. Atlantic SARs. All values presented in table 1 are the most recent available and are available online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>.

TABLE 1—SPECIES ¹ LIKELY IMPACTED BY THE SPECIFIED ACTIVITIES

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) ²	Stock abundance (CV, N _{min} , most recent abundance survey) ³	Potential biological removal	Annual M/SI ⁴
Order Artiodactyla—Cetacea—Odontoceti (toothed whales)						
Family Delphinidae:						

TABLE 1—SPECIES¹ LIKELY IMPACTED BY THE SPECIFIED ACTIVITIES—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) ²	Stock abundance (CV, N _{min} , most recent abundance survey) ³	Potential biological removal	Annual M/SI ⁴
Bottlenose Dolphin	<i>Tursiops truncatus</i>	Laguna Madre	- , -, Y	80 (1.57, UNK, 1992)	UND	0.8
		Matagorda Bay, Tres Palacios Bay, Lavaca Bay	- , -, Y	61 (0.45, UNK, 1992)	UND	0.4
		Nueces Bay, Corpus Christi	- , -, Y	58 (0.61, UNK, 1992)	UND	0.2
		Copano Bay, Aransas Bay, San Antonio Bay, Redfish Bay, Espiritu Santo Bay.	- , -, Y	55 (0.82, UNK, 1992)	UND	0.6
		Galveston Bay, East Bay, Trinity Bay	- , -, N	842 (0.08, 787, 2016)	6.3	1
		West Bay	- , -, N	37 (0.05, 35, 2015)	0.3	0
		Sabine Lake	- , -, N	122 (0.19, 104, 2017)	0.9	0

¹ Information on the classification of marine mammal species can be found on the web page for The Society for Marine Mammalogy's Committee on Taxonomy (<https://marinemammalscience.org/science-and-publications/list-marine-mammal-species-subspecies/>).

² ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

³ NMFS marine mammal stock assessment reports online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region/>. CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. As discussed below N_{min} values for the Copano Bay/Aransas Bay/San Antonio Bay/Redfish Bay/Espiritu Santo Bay Stock, Nueces Bay/Corpus Christi Bay Stock, and the Laguna Madre Stocks have been updated based on a photo identification survey conducted by Texas A&M University.

⁴ These values, found in NMFS' SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (e.g., commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range.

As indicated above, the seven managed stocks of bottlenose dolphins listed in table 1 temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur.

Texas BSE Bottlenose Dolphins

Bottlenose dolphins have been identified in seven distinct coastal stocks within the inner estuaries of Texas (table 1). Shane (1977) and Gruber (1981) documented year-round residency of individual common bottlenose dolphins in some of the estuarine waters of Texas coastal bays. Analysis of genetic data supports the fact that many of the coastal Texas stocks are comprised of resident populations (NMFS 2021). In general, the Texas coastal stocks only occur in discrete BSE waters. However, it has been documented that limited mixing with other non-resident stocks does occur in the passes of the Gulf of America (NMFS 2021).

NMFS has acknowledged that as additional information about these BSE stocks becomes available, combination or further division of the stocks or modification of the stock boundaries may be warranted (NMFS 2021). Estimated population size across the seven coastal stocks in Texas is a wide range (e.g., N 37–842).

SEFSC used unpublished data to develop a provisional update to the population abundance estimate for the Matagorda Bay/Tres Palacios Bay/Lavaca Bay stock. The SEFSC conducted

stock structure research (biopsy sampling surveys) from 2012–2014. During the biopsy sampling, photos were taken for photo-ID and 285 individual dolphins with distinct dorsal fins were identified within this stock's boundaries (NMFS SEFSC, UNPUBLISHED DATA). This provided an abundance estimate (N_{best}) of 150 individuals from this stock. The N_{best} value of 150 individuals was used to calculate an estimated PBR for this stock given a current value is not available in the associated SAR.

In addition, the SEFSC, in collaboration with Texas A&M University researchers, developed provisional N_{mins} for three stocks with outdated N_{mins}: the Copano Bay/Aransas Bay/San Antonio Bay/Redfish Bay/Espiritu Santo Bay Stock, Nueces Bay/Corpus Christi Bay Stock, and the Laguna Madre Stock. The report used photo-identification data collected by Texas A&M University for dolphins within the ranges of these stocks from 2018 to 2025. Individual animals were assigned to a stock based on the majority of their sighting locations. For individuals sighted one time, data was examined from animals seen multiple times to estimate the probability of a given stock assignment conditional on its being seen within a given stock area on its first observation. A transient area was defined for the Aransas Pass and animals sighted in that area were not included in the population estimate due to the likelihood of sighted animals

being from coastal stocks. Additional details on the methods used by the SEFSC are in Garrison (2025), which is available online at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-texas-parks-and-wildlife-departments-independent-fisheries>.

SEFSC then used these updated N_{min} values to calculate PBR values for the three stocks (Garrison 2025). The PBR formula NMFS used to calculate PBR is (N_{min}*0.5R_{max}*F_r) where R_{max} is the maximum net productivity rate and F_r is the recovery factor. The R_{max} and the F_r values for bottlenose dolphins are available in table 1 of the 2024 SARs. The data used for each stock and resultant PBR is shown in table 2.

The stocks for which NMFS proposes to authorize take incidental to the TPWD's gillnet fisheries research are grouped in the GOA BSE SAR. As discussed above, NMFS received data from Texas A&M researchers and consulted with the SEFSC to develop updated N_{min} estimates for the Copano Bay/Aransas Bay/San Antonio Bay/Redfish Bay/Espiritu Santo Bay stock, Nueces Bay/Corpus Christi Bay stock, and the Laguna Madre stock. Further, information was available from the SEFSC for the Matagorda Bay/Tres Palacios Bay/Lavaca Bay stock that informed population estimates. For the remaining stocks, NMFS is proposing to use the information from the SARs for M/SI and N_{min} values.

TABLE 2—CALCULATED PBR VALUES FOR THREE STOCKS OF TEXAS BSE BOTTLENOSE DOLPHINS

Stock	N _{min} (Garrison 2025)	R _{max}	F _r	PBR
Copano Bay, Aransas Bay, San Antonio Bay, Redfish Bay, Espiritu Santo Bay	669	0.04	0.4	5
Nueces Bay, Corpus Christi	1,744	0.04	0.4	14
Laguna Madre	222	0.04	0.4	2

NMFS considered take by M/SI relative to residual PBR (*i.e.*, the estimate of ongoing anthropogenic M/SI is subtracted from the PBR value) (see the Negligible Impact Determination section for additional description of residual PBR and how it is calculated). The M/SI data presented in the most recent SARs update for these BSE stocks was from 2015–2019. During the development of this rule, NMFS reviewed M/SI data from Maze-Foley and Garrison (2024) and the Marine Mammal Stranding Database, which included data from 2019–2023, to provide the most up-to-date estimated annual rates of M/SI (table 7). These data updated the annual M/SI estimates for all BSE stocks of bottlenose dolphins as shown in table 7 and are different from what is presented in the most recent update to the bottlenose dolphin BSE SARs report (see Negligible Impact Determination). This data represents the best available data for estimating the annual M/SI values for these stocks, including correcting an error for the Galveston Bay, East Bay, Trinity Bay stock where two serious injuries were incorrectly assigned to the wrong stock in Maze-Foley and Garrison (2024).

NMFS identified five mortalities and 10 serious injuries over the 2019 to 2023 time period as analyzed in Maze-Foley and Garrison (2024) (the most recent information available). Three of the five mortalities were from hook and line fishing gear, two of which were from the Copano Bay/Aransas Bay/San Antonio Bay/Redfish Bay/Espiritu Santo Bay stock and one of which was from the Nueces Bay/Corpus Christi Bay stock.

The other two mortalities were determined to be from vessel strikes and were from the Nueces Bay/Corpus Christi Bay and Galveston Bay/East Bay/Trinity Bay stocks, respectively. As described previously, NMFS has corrected the serious injury numbers from 10 to 15 from the proposed to final rule. Of the 15 serious injuries, six were from the Galveston Bay/East Bay/Trinity Bay stock from hook and line gear, trap pot gear, and entanglements with unidentified fishing gear. Illegal gillnet gear entanglements, unidentified fishing gear, hook and line gear, and a vessel strike resulted in six serious injuries to animals in the Laguna Madre stock. The remaining three serious injuries resulted from two entanglements in unknown trap/pot gear and hook and line gear involving animals in the Copano Bay/Aransas Bay/San Antonio Bay/Redfish Bay/Espiritu Santo Bay stock and a vessel strike involving an animal in the Nueces Bay/Corpus Christi Bay stock. NMFS has updated the M/SI estimates for all of the stocks where take is authorized. These corrections do not change NMFS’ findings for any stock.

Unusual Mortality Events (UME)—The marine mammal UME program was established in 1991. A UME is defined under the MMPA as a stranding that is unexpected, involves a significant die-off of any marine mammal population, and demands immediate response. From 1992 through 2012, five UME events have occurred for Texas bottlenose dolphins, and each UME has been closed and is no longer active. Three of the five UME causes were undetermined and the remaining two were caused by

infectious diseases and biotoxins. More information related to UMEs is available on the NMFS website at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-unusual-mortality-events>.

Biological Important Areas (BIAs)—In 2015, NOAA’s Cetacean Density and Distribution Mapping Working Group identified BIAs for 24 cetacean species, stocks, or populations in 7 regions within U.S. waters, including the GOA. For BSE bottlenose dolphin stocks in the GOA, the BIAs are areas in which small and resident populations are concentrated. BIAs are ;region-, species-, and time-specific.

The delineation of BIAs does not have direct or immediate regulatory consequences. Rather, the BIA assessment is intended to provide the best available science to help inform regulatory and management decisions under existing authorities about some, though not all, important cetacean areas in order to minimize the impacts of anthropogenic activities on cetaceans and achieve conservation and protection goals. In addition, the BIAs and associated information may be used to identify information gaps and prioritize future research and modeling efforts to better understand cetaceans, their habitat, and ecosystems. Table 3 provides a list of BIAs for bottlenose dolphins found within the TPWD’s fisheries research areas.

Small and Resident Population—Areas and months within which small and resident populations occupying a limited geographic extent exist.

TABLE 3—BIAS WITHIN THE TPWD FISHERIES RESEARCH AREA

BIA name	BIA	Time of year	Size kilometers (km ²)
Galveston Bay	Small and Resident	Year-round	1,222
San Luis Pass	Small and Resident	Year-round	143
Matagorda Bay and Espiritu Santo Bay	Small and Resident	Year-round	740
Aransas Pass	Small and Resident	Year-round	273

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of the fisheries research from TPWD’s survey activities have the

potential to result in M/SI of bottlenose dolphins in the coastal bays of Texas. The proposed rule included a discussion of the effects of these surveys

on bottlenose dolphins and their habitat. That information and analysis is not repeated here.

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes that will be authorized under this final rule, which will inform NMFS' consideration of "small numbers" and the negligible impact determinations. When discussing take, we consider three manners of take: mortality, serious injury, and non-serious injury (Level A harassment). Serious injury is defined as an injury that could lead to mortality, while Level A harassment refers to an injury that could not lead to mortality. Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment) or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment). No takes by Level B harassment are expected from TPWD's activities.

TPWD has a history of taking bottlenose dolphins incidental to their

fisheries research using gillnet gear. The take resulting from gear interaction includes mortality, serious injury, and Level A harassment (injury). TPWD has predicted the number of takes that would occur over the 5-year period of the rulemaking based on past encounters within the established stock boundaries of each Texas BSE bottlenose dolphin stock where take is expected. Each of these stocks has a respective survey block number (e.g., B50) (also see figure 1) and TPWD further refined the survey blocks with 1 minute latitude by 1 minute longitude blocks where gillnets would be set (see figure 6 a–f of TPWD's application). TPWD used a catch-to-effort calculation to estimate their expected annual take numbers.

In estimating take, TPWD used historical interactions data with bottlenose dolphins from 1983–2024 (table 4). Using this data, TPWD evaluated 5-year rolling averages for each survey block deriving the average number of encounters over each set of 5 years between 1983–2024. For example, in block 50 from 1983 through 2024, two rolling 5-year time periods had five encounters and one period had six. For this particular block, TPWD

selected five encounters as the appropriate 5-year rolling total because it had the higher occurrence (twice between 1983–2024). TPWD chose the lower 5-year rolling total for this block since there was a high probability of that level of take occurring during the effective period of the requested LOA. For each of the blocks with interactions 5-year rolling totals were developed. TPWD then selected the highest recurring 5-year rolling totals for their estimated take levels (table 5). TPWD used these totals to inform their take request over the 5-year period of this final rule for each block with interactions of bottlenose dolphins (see Figure 1 for depiction of blocks relative to the different bays).

TABLE 4—TPWD'S HISTORICAL INTERACTIONS WITH BOTTLENOSE DOLPHINS FROM 1983 THROUGH 2024

Blocks with interactions	Number of interactions
B50	19
B51	8
B52	8
B54	9

TABLE 5—TPWD'S 5-YEAR HIGHEST OCCURRING ROLLING TOTALS PER BLOCK

	B50	B51	B52	B54
Number of Interactions	5	3	3	3
Years	1998–2002; 2012–2016	1989–1993	1996–2000	2019–2024

In order for TPWD to assign the appropriate levels of take as M/SI or Level A harassment from the 5-year averages, TPWD calculated the expected percentages of those dispositions on an annual basis. To calculate those percentages TPWD used catch and effort from each block in the steps below.

- TPWD first assigned the bottlenose dolphins with an unknown disposition (either mortality or released alive) based on the proportion of encounters with known dispositions in the same given survey block. Based on these proportions, the number of unknowns in each survey block were assigned to either a released alive or mortality determination.

- TPWD then calculated the expected number of bottlenose dolphin mortalities and individuals released alive per set for each block including the newly assigned unknown dolphins from the preceding step.

- TPWD then used serious injury determinations (the result of a serious injury determination is whether the injury was serious or non-serious)

provided by NMFS for each of their dolphin encounters with gillnets to calculate the expected number of non-serious injuries and serious injuries from the expected number of dolphins to be released alive per set.

- TPWD multiplied the expected number of dolphins to be released alive by the proportions of serious injury to total injury determinations and the proportion of non-serious injury determinations to total injury determinations to calculate the expected number of injuries and serious injuries per set.

- To determine the expected number of M/SI encounters per year, TPWD added the calculated number of mortalities and serious injuries per set from the steps above and then multiplied that number by the number of sets per year in the given survey block.

- A similar calculation was completed to determine the number of expected non-serious injuries per year.

A detailed example of the catch and effort calculation steps is available in

Appendix 5 of TPWD's application for block 50 within the Copano Bay/Aransas Bay/San Antonio Bay/Redfish Bay/Espiritu Santo Bay stock boundary.

Once the expected annual take numbers by Level A harassment and M/SI was calculated for each block, TPWD calculated the percentages of expected take by Level A harassment and take by M/SI on an annual basis. In the final step, TPWD used the annual percentages and multiplied them by the 5-year rolling totals as described above for each block (table 5) to assign the appropriate levels of take by Level A harassment and M/SI from a given 5-year rolling total.

TPWD has not had any encounters with bottlenose dolphins in West Bay (block 55), Galveston Bay/East Bay/Trinity Bay (block 56), or Sabine Lake (block 57). For these blocks TPWD requested one take by M/SI and one take by Level A harassment over the course of the 5-year period of this final rule. TPWD elected to request take for these blocks because there is a potential for

interactions with bottlenose dolphins from stocks in these areas.

NMFS agrees with the calculations by TPWD and is authorizing the amount of take outlined in table 6.

TABLE 6—TOTAL TAKE BY STOCK ANNUALLY AND OVER THE 5-YEAR REGULATIONS FOR TPWD GILLNET FISHERIES RESEARCH

Stock	Total take by injury (Level A harassment) over 5-years	Total take by M/SI over 5-years	Total take over 5-years
Copano Bay/Aransas Bay/San Antonio Bay/Redfish Bay/Espiritu Santo Bay	2	3	5
Laguna Madre	1	2	3
Nueces Bay/Corpus Christi Bay	1	2	3
Matagorda Bay/Tres Palacios Bay/Lavaca Bay	1	2	3
West Bay	1	1	2
Galveston Bay/East Bay/Trinity Bay	1	1	2
Sabine Lake	1	1	2

Mitigation

In order to issue an LOA under section 101(a)(5)(A) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds and areas of similar significance. (Section 101(a)(5)(A) of the MMPA also requires consideration of the availability of the species or stock for taking for certain subsistence uses, but this consideration does not apply to this action.) NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This factor considers the nature of the potential adverse impact being mitigated (*e.g.*, likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (*i.e.*, probability of accomplishing the mitigating result if implemented as planned) and the likelihood of effective implementation (probability implemented as planned); and

(2) The practicability of the measures for applicant implementation, which may consider such things as cost and impact on operations.

The mitigation requirements in this final rule were proposed by TPWD in its adequate and complete application or are the result of subsequent coordination between NMFS and TPWD. TPWD has agreed that all of the mitigation measures are practicable. NMFS has fully reviewed the specified activities and the mitigation measures to determine if the mitigation measures would result in the least practicable adverse impact on marine mammals and their habitat, as required by the MMPA, and has determined the measures are appropriate.

Gillnet Gear Measures

- Only new or fully repaired gillnets are used thereby eliminating any hole size greater than 6 in (15 cm) stretched mesh.
- TPWD must use gillnets with 2,101 hangings which connect the net to the float and lead line, with all hangings less than or equal to 4 in (10 cm) along the float and lead line to reduce entanglements.
- TPWD must set gillnets to ensure each gillnet is set as tight as possible from the surface to the seafloor and has marker buoys attached with ropes to the junctures of each mesh size and the end of the net as short as possible.

Gillnet Sampling Measures

- If any bottlenose dolphins are present deployment of gillnets must not occur until all of the dolphins have left the area.
- If bottlenose dolphins enter the area while a gillnet is being set, the lead line must be raised and lowered repeatedly to encourage the animals to leave the site. If bottlenose dolphins remain in the area, the gillnet must be hauled back

onto the vessel and an alternative site selected.

- Any live captured marine mammals must be released from the gillnet gear and returned to the water as soon as possible with no gear or as little gear as possible remaining on the animal. Animals must be released without removing them from the water.

• TPWD must eliminate sampling sites where bottlenose dolphins have been encountered more than once in a single grid or sites where multiple adjacent grids have had at least one dolphin encounter. These grids include: Aransas Bay grids 280, 290, 291, 300, 301, and 308 (figure 6c in TPWD application); Corpus Christi Bay grids 8, 20, and 132 (figure 6b in TPWD application); Matagorda Bay grid 302 (figure 6d in TPWD application); and Lower Laguna Madre grids 47, 318, and 319 (figure 6a in TPWD application).

- At sites where marine mammals have been encountered within the last 5 years, gillnet soak time must be minimized by utilizing the “last out/first in” strategy. A net set in this manner will be deployed last for the day and retrieved first on the next day which may reduce soak times by as much as 6.6 hours. This procedure will be implemented in six sampling grids.

Based on our evaluation of the applicant’s measures, NMFS has determined that the mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

Section 101(a)(5)(A) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of marine mammal taking. The MMPA implementing regulations at

216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical to both compliance and ensuring that sufficient information about the action and its effects on marine mammals and their habitat is collected.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.*, presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or environment (*e.g.*, source characterization, propagation, ambient noise), (2) affected species (*e.g.*, life history, dive patterns), (3) co-occurrence of marine mammal species with the activity, or (4) biological or behavioral context of exposure (*e.g.*, age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either (1) long-term fitness and survival of individual marine mammals or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.*, marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

The monitoring and reporting requirements included in this final rule were proposed by TPWD in its adequate and complete application or are the result of subsequent coordination between NMFS and TPWD. NMFS concurred that these measures are appropriate.

Staff Training

- TPWD staff must attend Safe Handling, Release, and Identification Workshops. TPWD will also ensure that at least one staff member on every

gillnet sampling trip has had the training.

- Staff meetings must be held prior to the start of each gillnet season to go over “Special Instructions for Handling Bottlenose Dolphins” in the TPWD Marine Resource Monitoring Operations Manual (appendix 6 of TPWD’s application) including scanning for the presence of dolphins prior to gillnet sets, scanning nets for entanglements, and what to do if there is an entanglement.

Visual Monitoring by Staff

- When approaching a gillnet site, TPWD staff that are setting the net will slow the vessel and bring it off plane between 600 and 1,000 ft (183 and 305 m) from the shoreline. All staff members will scan the surface of the water for 15 minutes to watch and listen for surface activity prior to setting the nets.
- Should a bottlenose dolphin be observed during the 15-minute observation period at the site, the net must not be deployed. The net may only be deployed if the bottlenose dolphins are observed swimming on a path away from the site consistently for 15 minutes or are not re-sighted within 15 minutes.

Reporting

TPWD currently reports marine mammal entanglements to NMFS SERO. The final regulations would standardize a comprehensive reporting scheme and require TPWD to report all incidents of marine mammal interaction to OPR and NMFS SERO within 24 hours of occurrence. TPWD should also provide any supplemental information to OPR and SERO upon request. Information related to marine mammal interaction (*e.g.*, animal captured or entangled in research gear) must include the following:

- Time, date, and location (latitude/longitude) of the incident;
- Description of the incident including, but not limited to, monitoring prior to and occurring at time of incident;
- Environmental conditions (*e.g.*, wind speed and direction, Beaufort sea state, cloud cover, visibility);
- Description of the animal(s) involved (*e.g.*, size, age class);
- Water depth and net location where entangled;
- Nature of the entanglement (*i.e.*, part(s) of the animal(s) entangled, where in the net it was entangled);
- Fate of the animal(s);
- Detailed description of events, including how the animal(s) was disentangled and its behavior upon release, including signs of injury (if alive); and

- Photographs or video footage of the animal(s).

TPWD would also be required to submit an annual report to OPR no later than 90 days following the end of the fall sampling season. TPWD would provide a final report within 30 days following resolution of comments on the draft report. These reports shall contain, at minimum, the following:

- Locations and time/date of all net sets;
- All instances of marine mammal observations and descriptions of any mitigation procedures implemented or not implemented and why;
- A written evaluation of the effectiveness of TPWD mitigation strategies in reducing the number of marine mammal interactions with survey gear, including gear modifications and best professional judgment and suggestions for changes to the mitigation strategies, if any; and
- A summary of all relevant marine mammal training and any coordination with OPR.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to and is not reasonably likely to adversely affect the species or stock through effects on annual rates of recruitment or survival (§ 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.*, population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be taken through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (*e.g.*, intensity, duration), the context of any impacts or responses (*e.g.*, critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS’ implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (*e.g.*, as reflected in the regulatory status of the species, population size and growth rate where known, and ongoing sources of human-caused mortality).

The MMPA requires that PBR be estimated in SARs and that it be used in applications related to the management of take incidental to commercial fisheries (*i.e.*, the take reduction planning process described in section 118 of the MMPA and the determination of whether a stock is “strategic” as defined in section 3 of the MMPA). While nothing in the statute requires the application of PBR outside the management of commercial fisheries interactions with marine mammals, NMFS recognizes that as a quantitative metric, PBR may be useful as a consideration when evaluating the impacts of other human-caused activities on marine mammal stocks. Outside the commercial fishing context, and in consideration of all known human-caused mortality, PBR can help inform the potential effects of M/SI requested to be authorized under section 101(a)(5)(A) of the MMPA. As noted by NMFS and the U.S. Fish and Wildlife Service in our implementing regulations for the 1986 amendments to the MMPA (54 FR 40341, September 29, 1989), the Services consider many factors, when available, in making a negligible impact determination, including, but not limited to: (1) the status of the species or stock relative to optimum sustainable population (OSP) (if known); (2) whether the recruitment rate for the species or stock is increasing, decreasing, stable, or unknown; (3) the size and distribution of the population; and (4) existing impacts and environmental conditions. In this multi-factor analysis, PBR can be a useful indicator for when, and to what extent, the agency should take an especially close look at the circumstances associated with the potential mortality of the final action, along with any other factors that could influence annual rates of recruitment or survival.

PBR is defined in Section 3 of the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its OSP and, although not controlling, can be one measure considered among other factors when evaluating the effects of M/SI on a marine mammal species or stock during the section 101(a)(5)(A) process. OSP is defined in section 3 of the MMPA as the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element. A primary goal of the MMPA

is to ensure that each species or stock of marine mammal is maintained at or returned to its OSP.

PBR values are calculated by NMFS as the level of annual removal from a stock that will allow that stock to equilibrate within OSP at least 95 percent of the time and is the product of factors relating to the minimum population estimate of the stock (N_{min}); the productivity rate of the stock at a small population size; and a recovery factor. Determination of appropriate values for these three elements incorporates significant precaution, such that application of the parameter to the management of marine mammal stocks may be reasonably certain to achieve the goals of the MMPA. For example, calculation of the minimum population estimate (N_{min}) incorporates the precision and variability associated with abundance information, while also providing (typically the 20th percentile of a log-normal distribution of the population estimate) reasonable assurance that the stock size is equal to or greater than the estimate (Barlow *et al.*, 1995). In general, the three factors are developed on a stock-specific basis in consideration of one another in order to produce conservative PBR values that appropriately account for both imprecision that may be estimated as well as potential bias stemming from lack of knowledge of a particular stock (Wade 1998).

When considering PBR during evaluation of effects of M/SI under MMPA section 101(a)(5)(A), we utilize a two-tiered analysis for each stock for which M/SI is authorized.

We first compare the total human-caused average annual M/SI estimate from all sources, including the M/SI authorized from the specific activity, to PBR. If the total M/SI estimate is less than or equal to PBR, then the specific activity is considered to have a negligible impact on that stock. The goal of the assessment is to determine whether total annual human-caused mortality, including from the specified activity, would exceed PBR. To aid in the evaluation and get a clearer picture of the amount of annual M/SI that remains without exceeding PBR, for each species or stock, we first calculate a “residual PBR,” which equals PBR minus the ongoing annual human-caused M/SI (*i.e.*, Residual PBR = PBR – (best available annual M/SI estimate + other M/SI authorized under section 101(a)(5)(A) of the MMPA (where relevant))). If the ongoing human-caused M/SI from other sources does not exceed PBR (*i.e.*, the residual PBR is a positive number), we consider how the authorization of incidental M/SI from

the specified activities being evaluated compares to residual PBR using the framework in the following paragraph. If the ongoing anthropogenic mortality from other sources already exceeds PBR (*i.e.*, the residual PBR is a negative number), we conduct additional analysis (described below as “Tier 2” analysis).

To reiterate, if the M/SI from the specified activity does not exceed PBR, the impacts of the authorized M/SI on the species or stock are generally considered to be negligible. As a simplifying analytical tool in the evaluation, we first consider whether the M/SI from the specified activities could cause incidental M/SI that is less than 10 percent of residual PBR, which we consider an “insignificance threshold.” If so, we consider M/SI from the specified activities to represent an insignificant incremental increase in ongoing anthropogenic M/SI for the marine mammal stock in question that alone will not adversely affect annual rates of recruitment and survival and for which additional analysis or discussion of the anticipated M/SI is not required because the negligible impact standard will not be exceeded on that basis alone.

When the M/SI from the specified activity is above the insignificance threshold, it does not indicate that the M/SI associated with the specified activity is necessarily approaching a level that would exceed negligible impact. Rather, it is used as a cue to look more closely at if and when the M/SI for the specified activity approaches residual PBR (*i.e.*, the closer the M/SI from the specified activity is to 100 percent residual PBR). In that case, it becomes increasingly necessary to carefully consider whether there are other factors that could affect reproduction or survival (*e.g.*, take by Level A and/or Level B harassment that has been predicted to impact reproduction or survival of individuals) or whether any other considerations should be taken into account (*e.g.*, as information that illustrates high uncertainty involved in the calculation of PBR for some stocks).

Recognizing that the impacts of any authorized incidental take by Level A or Level B harassment from the specified activities would not combine with the effects of the authorized M/SI to adversely affect the stock through effects on recruitment or survival, if the authorized M/SI for the specified activity is less than residual PBR, the M/SI, alone, would be considered to have a negligible impact on the species or stock. In cases where the Tier 2 analysis is necessary (*i.e.*, total M/SI including the amount estimated to occur

incidental to the specific activity exceeds PBR), we again evaluate the estimated M/SI from the specified activity relative to the stock's PBR. If the M/SI from the specified activity is less than or equal to 10 percent of PBR and other major sources of human-caused mortality have mitigation in place, then the individual specified activity is considered to have a negligible impact on that stock. If the estimate exceeds 10 percent of PBR, then, absent other mitigating factors, the specified activity could be considered likely to have a non-negligible impact on that stock and additional analysis is necessary. As shown below, no Tier 2 analysis is necessary here for any of the stocks where take is authorized.

Overall, PBR is a conservative metric and not sufficiently precise to serve as an absolute predictor of population effects upon which mortality caps would appropriately be based. For example, in some cases stock abundance (which is one of three key inputs into the PBR calculation) is underestimated, which could result in an underestimate of PBR. Alternatively, we sometimes may not have complete M/SI data to compare to PBR, which could result in an overestimate of residual PBR. The accuracy and certainty around the data

that feed any PBR calculation, such as the abundance estimates, must be carefully considered to evaluate whether the calculated PBR accurately reflects the circumstances of the particular stock. PBR is helpful in informing the analysis of the effects of mortality on a species or stock because it is important from a biological perspective to be able to consider how the total mortality in a given year may affect the population. However, section 101(a)(5)(A)(i)(I) of the MMPA indicates that NMFS shall authorize the requested incidental take from a specified activity if we find that the total of such taking (*i.e.*, from the specified activity) will have a negligible impact on such species or stock. In other words, the task under the statute is to evaluate the applicant's anticipated take based on their take's impact on the species or stock, not other entities' impacts on the species or stock.

On June 17, 2020, NMFS finalized new Criteria for Determining Negligible Impact under MMPA section 101(a)(5)(E). The guidance explicitly notes the differences in the negligible impact determinations required under paragraph 101(a)(5)(E), as compared to paragraphs (a)(5)(A) and (D) of section 101, and specifies that the procedure in that document is limited to how the

agency conducts negligible impact analyses for commercial fisheries under section 101(a)(5)(E). In this rule, NMFS has described its method for considering PBR to evaluate the effects of potential mortality in the negligible impact analysis. NMFS has reviewed the 2020 guidance and determined that our consideration of PBR in the evaluation of mortality as described above and in the rule remains appropriate for use in the negligible impact analysis for TPWD's activities under section 101(a)(5)(A). Our evaluation of the M/SI for each of the stocks follows.

We first consider maximum potential incidental M/SI from the gillnet analysis for the affected stocks of bottlenose dolphin (table 5) in consideration of NMFS' threshold for identifying insignificant M/SI take. By considering the maximum potential incidental M/SI in relation to PBR and ongoing sources of anthropogenic mortality as described above, we begin our evaluation of whether the potential incremental addition of M/SI through gillnet interactions may affect the stocks' annual rates of recruitment or survival. We also consider the interaction of those mortalities with incidental taking of that stock by Level A harassment pursuant to the specified activity.

TABLE 7—SUMMARY INFORMATION OF BOTTLENOSE DOLPHIN STOCKS RELATED TO TPWD GILLNET FISHERY SURVEYS

Stock	Annual M/SI (specified activity)	PBR	Estimated annual M/SI (other activities)	Residual PBR (r-PBR) ¹	Take/r-PBR (%)
Laguna Madre	0.4	2	1.2 (0.6)	0.8 ³ (1.4)	50.0 ³ (28.6)
Nueces Bay/Corpus Christi Bay	0.4	14	0.6	13.4	3.0
Copano Bay/Aransas Bay/San Antonio Bay/ Redfish Bay/Espiritu Santo Bay	0.6	5	0.8 ³ (0.6)	4.2 ³ (4.4)	14.3 ³ (13.6)
Matagorda Bay/Tres Palacios Bay/Lavaca Bay	0.4	1.2 ³ (1.3)	0	1.2 ³ (1.3)	33.3
Galveston Bay/East Bay/Trinity Bay	0.2	6.3	² 1.4 ³ (1.2)	4.9 ³ (5.1)	4.0 ³ (3.9)
West Bay	0.2	0.3	0	0.3	66.6
Sabine Lake	0.2	0.9	0	0.9	22.2

¹ Residual PBR (r-PBR) = PBR-annual M/SI. No other M/SI is authorized for Texas BSE dolphin stocks.

² The estimated annual M/SI for the Galveston Bay, East Bay, Trinity Bay stock includes two additional serious injuries that were assigned to the wrong stock incorrectly in Maze-Foley and Garrison (2024). The annual M/SI estimate includes those additional serious injuries here.

³ Corrected M/SI values and resultant r-PBR and take/PBR ratio in the table. Values from the proposed rule can be found in parentheses.

As described above, NMFS' M/SI analytical approach may include two tiers, as applicable. Specifically, we first address stocks for which total known human-caused M/SI is below PBR (*i.e.*, the M/SI from the specified activity is below residual PBR), considering those with M/SI both below and above the insignificance threshold. Then, if applicable, we discuss stocks for which total mortality exceeds PBR in a Tier 2 analysis in which we compare the M/SI of the specified activity alone against PBR and consider other factors as necessary.

In this case, total M/SI, including the take here for authorization, is below PBR, indicating that the incremental addition of the take by M/SI anticipated to occur as a result of TPWD's survey activities would not alone result in greater than a negligible impact. The authorized take does not exceed the insignificance threshold (10 percent r-PBR) for the Nueces Bay/Corpus Christi Bay and Galveston Bay/East Bay/Trinity Bay stocks, and we do not further discuss the estimated M/SI take for those stocks. As noted above, for a species or stock with authorized M/SI less than 10 percent of residual PBR, we

consider M/SI from the specified activities to represent a clearly insignificant incremental increase in ongoing anthropogenic M/SI that alone (*i.e.*, in the absence of any other take and barring any other unusual circumstances) will clearly not adversely affect annual rates of recruitment and survival.

For the remaining stocks, the estimated take exceeds the insignificance threshold (while remaining below total r-PBR). As described above, if the total M/SI estimate is less than or equal to PBR, which is the case here, then the

specified activity is considered to have a negligible impact on that stock. Although the M/SI from takes authorized here for the specified activity is above the insignificance threshold, as described above, that does not indicate that the M/SI associated with the specified activities is necessarily approaching a level that would exceed negligible impact. Rather, it is used as a cue to look more closely if and when the M/SI for the specified activity approaches residual PBR, as it becomes increasingly necessary (the closer the M/SI from the specified activity is to 100 percent residual PBR) to carefully consider whether there are other factors that could affect reproduction or survival. Here, the M/SI is not closely approaching residual PBR (ranging from 14–67 percent of r-PBR) and there are no other factors that would suggest that the authorized mortality (alone) would have more than a negligible impact on this stock. For three stocks (Matagorda Bay/Tres Palacios Bay/Lavaca Bay, West Bay, and Sabine Lake), there is no other known source of M/SI according to Maze-Foley and Garrison (2024) and the Marine Mammal Stranding Database. The Laguna Madre and Copano Bay/Aransas Bay/San Antonio Bay/Redfish Bay/Espiritu Santo Bay have all experienced some M/SI from other sources over the most recent 5-year period for which data are available. However, the driving factor behind the

higher percentages of r-PBR is the small stock size which results in a low PBR, meaning that rare, isolated instances of M/SI can result in a low r-PBR. However, there is no sustained pattern of ongoing annual anthropogenic mortality for any of these stocks that would indicate cause for concern in relation to the take by M/SI that is estimated to occur as a result of TPWD’s activities. In addition, we must also still determine that any impacts on the species or stock from other types of take (*i.e.*, harassment) caused by the applicant do not combine with the impacts from mortality or serious injury addressed here to result in adverse effects on the species or stock through effects on annual rates of recruitment or survival. The rule also allows for a limited number of takes by non-serious injury for each stock (no more than 1 to 2 takes per stock by Level A harassment over the 5-year duration). Given the limited number of potential instances, these injuries are unlikely to be of a nature or level that would impact reproduction or survival. Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total marine mammal take from the activity will have

a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted previously, only take of small numbers of marine mammals may be authorized under section 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers. Therefore, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or stock abundance, the take is considered to be of small numbers (see 86 FR 5322, January 19, 2021). Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

The number of takes NMFS is authorizing is below one-third of the abundance for all of the bottlenose dolphins BSE stocks where take is authorized (table 8). The total annual number of takes authorized is no higher than one percent of the population for any of the affected Texas BSE stocks.

TABLE 8—AMOUNT OF TAKE OF TEXAS BSE BOTTLENOSE DOLPHIN STOCKS RELATIVE TO STOCK ABUNDANCE

Stock	Stock abundance	Total take (annual)	Percent of population authorized for take
Copano Bay/Aransas Bay/San Antonio Bay/Redfish Bay/Espiritu Santo Bay	¹ 669	1	0.2
Laguna Madre	¹ 222	0.6	0.3
Nueces Bay/Corpus Christi Bay	¹ 1,744	0.6	<0.1
Matagorda Bay/Tres Palacios Bay/Lavaca Bay	² 150	0.6	0.4
West Bay	³ 37	0.4	1.1
Galveston Bay/East Bay/Trinity Bay	³ 842	0.4	<0.1
Sabine Lake	³ 122	0.4	0.3

¹ Abundance values used for these stocks are the N_{min} calculated values from the Garrison (2025) report.

² The SEFSC conducted stock structure research (biopsy sampling surveys) from 2012–2014. During the biopsy sampling, photos were taken for photo-ID and 285 individual dolphins with distinct dorsal fins were identified within this stock boundaries (NMFS SEFSC, UNPUBLISHED DATA). Abundance value shown here is N_{best}.

³ Abundance values for these stocks come from the SARs.

Based on the analysis contained herein of the activity (including the mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals would be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act

Section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensures that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance with the issuance of

LOAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is authorized or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.*, the issuance of an LOA) with respect to potential impacts on the human environment.

Accordingly, NMFS has prepared an Environmental Assessment (EA) to evaluate the environmental impacts associated with the proposed issuance of the regulations and LOA. NMFS' draft EA was made available during the proposed rule public comment period. No comments on the EA were received. NMFS has issued a final EA and Finding of No Significant Impact (FONSI) available at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-texas-parks-and-wildlife-departments-independent-fisheries>.

Waiver of Delay in Effective Date

The Assistant Administrator for Fisheries has determined the requirement for a 30-day delay in the effective date of the regulations does not apply to this final rule because it relieves a restriction and because there is good cause for the rule to take effect upon publication. Section 553 of the APA provides that the required publication or service of a substantive rule shall be made not less than 30 days before its effective date with certain exceptions, including (1) for a substantive rule that relieves a restriction or (2) when the agency finds and provides good cause for foregoing delayed effectiveness. (5 U.S.C. 553(d)(1), (d)(3)). Here, consistent with the APA, 5 U.S.C. 553(d)(1), the issuance of regulations under section 101(a)(5)(A) of the MMPA is a substantive rule that relieves the statutory prohibition on the taking of marine mammals, specifically, the incidental taking of marine mammals associated with the specified activities. TPWD staff conducting fisheries sampling are prohibited from taking marine mammals incidental to their specified activities until these regulations are effective.

The Assistant Administrator has also determined that there is good cause

under the APA (5 U.S.C. 553(d)(3)) to waive the 30-day delay in the effective date of this final rule. No individual or entity, other than TPWD will avail themselves of the take authorization afforded by this rule and regulations, are affected by the provisions of these regulations, and TPWD staff do not require 30 days to prepare for implementation of the regulations. The regulated entity, TPWD, has informed NMFS that it requests that this final rule take effect by August 1, 2026 to ensure that TPWD has sufficient time to plan for the fall sampling season.

For these reasons, NMFS finds that the 30-day delay in the effective date requirement does not apply to this final rule.

Classification

Executive Order 12866

The Office of Management and Budget determined that this final rule is not significant for purposes of Executive Order (E.O.) 12866.

Executive Order 14192

This rule is not an E.O. 14192 regulatory action because this action is not significant under E.O. 12866.

Regulatory Flexibility Act (RFA)

Pursuant to section 605(b) of the RFA, the Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action will not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis is not required, and none has been prepared.

Paperwork Reduction Act (PRA)

This final rule contains collection-of-information requirements subject to the provisions of the PRA. These requirements have been approved by OMB under control number 0648–0151 “Applications and Reporting Requirements for the Incidental Take of Marine Mammals by Specified Activities Under the Marine Mammal Protection Act” and include the applications for regulations, subsequent LOAs, and reports. Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of

information displays a currently valid OMB control number.

The current information collection approved by OMB under control number 0648–0151 includes burden estimates for incidental take authorizations issued under the MMPA. The current numbers approved under 0648–0151 are as follows: 576 respondents, 576 responses, 70,236 burden hours, and \$2,892,557 in labor and miscellaneous costs. This current rulemaking is expected to result in the following burden estimates; 1 respondent, 13 responses, and 9,302 burden hours, \$136,823 in labor and miscellaneous costs. The burden hours in this rule fall within the existing burden estimates associated with this control number.

List of Subjects in 50 CFR 217

Fish, Endangered and threatened species, Marine mammals, Mitigation and monitoring requirements, Reporting and recordkeeping requirements, Wildlife.

Dated: July 15, 2026.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS amends 50 CFR part 217 as follows:

PART 217—REGULATIONS GOVERNING THE TAKE OF MARINE MAMMALS INCIDENTAL TO SPECIFIED ACTIVITIES

■ 1. The authority citation for part 217 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*, unless otherwise noted.

■ 2. Add subpart J to read as follows

Subpart J—Taking Marine Mammals Incidental to Texas Parks and Wildlife Department Fisheries Research

Sec.

- 217.90 Specified activity and geographical region.
- 217.91 Effective dates.
- 217.92 Permissible methods of taking.
- 217.93 Prohibitions.
- 217.94 Mitigation requirements.
- 217.95 Requirements for monitoring and reporting.
- 217.96 Letters of Authorization.
- 217.97 Renewals and modifications of Letters of Authorization.
- 217.98–217.99 [Reserved]

Subpart J—Taking Marine Mammals Incidental to Texas Parks and Wildlife Department Fisheries Research

§ 217.90 Specified activity and geographical region.

(a) Regulations in this subpart apply only to the Texas Parks and Wildlife Department (TPWD) and those persons acting under its authority during fishery research surveys and authorize the incidental taking of marine mammals that occurs in the area outlined in paragraph (b) of this section and that occurs incidental to research survey program operations. Requirements

imposed upon TPWD must be implemented by those persons the TPWD authorizes or funds to conduct activities on its behalf.

(b) The taking of marine mammals by TPWD may be authorized in a letter of authorization (LOA) only if the taking occurs within the following Texas bays: Matagorda, Tres Palacios, Lavaca Bay (Includes Lavaca and Tres Palacios with the eastern limit is roughly Caney Creek), Copano Bay, San Antonio, Aransas, Redfish, Espiritu Santo (bounded by the Matagorda Island barrier and the Espiritu Santo Bay flats), Corpus Christi and Nueces Bay

(Northern limit at Mesquite Bay; southern limit at the Upper Laguna Madre flats), upper Laguna Madre and lower Laguna Madre (From the John F. Kennedy Memorial Causeway (27.648 N, 97.276 W) south to the Rio Grande), West Bay (From the I-45 Causeway southwest to Drum Bay/San Luis Pass area), Galveston, East, Trinity Bay (Southwest boundary is the I-45 Galveston Causeway Bridge (29.288 N, 94.888 W) Includes Bolivar Roads), and Sabine Lake (From the Sabine Pass jetties east to the Louisiana border). See Figure 2.

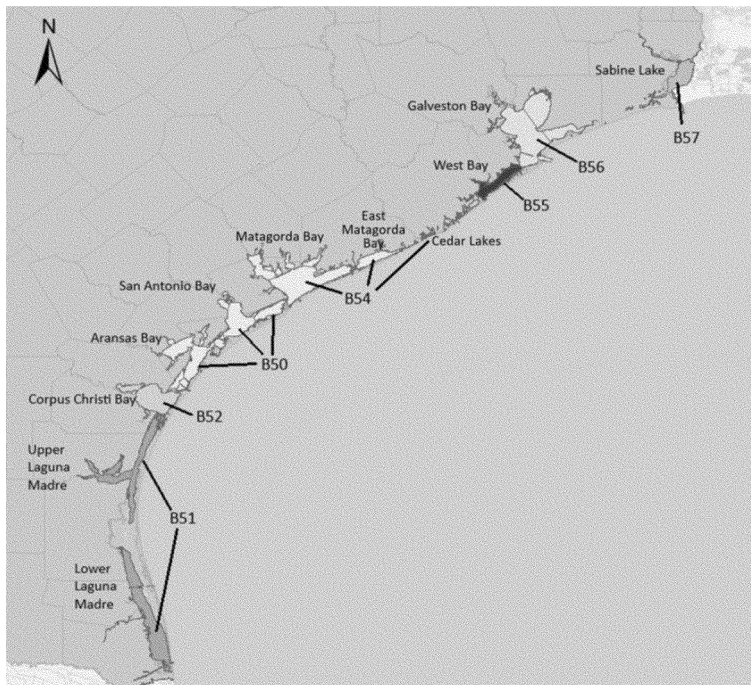


Figure 2. Texas Bays Sound and Estuary Stock Boundaries

§ 217.91 Effective dates.

Regulations under this subpart are effective from August 1, 2026, through July 31, 2031.

§ 217.92 Permissible methods of taking.

Under a LOA issued pursuant to §§ 216.106 of this chapter and 217.96, the holder of the LOA (hereinafter “TPWD”) may incidentally, but not intentionally, take marine mammals within the areas described in § 217.90 by Level A harassment, serious injury, or mortality associated with fisheries research provided the activity is in compliance with all terms, conditions, and requirements of the regulations in this subpart and the relevant LOA.

§ 217.93 Prohibitions.

(a) Except for the taking permitted in § 217.90 and authorized by the LOA issued under § 216.106 of this chapter, it is unlawful for any person to do any of the following in connection with the specified activities:

(1) Violate or fail to comply with the terms, conditions, and requirements of this subpart or the LOA issued under this subpart;

(2) Take any marine mammal not specified in § 217.90;

(3) Take any marine mammal specified in the LOA in any manner other than as specified in the LOA;

(4) Take any marine mammal specified in § 217.90 after NMFS determines such taking results in more

than a negligible impact on the species or stock of such marine mammal; or

(5) Take any marine mammal specified in § 217.90 after NMFS determines such taking results in an unmitigable adverse impact on the species or stock of such marine mammal for taking for subsistence uses.

(b) [Reserved]

§ 217.94 Mitigation requirements.

(a) When conducting the activities identified in § 217.90(a), the mitigation measures contained in this subpart and any LOA issued under §§ 216.106 and 217.96 of must be implemented by TPWD. These mitigation measures include:

(1) Only new or fully repaired gillnets may be used.

(2) TPWD must use gillnets with 2,101 hangings which connect the net to the float and lead line, with all hangings less than or equal to 4 inch (in) or 10 centimeters (cm) along the float and lead line.

(3) TPWD must set gillnets to ensure each gillnet is set as tight as possible from the surface to the seafloor and has marker buoys attached with ropes to the junctures of each mesh size and the end of the net as short as possible.

(4) If any bottlenose dolphins are present, deployment of gillnets shall not occur until all dolphins have left the area.

(5) If bottlenose dolphins enter the area while a gillnet is being set, the lead line shall be raised and lowered repeatedly to encourage the animals to leave the site. If bottlenose dolphins remain in the area, the gillnet must be hauled back onto the vessel, and an alternative site must be selected.

(6) Any live captured marine mammals must be released from the gillnet gear and returned to the water as soon as possible with no gear or as little gear as possible remaining on the animal. Animals must be released without removing them from the water.

(7) TPWD must not set gillnets in grids where dolphins have been taken on more than one occasion or where multiple adjacent grids have had at least one dolphin encounter.

(8) TPWD must implement a “last out/first in” set strategy at sites where bottlenose dolphins have been encountered within the last 5-years. A net set in this manner will be deployed last for the day and retrieved first on the next day.

(b) [Reserved]

§ 217.95 Requirements for monitoring and reporting.

(a) *Staff training.* TPWD staff must attend a safe handling, release, and identification workshop. TPWD shall ensure that at least one staff member on every gillnet sampling trip has had the training. TPWD shall hold staff meetings prior to the start of each gillnet season which will include: special instructions for handling bottlenose dolphins, scanning for the presence of dolphins prior to gillnet sets, scanning nets for entanglements, and what to do if there is an entanglement.

(b) *Visual monitoring.* TPWD staff must slow the vessel between 600 to 1000 feet (ft) (183 to 305 meters (m)) from the shoreline when approaching a sampling site. All staff members would scan the surface of the water for 15 minutes to watch and listen for surface activity prior to setting the nets. If a bottlenose dolphin is observed during

the 15-minute observation period at the site, the net shall not be deployed. If bottlenose dolphins are observed, the net may only be deployed if the bottlenose dolphins are observed on a path away from the site consistently for 15 minutes or are not re-sighted within 15 minutes.

(c) *Reporting of injured or dead marine mammals.*

(1) In the event that the activity defined in § 217.90(a) causes the take of a marine mammal in a prohibited manner, TPWD shall not set any more nets until such time as an appropriate decision regarding the activity continuation can be made by NMFS Office of Protected Resources (OPR). OPR will review the circumstances of the prohibited take and determine what measures are necessary to minimize the likelihood of further prohibited take. The report must include the information included in paragraph (c)(2) of this section, details of research survey, monitoring conducted prior to interaction, full descriptions of any observations of the animals, the context (vessel and conditions), decisions made, and rationale for decisions made in vessel and gear handling.

(2) TPWD shall report all marine mammals encounters observed during fishery research surveys that are not attributed to the specified activity to the Southeast Regional Stranding Coordinator within 24 hours. The following information shall be provided:

(i) Time, date, and location (latitude/longitude) of the incident;

(ii) Description of the incident including, but not limited to, monitoring prior to and occurring at time of incident;

(iii) Environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, visibility);

(iv) Description of the animal(s) involved (e.g., size, age class);

(v) Water depth and net location where entangled;

(vi) Nature of the entanglement (i.e., part(s) of the animal(s) entangled, where in the net it was entangled);

(vii) Fate of the animal(s);

(viii) Detailed description of events, including how the animal(s) was disentangled and behavior upon release, including signs of injury (if alive); and

(ix) Photographs or video footage of the animal(s).

(d) *Annual reporting.*

(1) TPWD shall submit an annual summary report to OPR not later than 90 days following the end of the fall sampling season. TPWD shall provide a final report within 30 days following resolution of comments on the draft report.

(2) These reports shall contain, at minimum, the following:

(i) Locations and time/date of all net sets;

(ii) All instances of marine mammal observations and descriptions of any mitigation procedures implemented or not implemented and why;

(iii) All incidents of marine mammal interactions, including all information required in paragraph (b) of this section;

(iv) A written evaluation of the effectiveness of TPWD mitigation strategies in reducing the number of marine mammal interactions with survey gear, including gear modifications and best professional judgment and suggestions for changes to the mitigation strategies, if any; and

(v) A summary of all relevant marine mammal training and any coordination with OPR.

§ 217.96 Letters of Authorization.

(a) To incidentally take marine mammals pursuant to these regulations, TPWD must apply for and obtain an LOA.

(b) An LOA, unless suspended or revoked, may be effective for a period of time not to exceed the expiration date of these regulations.

(c) In the event of projected changes to the activity or to mitigation and monitoring measures required by an LOA, TPWD must apply for and obtain a modification of the LOA as described in § 217.97.

(d) The LOA shall set forth:

(1) Permissible methods of incidental taking;

(2) Means of effecting the least practicable adverse impact (i.e., mitigation) on the species, its habitat, and on the availability of the species for subsistence uses; and

(3) Requirements for monitoring and reporting.

(e) Issuance of the LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations.

(f) Notice of issuance or denial of an LOA shall be published in the **Federal Register** within 30 days of a determination.

§ 217.97 Renewals and modifications of Letters of Authorization.

(a) An LOA issued under §§ 216.106 of this chapter and 217.96 for the activity identified in § 217.90(a) shall be renewed or modified upon request by the applicant, provided that:

(1) The specified activity and mitigation, monitoring, and reporting measures, as well as the anticipated impacts, are the same as those described

and analyzed for these regulations (excluding changes made pursuant to the adaptive management provision in paragraph (c)(1) of this section); and

(2) OPR determines that the mitigation, monitoring, and reporting measures required by the previous LOA under these regulations were implemented;

(b) For an LOA modification or renewal requests by the applicant that include changes to the activity or the mitigation, monitoring, or reporting (excluding changes made pursuant to the adaptive management provision in paragraph (c)(1) of this section) that do not change the findings made for the regulations or result in no more than a minor change in the total estimated number of takes (or distribution by species or years), OPR may publish a notice of proposed LOA in the **Federal Register**, including the associated analysis of the change, and solicit public comment before issuing the LOA.

(c) An LOA issued under §§ 216.106 of this chapter and 217.96 for the activity identified in § 217.90(a) may be modified by Office of Protected Resources (OPR) under the following circumstances:

(1) Adaptive management. OPR may modify or augment the existing mitigation, monitoring, or reporting measures (after consulting with SEFSC regarding the practicability of the modifications) if doing so creates a reasonable likelihood of more effectively accomplishing the goals of the mitigation and monitoring set forth in the preamble for these regulations.

(i) If, through adaptive management, the modifications to the mitigation, monitoring, or reporting measures are substantial, OPR will publish a notice of proposed LOA in the **Federal Register** and solicit public comment.

(ii) [Reserved]

(2) Emergencies. If OPR determines that an emergency exists that poses a significant risk to the well-being of the species or stocks of marine mammals specified in LOAs issued pursuant to §§ 216.106 of this chapter and 219.97, an LOA may be modified without prior notice or opportunity for public comment. A notice would be published in the **Federal Register** within 30 days of the action.

§§ 217.98–217.99 [Reserved]

[FR Doc. 2026–14578 Filed 7–17–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[RTID 0648–XF866; Docket No. 260611–0141]

Pacific Halibut Fisheries of the West Coast; Inseason Action for the 2026 Area 2A Pacific Halibut Directed Commercial Fishery

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; inseason adjustment.

SUMMARY: NMFS announces an inseason action for the 2026 Pacific halibut non-Tribal directed commercial fishery in the International Pacific Halibut Commission's (IPHC) regulatory Area 2A. This action adds a fishing period, July 21 through July 23, 2026, with a fishing period catch limit of 5,000 pounds (lb) (2.27 metric tons (mt)) per vessel, dressed weight. This action is intended to provide additional opportunity for the fleet to achieve the 2026 non-Tribal directed commercial fishery allocation.

DATES: Effective July 21, 2026, through July 23, 2026.

FOR FURTHER INFORMATION CONTACT: Louis Forristall, West Coast Region, NMFS, (503) 230–5410, louis.forristall@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

On June 16, 2026, NMFS published a final rule implementing fishing periods (*i.e.*, season dates) and fishing period limits (*i.e.*, vessel catch limits) for the IPHC Area 2A Pacific halibut non-Tribal directed commercial fishery that operates south of Point Chehalis, WA, lat. 46°53.30' N (91 FR 36094). The Area 2A non-Tribal directed commercial fishery allocation for 2026 is 261,211 lb (118 mt), net weight (*i.e.*, the weight of Pacific halibut that is without gills and entrails, head off, washed, and without ice and slime) (91 FR 14464, March 25, 2026).

The initial fishing periods for the 2026 fishery occurred June 23–25 and July 7–9, 2026, with fishing period limits ranging from 2,000 to 5,000 lb (0.907 to 2.268 mt), varying by vessel size class. Landings information to date indicates that sufficient allocation remains to warrant an additional fishing period. Approximately 116,780 lb (53.0

mt), net weight, have been harvested of the 261,211 lb (118 mt) allocation (45 percent), through July 15, 2026, leaving 144,431 lb (65.5 mt) remaining (55 percent).

NMFS is implementing an additional fishing period in accordance with 50 CFR 300.63(e)(1)(iii). Pursuant to the final rule for the 2026 fishery (91 FR 36094, June 16, 2026), fishing period limits for any additional fishing period(s) implemented through inseason action will be equal across vessel size classes and developed based on the estimated remaining allocation to date, projected participation, and catch rates for the additional fishing period.

NMFS has determined that the following inseason action is necessary to meet the management objective of attaining the non-Tribal directed commercial fishery's 2026 allocation, not anticipated to risk exceeding the allocation, and consistent with the inseason management provisions at 50 CFR 300.63(e)(1)(iii).

Inseason Action

This inseason action implements an additional fishing period, beginning July 21, 2026, at 8 a.m. PDT and ending on July 23, 2026, at 6 p.m. PDT. This inseason action also implements a fishing period catch limit of 5,000 lb (2.27 mt) per vessel, dressed weight (head on, with ice and slime), for all vessel size classes, during this fishing period.

On July 15, 2026, notice of this inseason action was sent via email notification directly to the affected public and posted on the NMFS website: <https://www.fisheries.noaa.gov/bulletin/inseason-notice-west-coast-pacific-halibut-directed-commercial-fishery-3rd-fishing-period>.

Classification

NMFS issues this action pursuant to the Northern Pacific Halibut Act of 1982. This action is taken under the regulatory authority at 50 CFR 300.63(e)(1)(iii) and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(3)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. There is good cause to waive prior notice and an opportunity for public comment on this inseason action because the public had an opportunity to comment on the final rule implementing the 2026 non-Tribal directed commercial Pacific halibut fishery in Area 2A. The final rule specifically provided that additional fishing periods and fishing period limits

may be set through inseason action during the 2026 fishing season, in accordance with 50 CFR 300.63(e)(1)(iii), if another fishing period(s) is deemed necessary to attain the 2026 allocation. The final rule further specified that NMFS would open a third 58-hour fishing period on July 21, 2026, at 8 a.m. PDT that would close on July 23, 2026, at 6 p.m. PDT, through inseason action, if a third fishing period is necessary to reach the allocation. The final rule for the 2026 non-Tribal directed commercial fishery was subject to notice and comment rulemaking. Therefore, the public had specific notice and an opportunity to comment on NMFS' intent to implement inseason action to open this third fishing period for the non-Tribal directed commercial fishery during that rulemaking process.

Second, the California, Oregon, and Washington Departments of Fish and Wildlife provide estimated harvest data to NMFS in season, tracking the estimated catch of Pacific halibut within the fishery to date. As of July 15, 2026, the Area 2A non-Tribal directed commercial fishery caught an estimated 45 percent of the fishery's 2026 allocation. NMFS uses current fishery harvest and participation estimates, and fishing period catches from prior years, to determine whether additional fishing periods are necessary to reach the fishery's annual allocation, and to set fishing period limits for any additional fishing periods set through inseason action. Given that harvest in the first two fishing periods for the 2026 fishery is estimated to be below the allocation, a third fishing period is considered necessary to maximize the opportunity and likelihood that the fishery will attain its 2026 allocation.

The final rule implementing the 2026 fishing season sets the regulated public's expectations for both the initial and additional fishing periods for the fishery by setting a prescribed schedule in the final rule (91 FR 36094, June 16, 2026). The regulated public needs sufficient time to plan for additional fishing periods and makes business planning decisions for the 2026 season, accordingly. The annual directed commercial fishing season for Pacific halibut in Area 2A is relatively short and occurs primarily during the summer months. As such, implementing this action through proposed and final rulemaking would limit the benefit this action would provide to fishery participants and there is good cause to waive notice and comment rulemaking under 5 U.S.C. 553(b)(3)(B). Specifically, delaying this inseason action for notice and comment rulemaking would be impracticable and

contrary to the public interest because it would limit the rule's ability to create meaningful opportunity for the fishery to achieve its 2026 allocation. Without implementation of an additional fishing period, the fishery allocation would not be reached. This would eliminate economic benefits for fishery participants and be inconsistent with the goals of the Catch Sharing Plan. Finally, no aspect of this action is controversial, and changes of this nature were anticipated in the process described in regulations at 50 CFR 300.63(e)(1)(iii) and in the final rule (91 FR 36094, June 16, 2026).

NMFS has also determined that the 30-day delay in the date of effectiveness required by 5 U.S.C. 553(d) does not apply to this inseason action because this action relieves a restriction on the fishery and there is good cause to waive the requirement pursuant to 5 U.S.C. 553(d)(1) and (d)(3), respectively.

The 30-day delay in effective date requirement pursuant to 5 U.S.C. 553(d)(1) does not apply to this inseason action because this inseason action relieves a restriction by allowing participants to fish on the additional fishing dates outlined in the final rule. Waiving the 30-day delay in effectiveness thus provides additional opportunity for commercial Pacific halibut fishermen to harvest Pacific halibut and increases the likelihood of full utilization of the 2026 allocations in Area 2A.

Additionally, there is good cause pursuant to 5 U.S.C. 553(d)(3) to establish an effective date less than 30 days after the date of publication, as a delay in effectiveness of this action would: (1) constrain fishing opportunity; (2) be inconsistent with the goals of the Catch Sharing Plan; and (3) potentially limit the economic opportunity intended by this rule to the associated fishing communities. NMFS regulations allow for implementing additional fishing periods and setting period limits for the directed commercial fishery inseason in order to provide opportunity for the fishery to achieve its annual allocation, so long as this additional fishing will not result in exceeding the catch limit for the fishery. NMFS recently received landings data for the non-Tribal directed commercial fishery, that indicates that an additional fishing period is necessary to ensure optimal harvest of the allocation. The non-Tribal directed commercial fishery's season is limited. Thus, timely action to implement additional fishing periods is necessary to achieve the allocation. It is therefore in the public interest that this action is not delayed, because a delay in the effectiveness of

this additional fishing period could prevent the allocation objectives of the Area 2A Pacific halibut non-Tribal directed commercial fishery from being met.

Authority: 16 U.S.C. 773–773k.

Dated: July 15, 2026.

Shannon Bettridge,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026–14551 Filed 7–17–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 220919–0193; RTID 0648–XF885]

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Closure of the Harpoon Category Fishery for 2026

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS closes the Harpoon category fishery for large medium and giant (*i.e.*, measuring 73 inches (185 centimeters (cm)) curved fork length (CFL) or greater) Atlantic bluefin tuna (BFT) for the remainder of the 2026 fishing year. This closure applies to Atlantic Tunas Harpoon category permitted vessels.

DATES: Effective 11:30 p.m., local time, July 17, 2026, through December 31, 2026.

FOR FURTHER INFORMATION CONTACT:

Larry Redd, Jr., larry.redd@noaa.gov, or Becky Curtis, becky.curtis@noaa.gov, by email, or by phone at 301–427–8503.

SUPPLEMENTARY INFORMATION: Atlantic BFT fisheries are managed under the 2006 Consolidated Highly Migratory Species Fishery Management Plan (HMS FMP) and its amendments, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). ATCA is the implementing statute for binding recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The HMS FMP and its amendments are implemented by regulations at 50 CFR part 635. Section 635.27(a) divides the U.S. BFT quota, established by ICCAT

and as implemented by the United States among the various domestic fishing categories, per the allocations established in the HMS FMP and its amendments. NMFS is required under the Magnuson-Stevens Act at 16 U.S.C. 1854(g)(1)(D) to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas under relevant international fishery agreements such as the ICCAT Convention, which is implemented domestically pursuant to ATCA.

Under § 635.28(a)(1), NMFS files a closure notice with the Office of the Federal Register for publication when a BFT quota (or subquota) is reached or is projected to be reached. Retaining, possessing, or landing BFT under that quota category is prohibited on and after the effective date and time of a closure notice for that category, for the remainder of the fishing year, until the opening of the subsequent quota period or until such date as specified.

As described in § 635.27(a), the current baseline U.S. BFT quota is 1,316.14 metric tons (mt) (not including the 25 mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area per § 635.27(a)(3)). The Harpoon category baseline quota is 59.2 mt. On July 14, 2026, NMFS adjusted the Harpoon category quota to be 65.6 mt (91 FR 43571, July 16, 2026). As described under § 635.27(a)(4), the Harpoon category quota is available from June 1 through November 15 of each year.

Separate from this action, NMFS published a proposed rulemaking that would implement the 2025 ICCAT recommendation (Recommendation 25–05) regarding western BFT management (91 FR 24789, May 7, 2026). Consistent with the recommendation, that proposed rule would increase the baseline U.S. BFT quota from 1,316.14 to 1,509.98 mt and adjust all the subquotas accordingly. In that proposed rule, the Harpoon category baseline quota would increase from 59.2 to 67.9 mt. The comment period on that proposed rule ended on June 8, 2026. Any final rule implementing ICCAT Recommendation 25–05 would likely be effective in mid-2026 or later.

Closure of the 2026 BFT Harpoon Category Fishery

To date, reported landings for the Harpoon category total approximately

72.8 mt. Based on that consideration and the current landings data, as well as average catch rates and anticipated fishing conditions, NMFS has determined that the Harpoon category adjusted quota of 65.6 mt has been reached and exceeded, and that the Harpoon category should be closed. Therefore, retaining, possessing, or landing large medium or giant (*i.e.*, measuring 73 inches (185 cm) CFL or greater) BFT by persons aboard vessels permitted in the Harpoon category must cease at 11:30 p.m. local time on July 17, 2026. At this time, NMFS is closing the Harpoon category BFT fishery for the remainder of the Harpoon category season, which ends November 15, 2026, and thus for the year. Should NMFS determine that reasonable fishing opportunities are available at a later date, NMFS may reopen the fishery. The Harpoon category will reopen automatically on June 1, 2027, for the 2027 fishing year. This action applies to Atlantic Tunas Harpoon category (commercial) permitted vessels, and is taken consistent with the regulations at § 635.28(a)(1).

Monitoring and Reporting

NMFS will continue to monitor the BFT fisheries closely. Per § 635.5(b)(2)(i)(A), dealers are required to submit landing reports within 24 hours of a dealer receiving BFT. Late reporting by dealers compromises NMFS' ability to timely implement actions such as quota and retention limit adjustments, as well as closures, and may result in enforcement actions. Additionally, and separate from the dealer-reporting requirement, Harpoon category vessel owners are required per § 635.5(a)(4) to report their own catch of all BFT retained or discarded dead within 24 hours of the landing(s) or end of each trip, by accessing <https://hmspermits.noaa.gov>, using the HMS Catch Reporting app, or calling 888–872–8862 (Monday through Friday from 8 a.m. until 4:30 p.m. Eastern Time).

Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional adjustments are necessary to ensure available subquotas are not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may access [https://](https://hmspermits.noaa.gov)

hmspermits.noaa.gov, for updates on quota monitoring and inseason adjustments.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act (16 U.S.C. 1855(d)) and regulations at 50 CFR part 635 and this action is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS (AA) finds that pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice of, and an opportunity for public comment on, this action because it is impracticable and contrary to the public interest for the following reasons. Specifically, the regulations implementing the HMS FMP and its amendments provide for inseason retention limit adjustments and fishery closures to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Providing for prior notice and opportunity to comment is impracticable and contrary to the public interest as this fishery is currently underway and, based on the most recent landings information, the 2026 adjusted quota for the Harpoon category has been reached and exceeded. Delaying this action could result in BFT landings which would further exceed the 2026 Harpoon category adjusted quota, which may result in future potential quota reductions for other BFT categories or the 2027 Harpoon category quota, depending on the magnitude of a potential Harpoon category overharvest. NMFS notes that the public had an opportunity to comment on the underlying rulemakings that established the U.S. BFT quota and the inseason adjustment and closure criteria.

For all of the above reasons, the AA also finds that pursuant to 5 U.S.C. 553(d)(3), there is good cause to waive the 30-day delay in effectiveness.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: July 16, 2026.

Shannon Bettridge,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026–14592 Filed 7–16–26; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 91, No. 137

Monday, July 20, 2026

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2026-8220; Airspace
Docket No. 26-ASO-13]

RIN 2120-AA66

Amendment of Class D Airspace and Class E Airspace Over Augusta, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class D and Class E airspace over Augusta, GA. This action would update the references to the name of Augusta Regional Airport at Bush Field in the Class D and Class E2 airspace legal descriptions. This action would also correct the verbiage referencing Notices to Airmen and the Chart Supplement in the Class D and Class E2 airspace legal descriptions. This action would also modify the Augusta, GA Class E5 airspace by adding to the southern portion of the airspace. This action would also update the name of the Wellstar MCG/Wellstar Children's Hospital of Georgia Heliport in the Class E5 airspace legal description.

DATES: Comments must be received on or before September 3, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA-2026-8220 and Airspace Docket No. 26-ASO-13 using any of the following methods:

* *Federal eRulemaking Portal:* Go to www.regulations.gov and follow the online instructions for sending your comments electronically.

* *Mail:* Docket Operations, M-30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W58-213, West Building, 5th Floor, Washington, DC 20590-0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W58-213 of the West Building, 5th Floor at 1200 New Jersey Avenue

SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except for Federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493-2251.

Docket: Background documents or comments received may be read at www.regulations.gov at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W58-213 of the West Building, 5th Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except for Federal holidays.

FAA Order JO 7400.11K Airspace Designations and Reporting Points and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. You may also contact the Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20597; Telephone: (202) 267-8783.

FOR FURTHER INFORMATION CONTACT: Marc Ellerbee, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305-5589.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class D and Class E airspace in Augusta, GA.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental,

and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edits, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at www.regulations.gov. Recently published rulemaking documents can also be accessed through the FAA's web page at www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during regular business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

Incorporation by Reference

Class D and Class E airspace designations are published in

paragraphs 5000, 6002 and 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These updates would be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the ADDRESSES section of this document.

The Proposal

This action proposes to amend 14 CFR part 71 by modifying Class D and Class E airspace over Augusta, GA. A review of the Augusta, GA Class D and Class E airspace revealed a need for an increase to the lateral dimensions of the Class E5 airspace due to current IFR operations not being sufficiently contained, specifically on the ILS/LOC RWY 35 IAP. This action would increase the size of the Class E5 airspace by widening the southern portion by 0.4 miles east to west and extending it 1.6 miles to the south.

This action would also update the airport name of Augusta Regional Airport at Bush Field in the Class D and Class E2 airspace legal descriptions. This action would also correct verbiage in the Class D airspace legal description from “Notice of Airmen” to “Notice to Airmen.” This action would also update the superseded reference to the “Airport/Facility Directory” to “Chart Supplement” in both the Class D and Class E2 airspace legal descriptions in accordance with current FAA naming conventions. This action would also update the name of the Wellstar MCG/Wellstar Children’s Hospital of Georgia Heliport in the Class E5 airspace legal description.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Order 2100.6B, “Rulemaking and Guidance Procedure” (March 10, 2025); and (3) is expected to result in, at most, de minimis costs from compliance with applicable operating requirements or minor flight rerouting for operators choosing to navigate around the controlled airspace. Since

these proposed amendments are routine and the expected impact to operators is de minimis, the FAA certifies that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1G, “FAA National Environmental Policy Act Implementing Procedures” prior to any FAA final regulatory action.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11K, Airspace Designations and Reporting Points, dated August 4, 2025, and effective September 15, 2025, is amended as follows:

Paragraph 5000 Class D Airspace.
* * * * *

ASO GA D Augusta, GA [Amended]

Augusta Regional Airport at Bush Field, GA (Lat. 33°22’12” N, long. 81°57’52” W)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 5.3-mile radius of the Augusta Regional Airport at Bush Field. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.
* * * * *

ASO GA E2 Augusta, GA [Amended]

Augusta Regional Airport at Bush Field, GA (Lat. 33°22’12” N, long. 81°57’52” W)

That airspace extending upward from the surface within a 5.3-mile radius of the

Augusta Regional Airport at Bush Field. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASO GA E5 Augusta, GA [Amended]

Augusta Regional Airport at Bush Field, GA (Lat. 33°22’12” N, long. 81°57’52” W) Daniel Field

(Lat. 33°28’00” N, long. 82°02’22” W) Wellstar MCG/Wellstar Children’s Hospital of Georgia Heliport (Lat. 33°28’17” N, long. 81°59’17” W) Emory NDB (Lat. 33°27’46” N, long. 81°59’49” W)

That airspace extending upward from 700 feet above the surface within an 8.6-mile radius of Augusta Regional Airport at Bush Field and within 3.4 miles each side of the 169° bearing from the airport extending from the 8.6-mile radius to 14.1 miles south of the airport, and within a 7-mile radius of Daniel Field, and within a 6-mile radius of Wellstar MCG/Wellstar Children’s Hospital of Georgia Heliport, and within 8 miles west and 4 miles east of the 349° bearing from the Emory NDB extending from the 7-mile radius of Daniel Field and the 6-mile radius of Wellstar MCG/Wellstar Children’s Hospital of Georgia Heliport to 16 miles north of the Emory NDB.

* * * * *

Issued in College Park, Georgia, on July 15, 2026.

Kristen Leake,

Acting Manager, Airspace & Procedures South Team, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2026–14559 Filed 7–17–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–7895; Airspace Docket No. 25–AGL–14]

RIN 2120–AA66

Amendment of Jet Routes J–190 and J–584 and Very High Frequency Omnidirectional Range Federal Airways V–170 and V–188 in the Vicinity of Slate Run, Pennsylvania

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Jet Routes J–190 and J–584 and

Very High Frequency Omnidirectional Range (VOR) Federal Airways V-170 and V-188 in the vicinity of Slate Run, Pennsylvania. The FAA is proposing this action due to the planned decommissioning of the VOR portion of the Slate Run VOR/Tactical Air Navigation (VORTAC) navigational aid (NAVAID). The VOR portion of this NAVAID is being decommissioned as part of the FAA's VOR Minimum Operational Network (MON) program. The Distance Measuring Equipment (DME) portion of this NAVAID will be retained.

DATES: Comments must be received on or before September 3, 2026.

ADDRESSES: Send comments identified by FAA Docket No. FAA-2025-7895 and Airspace Docket No. 25-AGL-14 using any of the following methods:

* *Federal eRulemaking Portal:* Go to www.regulations.gov and follow the online instructions for sending your comments electronically.

* *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W58-213, West Building, 5th Floor, Washington, DC 20590-0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W58-213 of the West Building, 5th Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493-2251.

Docket: Background documents or comments received may be read at www.regulations.gov at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W58-213 of the West Building, 5th Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FAA Order JO 7400.11K, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. You may also contact the Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

FOR FURTHER INFORMATION CONTACT: Steven Roff, Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the airway structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at www.regulations.gov. Recently published rulemaking documents can also be accessed through the FAA's web page at www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the office of the Operations Support Group, Central Service Center, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Incorporation by Reference

Jet Routes are published in paragraph 2004 and VOR Federal Airways are published in paragraph 6010 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. These updates would be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

Background

The FAA is planning to decommission the VOR portion of the Slate Run, PA, VORTAC (SLT) in support of the FAA's VOR MON program as listed in the Final policy statement notice, "Provision of Navigation Services for the Next Generation Air Transportation System (NextGen) Transition to Performance-Based Navigation (PBN) (Plan for Establishing a VOR Minimum Operational Network)," published in the **Federal Register** on July 26, 2016 (81 FR 48694), Docket No. FAA-2011-1082.

Although the VOR portion of the Slate Run VORTAC is planned for decommissioning, the co-located DME portion of the NAVAID is being retained. The DME portion is being retained in support of current and future NextGen PBN procedures. The Air Traffic Service (ATS) routes affected by the planned decommissioning of the Slate Run VOR are J-190, J-584, V-170, and V-188.

With the planned decommissioning of the SLT VOR, the remaining ground-based NAVAIDs in the area will not support the continuity of the above-mentioned ATS routes. As such, proposed modifications to J-190 and V-188 would result in shortened routes, modifications to V-170 and J-584 would result in a gap in the routes. To overcome the gaps and shortened routes, pilots may circumnavigate the affected area via the use of adjacent VOR Federal Airways (including V-226, V-232, V-164, and V-35), via adjacent Jet Routes (J-170, J-106, and J-217), or request air traffic control radar vectors through the area. Additionally, IFR pilots equipped with RNAV PBN capabilities could also navigate point to point using the existing fixes that will remain in place to support continued operations through the affected area, via Area Navigation Routes (Q-190, Q-186, and Q-476), or use Area Navigation Routes T-356 and T-455. Visual flight rules (VFR) pilots who elect to navigate via the airways through the affected area could also take advantage of the adjacent VOR Federal airways or ATC services listed previously.

The Proposal

The FAA is proposing an amendment to Jet Routes J-190 and J-584 and Very High Frequency Omnidirectional Range (VOR) Federal Airways V-170 and V-188 in the vicinity of Slate Run, Pennsylvania.

J-190: J-190 currently extends between Carleton, MI, VOR/DME, and Albany, NY, VORTAC. The segment within Canada is excluded. The FAA is proposing to revoke the segment between Carleton, MI, VOR/DME and Binghamton, NY, VOR/DME. As amended, J-190 would extend between Binghamton, NY, VOR/DME, and the Albany, NY, VORTAC.

J-584: J-584 currently extends between Northbrook, IL, VOR/DME, and Broadway, NJ, VOR/DME. The FAA is proposing to revoke the segment between the Carleton, MI, VOR/DME and Williamsport, PA, VOR/DME. As amended, J-584 would extend between Northbrook, IL, VOR/DME, and Carleton, MI, VOR/DME, and between Williamsport, PA, VOR/DME, and Broadway, NJ, VOR/DME.

V-170: V-170 currently extends between the Jamestown, ND, VOR/DME and the Sioux Falls, SD, VORTAC, between the Rochester, MN, VOR/DME and the Salem, MI, VORTAC, and between the Slate Run, PA, VORTAC and the intersection of the Andrews, MD 060° and Baltimore, MD, 165°

radials (POLLA Fix). The airspace within R-5802 is excluded when active.

The FAA is proposing to revoke the segment between Slate Run VORTAC and Selinsgrove, PA VOR/DME. As amended, V-170 would extend between the Jamestown, ND, VOR/DME and the Sioux Falls, SD, VORTAC, between the Rochester, MN, VOR/DME and the Salem, MI, VORTAC, and between the Selinsgrove, PA, VOR/DME and the intersection of the Andrews 060° and Baltimore, MD, 165° radials (POLLA Fix). The airspace within R-5802 is excluded when active.

V-188: V-188 currently extends between the Slate Run, PA, VORTAC and Groton, CT, VOR/DME. The FAA is proposing to revoke the segment between Slate Run VORTAC and Williamsport, PA, VOR/DME. As amended, V-188 would extend between the Williamsport VOR/DME and the Groton VOR/DME.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Order 2100.6B, “Rulemaking and Guidance Procedure” (March 10, 2025); and (3) is expected to result in, at most, de minimis costs from compliance with applicable operating requirements or minor flight rerouting for operators choosing to navigate around the controlled airspace. Since these proposed amendments are routine and the expected impact to operators is de minimis, the FAA certifies that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1G, “FAA National Environmental Policy Act Implementing Procedures” prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration

proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11K, Airspace Designations and Reporting Points, dated August 4, 2025, and effective September 15, 2025, is amended as follows:

Paragraph 6010 Jet Routes.

* * * * *

J-190 [Amended]

From Binghamton, NY; Rockdale, NY; to Albany, NY.

* * * * *

J-584 [Amended]

From Northbrook, IL, via INT of Northbrook 094° and Carleton, MI, 270° radials; to Carleton; From Williamsport, PA; to Broadway, NJ.

* * * * *

Paragraph 2004 VOR Federal Airways.

* * * * *

V-170 [Amended]

From Jamestown, ND; Aberdeen, SD; to Sioux Falls, SD. From Rochester, MN; Nodine, MN; Dells, WI; INT Dells 097° and Badger, WI, 304° radials; Badger; INT Badger 121° and Pullman, MI, 282° radials; Pullman; to Salem, MI. From Selinsgrove, PA; Ravine, PA; INT Ravine 125° and Modena, PA, 318° radials; Modena; Dupont, DE; INT Dupont 223° and Andrews, MD, 060° radials; to INT Andrews 060° and Baltimore, MD, 165° radials. The airspace within R-5802 is excluded when active.

* * * * *

V-188 [Amended]

From Williamsport, PA; Wilkes-Barre, PA; INT Wilkes-Barre 084° and Sparta, NJ, 300° radials; Sparta; INT Sparta 082° and Carmel, NY, 243° radials; Carmel; INT Carmel 078° and Groton, CT, 276° radials; to Groton.

* * * * *

Issued in Washington, DC, on July 16, 2026.

Alex W. Nelson,

Manager, Rules and Regulations Group.

[FR Doc. 2026–14552 Filed 7–17–26; 8:45 am]

BILLING CODE 4910–13–P

Notices

Federal Register

Vol. 91, No. 137

Monday, July 20, 2026

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and approval under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by August 19, 2026 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it

displays a currently valid OMB control number.

Food Safety and Inspection Service

Title: Voluntary Destruction of Imported Meat, Poultry, and Egg Products.

OMB Control Number: 0583–0182.

Summary of Collection: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53), as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). These statutes mandate that FSIS protect the public by verifying that meat, poultry, and egg products are safe, wholesome, and properly labeled. Imported meat, poultry, and egg products that do not comply with U.S. requirements are not allowed to enter U.S. commerce and are identified as "U.S. Refused Entry" product. Inspection Program Personnel (IPP) are required to verify that U.S. refused entry product is stored and segregated from other product at an official import inspection establishment until final disposition occurs, or permission to move the shipment is granted by a FSIS Office of Field Operations (OFO) District Office (DO).

Need and Use of the Information: FSIS IPP uses the information during the observation of the product destruction to verify that the product being destroyed is the same product that was refused entry and that the product is controlled by the import establishment until destruction is completed. The Importer/Broker/Agent completes FSIS Form 9840–4, Voluntary Destruction of Imported Meat (Including Siluriformes), Poultry, and Egg Product, for product that will be destroyed under FSIS supervision.

Description of Respondents: Business or other for-profit.

Number of Respondents: 151.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 17,818.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026–14564 Filed 7–17–26; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and approval under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by August 19, 2026 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food Safety and Inspection Service

Title: Sanitation SOPs Pathogen Reduction/Hazard Analysis and Critical Control Point (HACCP).

OMB Control Number: 0583–0103.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary (7 CFR

2.18 and 2.53), as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*). These statutes mandate that FSIS protect the public by verifying that meat and poultry products are safe, wholesome, and properly labeled. FSIS has established requirements applicable to meat and poultry establishments designed to reduce the occurrence and numbers of pathogenic microorganisms on meat and poultry products and reduce the incidence of foodborne illness associated with the consumption of those products.

Need and Use of the Information: FSIS will collect information to ensure compliance with regulations that require establishments to develop and implement written Sanitation Standard Operating Procedures (Sanitation SOPs); conduct regular microbial testing in slaughter facilities to verify the adequacy of process controls for preventing and removing fecal contamination and associated bacteria; meet Salmonella pathogen-reduction performance standards; and develop and implement Hazard Analysis and Critical Control Point (HACCP) systems as preventive controls to improve the safety of meat and poultry products.

Description of Respondents: Business or other for-profit.

Number of Respondents: 6,087.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Other (daily).

Total Burden Hours: 7,045,283.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026-14567 Filed 7-17-26; 8:45 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request;

The Department of Agriculture has submitted the following information collection requirement(s) to Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the

quality, utility and clarity of the information to be collected; ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by August 19, 2026 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Utilities Service

Title: Broadband Technical Assistance Program.

OMB Control Number: 0572-0160.

Summary of Collection: The Rural eConnectivity Program (ReConnect) was authorized under 7 U.S.C. 901 *et seq.*, and Pub. L. 115-141, 779. The Funding Opportunity Announcement (FOA) will use technical assistance funds appropriated under the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. 117-58). Applications received under the FOA will be administered by the Rural Utilities Service (RUS or the Agency), a Rural Development (RD) agency of the United States Department of Agriculture. The assistance instrument for this program will be through cooperative agreements which RD is authorized to administer pursuant to 7 U.S.C. 2204b(b)(4).

This FOA provides competitive cooperative agreement funding to eligible entities to ensure technical assistance and training is delivered to rural communities in need of high-speed internet and rural broadband providers. Program funds must be used to support broadband technical assistance activities which include, but are not limited to, project planning and community engagement, operations support, financial sustainability, environmental compliance, engineering,

accessing federal resources, and data collection and reporting. The goal of the program is to support the expansion of high-speed internet into unserved rural communities.

Need of Use of The Information:

Applications submitted for consideration will be reviewed for eligibility and completeness. Applications determined to be eligible will be evaluated according to the scoring criteria outlined in the FOA. The scoring criterion is targeted to applicants that demonstrate strong work plans, organizational capacity, clear performance metrics, and the ability to reach the most rural communities. Points are also available for projects benefitting targeted groups such as Tribes and Tribal Entities, colonias, persistent poverty counties, and distressed energy communities.

Failure to collect proper information from applicants could hinder the government's selection of funding recipients, and result in improper determinations of assistance, increase legal costs to the recipients as well as encumber customer service and, ultimately, slow the deployment of assistance to rural areas in need of high-speed internet. The timing of technical assistance is critical due to the historic levels of broadband funding made available under the IIJA. The programs created and funded under the IIJA are beginning to disburse funding and technical assistance is critical to ensure unserved rural communities are able to participate in these programs, successfully implement projects and properly manage funds.

Description of Respondents:

Individuals and Households.

Number of Respondents: 95.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 2,335.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026-14579 Filed 7-17-26; 8:45 am]

BILLING CODE 3410-15-P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the

functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques and other forms of information technology.

Comments regarding this information collection received by August 19, 2026 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Forest Service

Title: Forest Service Ride-Along Program Application.

OMB Control Number: 0596–0170.

Summary of Collection: The Forest Service (FS) Law Enforcement and Investigations (LE&I) Ride-Along Program allows the general public or other interested persons to accompany Agency law enforcement personnel as they conduct their normal field duties, including access to and discussions about Agency law enforcement vehicles, procedures, and facilities. This program provides an opportunity for officers to enhance the public's understanding and support of the Forest Service's law enforcement program while the officers learn about public and community issues and concerns.

The program offers the additional benefit of aiding the Agency's recruitment program by allowing interested persons to observe and participate in innovative intern-type programs. This access also provides the Agency with an opportunity to showcase the quality of the law enforcement program and services.

Need and Use of the Information: Information will be collected from any person who voluntarily approaches the FS and wishes to participate in the program. The FS 5300–33 program application form will be used to conduct a minimal background check and the FS 5300–34 is a liability waiver form that requires the applicant's signature and their written assurance that they have read and understood the form. The information collected from the forms will be used by FS and, in appropriate part, by any person or entity needed and authorized by the FS to provide the needed background information (primarily applicable local law enforcement agencies, state criminal justice agencies maintaining state justice records, and by the FBI). If the information is not collected, the program could not operate.

Description of Respondents:

Individuals or households.

Number of Respondents: 182.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 91.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026–14571 Filed 7–17–26; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the West Virginia Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the West Virginia Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public business meeting via Zoom. The purpose of the meeting is to discuss matters related to the Committee's civil rights project.

DATES: Thursday, July 30, 2026, from 1:00 p.m.–2:00 p.m. Eastern Time.

ADDRESSES: The meeting will be held via Zoom Webinar.

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_3ds_O-ktR-K66K5VQAzTHg.

Join by Phone (Audio Only): (833) 435–1820 USA Toll-Free; Meeting ID: 165 234 4340#.

FOR FURTHER INFORMATION CONTACT: David Barreras, Designated Federal

Officer, at dbarreras@usccr.gov or (202) 656–8937.

SUPPLEMENTARY INFORMATION: This committee meeting is available to the public through the registration link above. Any interested members of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make oral comments as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning will be available by selecting "CC" in the meeting platform. To request additional accommodations, please email csanders@usccr.gov at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received within 30 days following the meeting. Written comments may be emailed to David Barreras dbarreras@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at (202) 656–8937.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit, as they become available, both before and after the meeting. Records of the meeting will be available via the file sharing website, <https://usccr.box.com/s/hhl9d9epdv0irnddbreig3psdtjreadu>. Persons interested in the work of this Committee are directed to the Commission's website, www.usccr.gov, or may contact the Regional Programs Coordination Unit at the above phone number.

Agenda: (Note: a final meeting agenda will be available prior to the meeting date).

Dated: July 16, 2026

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2026–14570 Filed 7–17–26; 8:45 am]

BILLING CODE:P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the South Carolina Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of Virtual Business Meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the South Carolina Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public briefing via Zoom. The purpose is for the Committee to hear testimony as part of their study on Occupational Licensing and to debrief on testimony if time allows.

DATES: Friday, August 14, 2026, from 12:00 p.m.–2:00 p.m. Eastern Time.

ADDRESSES: The meeting will be held via Zoom.

Registration Link (Audio/Visual):
https://www.zoomgov.com/webinar/register/WN_P9S6EP4kS1SBOnASnHEK5Q.

Join by Phone (Audio Only): 1–833–435–1820 USA Toll Free; Webinar ID: 165 849 0914#.

FOR FURTHER INFORMATION CONTACT: Victoria Moreno, Designated Federal Officer, at vmoreno@usccr.gov or (434) 515–0204.

SUPPLEMENTARY INFORMATION: This Committee meeting is available to the public through the registration link above. Any interested members of the public may attend this meeting. An open comment period will be provided to allow members of the public to make oral comments as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting “CC” in the meeting platform. To request additional accommodations, please email csanders@usccr.gov at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the scheduled meeting. Written comments may be submitted via the following form: <https://wkf.ms/4n7DKT3>. Persons who desire additional information may contact the Regional Programs Coordination Unit at (434) 515–0204.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via the file sharing website, <https://usccr.box.com/s/uc7rr59hi2y8p1uapgemt6y1opr61zyv>. Persons interested in the work of this Committee are directed to the Commission’s website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at csanders@usccr.gov.

Agenda: Will be available at the following link in advance of the meeting date—<https://usccr.box.com/s/dlfqlms1il4nwkg92lej0yquvfj435c>.

Dated: July 16, 2026.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2026–14569 Filed 7–17–26; 8:45 am]

BILLING CODE:P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Generic Clearance for Internet Panel Pretesting and Qualitative Survey Methods Testing

AGENCY: Census Bureau, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public’s reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed extension of the Generic Clearance for internet Panel Pretesting and Qualitative Survey Methods Testing, prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before September 18, 2026.

ADDRESSES: Interested persons are invited to submit written comments by email to adrm.pra@census.gov. Please reference Generic Clearance for Internet Panel Pretesting and Qualitative Survey

Methods Testing in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2026–0232, to the Federal e-Rulemaking Portal: <http://www.regulations.gov>. All comments received are part of the public record. No comments will be posted to <http://www.regulations.gov> for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or specific questions related to collection activities should be directed to Jessica Holzberg, Assistant Center Chief, Center for Behavioral Science Methods, 202–893–5071, and Jessica.Holzberg@census.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau plans to request an extension of the current OMB approval to conduct a variety of medium-scale internet-based tests under this generic clearance. A block of hours will be dedicated to these activities for each of the next three years. OMB will be informed in writing of the purpose and scope of each of these activities, as well as the time frame and the number of burden hours used. The number of hours used will not exceed the number set aside for this purpose.

This research program will be used by the Census Bureau and survey sponsors to test alternative contact methods, including emails and text messages, improve online questionnaires and procedures, reduce respondent burden, and ultimately increase the quality of data collected in the censuses and surveys. The clearance will be used to conduct testing of decennial and demographic census and survey questionnaires as well as communications and/or marketing strategies and data dissemination tools for the Census Bureau prior to fielding them.

Testing activities will primarily involve split panel experiment tests or remote usability testing but may also include other qualitative research conducted on the internet such as

cognitive interviews, focus groups, and debriefings.

II. Method of Collection

Electronically (internet). Specifically, the following methods will be used:

Split sample experiments. This involves testing alternative versions of questionnaires, invitations to questionnaires (e.g., emails or text messages), or websites, at least some of which have been designed to address problems identified in draft versions or versions from previous waves. The use of multiple questionnaires, invitations, or websites, randomly assigned to permit statistical comparisons, is the critical component here; data collection will be via the internet. Comparison of revised questionnaires (or invitations) against a control version, preferably, or against each other facilitates statistical evaluation of the performance of alternative versions of the questionnaire (or invitation or website).

The number of versions tested and the number of cases per version will depend on the objectives of the test. We cannot specify with certainty a minimum panel size, although we would expect that no questionnaire versions would be administered to less than fifty respondents.

Split sample tests that incorporate methodological questionnaire design experiments will have a larger maximum sample size (up to several hundred cases per panel) than other pretest methods. This will enable the detection of statistically significant differences, and facilitate methodological experiments that can extend questionnaire design knowledge more generally for use in a variety of Census Bureau data collection instruments.

Usability Interviews: This method involves getting respondent input to aid in the development of automated questionnaires and websites and associated materials. The objective is to identify problems that keep respondents from completing automated questionnaires accurately and efficiently with minimal burden, or that prevent respondents from successfully navigating websites and finding the information they seek. Remote usability testing may be conducted under this clearance, whereby a user would receive an invitation to use a website or survey, then answer targeted questions about that experience.

Qualitative Interviews: This method involves one-on-one (or sometimes group) interviews in which the respondent is typically asked questions about survey content areas, survey questions or the survey process. A

number of different techniques may be involved, including cognitive interviews and focus groups. The objective is to identify problems of ambiguity or misunderstanding, or other difficulties respondents may have answering survey questions in order to improve the information ultimately collected in large scale surveys and censuses.

Data collection for this project is authorized under the authorizing legislation for the questionnaire being tested. This may be Title 13, Sections 131, 141, 161, 181, 182, 193, and 301 for Census Bureau-sponsored surveys, and Title 13, Section 8(b), and Title 15 for surveys sponsored by other Federal agencies. We do not now know what other titles will be referenced, since we do not know what survey questionnaires will be pretested during the course of the clearance.

Literature on and considerations about the use of internet samples for this type of work have been thoroughly covered by a Task Force commissioned by the American Association for Public Opinion Research and are well documented there (Baker, et al., 2013).

The information collected in this program of developing and testing questionnaires will be used by staff from the Census Bureau and sponsoring agencies to evaluate and improve the quality of the data in the surveys and censuses that are ultimately conducted. Because the questionnaires being tested under this clearance are still in the process of development, the data that result from these collections are not considered official statistics of the Census Bureau or other Federal agencies. Data will be included in research reports prepared for sponsors inside and outside of the Census Bureau. The results may also be prepared for presentations related to survey methodology at professional meetings or publications in professional journals.

III. Data

OMB Control Number: 0607–0978.

Form Number(s): Various.

Type of Review: Regular submission, Request for an Extension, without Change, of a Currently Approved Collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 67,600 per year.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 16,900.

Estimated Total Annual Cost to Public: \$0. There is no cost to the

respondent other than time to answer the information request.

Respondent's Obligation: Voluntary.

Legal Authority: Data collection for this project is authorized under the authorizing legislation for the questionnaire being tested. This may be Title 13, Sections 131, 141, 161, 181, 182, 193, and 301 for Census Bureau-sponsored surveys, and Title 13 and 15 for surveys sponsored by other Federal agencies. We do not now know what other titles will be referenced, since we do not know what survey questionnaires will be tested during the course of the clearance.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–14554 Filed 7–17–26; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE**Census Bureau****Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; the Manufacturers' Shipments, Inventories and Orders (M3) Survey****AGENCY:** Census Bureau, Commerce.**ACTION:** Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed extension of the Manufacturers' Shipments, Inventories and Orders (M3) survey, prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before September 18, 2026.

ADDRESSES: Interested persons are invited to submit written comments by email to Thomas.J.Smith@census.gov. Please reference the Manufacturers' Shipments, Inventories, and Orders (M3) Survey in the subject line of your comments. You may also submit comments, identified by Docket Number USBC-2026-0265, to the Federal e-Rulemaking Portal: <http://www.regulations.gov>. All comments received are part of the public record. No comments will be posted to <http://www.regulations.gov> for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Carol Aristone, Assistant Division Chief,

Economic Indicators Division, (301) 763-7062, carol.ann.aristone@census.gov.

SUPPLEMENTARY INFORMATION:**I. Abstract**

The U.S. Census Bureau plans to request an extension of the current Office of Management and Budget (OMB) clearance of the Manufacturers' Shipments, Inventories and Orders (M3) survey. The M3 survey requests data monthly from domestic manufacturers on form M-3 (SD). Data requested are shipments, new orders, unfilled orders, total inventory, materials and supplies, work-in-process, and finished goods.

The M3 survey is designed to measure current industrial activity and to provide an indication of future production commitments. The value of shipments measures the value of goods delivered during the month by domestic manufacturers. Estimates of new orders serve as an indicator of future production commitments and represent the current sales value of new orders received during the month, net of cancellations. Substantial accumulation or depletion of unfilled orders measures excess or deficient demand for manufactured products. The level of inventories, especially in relation to shipments, is frequently used to monitor the business cycle, by calculating the inventories to sales ratio. In general, a low ratio indicates strong shipments. A high ratio indicates weaker shipments or accumulation of inventories in stock.

In October 2021, we accelerated total manufacturing and the nondurable manufacturing aggregate estimates to the same time as the Advance Report on Durable Goods Manufacturers' Shipments, Inventories and Orders by creating an advance high-level report of total manufacturing. This exception to the normal procedure was initially approved by Office of Management and Budget (OMB) in September 2021 and was extended annually through means of a separately submitted memo. In 2024, the Census Bureau requested and OMB approved the provisions for the early release of total manufacturing shipments, inventories and orders to be included in the clearance, thereby eliminating the need for a separate annual re-approval from OMB for the early release. This early data has permitted the public release of preliminary monthly data on shipments and inventories of total manufacturing under the provisions of the OMB's Statistical Policy Directive No. 3 on the Compilation, Release, and Evaluation of Principal Federal Economic Indicators. Currently, the Advance Report on

Durable Goods is available approximately 18 working days after each month, with the full report available approximately 23 working days after each month. Accelerating the nondurable release provides data users with early access to total manufacturing estimates ahead of the full report, giving them an early snapshot of the direction of this critical indicator. In 2024, we included additional nondurable goods industry level data. In July 2024, advance data included petroleum and coal products shipments and inventories, and in October 2024, estimates included the addition of the food products and chemical products early shipments and inventories from the monthly Manufacturers' Shipments, Inventories and Orders (M3) Survey. Additionally, in July 2025, the Advance Total Manufacturing publication included detailed shipments and inventories data for all nondurable industries, to provide more detail estimates at the advance time.

II. Method of Collection

We collect the data primarily by internet. Respondents are initially contacted by email, with a small subset receiving a letter by mail. Paper collection has been phased out since January 2026. Respondents may submit their data via the internet or email. We send emails and make telephone calls to respondents to remind them to report on time.

III. Data

OMB Control Number: 0607-0008.

Form Number(s): M-3 (SD).

Type of Review: Regular submission, Request for an Extension, without Change, of a Currently Approved Collection.

Affected Public: Manufacturing Business or other for-profit organizations.

Estimated Number of Respondents: 5,000 respondents filing a total of 60,000 reports per year.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 20,000.

Estimated Total Annual Cost to Public: \$0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. 131, 182, and 193.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–14513 Filed 7–17–26; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Survey of Housing Starts, Sales, and Completions

AGENCY: Census Bureau, Department of Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's

reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed extension of the Survey of Housing Starts, Sales, and Completions, prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before September 18, 2026.

ADDRESSES: Interested persons are invited to submit written comments by email to Thomas.J.Smith@census.gov. Please reference Survey of Housing Starts, Sales, and Completions in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2026–0298, to the Federal e-Rulemaking Portal: <http://www.regulations.gov>. All comments received are part of the public record. No comments will be posted to <http://www.regulations.gov> for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed William Abriatis, U.S. Census Bureau, Economic Indicators Division, (301) 763–3686, or william.m.abriatis@census.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The U.S. Census Bureau plans to request a three-year extension of the current Office of Management and Budget (OMB) clearance of the Survey of Housing Starts, Sales and Completions, also known as the Survey of Construction (SOC). The SOC is co-sponsored by the U.S. Census Bureau and the U.S. Department of Housing and Urban Development (HUD). The SOC collects monthly data on new residential construction from a sample of owners or builders. The Census Bureau uses the Computer-Assisted Personal Interviewing (CAPI) electronic questionnaires SOC–QI/SF.1 and SOC–QI/MF.1 to collect data on start and completion dates of construction, physical characteristics of the structure (floor area, number of bathrooms, type of heating system, etc.), and if

applicable, date of sale, sales price, and type of financing. The SOC provides widely used measures of construction activity, including the economic indicators Housing Starts and Housing Completions, which are from the New Residential Construction series, and New Residential Sales. The current clearance for this survey is scheduled to expire on March 31, 2027.

We sample approximately 1,613 new buildings each month (approximately 19,353 per year). We inquire about the progress of each building multiple times until it is completed (and a sales contract is signed, if it is a single-family house that is built for sale). For single-family buildings, we conduct an average of 9.6 interviews and for multifamily buildings, we conduct an average of 8.5 interviews. The total number of interviews conducted from 2023 through 2025 was averaged and for single-family buildings is approximately 120,312 and for multifamily buildings is about 57,390. Each interview takes 5 minutes on average. Therefore, the total annual burden is 14,809 hours. Compared to the period 2020–2022, sampled construction projects are taking longer to start, complete, and sell. Since projects are interviewed until the project is completed or sold for the single-family for sale category, this is leaving projects in sample for longer resulting in a higher average interview amount for 2023–2025. While the amount of sampled projects has decreased, the average interviews per case increasing results in a modest increase in total annual burden for this collection.

II. Method of Collection

The Census Bureau uses its field representatives to collect the data. The field representatives conduct interviews to obtain data.

III. Data

OMB Control Number: 0607–0110.
Form Number(s): SOC–QI.SF.1 and SOC–QI/MF.1.

Type of Review: Regular submission, Request for an Extension, without Change, of a Currently Approved Collection.

Affected Public: Individuals or households; Business or other for-profit organizations.

Estimated Number of Respondents: We sample 19,353 new buildings each year. This results in an estimated 177,702 interviews per year.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 14,809.

Estimated Total Annual Cost to Public: \$0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Sections 8(b), 131 and 182; Title 12 U.S.C., Sections 1701z-1 and 1701z-2g

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026-14512 Filed 7-17-26; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-84-2026]

Foreign-Trade Zone (FTZ) 43, Notification of Proposed Production Activity; Pfizer Inc.; (Pharmaceutical Products); Kalamazoo and Portage, Michigan

Pfizer Inc. submitted a notification of proposed production activity to the FTZ Board (the Board) for its facilities in Kalamazoo and Portage, Michigan within Subzone 43E. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on July 9, 2026.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via www.trade.gov/ftz. The proposed finished product(s) and material(s)/component(s) would be added to the production authority that the Board previously approved for the operation, as reflected on the Board's website.

The proposed finished product is phthalimido lactol (pharmaceutical Intermediate product, white to off-white crystalline solid) (duty rate 6.5%).

The proposed foreign-status material/component is 3-phthalimidopropionaldehyde (3-PPA, white to off white powder) (duty rate 6.5%).

The request indicates that the material/component is subject to duties under section 232 of the Trade Expansion Act of 1962 (section 232) and or section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 232 and section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is August 31, 2026.

A copy of the notification will be available for public inspection in the "Online FTZ Information System" section of the Board's website.

For further information, contact Christopher Wedderburn at Chris.Wedderburn@trade.gov.

Dated: July 15, 2026.

Elizabeth Whiteman,
Executive Secretary.

[FR Doc. 2026-14572 Filed 7-17-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-85-2026]

Foreign-Trade Zone (FTZ) 93, Notification of Proposed Production Activity; Linde Gas & Equipment Inc.; (High Purity Gases for Semiconductor Manufacturing); Research Triangle Park, North Carolina

Linde Gas & Equipment Inc. submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in Research Triangle Park, North Carolina within FTZ 93. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on July 10, 2026.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via www.trade.gov/ftz.

The proposed finished products include: deuterium, electronic grade B2H6 inert gases blends, electronic grade GeH4, and electronic grade GeH4 and inert gases blends (duty rate ranges from duty-free to 3.7%).

The proposed foreign-status materials/components include: heavy water, diborane blend with hydrogen, and germane (duty rate ranges from duty-free to 3.7%).

The request indicates that certain materials/components are subject to duties under section 122 of the Trade Act of 1974 (Section 122), section 232 of the Trade Expansion Act of 1962 (section 232), or section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 122, section 232, and section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is August 31, 2026.

A copy of the notification will be available for public inspection in the "Online FTZ Information System" section of the Board's website.

For further information, contact Brian Warnes at brian.warnes@trade.gov.

Dated: July 16, 2026.

Elizabeth Whiteman,
Executive Secretary.

[FR Doc. 2026-14580 Filed 7-17-26; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-549-842]

Passenger Vehicle and Light Truck Tires From Thailand: Final Results of Antidumping Duty Administrative Review; 2023-2024

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) determines that Sentury Tire (Thailand) Co., Ltd. (Sentury) made sales of subject merchandise in the United States at prices below normal value (NV) during the period of review (POR), and Sumitomo Rubber (Thailand) Co., Ltd. (SRT) did not. The POR is July 1, 2023, through June 30, 2024. Commerce further determines that sales of subject merchandise made by the non-individually examined companies were at prices below NV.

DATES: Applicable July 20, 2026.

FOR FURTHER INFORMATION CONTACT: Myrna Lobo or Jacob Saude, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2371 or (202) 482-0981, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 14, 2026, Commerce published the *Preliminary Results* and invited comments from interested parties. On July 1, 2026, Commerce extended the deadline for the final results of this administrative review

until July 13, 2026.¹ For details regarding the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.²

Scope of the Order³

The merchandise covered by the Order is passenger vehicle and light truck tires from Thailand. For a complete description of the scope of the Order, see the Issues and Decision Memorandum.⁴

Analysis of Comments Received

We addressed all issues raised in the case and rebuttal briefs filed in this administrative review in the Issues and Decision Memorandum. For a list of the issues raised by interested parties, see the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), which is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/frnotices>.

Changes Since the Preliminary Results

Based on our review of the record and comments received from interested parties, we made certain changes to the margin calculations for Sentury and SRT for these final results of review. As a result of these changes, the weighted-average dumping margin changed for Sentury and the companies not selected for individual examination, but not for SRT. For a discussion of these changes, see the Issues and Decision Memorandum.

Rates for Non-Examined Companies

The Tariff Act of 1930, as amended (the Act) and Commerce's regulations do not address the establishment of a weighted-average dumping margin to be determined for companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally,

¹ See Memorandum, "Second Extension of Deadline for Final Results of Antidumping Duty Administrative Review," dated July 1, 2026.

² See Memorandum, "Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review of Passenger Vehicle and Light Truck Tires from Thailand; 2023-2024," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

³ See *Passenger Vehicle and Light Truck Tires from the Republic of Korea, Taiwan, and Thailand: Antidumping Duty Orders and Amended Final Affirmative Antidumping Duty Determination for Thailand*, 86 FR 38011 (July 19, 2021) (Order).

⁴ See Issues and Decision Memorandum.

Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when determining the weighted-average dumping margin for companies which were not selected for individual examination in an administrative review.

Section 735(c)(5)(A) of the Act provides that Commerce will base the all-others rate on the weighted average of the estimated weighted-average dumping margins calculated for the individually examined respondents, excluding rates that are zero, de minimis, or based entirely on facts available. Where the estimated weighted-average dumping margin for each of the individually examined companies is zero, *de minimis*, or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use "any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the estimated weighted-average dumping margins determined for the exporters and producers individually investigated."

In this review, we calculated a dumping margin of zero for SRT and calculated an above-*de minimis* weighted-average dumping margin for Sentury. Accordingly, we have assigned only Sentury's estimated weighted-average dumping margin to the non-selected companies⁵ consistent with section 735(c)(5)(B) of the Act.

Final Results of the Review

We determine the following estimated weighted-average dumping margins exist for the period July 1, 2023, through June 30, 2024.

Producer/exporter	Weighted-average dumping margin (percent)
Sentury Tire (Thailand) Co., Ltd	2.90
Sumitomo Rubber (Thailand) Co., Ltd	0.00
Review-Specific Rate for Non-Examined Companies ⁶	2.90

Disclosure

We intend to disclose the calculations performed to interested parties in this proceeding within five days after the publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

⁵ See Appendix II for a list of the non-selected companies.

⁶ *Id.*

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.⁷ Because the weighted-average dumping margin for Sentury is not zero or *de minimis* (i.e., less than 0.50 percent), for these final results, Commerce calculated importer-specific *ad valorem* assessment rates on the basis of on the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value sales. Where we do not have entered values for all U.S. sales to a particular importer, we will calculate an importer-specific, per-unit assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total quantity of those sales.⁸ To determine whether an importer-specific, per-unit assessment rate is *de minimis*, in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. Where weighted-average dumping margins are zero or *de minimis* or where an importer-specific *ad valorem* assessment rate is zero or *de minimis*, we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.

For entries of subject merchandise during the POR produced by either Sentury or SRT for which it did not know that the merchandise it sold to the intermediary (e.g., reseller, trading company, or exporter) was destined for the United States, we will instruct CBP to liquidate such entries at the all-others rate (i.e., 17.06 percent)⁹ if there is no rate for the intermediate company(ies) involved in the transaction.¹⁰

For the companies that were not selected for individual review, we will assign an assessment rate based on the review-specific rate, calculated as noted in the "Rate for Non-Examined Respondents" section above.

Commerce intends to issue assessment instructions to CBP no

earlier than 35 days after the date of publication of these final results in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (i.e., within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rates for the reviewed companies will be equal to the weighted-average dumping margin established in the final results of this review; (2) for producers or exporters not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published in the most recently completed segment; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the producer is, then the cash deposit rate will be the rate established in the most recently completed segment for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 17.06 percent, the all-others rate established in the LTFV investigation in this proceeding.¹¹ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance

with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results of administrative review in accordance with sections 751(a) and 777(i) of the Act, and 19 CFR 351.221(b)(5).

Dated: July 13, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes Since the *Preliminary Results*
- V. Discussion of the Issues
 - Comment 1: Revised Differential Pricing Analysis
 - Comment 2: Commerce Incorrectly Treated Freight Revenue as an Expense in the Margin Program and Should Correct the Error for the Final Results
 - Comment 3: Commerce Should Rely on Adverse Facts Available to Determine a Margin for SRT
 - Comment 4: If Relying on Sumitomo's Reporting, Commerce Should Modify it to Produce as Accurate a Result as Possible
 - Comment 5: Commerce Should Grant a Constructed Export Price Offset for SRT in the Final Results
 - Comment 6: Commerce Should Update its Margin Program to Reflect Minor Corrections Accepted at Verification
 - Comment 7: Commerce Should Correct its Error in Applying Billing Adjustments in its Calculation of Gross Unit Price
- VI. Recommendation

Appendix II

Non-Examined Companies Receiving a Review-Specific Rate

1. Bridgestone Company, Ltd. (aka Bridgestone Company and Bridgestone Corporation)
2. Bridgestone Tire Manufacturing (Thailand) Co., Ltd. (aka Bridgestone Tire Manufacturing and Thai Bridgestone Co.)
3. Deestone Corporation Public Company Limited; Deestone Corporation Ltd.; Deestone Limited; Deestone International Company Limited; Svizz-One Corporation Limited; Siamtruck Radial Company Limited
4. Huayi Group (Thailand) Company Limited

⁷ In these final results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).

⁸ See 19 CFR 351.212(b)(1).

⁹ See Order, 86 FR at 38012.

¹⁰ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

¹¹ See Order.

5. Prinx Chengshan Tire (Thailand) Co., Ltd.
6. S.R. Tyres Co., Ltd.
7. Vee Tyre & Rubber Co., Ltd.
8. Yokohama Rubber Co., Ltd.
9. Yokohama Tire Manufacturing (Thailand) Co., Ltd.

[FR Doc. 2026–14516 Filed 7–17–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–238]

Certain Choline Salts From the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable July 14, 2026.

FOR FURTHER INFORMATION CONTACT: Braeden Lowe, Office V, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–9124.

SUPPLEMENTARY INFORMATION:

The Petition

On June 24, 2026, the U.S. Department of Commerce (Commerce) received an antidumping duty (AD) petition concerning imports of certain choline salts (choline salts) from the People's Republic of China (China), filed in proper form on behalf of BCP Ingredients Inc. (the petitioner), a domestic producer of choline salts.¹ The AD Petition was accompanied by a countervailing duty (CVD) petition concerning imports of choline salts from China.²

Between June 29 and July 8, 2026, Commerce requested supplemental information pertaining to certain aspects of the Petition in supplemental questionnaires.³ Between July 2 and July 9, 2026, the petitioner filed timely responses to these requests for additional information.⁴

¹ See Petitioner's Letter, "Petition for the Imposition of Antidumping and Countervailing Duties," dated June 24, 2026 (Petition).

² *Id.*

³ See Commerce's Letters, "General Issues Supplemental Questions," dated June 29, 2026 (First General Issues Questionnaire); "Supplemental Questions," dated June 29, 2026 (First China AD Supplemental Questionnaire); "Second General Issues Supplemental Questions," dated July 7, 2026 (Second General Issues Questionnaire); "Second China AD Supplemental Questions," dated July 8, 2026 (Second China AD Supplemental Questionnaire).

⁴ See Petitioner's Letters, "Response to General Issues Supplemental Questions," dated July 2, 2026

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that imports of choline salts from China are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that imports of such products are materially injuring, or threatening material injury to, the choline salts industry in the United States. Consistent with section 732(b)(1) of the Act, the Petition was accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petition on behalf of the domestic industry, because the petitioner is an interested party, as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support for the initiation of the requested LTFV investigation.⁵

Period of Investigation (POI)

Because the Petition was filed on June 24, 2026, and because China is a non-market economy (NME) country pursuant to 19 CFR 351.204(b)(1), the POI for the LTFV investigation is October 1, 2025, through March 31, 2026.

Scope of the Investigation

The product covered by this investigation is choline salts from China. For a full description of the scope of this investigation, *see* the appendix to this notice.

Comments on the Scope of the Investigation

Between June 29 and July 10, 2026, Commerce requested information and clarification from the petitioner regarding the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.⁶ Between July 2 and 10, 2026, the petitioner provided clarifications and revised the scope.⁷

(First General Issues Supplement); "Response to Antidumping Supplemental Questions," dated July 2, 2026 (First China AD Supplement); "Response to Second General Issues Supplemental Questions," dated July 9, 2026 (Second General Issues Supplement); and "Response to Second China AD Supplemental Questions," dated July 9, 2026 (Second China AD Supplement).

⁵ See section on "Determination of Industry Support for the Petition," *infra*.

⁶ See First General Issues Questionnaire; *see also* Second General Issues Questionnaire; and Memorandum "Teleconference with Counsel to the Petitioner," dated July 10, 2026 (Scope Call Memorandum).

⁷ See First General Issues Supplement at 3–10; *see also* Second General Issues Supplement at 1–5; and Scope Call Memorandum.

The description of merchandise covered by this investigation, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.*, scope).⁸ Commerce will consider all scope comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information, all such factual information should be limited to public information.⁹ Commerce requests that interested parties provide at the beginning of their scope comments a public executive summary for each comment or issue raised in their submission. Commerce further requests that interested parties limit their public executive summary of each comment or issue to no more than 450 words, not including citations. Commerce intends to use the public executive summaries as the basis of the comment summaries included in the analysis of scope comments. To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on August 3, 2026, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, and should also be limited to public information, must be filed by 5:00 p.m. ET on August 13, 2026, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of this investigation be submitted during that period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party must contact Commerce and request permission to submit the additional information. All scope comments must be filed simultaneously on the records of the concurrent LTFV and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS),

⁸ See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*); *see also* 19 CFR 351.312.

⁹ See 19 CFR 351.102(b)(21) (defining "factual information").

unless an exception applies.¹⁰ An electronically filed document must be received successfully in its entirety by the time and date it is due.

Comments on Product Characteristics

Commerce is providing interested parties an opportunity to comment on the appropriate physical characteristics of choline salts to be reported in response to Commerce's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant factors of production (FOP) accurately, as well as to develop appropriate product comparison criteria.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on August 3, 2026, which is 20 calendar days from the signature date of this notice. Any rebuttal comments must be filed by 5:00 p.m. ET on August 13, 2026, which is 10 calendar days from the initial comment deadline. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of the LTFV investigation.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or

rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the "industry."

Section 771(4)(A) of the Act defines the "industry" as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether "the domestic industry" has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC apply the same statutory definition regarding the domestic like product,¹¹ they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.¹²

Section 771(10) of the Act defines the domestic like product as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title." Thus, the reference point from which the domestic like product analysis begins is "the article subject to an investigation" (i.e., the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigation.¹³ Based on our analysis of the information submitted on the record, we have determined that choline salts, as defined in the scope, constitute a single domestic like product, and we

have analyzed industry support in terms of that domestic like product.¹⁴

In determining whether the petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the "Scope of the Investigation," in the appendix to this notice. To establish industry support, the petitioner provided its own production of the domestic like product in 2025 and compared this to the total production of the domestic like product for the U.S. choline salts industry.¹⁵ We relied on data provided by the petitioner for purposes of measuring industry support.¹⁶

Our review of the data provided in the Petition, the First and Second General Issues Supplements, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petition.¹⁷ First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (e.g., polling).¹⁸ Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.¹⁹ Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.²⁰ Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.²¹

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that the U.S. industry producing the domestic like

¹⁰ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011); see also *Enforcement and Compliance; Change of Electronic Filing System Name*, 79 FR 69046 (November 20, 2014), for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at <https://access.trade.gov/help> and a handbook can be found at https://access.trade.gov/ACCESS%20Handbook%20on%20Electronic%20Filing%20Procedures_March2026.pdf.

¹¹ See section 771(10) of the Act.

¹² See *USEC, Inc. v. United States*, 132 F.Supp.2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F.Supp. 639, 644 (CIT 1988), *aff'd Algoma Steel Corp., Ltd. v. United States*, 865 F.2d 240 (Fed. Cir. 1989)).

¹³ For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, see Checklist, "Antidumping Duty Investigation Initiation Checklist: Certain Choline Salts from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (China AD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Choline Salts from the People's Republic of China (Attachment II). This checklist is on file electronically via ACCESS.

¹⁴ For further discussion, see Attachment II of the China AD Initiation Checklist.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*; see also section 732(c)(4)(D) of the Act.

¹⁹ See Attachment II of the China AD Initiation Checklist.

²⁰ *Id.*

²¹ *Id.*

product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.²²

The petitioner contends that the industry's injured condition is illustrated by a significant increase in the volume of subject imports; reduced market share; lost sales and revenues; underselling and price depression and suppression; decline in production, capacity utilization, and employment variables; and negative impact on financial performance.²³ We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.²⁴

Allegations of Sales at LTFV

The following is a description of the allegations of sales at LTFV upon which Commerce based its decision to initiate LTFV investigation of imports of choline salts from China. The sources of data for the deductions and adjustments relating to U.S. price and normal value (NV) are discussed in greater detail in the China AD Initiation Checklist.

U.S. Price

The petitioner based export price (EP) on pricing information for choline salts produced in China and sold or offered for sale in the U.S. market.²⁵ The petitioner made certain adjustments to U.S. price to calculate a net ex-factory U.S. price, where applicable.²⁶

Normal Value

Commerce considers China to be an NME country.²⁷ In accordance with

section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by Commerce. Therefore, we continue to treat China as an NME country for purposes of the initiation of the LTFV investigation. Accordingly, we base NV on FOPs valued in surrogate market economy countries in accordance with section 773(C) of the Act.

The petitioner claims that Mexico, Malaysia, and the Republic of Türkiye (Türkiye) are appropriate surrogate countries for China because they are market economy countries that are at a level of economic development comparable to that of China and are a significant producers of comparable merchandise.²⁸ The petitioner provided publicly available information from Mexico, Malaysia, and Türkiye to value all FOPs.²⁹ Based on the information provided by the petitioner, we believe it is appropriate to use Mexico, Malaysia, and Türkiye as surrogate countries for China to value all FOPs for initiation purposes.

Interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs within 30 days before the scheduled date of the preliminary determination.

Factors of Production

Because information regarding the volume of inputs consumed by Mexican, Malaysian, and Turkish producers/exporters were not reasonably available, the petitioner used its own production experience and product-specific consumptions rates as a surrogate to value the Chinese manufacturers' FOPs.³⁰ Additionally, the petitioner calculated factory overhead, SG&A, and profit based on the experiences of Mexican, Malaysian, and Turkish producers of comparable merchandise.³¹

Fair Value Comparisons

Based on the data provided by the petitioner, there is reason to believe that imports of choline salts from China are being, or are likely to be, sold in the United States at LTFV. Based on comparisons of EP or NV in accordance with sections 772 and 773 of the Act, the estimated dumping margins for

choline salts from China covered by this initiation range from (1) China (Mexico surrogate)—129.43 to 229.44 percent; (2) China (Malaysia surrogate)—73.39 to 147.26 percent; (3) China (Türkiye surrogate)—189.49 to 313.82 percent.³²

Initiation of LTFV Investigation

Based upon the examination of the Petition and supplemental responses, we find that they meet the requirements of section 732 of the Act. Therefore, we are initiating a LTFV investigation to determine whether imports of choline salts from China are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 140 days after the date of this initiation.

Respondent Selection

In the Petition, the petitioner identified 92 companies in China as producers and/or exporters of choline salts.³³ Our standard practice for respondent selection in an AD investigation involving an NME country is to select respondents based on quantity and value (Q&V) questionnaires in cases where Commerce has determined that the number is large, and it cannot individually examine each company based upon its resources. Therefore, considering the number of producers and/or exporters identified in the Petition, Commerce will solicit Q&V information that can serve as a basis for selecting exporters for individual examination in the event that Commerce determines that the number is large and decides to limit the number of respondents individually examined pursuant to section 777A(c)(2) of the Act. Given the number of producers and/or exporters identified in the Petition, Commerce has determined that it will issue Q&V questionnaires to the largest producers and/or exporters in China that are identified in the U.S. Customs and Border Protection POI entry data for which there is complete address information on the record.³⁴

Commerce will post the Q&V questionnaires along with filing instruction on Commerce's website at <https://www.trade.gov/ec-adcvd-qv-questionnaire>. Producers/exporters of choline salts from China that do not receive Q&V questionnaires may still

²² For further discussion, see China AD Initiation Checklist at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Choline Salts from the People's Republic of China.

²³ *Id.*

²⁴ *Id.*

²⁵ See China AD Initiation Checklist.

²⁶ *Id.*

²⁷ See, e.g., *Certain Freight Rail Couplers and Parts Thereof from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Preliminary Affirmative Determination of Critical Circumstances*, 88 FR 15372 (March 13, 2023), and accompanying Preliminary Decision Memorandum at 5, unchanged in *Certain Freight Rail Couplers and Parts Thereof from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative*

Determination of Critical Circumstances, 88 FR 34485 (May 30, 2023).

²⁸ See China AD Initiation Checklist.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ See Petition at Volume I (pages 45–47 and Exhibit I–1); see also First General Issues Supplement at 1–2 and Exhibit I–1 (rev.).

³⁴ See Memorandum, "Release of U.S. Customs and Border Protection Entry Data," dated July 8, 2026.

submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Commerce's website. Responses to the Q&V questionnaire may be submitted by the relevant Chinese producers/exporters no later than 5:00 p.m. ET on July 28, 2026, which is two weeks from the signature date of this notice. All Q&V questionnaire responses must be filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety by ACCESS no later than 5:00 p.m. ET on the deadline noted above.

Interested parties must submit applications for disclosure under administrative protective order (APO) in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce's website at <https://www.trade.gov/administrative-protective-orders>.

Separate Rates

In order to obtain separate rate status in an NME investigation, exporters and producers must submit a separate rate application. The specific requirements for submitting a separate rate application in an NME investigation are outlined in detail in the application itself, which is available on Commerce's website at <https://www.trade.gov/non-market-economy-separate-rate-applications-and-certifications>. Note that Commerce recently promulgated new regulations pertaining to separate rates, including the separate rate application deadline and eligibility for separate rate status, in 19 CFR 351.108.³⁵ Pursuant to 19 CFR 351.108(d)(1), the separate rate application will be due 21 days after publication of this initiation notice.³⁶ Exporters and producers must file a timely separate rate application if they want to be considered for individual examination. In addition, pursuant to 19 CFR 351.108(e), exporters and producers who submit a separate rate application and have been selected as mandatory respondents will be eligible for consideration for separate rate status only if they fully respond to all parts of Commerce's AD questionnaire and participate in the LTFV proceeding as mandatory respondents.³⁷ Commerce requires that companies from China submit a response to the Q&V questionnaire and a separate rate application by the respective deadlines to receive consideration for separate rate

status. Companies not filing a timely Q&V questionnaire response will not receive separate rate consideration.

Use of Combination Rates

Commerce will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

{w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that {Commerce} will now assign in its NME investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the {weighted average} of the individually calculated rates. This practice is referred to as the application of "combination rates" because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question and produced by a firm that supplied the exporter during the period of investigation.³⁸

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the Government of China via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of choline salts from China are materially injuring, or threatening material injury to, a U.S. industry.³⁹ A negative ITC determination will result in the investigation being terminated.⁴⁰ Otherwise, this LTFV investigation will

proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted⁴¹ and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.⁴² Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.⁴³ For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered

³⁵ See *Regulations Enhancing the Administration of the Antidumping and Countervailing Duty Trade Remedy Laws*, 89 FR 101694, 101759–60 (December 16, 2024).

³⁶ See 19 CFR 351.108(d)(1).

³⁷ See 19 CFR 351.108(e).

³⁸ See Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, "Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation Involving NME Countries," (April 5, 2005), at 6 (emphasis added), available on Commerce's website at <https://www.trade.gov/enforcement-and-compliance-policy-bulletins-0>.

³⁹ See section 733(a) of the Act.

⁴⁰ *Id.*

⁴¹ See 19 CFR 351.301(b).

⁴² See 19 CFR 351.301(b)(2).

⁴³ See 19 CFR 351.301; see also *Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013) (*Time Limits Final Rule*), available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>.

timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in this investigation.⁴⁴

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.⁴⁵ Parties must use the certification formats provided in 19 CFR 351.303(g).⁴⁶ Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in this investigation should ensure that they meet the requirements of 19 CFR 351.103(d) (e.g., by filing the required letter of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).⁴⁷

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: July 14, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigation

The merchandise covered by this investigation is certain choline salts, in all forms and purities, that are capable of delivering the nutrient choline. Subject choline salts may or may not contain

additives such as a vegetable or mineral carrier or an anti-caking agent and may or may not be coated or encapsulated, such as in a lipid. For choline salts that contain non-choline salt components, such as a carrier or coating, the entire article is covered, including the non-choline salt content, provided that the choline salt content constitutes at least 30 percent by weight.

Choline salts are organic compounds and quaternary ammonium salts. Subject merchandise includes, but is not limited to, the following choline salts in their aqueous, crystallized, dried, or encapsulated forms:

- Choline chloride, which exists as a colorless aqueous solution and as a white, crystalline powder which may or may not be mixed with vegetable, inorganic, or fat-based carriers. It has the molecular formula $[(CH_3)_3NCH_2CH_2OH]^+Cl^-$. It may also be referred to as (2-hydroxyethyl) trimethylammonium chloride, and its molecular formula may also be expressed as $C_5H_{14}NO.Cl$ or $C_5H_{14}ClNO$. The Chemical Abstracts Service (CAS) registry number for choline chloride is 67–48–1; the Flavoring Extract Manufacturers' Association (FEMA) number is 4500; the PubChem number is 6209; and the European Community (EC) number is 200–655–4;
- Choline bitartrate, which is a white crystalline powder with the molecular formula $(CH_3)_3NCH_2CH_2OH + HOOC-CH(OH)-CH(OH)-COO^-$. It may be referred to as (2-hydroxyethyl) trimethylammonium-L-(+)-tartrate salt, and its molecular formula may also be expressed as $C_5H_{14}NO.C_4H_5O_6$ or $C_9H_{19}NO_7$. Choline bitartrate has the CAS registry number 87–67–2; the PubChem number 6900; and the EC number 201–763–4;
- Choline dihydrogen citrate, which is a white crystalline powder with the molecular formula $C_{11}H_{21}NO_8$ and may be referred to as (2-hydroxyethyl) trimethylammonium citrate. Choline dihydrogen citrate has the CAS registry number 77–91–8; the PubChem number 66170; and the EC number 201–068–6.

This investigation covers choline salts for which the reaction of trimethylamine and ethylene oxide occurs in the subject country. The merchandise subject to this investigation includes choline salts in their aqueous or dried form that are processed in a third country, including, but not limited to, refining, drying, encapsulating, blending, or any other processing that would not otherwise remove the merchandise from the scope of this investigation if performed in the country of manufacture of the in-scope choline salt. Choline salts subject to this investigation are not excluded when commingled with choline salts from sources not subject to this investigation. Only the subject component of such commingled products is covered by the scope of this investigation.

Excluded from the scope of this investigation is choline hydroxide, which has the molecular formula $C_5H_{15}NO_2$, the CAS registry number 123–41–1, the PubChem number 31255, and the EC number 204–625–1. Also excluded is choline salicylate, which has the molecular formula $C_{12}H_{19}NO_4$, the CAS registry number 2016–36–6, the

PubChem number 54686350, and the EC number 217–948–8.

Also excluded from the scope of the investigation are any products already covered by the scope of any extant antidumping and/or countervailing duty orders, including *2,4-Dichlorophenoxyacetic Acid from India and the People's Republic of China: Antidumping Duty Orders*, 90 FR 22243 (May 27, 2025), and including *2,4-Dichlorophenoxyacetic Acid from the People's Republic of China and India: Countervailing Duty Orders*, 90 FR 22232 (May 27, 2025).

The choline salts subject to this investigation are classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheading 2923.10.0000. Subject choline salts of dried choline chloride may also enter under HTSUS subheadings 2309.90.1005, 2309.90.1015, 2309.90.1020, 2309.90.1030, 2309.90.1032, 2309.90.1035, 2309.90.1045, 2309.90.1050, 2309.90.9500, and 3824.99.9397. Although the HTSUS subheadings and CAS registry numbers are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

[FR Doc. 2026–14518 Filed 7–17–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–523–814]

Common Alloy Aluminum Sheet From the Sultanate of Oman: Preliminary Results of Antidumping Duty Administrative Review; 2024–2025

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that Oman Aluminium Rolling Company SPC (OARC) made sales of subject merchandise at less than normal value (NV) during the period of review (POR), April 1, 2024 through March 31, 2025. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable July 20, 2026.

FOR FURTHER INFORMATION CONTACT: George McMahon, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1167.

SUPPLEMENTARY INFORMATION:

Background

On May 20, 2025, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the

⁴⁴ See 19 CFR 351.302; see also, e.g., *Time Limits Final Rule*.

⁴⁵ See section 782(b) of the Act.

⁴⁶ See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*). Additional information regarding the *Final Rule* is available at https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.

⁴⁷ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069 (September 29, 2023).

antidumping duty order¹ on common alloy aluminum sheet (aluminum sheet) from the Sultanate of Oman (Oman).² OARC is the only company subject to this review and, thus, is the sole mandatory respondent in this administrative review.³

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.⁴ Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.⁵ Between February and June 2026, Commerce extended the preliminary results of this review to no later than July 7, 2026.⁶

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.⁷ A list of topics included in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS, which is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision

Memorandum can be accessed directly at <https://access.trade.gov/frnotices>.

Scope of the Order

The merchandise subject to the *Order* is aluminum sheet from Oman. For a complete description of the scope of the *Order*, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the following estimated weighted-average dumping margins exist for the period of April 1, 2024, through March 31, 2025:

Exporter/producer	Weighted-average dumping margin (percent)
Oman Aluminium Rolling Company SPC	2.23

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results within 10 days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce to no later than 21 days after the date of the publication of this notice.⁸ Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.⁹ Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing

each issue; and (2) a table of authorities.¹⁰ All submissions must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5:00 p.m. Eastern Time on the established deadline.

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public executive summary for each issue raised in their briefs.¹¹ Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).¹²

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of issues to be discussed.¹³ Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.¹⁴

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

If OARC's weighted-average dumping margin is not zero or *de minimis* (i.e., less than 0.50 percent) in the final results of this review, Commerce

¹ See *Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan and the Republic of Turkey: Antidumping Duty Orders*, 86 FR 22139 (April 27, 2021) (*Order*).

² See *Initiation of Antidumping Duty and Countervailing Duty Administrative Reviews*, 90 FR 21459 (May 20, 2025) (*Initiation Notice*).

³ Commerce initiated this administrative review on "Oman Aluminium Rolling Company LLC" and "Oman Aluminium Rolling Company SPC." For purposes of these preliminary results, we are relying on "Oman Aluminium Rolling Company SPC" based on OARC's reporting of its name.

⁴ See Memorandum, "Deadlines Affected by the Shutdown of the Federal Government," dated November 14, 2025.

⁵ See Memorandum, "Tolling of all Case Deadlines," dated November 24, 2025.

⁶ See Memoranda, "Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated February 27, 2026; "Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated June 9, 2026; and "Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated June 29, 2026.

⁷ See Memorandum, "Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Common Alloy Aluminum Sheet from Oman; 2024–2025," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁸ See 19 CFR 351.309.

⁹ See 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

¹⁰ See 19 CFR 351.309(c)(2) and (d)(2).

¹¹ We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

¹² See *APO and Service Procedures*.

¹³ See 19 CFR 351.310(c).

¹⁴ See 19 CFR 351.310(d).

intends to calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those sales. Where we do not have entered values for all U.S. sales to a particular importer, we will calculate an importer-specific, per-unit assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total quantity of those sales.¹⁵ To determine whether an importer-specific, per-unit assessment rate is *de minimis*, in accordance with 19 CFR 351.106(c)(2), we also will calculate an importer-specific *ad valorem* ratio based on estimated entered values. If OARC's weighted-average dumping margin is zero or *de minimis* or where an importer-specific *ad valorem* assessment rate is zero or *de minimis*, we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.¹⁶

In accordance with Commerce's "automatic assessment" practice, for entries of subject merchandise during the POR produced by OARC for which it did not know that the merchandise was destined for the United States, we intend to instruct CBP to liquidate those entries at the all-others rate calculated in the less-than-fair-value (LTFV) investigation (*i.e.*, 5.29 percent)¹⁷ if there is no rate for the intermediate company(ies) involved in the transaction.¹⁸

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the company listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered by this review, the cash deposit rate will

continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the LTFV investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 5.29 percent, the all-others rate established in the LTFV investigation.¹⁹ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: July 7, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Affiliation
- V. Discussion of the Methodology
- VI. Currency Conversion
- VII. Recommendation

[FR Doc. 2026–14517 Filed 7–17–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–239]

Certain Choline Salts From the People's Republic of China: Initiation of Countervailing Duty Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable July 14, 2026.

FOR FURTHER INFORMATION CONTACT: Kelsie Hohenberger, Office V, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2517.

SUPPLEMENTARY INFORMATION:

The Petition

On June 24, 2026, the U.S. Department of Commerce (Commerce) received a countervailing duty (CVD) petition concerning imports of certain choline salts (choline salts) from the People's Republic of China (China), filed in proper form on behalf of BCP Ingredients, Inc. (the petitioner), a domestic producer of choline salts.¹ The CVD Petition was accompanied by an antidumping duty (AD) petition concerning imports of choline salts from China.²

Between June 29 and July 7, 2026, Commerce requested supplemental information pertaining to certain aspects of the Petition in supplemental questionnaires.³ Between July 2 and July 9, 2026, the petitioner filed timely responses to these requests for additional information.⁴

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that the Government of China (GOC) is providing countervailable subsidies, within the meaning of sections 701 and

¹ See Petitioner's Letter, "Petition for the Imposition of Antidumping and Countervailing Duties," dated June 24, 2026 (Petition).

² *Id.*

³ See Commerce's Letters, "General Issues Supplemental Questions," dated June 29, 2026 (First General Issues Questionnaire); "CVD Supplemental Questions," dated June 29, 2026 (China CVD Supplemental Questionnaire); and "Second General Issues Supplemental Questions," dated July 7, 2026 (Second General Issues Questionnaire).

⁴ See Petitioner's Letters, "Response to General Issues Supplemental Questions," dated July 2, 2026 (First General Issues Supplement); "Response to Countervailing Duty Supplemental Questions," dated July 2, 2026 (China CVD Supplement); and "Response to Second General Issues Supplemental Questions," dated July 9, 2026 (Second General Issues Supplement).

¹⁵ See 19 CFR 351.212(b)(1).

¹⁶ See 19 CFR 351.106(c)(2); see also *Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101, 8103 (February 14, 2012).

¹⁷ See Order, 86 FR at 22142.

¹⁸ For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

¹⁹ See Order.

771(5) of the Act, to producers of choline salts from China, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing choline salts in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating a CVD investigation, the Petition was accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petition on behalf of the domestic industry, because the petitioner is an interested party, as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support with respect to the initiation of the requested CVD investigation.⁵

Period of Investigation (POI)

Because the Petition was filed on June 24, 2026, the POI is January 1, 2025, through December 31, 2025.⁶

Scope of the Investigation

The product covered by this investigation is choline salts from China. For a full description of the scope of this investigation, *see* the appendix to this notice.

Comments on the Scope of the Investigation

Between June 29 and July 10, 2026, Commerce requested information and clarification from the petitioner regarding the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.⁷ Between July 2 and July 10, 2026, the petitioner provided clarifications and revised the scope.⁸ The description of merchandise covered by this investigation, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.*, scope).⁹ Commerce will consider

all scope comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information, all such factual information should be limited to public information.¹⁰ Commerce requests that interested parties provide at the beginning of their scope comments a public executive summary for each comment or issue raised in their submission. Commerce further requests that interested parties limit their public executive summary of each comment or issue to no more than 450 words, not including citations. Commerce intends to use the public executive summaries as the basis of the comment summaries included in the analysis of scope comments. To facilitate preparation of its questionnaires, Commerce requests that scope comments be submitted by 5:00 p.m. Eastern Time (ET) on August 3, 2026, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, and should also be limited to public information, must be filed by 5:00 p.m. ET on August 13, 2026, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of this investigation be submitted during that period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party must contact Commerce and request permission to submit the additional information. All scope comments must be filed simultaneously on the records of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.¹¹ An electronically filed document must be

received successfully in its entirety by the time and date it is due.

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, Commerce notified the GOC of the receipt of the Petition and provided an opportunity for consultations with respect to the Petition.¹² The GOC filed consultation remarks in lieu of consultations on July 10, 2026.¹³

Determination of Industry Support for the Petition

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the "industry."

Section 771(4)(A) of the Act defines the "industry" as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether "the domestic industry" has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC apply the same statutory definition regarding the domestic like product,¹⁴ they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and

⁵ See section on "Determination of Industry Support for the Petition," *infra*.

⁶ See 19 CFR 351.204(b)(2).

⁷ See First General Issues Questionnaire; *see also* Second General Issues Questionnaire; and Memorandum "Teleconference with Counsel to the Petitioner," dated July 10, 2026 (Scope Call Memorandum).

⁸ See First General Issues Supplement at 3–10; *see also* Second General Issues Supplement at 1–5; and Scope Call Memorandum.

⁹ See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*); *see also* 19 CFR 351.312.

¹⁰ See 19 CFR 351.102(b)(21) (defining "factual information").

¹¹ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011); *see also* *Enforcement and Compliance; Change of Electronic Filing System Name*, 79 FR 69046 (November 20, 2014), for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at <https://access.trade.gov/help> and a handbook can be found at https://access.trade.gov/ACCESS%20Handbook%20on%20Electronic%20Filing%20Procedures_March2026.pdf.

¹² See Commerce's Letter, "Invitation for Consultations to Discuss the Countervailing Duty Petition," dated June 24, 2026.

¹³ See GOC's Letter, "Comments on CVD Petition on Certain Choline Salts from China (C–570–239)," dated July 10, 2026.

¹⁴ See section 771(10) of the Act.

information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.¹⁵

Section 771(10) of the Act defines the domestic like product as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.” Thus, the reference point from which the domestic like product analysis begins is “the article subject to an investigation” (*i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigation.¹⁶ Based on our analysis of the information submitted on the record, we have determined that choline salts, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.¹⁷

In determining whether the petitioner has standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the “Scope of the Investigation,” in the appendix to this notice. To establish industry support, the petitioner provided its own production of the domestic like product in 2025 and compared this to the total production of the domestic like product for the U.S. choline salts industry.¹⁸ We relied on data provided by the petitioner for purposes of measuring industry support.¹⁹

Our review of the data provided in the Petition, the First and Second General Issues Supplements, and other information readily available to Commerce indicates that the petitioner has established industry support for the

Petition.²⁰ First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.*, polling).²¹ Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.²² Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.²³ Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.²⁴

Injury Test

Because China is a “Subsidies Agreement Country” within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to this investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from China materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that imports of the subject merchandise are benefiting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioner alleges that subject imports from China exceed the negligibility threshold provided for under section 771(24)(A) of the Act.²⁵

The petitioner contends that the industry’s injured condition is illustrated by a significant increase in

the volume of subject imports; reduced market share; lost sales and revenues; underselling and price depression and suppression; declines in production, capacity utilization, and employment variables; and negative impact on financial performance.²⁶ We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.²⁷

Initiation of CVD Investigation

Based upon the examination of the Petition and supplemental responses, we find that they meet the requirements of section 702 of the Act. Therefore, we are initiating a CVD investigation to determine whether imports of choline salts from China benefit from countervailable subsidies conferred by the GOC. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 65 days after the date of this initiation.

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation on 43 programs alleged by the petitioner. For a full discussion of the basis for our decision to initiate on each program, *see* the China CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

Respondent Selection

In the Petition, the petitioner identified 92 companies in China.²⁸ Commerce intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in the investigation. In the event Commerce determines that the number of companies is large, and it cannot individually examine each company based upon Commerce’s resources, where appropriate, Commerce intends to select mandatory respondents based on U.S. Customs and Border Protection (CBP) data for imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS) subheading listed in the “Scope of the Investigation,” in the appendix.

On July 8, 2026, Commerce released CBP data on imports of choline salts from China under administrative

¹⁵ *See* *USEC, Inc. v. United States*, 132 F.Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F.Supp. 639, 644 (CIT 1988), *aff’d* *Algoma Steel Corp., Ltd. v. United States*, 865 F.2d 240 (Fed. Cir. 1989)).

¹⁶ For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, *see* Checklist, “Countervailing Duty Investigation Initiation Checklist: Certain Choline Salts from the People’s Republic of China,” dated concurrently with, and hereby adopted by, this notice (China CVD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Choline Salts from the People’s Republic of China (Attachment II). This checklist is on file electronically via ACCESS.

¹⁷ For further discussion, *see* Attachment II of the China CVD Initiation Checklist.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*; *see also* section 702(c)(4)(D) of the Act.

²² *See* Attachment II of the China CVD Initiation Checklist.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.* at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Choline Salts from the People’s Republic of China.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *See* Petition at Volume I (pages 45–47 and Exhibit I–1); *see also* First General Issues Supplement at 1–2 and Exhibit I–1 (rev.).

protective order (APO) to all parties with access to information protected by APO and indicated that interested parties wishing to comment on CBP data and/or respondent selection must do so within three days of the publication date of the notice of initiation of this investigation.²⁹ Comments must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety via ACCESS by 5:00 p.m. ET on the specified deadline. Commerce will not accept rebuttal comments regarding the CBP data or respondent selection.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce's website at <https://www.trade.gov/administrative-protective-orders>.

Distribution of a Copy of the Petition

In accordance with section 702(b)(4)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the GOC via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of its initiation, as required by section 702(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of choline salts from China are materially injuring, or threatening material injury to, a U.S. industry.³⁰ A negative ITC determination will result in the investigation being terminated.³¹ Otherwise, this CVD investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors of production under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR

351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted³² and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.³³ Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.³⁴ For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits, where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in this investigation.³⁵

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.³⁶ Parties must use the certification formats provided in 19 CFR 351.303(g).³⁷ Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in this investigation should ensure that they meet the requirements of 19 CFR 351.103(d) (e.g., by filing the required letters of appearance). Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).³⁸

This notice is issued and published pursuant to sections 702 and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: July 14, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigation

The merchandise covered by this investigation is certain choline salts, in all forms and purities, that are capable of delivering the nutrient choline. Subject choline salts may or may not contain additives such as a vegetable or mineral carrier or an anti-caking agent and may or may not be coated or encapsulated, such as in a lipid. For choline salts that contain non-choline salt components, such as a carrier or coating, the entire article is covered, including the non-choline salt content, provided that the choline salt content constitutes at least 30 percent by weight.

Choline salts are organic compounds and quaternary ammonium salts. Subject merchandise includes, but is not limited to, the following choline salts in their aqueous, crystallized, dried, or encapsulated forms:

2013) (*Time Limits Final Rule*), available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>.

³⁶ See section 782(b) of the Act.

³⁷ See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); see also frequently asked questions regarding the *Final Rule*, available at https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.

³⁸ See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069 (September 29, 2023).

²⁹ See Memorandum, "Release of U.S. Customs and Border Protection Entry Data," dated July 8, 2026.

³⁰ See section 703(a)(1) of the Act.

³¹ *Id.*

³² See 19 CFR 351.301(b).

³³ See 19 CFR 351.301(b)(2).

³⁴ See 19 CFR 351.302.

³⁵ See 19 CFR 351.301; see also *Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20,

- Choline chloride, which exists as a colorless aqueous solution and as a white, crystalline powder which may or may not be mixed with vegetable, inorganic, or fat-based carriers. It has the molecular formula $[(\text{CH}_3)_3\text{NCH}_2\text{CH}_2\text{OH}]^+\text{Cl}^-$. It may also be referred to as (2-hydroxyethyl) trimethylammonium chloride, and its molecular formula may also be expressed as $\text{C}_5\text{H}_{14}\text{NO}_2\text{Cl}$ or $\text{C}_5\text{H}_{14}\text{ClNO}$. The Chemical Abstracts Service (CAS) registry number for choline chloride is 67–48–1; the Flavoring Extract Manufacturers' Association (FEMA) number is 4500; the PubChem number is 6209; and the European Community (EC) number is 200–655–4;

- Choline bitartrate, which is a white crystalline powder with the molecular formula $(\text{CH}_3)_3\text{NCH}_2\text{CH}_2\text{OH}^+\text{HOOC}^-\text{CH}(\text{OH})-\text{CH}(\text{OH})-\text{COO}^-$. It may be referred to as (2-hydroxyethyl) trimethylammonium-L-(+)-tartrate salt, and its molecular formula may also be expressed as $\text{C}_5\text{H}_{14}\text{NO}_7$, $\text{C}_5\text{H}_{14}\text{NO}_6$, or $\text{C}_9\text{H}_{19}\text{NO}_7$. Choline bitartrate has the CAS registry number 87–67–2; the PubChem number 6900; and the EC number 201–763–4;

- Choline dihydrogen citrate, which is a white crystalline powder with the molecular formula $\text{C}_{11}\text{H}_{21}\text{NO}_8$ and may be referred to as (2-hydroxyethyl) trimethylammonium citrate. Choline dihydrogen citrate has the CAS registry number 77–91–8; the PubChem number 66170; and the EC number 201–068–6.

This investigation covers choline salts for which the reaction of trimethylamine and ethylene oxide occurs in the subject country. The merchandise subject to this investigation includes choline salts in their aqueous or dried form that are processed in a third country, including, but not limited to, refining, drying, encapsulating, blending, or any other processing that would not otherwise remove the merchandise from the scope of this investigation if performed in the country of manufacture of the in-scope choline salt. Choline salts subject to this investigation are not excluded when commingled with choline salts from sources not subject to this investigation. Only the subject component of such commingled products is covered by the scope of this investigation.

Excluded from the scope of this investigation is choline hydroxide, which has the molecular formula $\text{C}_5\text{H}_{15}\text{NO}_2$, the CAS registry number 123–41–1, the PubChem number 31255, and the EC number 204–625–1. Also excluded is choline salicylate, which has the molecular formula $\text{C}_{12}\text{H}_{19}\text{NO}_4$, the CAS registry number 2016–36–6, the PubChem number 54686350, and the EC number 217–948–8.

Also excluded from the scope of the investigation are any products already covered by the scope of any extant antidumping and/or countervailing duty orders, including *2,4-Dichlorophenoxyacetic Acid from India and the People's Republic of China: Antidumping Duty Orders*, 90 FR 22243 (May 27, 2025), and including *2,4-Dichlorophenoxyacetic Acid from the People's Republic of China and India: Countervailing Duty Orders*, 90 FR 22232 (May 27, 2025).

The choline salts subject to this investigation are classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheading 2923.10.0000. Subject choline salts of dried choline chloride may also enter under HTSUS subheadings 2309.90.1005, 2309.90.1015, 2309.90.1020, 2309.90.1030, 2309.90.1032, 2309.90.1035, 2309.90.1045, 2309.90.1050, 2309.90.9500, and 3824.99.9397. Although the HTSUS subheadings and CAS registry numbers are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

[FR Doc. 2026–14519 Filed 7–17–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Request for Nominations for Members To Serve on National Institute of Standards and Technology Federal Advisory Committees

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST or Institute) invites and requests nomination of individuals for appointment to seven existing Federal Advisory Committees (Committees): Advisory Committee on Earthquake Hazards Reduction; Board of Overseers of the Malcolm Baldrige National Quality Award; Information Security and Privacy Advisory Board; Manufacturing Extension Partnership Advisory Board; National Artificial Intelligence Advisory Committee, including the National Artificial Intelligence Advisory Committee's Subcommittee on Artificial Intelligence and Law Enforcement; National Construction Safety Team Advisory Committee; and Visiting Committee on Advanced Technology. NIST will consider nominations received in response to this notice for appointments to the Committees, in addition to nominations already received in response to previous notices and other solicitations including unsolicited nominations. Registered Federal lobbyists may only serve as Representatives on specific NIST Federal Advisory Committees that allow for such membership. Race or sex shall not be considered in the selection of the Committees' membership.

DATES: Nominations for all Committees will be accepted on an ongoing basis and will be considered as and when vacancies arise.

ADDRESSES: See below.

SUPPLEMENTARY INFORMATION:

Advisory Committee on Earthquake Hazards Reduction (ACEHR)

Address: Please submit nominations to John Harris via email at John.Harris@nist.gov. Nominations may also be mailed to John Harris, Designated Federal Officer and Acting Director, National Earthquake Hazards Reduction Program, NIST, 100 Bureau Drive, Mail Stop 8615, Gaithersburg, MD 20899–8615. Additional information regarding the ACEHR, including its charter and current members may be found on its home page at <https://nehrp.gov/committees/index.htm>.

Contact Information: John Harris, Acting Director, National Earthquake Hazards Reduction Program, NIST, 100 Bureau Drive, Mail Stop 8615, Gaithersburg, MD 20899–8615, telephone 301–975–6538 or via email at john.harris@nist.gov.

Committee Information

The Advisory Committee on Earthquake Hazards Reduction (Committee) was established in accordance with the National Earthquake Hazards Reduction Program Reauthorization Act of 2004, Public Law 108–360 (42 U.S.C. 7704(a)(5)) and the Federal Advisory Committee Act, 5 U.S.C. 1001 *et seq.*

Objectives and Duties

1. The Committee will act in the public interest to assess trends and developments in the science and engineering of earthquake hazards reduction; effectiveness of the National Earthquake Hazards Reduction Program (Program) in carrying out the activities under section (a)(2) of the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7704(a)(2)); the need to revise the Program; and the management, coordination, implementation, and activities of the Program.

2. The Committee will function solely as an advisory body, in accordance with the provisions of the Federal Advisory Committee Act.

3. The Committee shall report to the Director of NIST at least once every two years on its findings of the assessments and its recommendations for ways to improve the Program. In developing recommendations, the Committee shall consider the recommendations of the United States Geological Survey (USGS) Scientific Earthquake Studies Advisory Committee (SESAC).

Membership

1. The Committee shall consist of not fewer than 11, nor more than 17 members. Members shall reflect the broad technical disciplines, competencies, and communities involved in earthquake hazards reduction. The Committee focuses on topic areas such as Emergency Management/Preparedness, Geotechnical Engineering, Lifeline Infrastructure, Risk Assessment/Statistics, Seismology, Social Sciences and Public Health as well as Structural Engineering.

2. Members shall be selected on the basis of established records of distinguished service in their professional community and their knowledge of issues affecting the National Earthquake Hazards Reduction Program.

3. The Director of NIST shall appoint the members of the Committee. Members shall be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance.

4. The term of office of each member of the Committee generally shall be three years, except that vacancy appointments shall be for the remainder of the unexpired term of the vacancy and that members shall have staggered terms such that the Committee will have approximately one-third new or reappointed members each year.

Miscellaneous

1. Members of the Committee shall not be compensated for their services, but may, upon request, be allowed travel and per diem expenses in accordance with 5 U.S.C. 5703 *et seq.*, while attending meetings of the Committee or subcommittees thereof, while away from their homes or regular places of business.

2. Members of the Committee shall serve as Special Government Employees (SGEs) as that term is defined in 18 U.S.C. 202. SGEs are subject to conflict of interest laws and regulations, including (but not limited to) the obligation to annually file a confidential financial disclosure report (OGE Form 450) and complete ethics training. Additionally, SGEs must comply with the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635).

3. The Committee members shall meet at least once per year. Additional meetings may be called whenever requested by the NIST Director; such meetings may be in the form of telephone conference calls and/or video conferences.

4. Generally, Committee meetings are open to the public.

Nomination Information

1. Members will be drawn from industry and other communities having an interest in the Program, such as, but not limited to, research and academic institutions, industry standards development organizations, state and local government, and financial communities, who are qualified to provide advice on earthquake hazards reduction and represent all related scientific, architectural, and engineering disciplines.

2. Any person who has completed two consecutive full terms of service on the Committee shall be ineligible for appointment for a third term during the two-year period following the expiration of the second term.

3. Nominees should have established records of distinguished service. The field of expertise that the candidate represents should be specified in the nomination letter. A summary of the candidate's qualifications should be included with the nomination, including (where applicable) current or former service on federal advisory boards and Federal employment.

Board of Overseers of the Malcolm Baldrige National Quality Award

Address: Please submit nominations to Robert Fangmeyer, Director, Baldrige Performance Excellence Program, NIST, 100 Bureau Drive, Mail Stop 1020, Gaithersburg, MD 20899–1020. Nominations may also be submitted via email to Robert.Fangmeyer@nist.gov. Additional information regarding the Committee, including its charter, current membership list, and executive summary, may be found at <http://www.nist.gov/baldrige/community/overseers.cfm>.

Contact Information: Robyn Decker, Designated Federal Officer, Baldrige Performance Excellence Program, NIST, 100 Bureau Drive, Mail Stop 1020, Gaithersburg, MD 20899–1020; telephone 301–975–2361 or via email at Robyn@nist.gov.

Committee Information

The Board of Overseers of the Malcolm Baldrige National Quality Award (Board) was established in accordance with 15 U.S.C. 3711a(d)(2)(B), pursuant the Federal Advisory Committee Act, 5 U.S.C. 1001 *et seq.*

Objectives and Duties

1. The Board shall review the work of the private sector contractor(s), which assists the Director of NIST in

administering the Malcolm Baldrige National Quality Award (Award). The Board will make such suggestions for the improvement of the Award process as it deems necessary.

2. The Board shall make an annual report on the results of Award activities to the Director of NIST, along with its recommendations for the improvement of the Award process.

3. The Board will function solely as an advisory committee under the Federal Advisory Committee Act, 5 U.S.C. 1001 *et seq.*

4. The Board will report to the Director of NIST.

Membership

1. The Board will consist of at least five and approximately 12 members selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance, and for their preeminence in the field of organizational performance excellence. There will be a balanced representation from U.S. service, manufacturing, nonprofit, education, and health care industries. The Board will include members familiar with the quality, performance improvement operations, and competitiveness issues of manufacturing companies, service companies, nonprofits, health care providers, and educational institutions.

2. Board members will be appointed by the Secretary of Commerce generally for three-year terms and will serve at the discretion of the Secretary. All terms will commence on March 1 and end on the last day of February of the appropriate years.

3. Members who are not Federal employees will serve as Special Government Employees (SGEs) as that term is defined in 18 U.S.C. 202. SGEs are subject to conflict of interest laws and regulations, including (but not limited to) the obligation to annually file a confidential financial disclosure report (OGE Form 450) and complete ethics training. Additionally, SGEs must comply with the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635).

Miscellaneous

1. Members of the Board shall serve without compensation, but may, upon request, be reimbursed travel expenses, including per diem, as authorized by 5 U.S.C. 5701 *et seq.*

2. The Board will meet at least annually, but usually two times a year. Additional meetings may be called as deemed necessary by the NIST Director.

3. Generally, Board meetings are open to the public.

Nomination Information

1. Nominations are sought from the private and public sector as described above.

2. Nominees should have established records of distinguished service and shall be familiar with the quality improvement operations and competitiveness issues of manufacturing companies, service companies, educational institutions, health care providers, and nonprofit organizations. The relevant expertise of the candidate should be specified in the nomination letter. A summary of the candidate's qualifications should be included with the nomination, including (where applicable) current or former service on Federal advisory boards and Federal employment. Besides participation at meetings, it is desired that members be able to devote the equivalent of seven days between meetings to either developing or researching topics of potential interest, and so forth, in furtherance of their Board duties.

Information Security and Privacy Advisory Board (ISPAB)

Address: Please submit nominations to Cheryl Gendron, Designated Federal Officer, National Institute of Standards and Technology, 100 Bureau Drive, MS 8900, Gaithersburg, MD 20899. Nominations may also be submitted via email to Cheryl.Gendron@nist.gov. Additional information regarding the ISPAB, including its charter and current membership list, may be found on its electronic home page at <http://csrc.nist.gov/groups/SMA/ispab/index.html>.

Contact Information: Cheryl Gendron, Designated Federal Officer, National Institute of Standards and Technology, 100 Bureau Drive, MS 8900, Gaithersburg, MD 20899. Nominations may also be submitted via email to Cheryl.Gendron@nist.gov.

Committee Information

The ISPAB (Committee or Board) was originally chartered as the Computer System Security and Privacy Advisory Board by the Department of Commerce pursuant to the Computer Security Act of 1987 (Pub. L. 100-235). The E-Government Act of 2002 (Pub. L. 107-347, Title III), amended Section 21 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-4), including changing the Committee's name, and the charter was amended accordingly.

Objectives and Duties

1. The Board will identify emerging managerial, technical, administrative,

and physical safeguard issues relative to information security and privacy.

2. The Board will advise NIST, the Secretary of Homeland Security, and the Director of the Office of Management and Budget (OMB) on information security and privacy issues pertaining to Federal Government information systems, including through review of proposed standards and guidelines developed by NIST.

3. The Board shall report to the Director of NIST.

4. The Board reports annually its findings to the Secretary of Commerce, the Secretary of Homeland Security, the Director of OMB, the Director of the National Security Agency, and the appropriate committees of the Congress.

5. The Board will function solely as an advisory body, in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. 1001 *et seq.*

Membership

1. The Director of NIST will appoint the Chairperson and the members of the ISPAB, and members serve at the discretion of the NIST Director. Members will be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance.

2. The ISPAB will consist of a total of 12 members and a Chairperson, for a total of 13.

- The Board will include four members from outside the Federal Government who are eminent in the information technology industry, at least one of whom is representative of small- or medium-sized companies in such industries.

- The Board will include four members from outside the Federal Government who are eminent in the fields of information technology, or related disciplines, but who are not employed by or representative of a producer of information technology.

- The Board will include four members from the Federal Government who have information system management experience, including experience in information security and privacy, at least one of whom shall be from the National Security Agency.

- The term of office of each member of the Board shall be four years, except that vacancy appointments shall be for the remainder of the unexpired term of the vacancy. Any person who has completed two consecutive full terms of service on the Board shall thereafter be ineligible for appointment during the one-year period following the expiration of the second term.

- Members of the Board who are full-time officers or employees of the United

States Government shall serve as Regular Government Employees (RGEs). Members of the Board who are not full-time officers or employees of the United States Government are appointed for their individual expertise and experience and there shall serve as Special Government Employees (SGEs) as that term is defined in 18 U.S.C. 202. SGEs are subject to conflict of interest laws and regulations, including (but not limited to) the obligation to annually file a confidential financial disclosure report (OGE Form 450) and complete ethics training. Additionally, SGEs must comply with the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635).

Miscellaneous

1. Members of the Board, other than full-time employees of the Federal government, will not be compensated for their services, but will, upon request, be allowed travel expenses pursuant to 5 U.S.C. 5701 *et seq.*, while otherwise performing duties at the request of the Board Chairperson, while away from their homes or a regular place of business.

2. Meetings of the ISPAB are usually two to three days in duration and are usually held quarterly. Generally, ISPAB meetings are open to the public, including the press.

Nomination Information

1. Nominations are being accepted in all three categories described above.

2. Nominees should have specific experience related to information security or privacy issues, particularly as they pertain to Federal information technology. Letters of nomination should include the category of membership for which the candidate is applying and a summary of the candidate's qualifications for that specific category. Also include (where applicable) current or former service on Federal advisory boards and any Federal employment. Each nomination letter should state that the person agrees to the nomination, acknowledges the responsibilities of serving on the ISPAB, and that they will actively participate in good faith in the tasks of the ISPAB.

3. Besides participation at meetings, it is desired that members be able to devote a minimum of two days between meetings to developing draft issue papers, researching topics of potential interest, and so forth in furtherance of their ISPAB duties.

4. Selection of ISPAB members will not be limited to individuals who are nominated. Nominations that are received and meet the requirements will

be kept on file to be reviewed as ISPAB vacancies occur.

Manufacturing Extension Partnership (MEP) Advisory Board

Address: Please submit nominations to Nicole Ausherman, NIST, 100 Bureau Drive, Mail Stop 4800, Gaithersburg, MD 20899–4800. Nominations may also be submitted via email at Nicole.Ausherman@nist.gov. Additional information regarding MEP Advisory Board, including its charter, may be found on its electronic home page at <http://www.nist.gov/mep/advisory-board.cfm>.

Contact Information: Nagesh Rao, Acting MEP Director, NIST, 100 Bureau Drive, Mail Stop 4800, Gaithersburg, MD 20899–4800; telephone 301–975–3555, or via email at G.Rao@nist.gov.

Committee Information

The MEP Advisory Board (Board) is authorized under section 501 of the American Innovation and Competitiveness Act (Pub. L. 114–329), as amended, codified at 15 U.S.C. 278k(m), in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. 1001 *et seq.*

Objectives and Duties

1. The Board will provide advice on MEP activities, plans, and policies.
2. The Board will assess the soundness of MEP plans and strategies.
3. The Board will assess current performance against MEP program plans.
4. The Board will function solely in an advisory capacity, and in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. 1001 *et seq.*
5. The Board shall transmit through the Director of NIST an annual report to the Secretary of Commerce for transmittal to Congress not later than 30 days after the submission to Congress of the President's annual budget request each year. The report shall address the status of the MEP program.

Membership

1. The Board shall consist of not fewer than 10 members, appointed by the Director of NIST and broadly representative of stakeholders. At least 2 members shall be employed by or on an advisory board for a MEP Center, at least 5 members shall be from U.S. small businesses in the manufacturing sector, and at least 1 member shall represent a community college. No member shall be an employee of the Federal Government.
2. Board members shall serve in a Representative capacity, and not as

Special Government Employees (SGEs). See 18 U.S.C. 202.

3. The Director of NIST shall appoint the members of the Board. Members shall be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance. Board members serve at the discretion of the Director of NIST.

4. The term of office of each member of the Board shall be three years, except that vacancy appointments shall be for the remainder of the unexpired term of the vacancy. Any person who has completed two consecutive full terms of service on the Board shall thereafter be ineligible for appointment during the one-year period following the expiration of the second term.

Miscellaneous

1. Members of the Board will not be compensated for their services but will, upon request, be allowed travel and per diem expenses as authorized by 5 U.S.C. 5703 *et seq.*, while attending meetings of the Board or subcommittees thereof, while away from their homes or regular places of business.

2. The Board will meet at least biannually. Additional meetings may be called by the Director of NIST or the Designated Federal Officer (DFO).

3. Generally, committee meetings are open to the public.

Nomination Information

1. Nominations are being accepted in all categories described above.

2. Nominees should have specific experience related to manufacturing and industrial extension services. Letters of nomination should include the category of membership for which the candidate is applying and a summary of the candidate's qualifications for that specific category.

3. Nominations that are received and meet the requirements will be kept on file to be reviewed as Board vacancies occur.

National Artificial Intelligence Advisory Committee (NAIAC)

Address: Please submit nominations to Cheryl Gendron, Designated Federal Officer, National Institute of Standards and Technology, 100 Bureau Drive, MS 8900, Gaithersburg, MD 20899. Nominations may also be submitted via email to Cheryl.Gendron@nist.gov.

Contact Information: Cheryl Gendron, Designated Federal Officer, National Institute of Standards and Technology, 100 Bureau Drive, MS 8900, Gaithersburg, MD 20899. Nominations may also be submitted via email to Cheryl.Gendron@nist.gov.

Committee Information

The Secretary of Commerce established the National Artificial Intelligence Advisory Committee (the NAIAC or the Committee) pursuant to Section 5104 of the National Artificial Intelligence Initiative Act of 2020 (Pub. L. 116–283) (15 U.S.C. 9414), hereinafter referred to as the Act, and the Federal Advisory Committee Act, 5 U.S.C. 1001 *et seq.*

The Committee shall provide advice to the President and the National Artificial Intelligence Initiative Office on matters related to the National Artificial Intelligence Initiative (Initiative). As set forth in 15 U.S.C. 9411(a), the purposes of the Initiative are to: (1) ensure continued United States leadership in artificial intelligence research and development; (2) lead the world in the development and use of trustworthy artificial intelligence systems in the public and private sectors; (3) prepare the present and future United States workforce for the integration of artificial intelligence systems across all sectors of the economy and society; and (4) coordinate ongoing artificial intelligence research, development, and demonstration activities among the civilian agencies, the Department of Defense, and the Intelligence Community to ensure that each informs the work of the others.

Objectives and Duties

The Committee shall advise the President and the Initiative Office, established pursuant to 15 U.S.C. 9412, on matters related to the Initiative, including recommendations related to:

a. The current state of United States competitiveness and leadership in artificial intelligence, including the scope and scale of United States investments in artificial intelligence research and development in the international context;

b. The progress made in implementing the Initiative, including a review of the degree to which the Initiative has achieved the goals according to the metrics established by the Interagency Committee under Section 5103(d)(2) of the Act;

c. The state of the science around artificial intelligence, including progress toward artificial general intelligence;

d. Issues related to artificial intelligence and the United States workforce, including matters relating to the potential for using artificial intelligence for workforce training, the possible consequences of technological displacement, and supporting workforce training opportunities for occupations that lead to economic self-sufficiency

for individuals with barriers to employment and historically underrepresented populations, including minorities, Indians (as defined in 25 U.S.C. 5304), low-income populations, and persons with disabilities;

e. How to leverage the resources of the Initiative to streamline and enhance operations in various areas of government operations, including health care, cybersecurity, infrastructure, and disaster recovery;

f. The need to update the Initiative;

g. The balance of activities and funding across the Initiative;

h. Whether the strategic plan developed or updated by the Interagency Committee established under Section 5103(d)(2) of the Act is helping to maintain United States leadership in artificial intelligence;

i. The management, coordination, and activities of the Initiative;

j. Whether ethical, legal, safety, security, and other appropriate societal issues are adequately addressed by the Initiative;

k. Opportunities for international cooperation with strategic allies on artificial intelligence research activities, standards development, and the compatibility of international regulations;

l. Accountability and legal rights, including matters relating to oversight of artificial intelligence systems using regulatory and nonregulatory approaches, the responsibility for any violations of existing laws by an artificial intelligence system, and ways to balance advancing innovation while protecting individual rights; and

m. How artificial intelligence can enhance opportunities for diverse geographic regions of the United States, including urban, Tribal, and rural communities.

The Committee shall submit to the President, the Committee on Science, Space, and Technology, the Committee on Energy and Commerce, the House Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Armed Services of the House of Representatives, and the Committee on Commerce, Science, and Transportation, the Senate Select Committee on Intelligence, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Armed Services of the Senate, a report on the Committee's findings and recommendations under Section 5104(d) and Section 5104(e) of the Act not less frequently than once every three years. The report on the Committee's

findings and recommendations will be administratively delivered to the President and Congress through the Secretary of Commerce.

In addition, pursuant to Section 5104(e) of the Act, the chairperson of the Committee established a subcommittee—the Subcommittee on Artificial Intelligence and Law Enforcement (Subcommittee)—that provides advice to the President, through the Committee, on matters related to the development of AI relating to law enforcement, including advice on the following:

A. Bias, including whether the use of facial recognition by government authorities, including law enforcement agencies, is taking into account ethical considerations and addressing whether such use should be subject to additional oversight, controls, and limitations.

B. Security of data, including law enforcement's access to data and the security parameters for that data.

C. Adoptability, including methods to allow the United States Government and industry to take advantage of artificial intelligence systems for security or law enforcement purposes while at the same time ensuring the potential abuse of such technologies is sufficiently mitigated.

D. Legal standards, including those designed to ensure the use of artificial intelligence systems are consistent with the privacy rights, civil rights and civil liberties, and disability rights issues raised by the use of these technologies.

Membership

Members of the Committee and the Subcommittee shall be appointed by the Secretary of Commerce. The Committee shall consist of not less than 9 or more than 35 members, who represent broad and interdisciplinary expertise and perspectives, including from academic institutions, companies across diverse sectors, nonprofit and civil society entities, including civil rights and disability rights organizations, and Federal laboratories, who represent geographic diversity, and who are qualified to provide advice and information on science and technology research, development, ethics, standards, education, technology transfer, commercial application, security, and economic competitiveness related to artificial intelligence.

In selecting the members of the Committee, the Secretary of Commerce shall seek and give consideration to recommendations from Congress, industry, nonprofit organizations, the scientific community (including the National Academies of Sciences, Engineering, and Medicine, scientific

professional societies, and academic institutions), the defense and law enforcement communities, and other appropriate organizations.

Miscellaneous

Committee meetings and Subcommittee meetings generally will be conducted at least twice each year.

1. Generally, Committee meetings and Subcommittee meetings are open to the public.

2. Committee meetings and Subcommittee meetings may be held in-person or hybrid in selected locations across the country and/or completely virtual.

3. Members of the Committee and Subcommittee will not be compensated for their services, but may, upon request, be allowed travel expenses pursuant to 5 U.S.C. 5701 *et seq.*

4. If appointed to the Committee or Subcommittee, members will serve as Special Government Employees (SGEs) as that term is defined in 18 U.S.C. 202. SGEs are subject to conflict of interest laws and regulations, including (but not limited to) the obligation to annually file a confidential financial disclosure report (OGE Form 450) and complete ethics training. Additionally, SGEs must comply with the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635).

5. Committee members and Subcommittee members generally serve three-year terms, but the Secretary has the discretion to appoint members for one- or two-year terms to allow for staggered terms.

Nomination Information

The National Institute of Standards and Technology (NIST) is currently seeking candidates to serve on the National Artificial Intelligence Advisory Committee (NAIAC). In addition, pursuant to Section 5104(e) of the Act, NIST is also seeking candidates to serve on the National Artificial Intelligence Advisory Committee's *Subcommittee on Artificial Intelligence and Law Enforcement (Subcommittee)*. The Subcommittee provides, through the Committee, advice on matters relating to the development of AI relating to law enforcement, including bias, data security, adoptability, and legal standards.

1. Nominations are sought from all fields, sectors, and perspectives described above.

2. Nominees should represent broad and interdisciplinary expertise and perspectives, including from academic institutions, companies across diverse sectors, nonprofit and civil society entities, including civil rights and

disability rights organizations, and Federal laboratories, who represent geographic diversity, and who are qualified to provide advice and information on science and technology research, development, ethics, standards, education, technology transfer, commercial application, security, and economic competitiveness related to artificial intelligence. A resume or C.V. should be sent that includes a summary of the candidate's qualifications with a nomination letter, including (where applicable) current or former service on Federal advisory boards and Federal employment. The field of eminence for which the candidate is qualified should be specified in the nomination letter. In addition, each nomination letter should state whether the candidate seeks to serve on the Committee, the Subcommittee, or both; and that the candidate acknowledges the responsibilities of serving and will actively participate in good faith in the tasks of the Committee or Subcommittee, as appropriate. Third-party nomination letters should state that the candidate agrees to the nomination.

National Construction Safety Team (NCST) Advisory Committee

Address: Please submit nominations to Judy Bowie, Designated Federal Officer, NIST, 100 Bureau Drive, Mail Stop 8615, Gaithersburg, MD 20899–8615 or via email at Judy.Bowie@nist.gov. Additional information regarding the NCST Advisory Committee, including its charter, may be found on its electronic home page at <https://www.nist.gov/el/disaster-resilience/disaster-and-failure-studies/national-construction-safety-team-ncst/advisory>.

Contact Information: Tanya Brown-Giammanco, Director, Disaster and Failure Studies Program, NIST, 100 Bureau Drive, Mail Stop 8615, Gaithersburg, MD 20899–8615, telephone 301–975–2822; or via email at Tanya.Brown-Giammanco@nist.gov.

Committee Information

The NCST Advisory Committee (Committee) was established in accordance with the National Construction Safety Team Act, Public Law 107–231 (15 U.S.C. 7310), and the Federal Advisory Committee Act, 5 U.S.C. 1001 *et seq.*

Objectives and Duties

1. The Committee shall advise the Director of NIST on carrying out the National Construction Safety Team Act (Act), review the procedures developed

under section 2(c)(1) of the Act, and review the reports issued under section 8 of the Act.

2. The Committee functions solely as an advisory body, in accordance with the provisions of the Federal Advisory Committee Act.

3. The Committee shall report to the Director of NIST.

4. On January 1 of each year, the Committee shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report that includes: (1) an evaluation of National Construction Safety Team (Team) activities, along with recommendations to improve the operation and effectiveness of Teams, and (2) an assessment of the implementation of the recommendations of Teams and of the Committee.

Membership

1. The Committee shall consist of no less than 4 and no more than 12 members. Members shall reflect the wide breadth of technical disciplines and competencies involved in the National Construction Safety Teams investigations. Members shall be selected on the basis of established records of distinguished service in their professional community and their knowledge of issues affecting the National Construction Safety Teams.

2. The Director of NIST shall appoint the members of the Committee, and they will be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance.

3. The term of office of each member of the Committee generally shall be three years, except that vacancy appointments shall be for the remainder of the unexpired term of the vacancy and that members shall have staggered terms such that the Committee will have approximately one-third new or reappointed members each year.

Miscellaneous

1. Members of the Committee shall not be compensated for their services but may, upon request, be allowed travel and per diem expenses in accordance with 5 U.S.C. 5701 *et seq.*

2. Non-Federal members of the Committee shall serve as Special Government Employees (SGEs) as that term is defined in 18 U.S.C. 202. SGEs are subject to conflict of interest laws and regulations, including (but not limited to) the obligation to annually file a confidential financial disclosure report (OGE Form 450) and complete

ethics training. Additionally, SGEs must comply with the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635). Members who are full-time or permanent part-time Federal officers or employees shall serve as Regular Government Employees (RGEs).

3. The Committee shall meet at least once per year. Additional meetings may be called whenever requested by the NIST Director or the Designated Federal Officer (DFO); such meetings may be in the form of telephone conference calls and/or videoconferences.

Nomination Information

1. Nominations are sought from industry and other communities having an interest in the National Construction Safety Teams investigations.

2. Nominees should have established records of distinguished service. The field of expertise that the candidate represents should be specified in the nomination letter. Nominations for a particular field should come from organizations or individuals within that field. A summary of the candidate's qualifications should be included with the nomination, including (where applicable) current or former service on Federal advisory boards and Federal employment.

Visiting Committee on Advanced Technology (VCAT)

Address: Please submit nominations to Stephanie Shaw, Designated Federal Officer, VCAT, NIST, 100 Bureau Drive, Mail Stop 1060, Gaithersburg, MD 20899–1060. Nominations may also be submitted via email at Stephanie.Shaw@nist.gov. Additional information regarding the VCAT, including its charter, current membership list, and past reports may be found on its electronic homepage at <http://www.nist.gov/director/vcat/>.

Contact Information: Stephanie Shaw, Designated Federal Officer, VCAT, NIST, 100 Bureau Drive, Mail Stop 1060, Gaithersburg, MD 20899–1060, via email at Stephanie.Shaw@nist.gov.

Committee Information

The VCAT (Committee) was established in accordance with 15 U.S.C. 278 and the Federal Advisory Committee Act, 5 U.S.C. 1001 *et seq.*

Objectives and Duties

1. The Committee shall review and make recommendations regarding general policy for NIST, its organization, its budget, and its programs, within the framework of applicable national policies as set forth by the President and the Congress. 15 U.S.C. 278(a).

2. The Committee shall provide an annual report, through the Director of NIST, to the Secretary of Commerce for submission to the Congress not later than 30 days after the submittal to Congress of the President's annual budget request in each year. Such report shall deal essentially, though not necessarily exclusively, with policy issues or matters which affect NIST, or with which the Committee in its official role as the private sector policy adviser of NIST is concerned. Each such report shall identify areas of research and research techniques of the Institute of potential importance to the long-term competitiveness of United States industry, in which the Institute possesses special competence, which could be used to assist United States enterprises and United States industrial joint research and development ventures. 15 U.S.C. 278(h)(1). The Committee shall submit, through the Director of NIST, to the Secretary and the Congress such additional reports on specific policy matters as it is deemed appropriate. 15 U.S.C. 278(h)(2).

3. The Committee will function solely as an advisory body, in accordance with the provisions of the Federal Advisory Committee Act.

4. The Committee shall report to the Director of NIST.

Membership

1. The Director of NIST shall appoint the members of the Committee. Members shall be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance, and shall provide representation of a cross-section of traditional and emerging U.S. industries and shall be eminent in fields such as those specified in 15 U.S.C. 278(b). No employee of the Federal Government shall serve as a member of the Committee. 15 U.S.C. 278(b). NIST will focus on areas in critical and emerging technologies, economic competitiveness, and international standards.

2. Members of the Committee shall serve as Special Government Employees (SGEs) as that term is defined in 18 U.S.C. 202. SGEs are subject to conflict of interest laws and regulations, including (but not limited to) the obligation to annually file a confidential financial disclosure report (OGE Form 450) and complete ethics training. Additionally, SGEs must comply with the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635).

3. The Committee is composed of not fewer than nine members appointed by the NIST Director and selected to

provide representation of a cross-section of the traditional and emerging United States industries. 15 U.S.C. 278(a). The term of office of each member of the Committee shall be three years, except that vacancy appointments shall be for the remainder of the unexpired term of the vacancy. 15 U.S.C. 278(c)(1). Members shall serve at the discretion of the Director of NIST.

4. Any person who has completed two consecutive full terms of service on the Committee shall be ineligible for appointment for a third term during the one-year period following the expiration of the second term. *Id.*

5. Members of the Committee will not be compensated for their services, but will, upon request, be allowed travel expenses in accordance with 5 U.S.C. 5701 *et seq.*, while attending meetings of the Committee or of its subcommittees.

6. Pursuant to 15 U.S.C. 278(g), the Committee may, with the concurrence of a majority of its members, permit the appointment of a staff consisting of not more than four professional staff members and such clerical staff members as may be necessary. Such staff members shall be appointed by the Director after consultation with the chairperson of the Committee and assigned at the direction of the Committee.

Miscellaneous

1. Meetings of the VCAT usually take place at NIST Gaithersburg or Boulder site. The Committee will meet at least twice each year at the call of the chairperson or whenever one-third of the members request so in writing. The Committee shall not act in the absence of a quorum, which shall consist of a majority of the members of the Committee not having a conflict of interest in the matter being considered by the Committee. 15 U.S.C. 278(d).

2. Generally, Committee meetings are open to the public.

Nomination Information

1. Nominations are sought from all fields described above.

2. Nominees should have established records of distinguished service and shall be eminent in fields such those specified in 15 U.S.C. 278(b). NIST will focus on areas in critical and emerging technologies, economic competitiveness, and international standards. The category (field of eminence) for which the candidate is qualified should be specified in the nomination letter. A summary of the candidate's qualifications should be included with the nomination, including (where applicable) current or

former service on Federal advisory boards and Federal employment. In addition, each nomination letter should state that the candidate agrees to the nomination, acknowledges the responsibilities of serving on the VCAT, and will actively participate in good faith in the tasks of the VCAT.

Privacy Act Statement

Pursuant to 5 U.S.C. 552a(e)(3), this Privacy Act Statement serves to inform you of why the U.S. Department of Commerce (the Department), National Institute of Standards and Technology (NIST) is requesting the information described above.

Authority

The collection, maintenance, and disclosure of this information is governed by the Privacy Act of 1974 (5 U.S.C. 552a). The National Institute of Standards and Technology (NIST) is authorized to collect this information pursuant to the establishing authorities listed above for the respective committees, and in accordance with the Federal Advisory Committee Act, as amended (FACA), 5 U.S.C. chapter 10.

Purpose

The principal purpose for which NIST will use the information is to assist in choosing members of the various committees.

Routine Uses

The information solicited on this notice may be made available as a "routine use" pursuant to 5 U.S.C. 552a(a)(7) and (b)(3). The information may be made available to other federal agencies to assist the Department in connection with NIST's management of the purposes stated above; or for other authorized routine uses.

A complete list of the routine uses can be found in the system of records notice associated with this notice, COMMERCE/DEPT-11, entitled "Candidates for Membership, Members, and Former Members of Department of Commerce Advisory Committees." This system of records notice can be found on the Department's website at <https://www.commerce.gov/opog/privacy/SORN>.

Consequences of Failure To Provide Information

Providing this information is voluntary. However, failure to provide the requested information may result in

an inability for NIST to process, review, and/or act on such applications.

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2026–14585 Filed 7–17–26; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF891]

Research Track Assessment for Longfin Inshore Squid; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: NMFS will convene the Research Track Assessment Peer Review Meeting for the purpose of reviewing the longfin inshore squid stock. The Research Track Assessment Peer Review

is a formal scientific peer-review process for evaluating and presenting stock assessment results to managers for fish stocks in the offshore U.S. waters of the northwest Atlantic. Assessments are prepared by the research track working group and reviewed by an independent panel of stock assessment experts from the Center for Independent Experts. The public is invited to attend the presentations and discussions between the review panel and the scientists who have participated in the stock assessment process.

DATES: The Research Track Assessment Peer Review Meeting will be held from August 3, 2026–August 7, 2026. The public portion of the meeting will conclude on August 7, 2026 at 10 a.m. Eastern Daylight Time. Please see **SUPPLEMENTARY INFORMATION** for the daily meeting agenda.

ADDRESSES: The meeting will be held in Room 209 of the C.V. Starr Environmental Sciences Lab building at the Marine Biological Laboratory, 11 Albatross Street, Woods Hole, MA

02543 and virtually using this Google Meet link: <https://meet.google.com/wdu-ghyv-qbn>.

FOR FURTHER INFORMATION CONTACT: Brian Hooper, 508–258–9580; brian.hooper@noaa.gov.

SUPPLEMENTARY INFORMATION: For further information, please visit the Northeast Fisheries Science Center (NEFSC) website at <https://www.fisheries.noaa.gov/new-england-mid-atlantic/population-assessments/fishery-stock-assessments-new-england-and-mid-atlantic>. For additional information about research track assessment peer review, please visit the NEFSC web page at <https://www.fisheries.noaa.gov/new-england-mid-atlantic/population-assessments/research-track-stock-assessment>.

Daily Meeting Agenda—Research Track Peer Review Meeting

The agenda is subject to change; all times are approximate and may be changed at the discretion of the Peer Review Chair.

MONDAY, AUGUST 3, 2026

Time	Topic	Presenter(s)	Notes
9 a.m.	Welcome, Introductions, Agenda, Logistics.	Brian Hooper, Chair	
9:15 a.m.	Research Track Process Overview.	Kristan Blackhart	
9:30 a.m.	Overview of Longfin Inshore Squid Research Track.	Amy Schueller	
10 a.m.	Historical and Current Management.	Jason Didden	
10:30 a.m.	Break .....	.....	
10:45 a.m.	Life History	John Manderson	
12 p.m.	Lunch .....	.....	
1 p.m.	Term of Reference (TOR) 1—Ecosystem and Socioeconomic Report Card.	Stephanie Owen	Ecosystem.
1:45 p.m.	TOR 1—Predation	Jim Gartland	Ecosystem.
2:15 p.m.	TOR 1—Stakeholder Summit and Perspectives.	John Manderson	Ecosystem.
3 p.m.	Break .....	.....	
3:15 p.m.	TOR 2	Daniel Hocking	Catch.
4:10 p.m.	Public Comment	Jessica Blaylock	
4:20 p.m.	Discussion/Summary	Public	
		Review Panel	Conclusions, Recommendations, & Final Wrap-up for TOR 1 and 2.
5 p.m.	Adjourn .....	.....	

TUESDAY, AUGUST 4, 2026

Time	Topic	Presenter(s)	Notes
9 a.m.	Welcome, Logistics, Agenda	Brian Hooper Chair	
9:05 a.m.	TOR 3	Jim Gartland	Surveys.
10:30 a.m.	Break .....	.....	
10:45 a.m.	TOR 4—State-Space Length Structured Assessment Model (SSLAM).	Mike Wilberg Jessica Blaylock	Model.
12 p.m.	Lunch	Cameron Hodgdon	

TUESDAY, AUGUST 4, 2026—Continued

Time	Topic	Presenter(s)	Notes
1 p.m.	TOR 4, continued	Mike Wilberg Jessica Blaylock Cameron Hodgdon	Model.
2:45 p.m.	Break .....	.....	
3 p.m.	TOR 8—Seasonal Production Assessment Model (SPAM).	Paul Rago	Model.
4 p.m.	Public Comment	Public	
4:10 p.m.	Discussion/Summary	Review Panel	Conclusions, Recommendations, & Final Wrap-up for TOR 3 and 4.
5 p.m.	Adjourn .....	.....	

WEDNESDAY, AUGUST 5, 2026

Time	Topic	Presenter(s)	Notes
9 a.m.	Welcome, Logistics, Agenda	Brian Hooper Chair	
9:05 a.m.	Review Homework	Chair	If Needed.
10 a.m.	TOR 8—SPAM, continued	Paul Rago	Model.
10:30 a.m.	Break .....	.....	
10:45 a.m.	TOR 5—SSLAM	Cameron Hodgdon Mike Wilberg	Biological Reference Points (BRPs).
12 p.m.	Lunch .....	.....	
1 p.m.	TOR 5—SPAM	Paul Rago	BRPs.
1:45 p.m.	TOR 6—SSLAM	Cameron Hodgdon Mike Wilberg	Projections.
3 p.m.	Break .....	.....	
3:15 p.m.	TOR 6—SPAM	Paul Rago	Projections.
4 p.m.	Public Comment	Public	
4:10 p.m.	Discussion/Summary	Review Panel	Conclusions, Recommendations, & Final Wrap-up for TORs 5, 6, and 8.
5 p.m.	Adjourn .....	.....	

THURSDAY, AUGUST 6, 2026

Time	Topic	Presenter(s)	Notes
9 a.m.	Welcome, Logistics, Agenda	Brian Hooper Chair	
9:05 a.m.	Review Homework	Chair	If Needed.
10:30 a.m.	Break .....	.....	
10:45 a.m.	TOR 7	Jason Didden	Research Recommendations.
12 p.m.	Lunch .....	.....	
1 p.m.	Comparison of SSLAM and SPAM.	Jessica Blaylock Amy Schueller	
2 p.m.	Revisit Any Remaining Questions	Chair	
3 p.m.	Break .....	.....	
3:15 p.m.	Review Any Additional Homework	Chair	
4 p.m.	Public Comment	Public	
4:15 p.m.	Discussion/Summary	Review Panel	Conclusions, Recommendations for TOR 7, & Final Wrap-up.
5 p.m.	Adjourn .....	.....	

FRIDAY, AUGUST 7, 2026

Time	Topic	Presenter(s)	Notes
9 a.m.	Welcome, Logistics, Agenda	Brian Hooper Chair	
9:05 a.m.	Review Any Remaining Homework; Answer Any Additional Questions.	Chair	If Needed (Else Closed Panel Writing Session).
10 a.m.	Closed Panel Writing Session	Review Panel.	
5 p.m.	Adjourn .....	.....	

The meeting is open to the public; however, during the ‘Closed Panel

Writing Session’ session on Friday, August 7, 2026, the public should not

engage in discussion with the Peer Review Panel.

Special Accommodations

This meeting is physically accessible to people with disabilities. Special requests should be directed to Brian Hooper, via the email provided in the ADDRESSES section.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 15, 2026.

Shannon Bettridge,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026–14532 Filed 7–17–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Marine Recreational Information Program (MRIP) Fishing Effort Survey**

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on April 2, 2026, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration (NOAA), Commerce.

Title: Marine Recreational Information Program (MRIP) Fishing Effort Survey.

OMB Control Number: 0648–0652.

Form Number(s): None.

Type of Request: Regular submission [revision and extension of a current information collection].

Number of Respondents: 112,500.

Average Hours per Response: 5 minutes.

Total Annual Burden Hours: 9,374.

Needs and Uses: This is a request for revision and extension of an approved information collection.

Marine recreational anglers are surveyed to collect catch and effort data, fish biology data, and angler socioeconomic characteristics. These data are required to carry out provisions

of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), as amended, regarding conservation and management of fishery resources.

Marine recreational fishing catch and effort data are collected through a combination of mail surveys, telephone surveys and on-site intercept surveys with recreational anglers. The Fishing Effort Survey (FES) is conducted by the NOAA Fisheries, Office of Science and Technology (OST). The FES is a self-administered, household mail survey that samples from a residential address frame to collect data on the number of recreational anglers and the number of recreational fishing trips. The survey estimates marine recreational fishing activity for all coastal states from Maine through Florida, as well as Hawaii.

FES estimates are combined with estimates derived from complementary surveys of fishing trips, the Access-Point Angler Intercept Survey, to estimate total, state-level fishing catch, by species. These estimates are used in the development, implementation, and monitoring of fishery management programs by NOAA Fisheries, regional fishery management councils, interstate marine fisheries commissions, and state fishery agencies.

Previously, the FES was administered bi-monthly, estimating recreational fishing effort for two-month waves. In 2024, OST tested an experimental survey design that included monthly sampling and estimation and a modified questionnaire. The study concluded that the revised design resulted in more timely and accurate estimates of fishing activity. This information collection request will include a revision to transition from bi-monthly to monthly administration of the FES. The One-Month Wave Study is being removed from this collection since the study has been completed.

Additionally, the request will include an experiment to evaluate online reporting. Specifically, the collection will include a pilot study testing a web-push survey design that will encourage online reporting before providing the option of a mail response. The design will be evaluated with respect to data quality, timeliness of reporting and cost.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

This information collection request may be viewed at reginfo.gov. Follow the instructions to view Department of

Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0652.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–14523 Filed 7–17–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Green Sturgeon 4(d) Rule Take Exceptions and Exemptions**

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on May 4, 2026, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration, Commerce.

Title: Green Sturgeon 4(d) Rule Take Exceptions and Exemptions.

OMB Control Number: 0648–0613.

Form Number(s): None.

Type of Request: Regular submission (extension of a currently approved collection).

Number of Respondents: 63.

Average Hours Per Response:

Emergency fish rescue reports, 20 hours; Written notification describing research, monitoring, or habitat restoration

activities, 40 hours; Development of state 4(d) research programs, 40 hours; Reports, 5 hours; Development of Fisheries Management and Evaluation Plans (FMEPs), 160 hours; FMEP biannual reports, 20 hours; Development of Tribal Resource Management Plan, 160 hours.

Total Annual Burden Hours: 1,915.

Needs and Uses: This is a request for renewal of an approved information collection. The National Marine Fisheries Service (NMFS), West Coast Region, is the sponsor of this information collection which is authorized under the Endangered Species Act (ESA) to evaluate activities involving threatened green sturgeon (*Acipenser medirostris*).

On April 7, 2006, NMFS listed the Southern Distinct Population Segment (DPS) of North American green sturgeon as threatened under the ESA (71 FR 17757). On June 2, 2010, NMFS established protective regulations for the Southern DPS under section 4(d) of the ESA (ESA 4(d) rule) (75 FR 30714; 50 CFR 223.210). To comply with the ESA and the protective regulations, entities must obtain take authorization prior to engaging in activities involving take of Southern DPS fish unless the activity is covered by an exception or exemption. The ESA defines “take” as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Certain activities described in the “exceptions” provision of 50 CFR 223.210(b) are not subject to the take prohibitions if they adhere to specific criteria and reporting requirements. Under the “exemption” provision of 50 CFR 223.210(c), the take prohibitions do not apply to scientific research, scientific monitoring, and fisheries activities conducted under an approved 4(d) program or plan. Similarly, take prohibitions do not apply to tribal resource management activities conducted under a Tribal Plan for which the requisite determinations described in 50 CFR 223.210(c)(3) have been made.

To ensure that activities qualify under exceptions to or exemptions from the take prohibitions, local, state, and federal agencies, non-governmental organizations, academic researchers, and private organizations are asked to submit detailed information regarding their activity on a schedule to be determined by NMFS staff. This information is used by NMFS to (1) track the number of Southern DPS fish taken as a result of each action; (2) understand and evaluate the cumulative effects of each action on the Southern DPS; and (3) determine whether

additional protections are needed for the species, or whether additional exceptions may be warranted. NMFS designed the criteria to ensure that actions meeting the criteria would adequately limit effects on threatened Southern DPS fish, such that additional protections in the form of a federal take prohibition would not be necessary and advisable.

Affected Public: Not-for-profit institutions; State, local, or Tribal government; Federal government; business or other for-profit organizations.

Frequency: Emergency fish rescue reports, on occasion; Written notification describing research, monitoring, or habitat restoration activities, once; State 4(d) research programs, annually; FMEPs and Tribal Resource Management Plan, once; FMEP reports, biannually; All other reports, annually

Respondent's Obligation: Required to Obtain or Retain Benefits.

Legal Authority: Endangered Species Act.

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0613.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–14557 Filed 7–17–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of Maine Coastal Management Program; Notice of Public Meeting; Request for Comments

AGENCY: Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of public meeting; opportunity to comment.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management (OCM), will hold a virtual public meeting to solicit input on the performance evaluation of the Maine Coastal Management Program. NOAA also invites the public to submit written comments.

DATES: NOAA will hold a virtual public meeting from 3 p.m. to 4 p.m. Eastern Time (ET) on Thursday, September 3, 2026. NOAA may close the meeting 10 minutes after the conclusion of public testimony and after responding to any clarifying questions from meeting participants. NOAA will consider all relevant written comments received by Tuesday, September 15, 2026.

ADDRESSES: Comments may be submitted:

- *Virtually at Public Meeting:* Provide oral comments during the virtual public meeting on Thursday, September 3, 2026, at 3 p.m. ET by registering as a speaker at <https://forms.gle/6rRzzV3P4JxZn3in6>. Please register by Wednesday, September 2, 2026, at 5 p.m. ET. Upon registration, NOAA will send a confirmation email. At least one hour prior to the start of the September 3, 2026 virtual meeting, NOAA will send an email to all registrants with a link to the public meeting and information about participating. While advance registration is requested, registration will remain open until the meeting closes, and any participant may provide oral comment after the registered speakers conclude. Meeting registrants may remain anonymous by typing “Anonymous” in the “First Name” and “Last Name” fields on the registration form.

- *Email:* Send written comments to Carrie Hall, Evaluator, NOAA Office for Coastal Management, at czma.evaluations@noaa.gov. Include “Comments on Maine Coastal Management Program” in the subject line. NOAA will accept anonymous comments; however, the written comments NOAA receives are part of the public record, and the entirety of the comment, including the name of the commenter, email address, attachments, and other supporting materials, will be publicly accessible. Do not submit confidential business information or otherwise sensitive or personally identifiable information, such as account numbers and Social Security numbers. Comments that are not related to the performance evaluation of the Maine Coastal Management Program or

that contain profanity, vulgarity, threats, or other inappropriate language will not be considered.

FOR FURTHER INFORMATION CONTACT: Carrie Hall, Evaluator, NOAA Office for Coastal Management, by email at Carrie.Hall@noaa.gov or by phone at (240) 410-3422. Copies of the previous evaluation findings may be viewed and downloaded at <https://coast.noaa.gov/czm/evaluations>. A copy of the evaluation notification letter and most recent progress report may be obtained upon request by contacting Carrie Hall.

SUPPLEMENTARY INFORMATION: Section 312 of the Coastal Zone Management Act (CZMA) requires NOAA to conduct periodic evaluations of federally approved coastal management programs. The evaluation process includes holding one or more public meetings, considering public comments, and consulting with interested Federal, State, and local agencies and members of the public. During the evaluation, NOAA will consider the extent to which the state of Maine has met the national objectives, adhered to the management program approved by the Secretary of Commerce, and adhered to the terms of financial assistance under the CZMA. When the evaluation is complete, OCM will place a notice in the **Federal Register** announcing the availability of the final evaluation findings.

Authority: 16 U.S.C. 1458.

Keelin Kuipers,

Acting Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2026-14543 Filed 7-17-26; 8:45 am]

BILLING CODE 3510-08-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Fisheries Finance Program Requirements

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information

collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on 4/20/26 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic & Atmospheric Administration (NOAA), Commerce.

Title: Fisheries Finance Program Requirements.

OMB Control Number: 0648-0012.

Form Number(s): NOAA Form 88-1.

Type of Request: Regular submission [extension of a current information collection].

Number of Respondents: 486.

Average Hours per Response: Loan Application Form, 10 hours; Annual Financial Statement, 2 hours; Guarantor Consent forms, 5 minutes.

Total Annual Burden Hours: 1,248.

Needs and Uses: This request is for an extension of a currently approved information collection. The National Oceanic and Atmospheric Administration (NOAA) operates a direct loan program to assist in financing certain actions relating to commercial fishing vessels, shoreside fishery facilities, aquaculture operations, and individual fishing quotas. Application information is required to determine loan eligibility pursuant to 50 CFR part 253 and to determine the type and amount of financial assistance available to the applicant. Applicants are required to submit NOAA Form 88-1 and supporting financial documents. An annual financial statement is required from the recipients to monitor the financial status of the loan. Small stylistic changes have been made to the NOAA Form 88-1 to make the form easier for the applicant to understand and to fill in electronically.

Affected Public: Individuals or households; business or other for-profit organizations.

Frequency: At application, annually thereafter.

Respondent's Obligation: Required to Obtain or Retain Benefits.

Legal Authority: 50 CFR part 253.

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by

selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0648-0012.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026-14555 Filed 7-17-26; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Highly Migratory Species (HMS) Vessel Logbooks and Cost-Earnings Data Reports

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on March 6, 2026, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration (NOAA), Commerce.

Title: Highly Migratory Species (HMS) Vessel Logbooks and Cost-Earnings Data Reports.

OMB Control Number: 0648-0371.

Form Number(s): 88-191.

Type of Request: Regular submission [request for extension of an approved information collection].

Number of Respondents: 6,233.

Average Hours per Response: 30 minutes for cost/earnings summaries attached to logbook reports, 30 minutes for annual expenditure forms, 12 minutes for logbook catch trip and set reports, 2 minutes for negative logbook catch reports.

Burden Hours: 22,906.

Needs and Uses: This request is for renewal and extension without revision of a current information collection (ICR). This request is being submitted

early in anticipation of a final rulemaking that will modify the reporting requirements but may not be finalized before the current ICR expiration date. Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), the NOAA's National Marine Fisheries Service (NMFS) is responsible for management of the nation's marine fisheries. In addition, NMFS must comply with the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 *et seq.*), under which the agency implements binding recommendations by the International Commission for the Conservation of Atlantic Tunas (ICCAT).

NMFS collects information via vessel logbooks to monitor the United States (U.S.) catch of Atlantic swordfish, sharks, billfish, and tunas in relation to the quotas, thereby ensuring that the U.S. complies with its domestic and international obligations. The Highly Migratory Species (HMS) logbook program, OMB Control No. 0648–0371, was specifically designed to collect the vessel-level information needed for the management of Atlantic HMS, and includes set forms, trip forms, negative reports, and cost-earning requirements for both commercial and recreational vessels. The information supplied through the HMS logbook program provides the catch and effort data on a per-set or per-trip level of resolution for both directed and incidental species. In addition to HMS fisheries, the HMS logbook program is also used to report catches of dolphin and wahoo by commercial permit holders that do not hold any other federal permits. Additionally, the HMS logbook collects data on incidental species, such as sea turtles, which is necessary to evaluate the fisheries in terms of bycatch and encounters with protected species. While most HMS fishermen use the HMS logbook program, HMS can also be reported as part of several other logbook collections including the Northeast Region Fishing Vessel Trip Reports (0648–0212) and Southeast Region Coastal Logbook (0648–0016).

These data are necessary to assess the status of HMS, dolphins, and wahoo in each fishery. International stock assessments for tunas, swordfish, billfish, and some species of sharks are conducted through ICCAT's Standing Committee on Research and Statistics periodically and provide, in part, the basis for ICCAT management recommendations, which become binding on member nations. Domestic stock assessments for most species of sharks and for dolphin and wahoo are

used as the basis of managing these species.

Supplementary information on fishing costs and earnings has been collected via the HMS logbook program. This economic information enables NMFS to assess the economic impacts of regulatory programs on small businesses and fishing communities, consistent with the National Environmental Policy Act (NEPA), Executive Order 12866, the Regulatory Flexibility Act, and other domestic laws.

Affected Public: Businesses or other for-profit organizations (vessel owners).

Frequency: Trip summary reports are submitted within 7 days following the completion of each fishing trip, trip cost-earnings reports are due within 30 days of trip completion, no catch/fishing reports are due at the end of each month in which no fishing occurs, and annual expenditure reports are submitted annually.

Respondent's Obligation: Mandatory.

Legal Authority: Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), the National Marine Fisheries Service (NMFS) is responsible for management of the Nation's marine fisheries. NMFS must also promulgate regulations, as necessary and appropriate, to carry out obligations the United States (U.S.) undertakes internationally regarding tuna management through the Atlantic Tunas Convention Act (ATCA, 16 U.S.C. 971 *et seq.*).

This information collection request may be viewed at reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0371.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2026–14556 Filed 7–17–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF868]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit (EFP) application contains all of the required information and warrants further consideration. The EFP would allow a federally permitted fishing vessel to fish outside fishery regulations in support of exempted fishing activities proposed by Scallop Shack Farms, LLC. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments must be received on or before August 4, 2026.

ADDRESSES: You may submit written comments by email: nmfs.gar.efp@noaa.gov. Include in the subject line "Increasing efficiency of the scallop fishery by allowing combined trips for scallops and tilefish." All comments received are part of the public record and may be posted for public viewing without change. All personal identifying information (e.g., name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "anonymous" as the signature if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT:

Ashley Trudeau, Fishery Resource Management Specialist, ashley.trudeau@noaa.gov, (978) 281–9252.

SUPPLEMENTARY INFORMATION: Scallop Shack Farms, LLC submitted a complete application for an EFP to conduct commercial fishing activities that the regulations would otherwise restrict. This EFP would exempt the participating vessel from the following Federal regulations:

TABLE 1—REQUESTED EXEMPTIONS

CFR citation	Regulation	Need for exemption
§ 648.80(h)(3)(iii)(A)	Vessels fishing in the Scallop Dredge Fishery Exemption Areas may not fish for, possess, or land any species of fish other than scallops and monkfish.	In this pilot project, a Limited Access General Category (LAGC) vessel would evaluate the changes in fuel use, transit time, catch, and effort resulting from combining trips for scallop and tilefish. This pilot project requires an exemption from the prohibition on landing additional species in the Georges Bank (GB) and Southern New England (SNE) Scallop Dredge Fishery Exemption Area. Combined trips within the Mid-Atlantic Exemption Area do not require this exemption.

TABLE 2—PROJECT SUMMARY

Project title	Increasing efficiency of the LAGC scallop fishery by allowing combined trips for scallops and tilefish.
Project start	Upon issuance.
Project end	July 1, 2027.
Project objectives	Evaluate the changes in fuel use, transit time, catch, and fishing effort associated with combining tilefish and LAGC scallop fishing trips.
Project location	Mid-Atlantic, SNE, GB.
Number of vessels	1.
Number of trips	33.
Trip duration (days)	2–4 days.
Total number of days	66–132 days.
Gear type(s)	Scallop dredge, bottom longline.
Number of tows or sets	10–20 tows per trip, 4–8 bottom longline sets.
Duration of tows or sets	1–2 hour tows, 1-hour longline sets.

Project narrative

Scallop Shack Farms, LLC is requesting an EFP in support of a pilot project to evaluate combined scallop and tilefish fishing trips to increase operational efficiency. Combining scallop and tilefish trips would decrease transit time and fuel consumption and increase the profit margin of LAGC vessels that hold commercial/incidental tilefish permits. Currently, 195 vessels hold both LAGC scallop and commercial/incidental tilefish permits. LAGC scallop vessels are prohibited from fishing for, possessing, or landing any species other than scallop or monkfish while fishing in the Georges Bank (GB) and Southern New England (SNE) Scallop Dredge Fishery Exemption Area, and this EFP would allow one participating vessel to fish for, possess, and land both scallops and tilefish. The prohibition on landing species other than scallops and monkfish in the GB/SNE Scallop Dredge Fishery Exemption Area pre-dates Federal regulation of the tilefish fishery and was intended to limit bycatch or targeting of Northeast multispecies. The requested exemption would not introduce restricted fishing gear or incentivize capture of Northeast multispecies. For the participating LAGC scallop vessel, the exemption would instead eliminate the need for a long return trip to land scallops before transiting further offshore to target tilefish. These combination fishing trips would occur year-round with the highest fishing effort between May and

October. On fishing trips under this EFP, the participating vessel would first transit to scallop fishing grounds to catch up to the scallop possession limit and then transit further offshore to use bottom longline gear to catch up to the blueline and golden tilefish possession limits. Apart from possessing tilefish while on a LAGC scallop trip, all other regulations would apply, unless otherwise exempted by a separate permit. On trips under this EFP, the vessel operator would record the dock-to-dock distance traveled, fuel consumption and cost, and revenue from scallop and tilefish landings, which could be compared to such metrics from previous separate trips to evaluate cost savings. The vessel owner anticipates that a combined scallop and tilefish trip would save 24 hours of steam time, reducing fuel use by approximately 300 gallons and therefore reducing fuel cost by \$1,500 per trip (assuming diesel price of \$5/gallon). This exemption could, therefore, reduce costs to the vessel owner by \$49,500 across 33 trips.

Under current regulations, LAGC scallop vessels may land up to 600 lb (272 kg) of scallop meats every 24 hours. Frequency of tilefish landings is not explicitly regulated, but because tilefish are found further offshore, these trips in practice take between 24 and 48 hours to complete. The combination trips taken under this EFP would be between 48 and 96 hours long. The applicant anticipates increased efficiency in terms of landings per day-at-sea by converting

transit time to time spent fishing and reducing fuel costs. However, these optimized landings do not exceed what is allowable for a vessel under current fishing regulations, and the fishery-wide effects of this vessel’s exemption on landings, effort, and fishing behavior would, therefore, be minor.

Per trip, vessels with commercial/incidental tilefish permits may land up to 500 lb (227 kg) of blueline tilefish (or 300 lb (136 kg) if 70 percent of the blueline tilefish commercial total allowable landings (TAL) has been landed). Between 2020 and 2025, the blueline tilefish commercial TAL was exceeded five times, with overages of between 3 and 26 percent. However, starting in 2026 the commercial TAL increased 426 percent from 20,894 lb (9,477 kg) to 109,846 lb (49,825 kg) with no corresponding change in possession limit (91 FR 35897, June 15, 2026). The reduced transit time for this EFP’s participating vessel could result in higher annual landings of blueline tilefish. However, due to the very large increase in quota this year, this EFP is not expected to result in a significant increase in landings that would result in an early reduction in possession limits or a commercial TAL overage.

Possession of golden tilefish is limited to either 500 lb (227 kg) or 50 percent, by weight, of the total weight of all species being landed, whichever is less. If the incidental (*i.e.*, commercial non-Individual Fishing Quota) TAL is reached, the incidental golden tilefish fishery is closed for the remainder of the

fishing year. As an accountability measure, any overages would result in a reduction to the incidental quota in the following fishing year. Between 2020 and 2025, the golden tilefish incidental TAL was never exceeded, and the percent of quota landed ranged from 35 percent in 2023 to 93 percent in 2025. The golden tilefish incidental TAL for 2026 remains the same as in 2025 at 68,949 lb (31,275 kg). From 2020 to 2025, vessels with incidental tilefish permits took between 585 and 804 annual trips where golden tilefish were landed, with the number of annual trips tending to increase over time. The 33 trips that may be taken under this EFP would represent approximately 4 percent of this total fishing effort. Between the small scale of this permit (one participating vessel) and existing possession limits on golden tilefish, this EFP is not likely to result in substantially increased golden tilefish landings and a premature incidental closure.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 15, 2026.

Shannon Bettridge,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026–14522 Filed 7–17–26; 8:45 am]

BILLING CODE 3510–22–P

NATIONAL COMMISSION ON THE FUTURE OF THE NAVY

Public Hearing on Improving America's Maritime Seapower

AGENCY: National Commission on the Future of the Navy.

ACTION: Announcement of public hearing.

SUMMARY: The Commissioners of the National Commission on the Future of the Navy (FNC), in accordance with the National Defense Authorization Act of 2023, will hold a public hearing to hear from leaders in the Department of War and Department of Navy and better understand department actions to improve America's maritime seapower. Those wishing to attend, present at, or

submit a written statement to the Board prior to the public hearing must provide advance notice to the agency as detailed below.

DATES: The public hearing will be held at 10 a.m. EST, Wednesday, July 22, 2026.

ADDRESSES: The public hearing will take place in room 2118 of the Rayburn House Office Building. The hearing is open to the public.

SUPPLEMENTARY INFORMATION: Congress established the National Commission on the Future of the Navy in the Fiscal Year 2023 National Defense Authorization Act to provide an independent, bipartisan assessment of U.S. naval force structure, readiness, and long-term maritime requirements. The statute directs the Commission to conduct a comprehensive review of fleet size and force mix, naval aviation, shipbuilding capacity, personnel policies, and the force-generation model that sustains combat power at sea. It authorizes the Commission to hold public hearings, receive testimony, and obtain information from Federal departments and agencies to support recommendations to Congress. This hearing is the second in support of this effort.

The hearing is comprised of one panel that is open to the public. It will consist of leaders from the Department of War and Department of Navy; they will provide perspectives on what a future Navy looks like to include strategy, force structure and needs of the industrial base to meet such strategy and force structure.

For further information on the Commission, go to www.futurenavy.senate.gov.

Matthew Neumeyer,

Chief of Staff, National Commission on the Future of the Navy.

[FR Doc. 2026–14533 Filed 7–17–26; 8:45 am]

BILLING CODE 3610–YQ–P

COMMODITY FUTURES TRADING COMMISSION

Renewal of the Agricultural Advisory Committee

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of renewal.

SUMMARY: The Commodity Futures Trading Commission (CFTC or Commission) is publishing this notice to announce the renewal of the Agricultural Advisory Committee (AAC). The Commission has determined

that the renewal of the AAC is necessary and in the public's interest.

FOR FURTHER INFORMATION CONTACT:

Emma Johnston, Senior Agricultural Advisor and AAC Designated Federal Officer, at 202–418–5172 or EJohnston@cftc.gov.

SUPPLEMENTARY INFORMATION: In accordance with section 9(a)(2) of the Federal Advisory Committee Act (FACA), 5 U.S.C. 1008, and 41 CFR 102–3.65, the CFTC is announcing the AAC's renewal and providing herein the Commission-approved public interest determination. The AAC's objectives and scope of activities are to provide the Commission with advice and recommendations on issues affecting agricultural producers; consumers; processors; lenders; other major market participants, including derivatives intermediaries, buy-side representatives, and exchanges; regulators; and others interested in or affected by the agricultural derivatives markets. The AAC will operate for two years from the date of renewal unless the Commission directs that the AAC terminate on an earlier date. A copy of the renewal charter will be posted on the CFTC's website at www.cftc.gov.

Public Interest Determination

Pursuant to 41 CFR 102–3.60(a), to establish, renew, reestablish, or merge a discretionary (agency discretion) advisory committee, an agency must first consult with the General Services Administration's Committee Management Secretariat (the Secretariat) and, as part of the consultation, provide a written public interest determination approved by the head of the agency to the Secretariat with a copy to the Office of Management and Budget. In addition, pursuant to 41 CFR 102–3.35, an agency shall follow the same consultation process and document in writing the same determination of need before creating a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee.

Information on the following factors for the committee is provided to the Secretariat to demonstrate that renewing the committee is in the public interest:

1. *Annual budget:* The estimated annual operating cost for supporting the AAC is \$56, 227.

a. *Federal personnel on a full-time equivalent (FTE) basis:* .10 FTE.

b. *Other Federal internal costs:* \$24,400.

c. *Proposed payments to members:* The CFTC does not compensate AAC members for their services. However, there are government costs (salary and

benefits) for Federal AAC members which are estimated at \$6,684.

d. *Proposed number of members:* Approximately 30–40.

e. *Reimbursable Costs:* \$0.

2. *If applicable, the total dollar value of grants expected to be recommended during the fiscal year:* N/A.

3. *Criteria for selecting members to ensure the committee has the necessary expertise and fairly balanced membership:* The AAC members are selected to represent a balance of viewpoints that reflect the groups and entities potentially affected by or interested in the AAC's recommendations and are necessary to effectively address the issues to be considered by the AAC. Members represent a wide range of perspectives and interests. The AAC requires members with deep expertise and experience in the following areas: risk management and hedging practices using futures, options, swaps, and other derivatives; trade execution associated with such practices; and the legal and regulatory regimes that govern hedging and risk management. Producers, end users, exchanges, and agribusiness and industry trade associations are among the primary sources of these forms of knowledge and experience, and these entities should be represented by individuals who share in this expertise and can represent their interests in a way that helps the Commission to understand and resolve highly technical issues. The AAC will also need to consider the intersection of these time-tested areas of expertise with the innovations currently in front of the Commission and derivatives industry namely digital assets, blockchain technology, artificial intelligence, and other evolving innovations. The Commission expects to hear from the AAC for policy recommendations that will enhance the U.S. role as a global derivatives leader.

4. *List of all other Federal advisory committees of the agency:* In addition to the AAC, the CFTC has one statutory committee that Congress has exempted from the FACA and two discretionary FACA committees:

- (a) Energy and Environmental Markets Advisory Committee (statutory)
- (b) Global Markets Advisory Committee (discretionary)
- (c) Innovation Advisory Committee (discretionary)

5. Justification that the information or advice provided by the Federal advisory committee or subcommittee is not available from another Federal advisory committee, another Federal Government source, or any other more cost-effective

and less burdensome source: The Commission is the Federal regulator of agricultural derivatives markets and the AAC is the most efficient and thorough means of obtaining advice on issues directly impacting those affected by the regulation of these markets, as well as indirectly affected by the market's price discovery function. Further, changes to agricultural market structure are ongoing and the issues arising from this change can only be addressed by an advisory committee comprised of representatives from agricultural and agriculture-related organizations—they cannot be properly addressed by the CFTC, or by ad hoc roundtables, public hearings, or other means of public engagement all of which are better suited to responding to specific, time-limited events and idiosyncratic concerns rather than ongoing, long-term issues. The nature of current market innovations such as digital assets, blockchain technologies, and artificial intelligence and their impact on price discovery emphasizes the importance of the Commission's engagement with agricultural derivatives practitioners. Through this engagement, the Commission endeavors to proactively formulate thoughtful policy that enables these innovations and technologies to solidify the preeminence of the U.S. derivatives markets. The AAC is the most cost-effective way to access input and information, particularly since the Commission does not compensate members and does not provide for members' travel expenses and accommodation for meetings.

6. *If the consultation is a committee renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue:* Historically, the AAC has served as a forum in which representatives of major agricultural and agriculture-related interests have provided the CFTC with their varying perspectives on agriculture-related issues within the agency's jurisdiction and where issues of mutual interest to the Commission and representatives can be aired. For example, in 2010, the AAC contributed to changes in business practices that addressed a significant pricing problem in the wheat futures market. In 2021, the AAC also made recommendations related to efficient and effective oversight of changes to agricultural futures contracts with open interest.

Additionally, at the April 2019 AAC meeting, the Committee heard from participants and exchange operators on "Cash Market Innovations" and "The Evolution of Electronic Trading in

Agricultural Markets."¹ At that time, there were significant evolutionary change in the industry that had particular impact to the agricultural sector and the forum for the meeting was Overland Park, Kansas, which enabled market users and producers to attend. As currently constructed, the current AAC expects to continue this integral outreach effort.

The Commission has determined that it is necessary to obtain advice on issues directly impacting those affected by the regulation of these markets, as well as indirectly affected by the market's price discovery function. The AAC provides a forum to facilitate interaction with and communications between the Commission and the diverse agricultural and agriculture-related organizations represented on the AAC.

7. *Explanation of why the committee/subcommittee is essential to the conduct of agency business:* The AAC was created in 1985 to advise the Commission on issues involving the trading of agricultural commodity derivatives and facilitate communications between the CFTC, the agricultural community, and agriculture-related organizations. As derivatives markets continuously evolve, it remains imperative that the Commission protect the price discovery and risk management functions provided by agricultural markets. Specifically, as the supply and demand for agricultural products is constantly fluctuating, the resultant changes in market structure have implications for the CFTC's mission of ensuring the integrity of the derivatives markets for agricultural products.

In order for the CFTC to carry out its mission, it must understand how market participants and the public—including agricultural producers; consumers; processors; lenders; other major market participants, including derivatives intermediaries, buy-side representatives, and exchanges; regulators; and others interested in or who are affected by these evolving markets—are impacted by exogenous factors such as changes in market structure or endogenous factors such as changes to the regulatory environment. Accordingly, the AAC is essential to the conduct of CFTC business because the committee provides advice on developments in the structure of the agricultural markets and the effects that such changes may have on producers, end users, and the public. The AAC also provides advice on appropriate regulatory responses to evolving market structure that supports

¹ <https://www.cftc.gov/PressRoom/Events/opaeventaac041119>.

the Commission's mission of ensuring the integrity of the price discovery and risk management functions of derivatives markets.

At the December 2022 meeting,² the AAC heard from agricultural leaders on "Domestic and International Shipping, Freight, and Storage Impacts on the Grain Trade." This presentation serves as an example of the intersection of CFTC policy, U.S. grain and oilseed markets, and international commerce and how the AAC serves as a true advisor to the Commission on practical matters that are at the core of the agricultural community.

In conclusion, this public interest determination documents that renewing the committee is in the public interest, essential to the conduct of agency business, and that the information to be obtained is not already available through another advisory committee or source within the Federal Government.

Dated: July 16, 2026.

Christopher Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2026-14575 Filed 7-17-26; 8:45 am]

BILLING CODE 6351-01-P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Comment Request; President's Volunteer Service Award

AGENCY: Corporation for National and Community Service.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Corporation for National and Community Service (operating as AmeriCorps) is proposing to renew an information collection for the President's Volunteer Service Award.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by September 18, 2026.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) Electronically through www.regulations.gov (preferred method).

(2) By mail sent to: AmeriCorps, Attention: Emily Stock, AmeriCorps, 250 E Street SW, Washington, DC 20525.

(3) By hand delivery or by courier to the AmeriCorps mailroom at the mail address given in paragraph (2) above, between 9 a.m. and 4 p.m. Eastern Time, Monday through Friday, except Federal holidays.

Comments submitted in response to this notice may be made available to the public through regulations.gov. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comment that may be made available to the public, notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT:

Emily Stock, Project Manager for Volunteer Initiatives, 202-606-3836, or by email at estock@americorps.gov.

SUPPLEMENTARY INFORMATION:

Title of Collection: President's Volunteer Service Award.

OMB Control Number: 3045-0086.

Type of Review: Renewal.

Respondents/Affected Public:

Businesses and organizations, and State, local, or Tribal governments, Individuals.

Total Estimated Number of Annual Responses: 200,000.

Total Estimated Number of Annual Burden Hours: 66,666.

Abstract: AmeriCorps is soliciting comments concerning its proposed renewal of the President's Volunteer Service Awards (PVSA) application, parts A, B, C, D and E. The application form is used by organizations to review information on individuals' service contributions to determine eligibility and qualification for the President's Volunteer Service Award. AmeriCorps seeks to renew the current information collection without revisions. The information collection will be used in the same manner as the existing application. The currently approved information collection is due to expire on September 30, 2026.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have

practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. All written comments will be available for public inspection on regulations.gov.

Robin Corindo,

Acting Director, AmeriCorps Seniors.

[FR Doc. 2026-14536 Filed 7-17-26; 8:45 am]

BILLING CODE 6050-28-P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Mississippi River Commission Public Meetings for Fall 2026

AGENCY: Corps of Engineers, Department of the Army, DoD.

ACTION: Notice.

SUMMARY: The Mississippi River Commission will hold its fall of 2026 meetings at the below locations, dates, and times.

DATES: August 17, 2026, 9:00 a.m. to 12:30 p.m., Caruthersville, Missouri; August 18, 2026, 9:00 a.m. to 12:30 p.m., Memphis, Tennessee; August 19, 2026, 2:00 p.m. to 5:30 p.m., Vicksburg, MS; August 21, 2026, 9:00 a.m. to 12:30 p.m., Morgan City, LA. Locations for the public meetings will take place on the Motor Vessel Mississippi. Additional details for the public meetings are

² <https://www.cftc.gov/PressRoom/Events/opaeventacc120722>.

included in the **SUPPLEMENTARY INFORMATION** section of this notice.

ADDRESSES: The physical address for the Mississippi River Commission is 3909 Halls Ferry Road, B1006, Vicksburg, Mississippi 39180.

FOR FURTHER INFORMATION CONTACT: Mr. Jacob Brister, Executive Director, Mississippi River Commission at 601-634-7023, or Ms. Edie Whittington, Mississippi River Commission, Administrative Officer at 601-634-5768 or email 'edie.whittington@usace.army.mil'. Also see: <https://www.mvd.usace.army.mil/About/Mississippi-River-Commission-MRC/Public-Meeting-Schedule/>.

SUPPLEMENTARY INFORMATION: The public hearings are held in accordance with Section 8 of the 1928 Flood Control Act.

Status of all meetings below: Open to the public.

Matters To Be Considered: (1) Summary report by the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview for the Commission on current project issues in the respective area; and (3) Presentations to the Commission by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

Time and Date: 9:00 a.m., August 17, 2026.

Place: On board the Motor Vessel MISSISSIPPI at Caruthersville, Missouri—City Front.

Time and Date: 9:00 a.m., August 18, 2026.

Place: On board the Motor Vessel MISSISSIPPI at Memphis, Tennessee—Mud Island River Park Landing.

Time and Date: 2:00 p.m., August 19, 2026.

Place: On board the Motor Vessel MISSISSIPPI at Vicksburg, Mississippi—City Front.

Time and Date: 9:00 a.m., August 21, 2026.

Place: On board the Motor Vessel MISSISSIPPI at Morgan City, Louisiana—Port of Morgan City.

Garrett Dean,

Lieutenant Colonel, EN, Commanding.

[FR Doc. 2026-14529 Filed 7-17-26; 8:45 am]

BILLING CODE 3720-58-P

DELAWARE RIVER BASIN COMMISSION

Notice of Public Hearing and Business Meeting August 5, 2026 and September 2, 2026

Notice is hereby given that the Delaware River Basin Commission (Commission) will hold a public hearing on Wednesday, August 5, 2026. A business meeting will be held the following month on Wednesday, September 2, 2026. Both the hearing and the business meeting are open to the public. The public hearing will be conducted virtually, and the business meeting will be held in person.

Public Hearing. The Commission will conduct the public hearing virtually on August 5, 2026, commencing at 1:30 p.m. Hearing items will include draft dockets for withdrawals, discharges, and other projects that could have a substantial effect on the basin's water resources, as well as a resolution to reauthorize the Water Quality Advisory Committee. A list of the projects scheduled for hearing, including project descriptions, along with links to draft docket approvals, draft resolutions, and resolution attachments will be posted on the Commission's website, www.drbc.gov, in a long form of this notice at least ten days before the hearing date.

Written comments on matters scheduled for hearing on August 5, 2026 will be accepted through 5:00 p.m. on Monday, August 10, 2026.

The public is advised to check the Commission's website periodically during the ten days prior to the hearing date, as items scheduled for hearing may be postponed if additional time is needed to complete the Commission's review. Items also may be added up to ten days prior to the hearing date. In reviewing docket descriptions, the public is asked to be aware that the details of projects may change during the Commission's review, which is ongoing.

Business Meeting. The business meeting on September 2, 2026 will be held in person at the Washington Crossing Historic Park Visitor's Center, 1112 River Road, Washington Crossing, Pennsylvania, 18977, beginning no earlier than 11:00 a.m. and will include: adoption of the Minutes of the Commission's June 11, 2026 business meeting; announcements of upcoming meetings and events; a report on hydrologic conditions; reports by the Executive Director and the Commission's General Counsel; and consideration of any items for which a hearing has been completed or is not

required. The agenda is expected to include consideration of the resolution and draft dockets for withdrawals, discharges, and other projects that are subjects of the public hearing on August 5, 2026. The public is advised to consult the Commission's website for the most current information concerning the start time of the business meeting.

After all scheduled business has been completed and as time allows, the business meeting will be followed by up to one hour of Open Public Comment, an opportunity to address the Commission off the record on any topic concerning management of the Basin's water resources outside the context of a duly noticed, on-the-record public hearing.

There will be no opportunity for additional public comment for the record at the September 2, 2026 business meeting on items for which a hearing was completed on August 5, 2026 or a previous date. Commission consideration on September 2, 2026 of items for which the public hearing is closed may result in approval of the item as proposed, approval with changes, denial, or deferral. When the Commissioners defer an action, they may announce an additional period for written comment on the item, with or without an additional hearing date, or they may take additional time to consider the input they have already received without requesting further public input. Deferred items will be considered for action at a public meeting of the Commission on a future date.

Advance Registration and Sign-Up for Oral Comment. Registration links for those who wish to attend and speak during the virtual public hearing and the in-person Open Public Comment session immediately following the business meeting will be posted at www.drbc.gov at least ten days before each meeting date. Registrants who wish to comment on the record during the public hearing on August 5, 2026 or to address the Commissioners informally during the Open Public Comment session following the meeting on September 2, 2026 as time allows, will be asked to so indicate when registering. The Commission's public hearing, business meeting, and Open Public Comment session will also be livestreamed on YouTube at https://www.youtube.com/@DRBC_1961. For assistance, please contact Kate Schmidt of the Commission staff, at kate.schmidt@drbc.gov.

Addresses for Written Comment. Written comment on items scheduled for hearing may be submitted through the Commission's web-based comment

system, a link to which is provided at www.drbc.gov. Use of the web-based system ensures that all submissions are captured in a single location and their receipt is acknowledged. Exceptions to the use of this system are available based on need, by submitting your comment and written request to the attention of the Commission Secretary, DRBC, P.O. Box 7360, 25 Cosey Road, West Trenton, NJ 08628-0360. For assistance, please contact Kate Schmidt at kate.schmidt@drbc.gov.

Accommodation for Special Needs. Closed captioning will be available on both webinar and live-stream platforms. Those with limited internet access may listen and speak at virtual public meetings of the DRBC using any of several toll-free phone numbers that will be provided to all virtual meeting registrants.

Other individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the virtual hearing or business meeting should contact the Commission Secretary directly at 609-477-7224 or through the Telecommunications Relay Services (TRS) at 711, to discuss how we can accommodate your needs.

Additional Information, Contacts. Additional public records relating to hearing items may be examined at the Commission's offices by appointment by contacting Donna Woolf at 609-477-7222. For other questions concerning hearing items, please contact David Kovach, Project Review Manager, at 609-477-7264.

Authority. Delaware River Basin Compact, Public Law 87-328, Approved December 27, 1961, 75 Statutes at Large, 688, sec. 14.4.

Dated: July 14, 2026.

Naomi Mendelsohn,

Commission Secretary and Assistant General Counsel.

[FR Doc. 2026-14607 Filed 7-17-26; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP26-550-000]

MountainWest Overthrust Pipeline, LLC; Notice of Application and Establishing Intervention Deadline

Take notice that on July 1, 2026, MountainWest Overthrust Pipeline, LLC (Overthrust), Post Office Box 45922, Salt Lake City, Utah 84145, filed an application under section 7(c) of the

Natural Gas Act (NGA) and Part 157 of the Commission's regulations requesting authorization for its Green River West Expansion Project (Project). The Project consists of: (1) the construction and operation of two new 12-inch delivery taps, one each on Overthrust's existing mainline 116 and 133; (2) a new 6.78-mile-long, 12-inch-diameter JTL-150 lateral pipeline extending from the new taps to the WE Soda Alkali, LLC's (WE Soda's) West Vaco Trona Processing Plant; and (3) a new JTL150 Delivery Station, all in Sweetwater County, Wyoming. The Project will provide WE Soda's West Vaco Plant with 64,000 Dth/d of firm natural gas transportation service for a 10-year term as WE Soda converts its coal-fired boilers to natural gas. Overthrust estimates the total cost of the Project to be \$15.2 million, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

Any questions regarding the proposed project should be directed to Greg Williams, Regulatory Analyst Lead, P.O. Box 45922, Salt Lake City, Utah 84145, by phone at 801-209-6764, or by email at greg.williams@williams.com.

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,¹ within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of

Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on August 5, 2026. How to file protests, motions to intervene, and comments is explained below.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation (OPP) at (202) 502-6595 or OPP@ferc.gov.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)² and 385.211³ of the Commission's regulations under the NGA, any person⁴ may file a protest to the application. Protests must comply with the requirements specified in section 385.2001⁵ of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments

² 18 CFR 157.10(a)(4).

³ 18 CFR 385.211.

⁴ Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

⁵ 18 CFR 385.2001.

¹ 18 CFR 157.9.

on or before 5:00 p.m. Eastern Time on August 5, 2026.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket number CP26–550–000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Comment on a Filing"; or

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket number (CP26–550–000).

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. *However, the filing of a comment alone will not serve to make the filer a party, you must intervene in the proceeding.* For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,⁶ has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁷ and the regulations under the NGA⁸ by the intervention deadline for the project, which is 5:00 p.m. Eastern Time on August 5, 2026. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP26–550–000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Intervention." The eFiling feature includes a document-less intervention option; for more information, visit <https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf>; or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket number CP26–550–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal

Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail at: Greg Williams, Regulatory Analyst Lead, P.O. Box 45922, Salt Lake City, Utah 84145, or by email (with a link to the document) at greg.williams@williams.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed⁹ motions to intervene are automatically granted by operation of Rule 214(c)(1).¹⁰ Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.¹¹ A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from OPP at (202) 502–6595 or on the FERC website at www.ferc.gov using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to

⁹ The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

¹⁰ 18 CFR 385.214(c)(1).

¹¹ 18 CFR 385.214(b)(3) and (d).

⁶ 18 CFR 385.102(d).

⁷ 18 CFR 385.214.

⁸ 18 CFR 157.10.

register, go to www.ferc.gov/docs-filing/esubscription.asp.

Intervention Deadline: 5:00 p.m. Eastern Time on August 5, 2026.

(Authority: 18 CFR 2.1)

Dated: July 15, 2026.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2026–14590 Filed 7–17–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 8791–005]

R.J. Fortier Hydropower, Inc.; Notice of Intent To Prepare an Environmental Assessment

On April 28, 2026, Maine Rivers, on behalf of R.J. Fortier Hydropower, Inc. (exemptee), filed an application to surrender the project exemption for the Starks Project No. 8791. The project is located on Lemon Stream in Somerset County, Maine. The project does not occupy any federal lands.

The project has not operated for 20 years and the exemptee no longer wishes to retain the exemption. To decommission the project, which is located within designated critical habitat for Atlantic salmon, the exemptee proposes to remove the dam, powerhouse, and appurtenant project features. On June 3, 2026, Commission staff issued a public notice for the proposed surrender, accepted the application for filing, and solicited comments, motions to intervene, and protests.

This notice identifies Commission staff's intention to prepare an environmental assessment (EA) under the National Environmental Policy Act (42 U.S.C. 4321 *et seq*) for the project.¹ Commission staff plans to issue an EA by November 30, 2026. Revisions to the schedule may be made as appropriate. The EA will be issued for a 30-day comment period. All comments filed on the EA will be reviewed by staff and considered in the Commission's final decision on the proceeding.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202)502–6595 or OPP@ferc.gov.

Any questions regarding this notice may be directed to Diana Shannon at

202–502–6134 or diana.shannon@ferc.gov.

(Authority: 18 CFR 2.1)

Dated: July 15, 2026.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2026–14591 Filed 7–17–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR24–44–000.

Applicants: Spire Storage Salt Plains LLC.

Description: Report Filing: Salt Plains Change in Circumstances 7–10–26 to be effective N/A.

Filed Date: 7/10/26.

Accession Number: 20260710–5214.

Comment Date: 5 p.m. ET 7/31/26.

Docket Numbers: RP26–977–000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: July 2026 Name Change and Cleanup to be effective 8/15/2026.

Accession Number: 7/15/26.

Filed Date: 20260715–5036.

Comment Date: 5 p.m. ET 7/27/26.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern Time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: PR26–24–002.

Applicants: Bridgeline Holdings, L.P.
Description: § 284.123(g) Rate Filing: Bridgeline Amended Section 311 Rate Filing to be effective 1/2/2026.

Accession Number: 7/15/26.

Filed Date: 20260715–5001.

Comment Date: 5 p.m. ET 7/29/26.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern Time on the specified comment date.

The filings are accessible in the Commission's eLibrary system ([https://](https://elibrary.ferc.gov/idmws/search/fercgensearch.asp)

elibrary.ferc.gov/idmws/search/fercgensearch.asp) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or OPP@ferc.gov.

Dated: July 15, 2026.

Carlos D. Clay,
Deputy Secretary.

[FR Doc. 2026–14562 Filed 7–17–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following Accounting Request filings:

Docket Numbers: AC25–15–000; ER25–316–002.

Applicants: Wisconsin Electric Power Company, Wisconsin Electric Power Company.

Description: Wisconsin Electric Power Company submits notification of a Settlement Compliance Filing filed 07/14/2026 in eTariff.

Filed Date: 7/14/26.

Accession Number: 20260714–5176.

Comment Date: 5 p.m. ET 8/4/26.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC26–128–000.

Applicants: Three Rivers Solar Power, LLC, Versant Power.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Versant Power, et al.

Filed Date: 7/14/26.

Accession Number: 20260714–5127.

Comment Date: 5 p.m. ET 8/4/26.

Docket Numbers: EC26–129–000.

Applicants: Idaho Power Company
Description: Application for Authorization Under Section 203 of the Federal Power Act of Idaho Power Company.

Filed Date: 7/14/26

Accession Number: 20260714–5133.

Comment Date: 5 p.m. ET 8/4/26.

¹ The unique identification number for documents relating to this environmental review is EAXX–019–20–000–1781511078.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL26–90–000.

Applicants: CBRE Investment Management Infrastructure Inc.

Description: Petition for Declaratory Order of CBRE Investment Management Infrastructure Inc.

Filed Date: 7/14/26.

Accession Number: 20260714–5184.

Comment Date: 5 p.m. ET 8/13/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19–1215–000.

Applicants: Cricket Valley Energy Center, LLC.

Description: Errata to 02/02/2026, Notice of Change in Status of Cricket Valley Energy Center, LLC.

Filed Date: 6/30/26.

Accession Number: 20260630–5405.

Comment Date: 5 p.m. ET 7/21/26.

Docket Numbers: ER19–1741–004; ER17–1603–005; ER17–1037–007; ER17–2245–006.

Applicants: Moffett Solar 1, LLC, Innovative Solar 37, LLC, Dominion Energy Generation Marketing, Inc., Dominion Energy South Carolina, Inc.

Description: Updated Market Power Analysis for Southeast Region of Dominion Energy South Carolina, Inc., et al.

Filed Date: 6/30/26.

Accession Number: 20260630–5406.

Comment Date: 5 p.m. ET 8/31/26.

Docket Numbers: ER19–1819–011; ER19–1074–031; ER10–1427–024; ER19–1075–031; ER19–529–031; ER19–2429–014; ER22–2412–004; ER23–2933–004; ER18–1343–021; ER25–890–001; ER21–2426–007; ER23–726–004; ER23–1413–004; ER19–2728–009; ER24–672–006; ER25–3235–001; ER22–2411–004; ER23–1414–004; ER22–2413–004; ER23–1416–004; ER23–727–004; ER23–2934–004; ER24–673–006; ER25–891–001; ER22–2410–004; ER19–1820–011; ER19–1821–011; ER22–1010–019; ER23–1415–004.

Applicants: Virginia Line Solar, LLC, Terraform IWG Acquisition Holdings II, LLC, Speedway Solar NC, LLC, Stony Knoll Solar, LLC, Sonny Solar, LLC, PGR 2023 Lessee 1, LLC, PGR 2022 Lessee 5, LLC, PGR 2022 Lessee 4, LLC, PGR 2022 Lessee 2, LLC, PGR 2022 Lessee 1, LLC, PGR 2021 Lessee 9, LLC, PGR 2021 Lessee 18, LLC, PGR 2021 Lessee 13, LLC, Old Hayneville Solar, LLC, Moonshot Solar, LLC, Lily Solar LLC, Landrace Holdings, LLC, Fresh Air Energy XXIII, LLC, CPRE 1 Lessee, LLC, Catalina Solar, LLC, Carolina Solar Power, LLC, Cane Creek Solar, LLC, Bulldog Solar, LLC, Brookfield Smoky

Mountain Hydropower LP, Brookfield Renewable Trading and Marketing LP, Brookfield Renewable Energy Marketing US LLC, Brookfield Energy Marketing LP, Brookfield Energy Marketing Inc., Broad River Solar, LLC.

Description: Triennial Market Power Analysis for Southeast Region of Broad River Solar, LLC, et al.

Filed Date: 6/30/26.

Accession Number: 20260630–5404.

Comment Date: 5 p.m. ET 8/31/26.

Docket Numbers: ER22–944–006.

Applicants: Black Rock Wind Force, LLC.

Description: Compliance filing: Compliance Filing of Reactive Power Rate Schedule to be effective 3/1/2022.

Filed Date: 7/15/26.

Accession Number: 20260715–5046.

Comment Date: 5 p.m. ET 8/5/26.

Docket Numbers: ER26–2466–002.

Applicants: El Paso Electric Company.

Description: Tariff Amendment: Response to Deficiency Letter to be effective 7/6/2026.

Filed Date: 7/15/26.

Accession Number: 20260715–5151.

Comment Date: 5 p.m. ET 8/5/26.

Docket Numbers: ER26–2616–000.

Applicants: Tri-State Generation and Transmission Association, Inc., Southwest Power Pool, Inc.

Description: Report Filing: Southwest Power Pool, Inc. submits tariff filing per : Supplemental Filing—Tri-State Incentive Rates Formula Rate Revisions to be effective N/A.

Filed Date: 7/15/26.

Accession Number: 20260715–5127.

Comment Date: 5 p.m. ET 8/5/26.

Docket Numbers: ER26–2712–001.

Applicants: Atlas Solar Manager, LLC.

Description: Tariff Amendment: Re-filing of Third Amended and Restated LGIA Co-Tenancy Agreement and Waiver Req to be effective 5/26/2026.

Filed Date: 7/15/26.

Accession Number: 20260715–5134.

Comment Date: 5 p.m. ET 8/5/26.

Docket Numbers: ER26–2713–001.

Applicants: Atlas Solar Manager, LLC.

Description: Tariff Amendment: Re-filing of Third Amended and Restated SFA Substation 1 and Waiver Req to be effective 5/26/2026.

Filed Date: 7/15/26.

Accession Number: 20260715–5150.

Comment Date: 5 p.m. ET 8/5/26.

Docket Numbers: ER26–2728–000.

Applicants: California Grid Holdings LLC.

Description: Report Filing: Supplemental Filing Regulatory Asset to be effective N/A.

Filed Date: 7/15/26.

Accession Number: 20260715–5138.

Comment Date: 5 p.m. ET 8/5/26.

Docket Numbers: ER26–3160–000.

Applicants: Central Hudson Gas & Electric Corporation.

Description: 205(d) Rate Filing: Revision to FERC Rate Schedule 202 to be effective 8/1/2026.

Filed Date: 7/15/26.

Accession Number: 20260715–5045.

Comment Date: 5 p.m. ET 8/5/26.

Docket Numbers: ER26–3161–000.

Applicants: Show Me State Solar, LLC.

Description: 205(d) Rate Filing: Revised Market-Based Rate Tariff Filing to be effective 9/14/2026.

Filed Date: 7/15/26.

Accession Number: 20260715–5047.

Comment Date: 5 p.m. ET 8/5/26.

Docket Numbers: ER26–3162–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: 4914 NextEra Energy Resources

Interconnection Holdings GIA to be effective 6/23/2026.

Filed Date: 7/15/26.

Accession Number: 20260715–5059.

Comment Date: 5 p.m. ET 8/5/26.

Docket Numbers: ER26–3163–000.

Applicants: Atlas Solar Manager, LLC.

Description: 205(d) Rate Filing: Third Amended and Restated Shared Facilities Common Ownership Agreement to be effective 6/24/2026.

Filed Date: 7/15/26.

Accession Number: 20260715–5083.

Comment Date: 5 p.m. ET 8/5/26.

Docket Numbers: ER26–3164–000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Amendment to GIA, SA No. 7524; Project Identifier No. AG1–237 to be effective 9/14/2026.

Filed Date: 7/15/26.

Accession Number: 20260715–5092.

Comment Date: 5 p.m. ET 8/5/26.

Docket Numbers: ER26–3165–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Cancellation of SA No. 6815; Project Identifier No. AE2–344 to be effective 9/14/2026.

Filed Date: 7/15/26.

Accession Number: 20260715–5105.

Comment Date: 5 p.m. ET 8/5/26.

Docket Numbers: ER26–3166–000.

Applicants: ALLETE, Inc.

Description: 205(d) Rate Filing: Filing of Certificates of Concurrence to NSp.m. Agreements to be effective 6/13/2025.

Filed Date: 7/15/26.

Accession Number: 20260715–5123.

Comment Date: 5 p.m. ET 8/5/26.

Docket Numbers: ER26–3167–000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Amendment to ISA, SA No. 6829 & ICSA, SA No. 6830; Queue No. AD1-100 to be effective 9/14/2026.

Filed Date: 7/15/26.

Accession Number: 20260715-5132.

Comment Date: 5 p.m. ET 8/5/26.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RD25-9-000.

Applicants: North American Electric Reliability Corporation.

Description: Supplement to Report on Reducing the Risk of Wildfire Ignition by the Bulk Power System of the North American Electric Reliability Corporation.

Filed Date: 7/10/26.

Accession Number: 20260710-5237.

Comment Date: 5 p.m. ET 7/24/26.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502-6595 or OPP@ferc.gov.

Dated: July 15, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026-14561 Filed 7-17-26; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-13145-02-OAR]

Ambient Air Monitoring Reference and Equivalent Methods; Designation of One New Reference Method and Three New Equivalent Methods; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On July 15, 2026, the U.S. Environmental Protection Agency (EPA) published a notice designating one new reference method for measuring carbon monoxide (CO), one new equivalent method for measuring particulate matter (PM) 2.5 micrometers (μm) or less ($\text{PM}_{2.5}$), one new equivalent method for measuring PM 10 μm or less (PM_{10}), and one new equivalent method for measuring PM_{10-2.5} in ambient air. After publication, the EPA realized that there was an error in the notice; therefore, this action corrects and replaces the July 15, 2026, designation notice.

FOR FURTHER INFORMATION CONTACT: For further information about this notice, contact Reference and Equivalency Methods Program, Air Quality Assessment Division, Office of State Air Partnerships, U.S. Environmental Protection Agency, P.O. Box 12055, 109 T.W. Alexander Drive, Research Triangle Park, North Carolina 27711, email address: FRMFEM@epa.gov.

SUPPLEMENTARY INFORMATION: On July 15, 2026 (91 FR 43372), the U.S. Environmental Protection Agency (EPA) published a notice designating one new reference method for measuring carbon monoxide (CO), one new equivalent method for measuring particulate matter (PM) 2.5 micrometers (μm) or less ($\text{PM}_{2.5}$), one new equivalent method for measuring PM 10 μm or less (PM_{10}), and one new equivalent method for measuring PM_{10-2.5} in ambient air. After publication, the EPA realized that there was an error in the notice; therefore, this action corrects and replaces the July 15, 2026, designation notice.

In accordance with regulations at 40 CFR part 53, the EPA evaluates various methods for monitoring the concentrations of ambient air pollutants for which the EPA has established National Ambient Air Quality Standards (NAAQS) as set forth in 40 CFR part 50. Air monitoring methods determined to meet specific requirements for adequacy are designated by the EPA as either reference or equivalent methods (as applicable), thereby permitting their use under 40 CFR part 58 by States and other air monitoring agencies for

determining compliance with the NAAQS. A list of all reference or equivalent methods that have been previously designated by the EPA may be found at <https://www.epa.gov/amtic/air-monitoring-methods-criteria-pollutants>.

The EPA hereby announces the designation of one new reference method for measuring concentrations of CO ambient air. This designation is made under the provisions of 40 CFR part 53, as amended on March 6, 2024.¹

The new reference method for CO is an automated method (analyzer) utilizing the measurement principle based on gas filter correlation principles and non-dispersive infrared technology (GFC/NDIR). This newly designated reference method is identified as follows:

RFCA-0625-271, "Vasthi Instruments Model Vair-9003 CO Analyzer," GFC/NDIR analyzer operated in a range of 0–50 parts per million (ppm), with 0.5 μm , 47 millimeter (mm) diameter Teflon® filter installed, operated at temperatures between 20 °C and 30 °C, with temperature and pressure compensation, at a nominal sampling flow rate of 800 cubic centimeters per minute (cc/min), using a 5-minute averaging time, with 100–240 volt (V) input power, 270-watt power consumption, equipped with a 7-inch liquid crystal display (LCD) touch screen display, and operated according to the Vasthi Instruments Model Vair-9003 Carbon Monoxide Gas Analyzer User's Instruction Manual.

An application for a reference method determination for this CO method was received by the EPA on November 21, 2024. This monitor is commercially available from the applicant, Vasthi Instruments Pvt. Ltd, Phase IV, Auto Nagar, Guntur, Andhra Pradesh, India.

The EPA hereby announces the designation of three new equivalent methods for measuring concentrations of PM_{2.5}, PM₁₀, and PM_{10-2.5} in ambient air. These designations are made under the provisions of 40 CFR part 53, as amended on March 6, 2024.²

The new equivalent method for PM_{2.5} is an automated method (monitor) utilizing the measurement principle based on optical mass spectroscopy. This newly designated equivalent method is identified as follows:

EQPM-1125-273, "Met One Instruments Powered by Acoem OPX 1025 Optical PM Mass Monitor," continuous ambient particulate monitor operated at a volumetric sample flow rate of 16.67 liters/min equipped with a

¹ 89 FR 16202 (Mar. 6, 2024).

² *Id.*

standard U.S. EPA PM₁₀ size-selective inlet (meeting 40 CFR part 50 Appendix L specifications); for example, Met One PN: BX-802, or with a TSP inlet designed for 16.67 liters/min, Inlet Heater/Sample Conditioner (Met One PN: 84288), and Met One PN: BX-597A ambient temperature/barometric pressure/relative humidity combination sensor or compatible Weather Sensor as specified in the OPX 1025 Operation Manual; and configured for operation with firmware version 1.0.0 or later, in accordance with the OPX 1025 Operation Manual. This designation applies to PM_{2.5} measurements only.

An application for an equivalent method determination for this PM_{2.5} method was received by the EPA on July 11, 2025. This monitor is commercially available from the applicant, Met One Instruments, 200 NE Greenfield Drive, Grants Pass, OR 97526.

The new equivalent method for PM₁₀ is an automated method (monitor) utilizing the measurement principle based on optical mass spectroscopy. This newly designated equivalent method is identified as follows:

EQPM-1225-274, "Met One Instruments Powered by Acoem OPX 1025 Optical PM Mass Monitor," continuous ambient particulate monitor operated at a volumetric flow rate of 16.67 liters/min equipped with a standard US EPA PM₁₀ size-selective inlet (meeting 40 CFR 50 Appendix L specifications); for example, Met One PN: BX-802, Inlet Heater/Sample Conditioner (Met One PN: 84288), and Met One PN: BX-597A ambient temperature/barometric pressure/relative humidity combination sensor or compatible Weather Sensor as specified in the OPX 1025 Operation Manual; and configured for operation with firmware version 1.0.0 or later, in accordance with the OPX 1025 Operation Manual. This designation applies to PM₁₀ measurements only.

An application for an equivalent method determination for this PM₁₀ method was received by the EPA on July 21, 2025. This monitor is commercially available from the applicant, Met One Instruments, 200 NE Greenfield Drive, Grants Pass, OR 97526.

The new equivalent method for PM_{10-2.5} is an automated method (monitor) utilizing the measurement principle based on optical mass spectroscopy. This newly designated equivalent method is identified as follows:

EQPM-1225-275, "Met One Instruments Powered by Acoem OPX 1025 Optical PM Mass Monitor," continuous ambient particulate monitor operated at a volumetric flow rate of

16.67 liters/min equipped with a standard US EPA PM₁₀ size-selective inlet (meeting 40 CFR 50 Appendix L specifications); for example, Met One PN: BX-802, Inlet Heater/Sample Conditioner (Met One PN: 84288), and Met One PN: BX-597A ambient temperature/barometric pressure/relative humidity combination sensor or compatible Weather Sensor as specified in the OPX 1025 Operation Manual; and configured for operation with firmware version 1.0.0 or later, in accordance with the OPX 1025 Operation Manual. This designation applies to PM_{10-2.5} Measurements Only.

An application for an equivalent method determination for this PM_{10-2.5} method was received by the EPA on July 22, 2025. This monitor is commercially available from the applicant, Met One Instruments, 200 NE Greenfield Drive, Grants Pass, OR 97526.

As designated reference and equivalent methods, these methods are acceptable for use by States and other air monitoring agencies under the requirements of 40 CFR part 58, Ambient Air Quality Surveillance. For such purposes, these methods must be used in strict accordance with the operation or instruction manual associated with these methods and subject to any specifications and limitations (e.g., configuration or operational settings) specified in the designated method descriptions. Consistent or repeated noncompliance with any of these conditions should be reported to the Reference and Equivalency Methods Program.

Use of these methods should also be in general accordance with the guidance and recommendations of applicable sections of the "Quality Assurance Handbook for Air Pollution Measurement Systems, Volume I," EPA/600/R-94/038a and "Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II, Ambient Air Quality Monitoring Program," EPA-454/B-13-003.³ Provisions concerning modification of such methods by users are specified under section 2.8 (*Modifications of Methods by Users*) of Appendix C to 40 CFR part 58.

Questions concerning the commercial availability or technical aspects of these

methods should be directed to the applicants.

Aaron Szabo,

Assistant Administrator, Office of Air and Radiation.

[FR Doc. 2026-14545 Filed 7-17-26; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB No. 3064-0225]

Reporting Forms and Instructions Associated With Requirements and Standards for FDIC-Supervised Permitted Payment Stablecoin Issuers

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC invites comment on new forms and instructions associated with an Office of Management and Budget (OMB) control number (3064-0225) assigned in connection with a notice of proposed rulemaking. In accordance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the FDIC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid OMB control number. As part of the notice of proposed rulemaking, the FDIC sought a new OMB control number for a new information collection that would include weekly and quarterly reporting forms that must be completed by permitted payment stablecoin issuers.

DATES: Comments must be submitted on or before September 18, 2026.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *Agency website:* <https://www.fdic.gov/resources/regulations/federal-register-publications/>.
- *Email:* comments@fdic.gov. Include the name and number of the collection in the subject line of the message.
- *Mail:* Michelle Mire, Senior Attorney, MB-3072, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street NW building (located on F Street NW), on business days between 7 a.m. and 5 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC:

³ Both of these handbooks are available at <https://www.epa.gov/amtic/ambient-air-monitoring-quality-assurance-guidance-documents>.

Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION, CONTACT:

Michelle Mire, Senior Attorney, *mmire@fdic.gov*, MB-3072, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor.

“Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 generally requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. The FDIC is requesting OMB approval for the following collection of information related to the FDIC’s notice of proposed rulemaking titled “GENIUS Act Requirements and Standards for FDIC-Supervised Permitted Payment Stablecoin Issuers and Insured Depository Institutions” (the proposal).¹

Title: Requirements and Standards for FDIC-Supervised Permitted Payment Stablecoin Issuers and Insured Depository Institutions.

OMB Control No.: 3064–0225.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Description:

The Guiding and Establishing National Innovation for U.S. Stablecoins Act (12 U.S.C. 5901 *et seq.*) (GENIUS Act or the Act) was enacted on July 18, 2025. The Act establishes a regulatory framework for payment stablecoin activities. On April 10, 2026, the FDIC published the proposal that would add Part 350 to Title 12 of the CFR and implement certain requirements of the Act.² Proposed section 350.7 would, among other things, require permitted payment stablecoin issuers (PPSIs) to provide confidential weekly reports and quarterly reports to the FDIC.³

As addressed in the proposal, these reporting forms would facilitate FDIC supervision of PPSIs, promote transparency with respect to the

financial condition of PPSIs, and provide information that can be used to assess compliance with reserve asset requirements in the GENIUS Act and proposed section 350.4. Proposed section 350.7(g) would require PPSIs to submit a weekly confidential reporting form to the FDIC, while proposed section 350.7(h) would require PPSIs to submit a quarterly reporting form to the FDIC. The FDIC is publishing this notice to provide the public with an opportunity to comment on the weekly and quarterly reporting forms described in the proposal, along with instructions for those forms.

Form PS–01, the proposed weekly reporting form for PPSIs with \$1 billion or more in total outstanding issuance value or \$100 million or more in average daily transaction volume in the prior month can be found at <https://www.fdic.gov/federal-register-publications/form-ps-01.pdf>. The instructions for Form PS–01 can be found at <https://www.fdic.gov/federal-register-publications/ps-01-instructions.pdf>.

Form PS–01a, the proposed weekly reporting form for PPSIs with less than \$1 billion in total outstanding issuance value and less than \$100 million average daily transaction volume in the prior month can be found at <https://www.fdic.gov/federal-register-publications/form-ps-01a.pdf>. The instructions for Form PS–01a can be found at <https://www.fdic.gov/federal-register-publications/ps-01a-instructions.pdf>.

Form PS–02, the proposed quarterly reporting form for all PPSIs can be found at <https://www.fdic.gov/federal-register-publications/form-ps-02.pdf>. The instructions for Form PS–02 can be found at <https://www.fdic.gov/federal-register-publications/ps-02-instructions.pdf>.

The proposed forms are published as text documents. However, the FDIC expects to use structured formats (e.g., XML, JSON, or CSV/XBRL, etc.) to improve the usability of submitted data. The FDIC seeks comment on which format would be most effective for PPSI submissions. The inclusion of any particular item in either reporting form does not imply the permissibility of any particular activity. Certain items may be modified or removed depending on the requirements of a final rule.

Weekly Reporting Forms

The proposed weekly reporting forms would, among other things, help monitor compliance with the reserve asset requirements in proposed section 350.4. Each FDIC-supervised PPSI would be required to prepare a Form

PS–01 or PS–01a, subject to eligibility criteria discussed below. A PPSI would be required to submit a separate Form PS–01 or PS–01a, if applicable, for each brand of payment stablecoin it issues.

The FDIC invites comment on the entirety of the weekly reporting forms, including whether the forms request the appropriate type and level of information, whether items should be modified, removed, or added, whether the eligibility criteria for Form PS–01a is appropriate, and any responses to the questions in the proposal related to the weekly reporting form.

Each FDIC-supervised PPSI that issues payment stablecoins with less than \$1 billion in total outstanding issuance value in the most recent quarterly Form PS–02 and less than \$100 million average daily transaction volume in the prior month would be eligible to file Form PS–01a. PS–01a includes three schedules (Schedules A–C) while PS–01 includes eight schedules (Schedules A–H). PPSIs would be expected to file either Form PS–01 or Form PS–01a at each weekly report date. For a PPSI otherwise eligible to file the Form PS–01a, the FDIC may require the PPSI to file the PS–01 instead based on supervisory need; however, such circumstances are expected to be limited/infrequent.

Form PS–01

The proposed weekly reporting form (PS–01) would include eight schedules, described below.⁴

Schedule A—General

Schedule A would collect information on the largest holders of the payment stablecoin, largest exchanges facilitating trading of the payment stablecoin, trading volume of the payment stablecoin, top counterparties of a PPSI, and ongoing capital requirement for the PPSI.

Schedule B—Issuance and Redemption

Schedule B would collect information on outstanding issuance values of payment stablecoins, issuances and redemptions of the payment stablecoins over the reporting period, and information on secondary market price and trading activity for payment stablecoins.

Schedule C—Reserve Assets

Schedule C would collect information on the reserve assets backing the payment stablecoin issued by the PPSI. This would include information about reserve assets by type.

⁴ As discussed above, some PPSIs may be eligible to file PS–01a, which has fewer reporting requirements.

¹ 91 FR 18534 (April 10, 2026).

² *Id.*

³ Proposed section 350.7(g) and proposed section 350.7(h), respectively.

Schedules D, E, F, G, and H would collect disaggregated information about specific classes of reserve assets (*e.g.*, U.S. Treasury securities on Schedule E) backing the payment stablecoins issued by the PPSI. PPSIs would not be required to report on these schedules information regarding assets they own that are not held as reserve assets backing payment stablecoins. For example, PPSIs should not report U.S. Treasury securities they own on Schedule E if those U.S. Treasury securities do not comprise the reserve assets used to back outstanding payment stablecoins pursuant to the GENIUS Act and proposed section 350.4.

Schedule D—Cash Balances

Schedule D would collect information on cash balances held as reserve assets backing payment stablecoins. This information would include items on the location (*i.e.*, in the U.S. or foreign countries) and size of insured and uninsured deposits maintained at depository institutions, as well as any balances maintained at a Federal Reserve Bank. Schedule D would also collect aggregate information on the money received under repurchase agreements and the associated repurchase agreements liabilities.

Schedule E—U.S. Treasury Securities

Schedule E would collect information on U.S. Treasury securities held as reserve assets backing payment stablecoins, such as Committee on Uniform Securities Identification Procedures (CUSIP) numbers for individual U.S. Treasury securities, their fair value, remaining maturity, coupon, effective interest rate, and information about the custodian holding the securities, as well as counterparty and collateral haircut, on any U.S. Treasury securities encumbered by outstanding repurchase agreements.

Schedule F—Reverse Repurchase Agreements

Schedule F would collect information on reverse repurchase agreements held as reserve assets backing payment stablecoins, such as counterparty, cash lent, agreement type, and agent name. The schedule also collects information on securities collateralizing the reverse repurchase transaction, such as CUSIPs, collateral values, collateral maturity, and collateral haircuts.

Schedule G—Money Market Mutual Funds

Schedule G would collect information on money market mutual funds held as reserve assets backing payment stablecoins, such as fund name, net

asset value, effective interest rate, and custodial information.

Schedule H—Other Instruments

Schedule H would collect information on any other instruments held as reserve assets backing payment stablecoins that are not collected by the other schedules, such as, for example, any physical currency held by a PPSI as a reserve asset backing payment stablecoins.

Form PS-01a

As an abridged version of the PS-01, the proposed weekly reporting form (PS-01a) would include three schedules, described below.

Schedule A—General

Schedule A would collect the same information as Schedule A of Form PS-01 but at a reduced level for holders of the payment stablecoins, exchanges facilitating trading of payment stablecoins, and the trading volume of payment stablecoins.

Schedule B—Issuance and Redemption

Schedule B would collect the same information as Schedule B of Form PS-01 but at a reduced level for the issuance and redemption of the payment stablecoin issued by the PPSI over the reporting period.

Schedule C—Reserve Assets

Schedule C would collect the same information as Schedule C of PS-01 on the reserve assets backing the payment stablecoin issued by the PPSI.

Quarterly Reporting Forms

The proposed quarterly reports of financial condition for PPSIs that would be required by proposed section 350.7(h) aim to replicate, in a streamlined manner, the quarterly Consolidated Reports of Condition and Income filings, commonly referred to as “Call Reports.” Standardizing these reporting requirements would enhance the FDIC’s ability to supervise PPSIs.

All FDIC-regulated institutions are already subject to other reporting obligations, notably the Call Report. The FDIC invites comment on the entirety of the proposed quarterly reporting form, including whether the form requires the appropriate type and level of information, whether items should be modified, removed, or added, and any responses to the questions in the proposal related to the quarterly reporting form.

The FDIC intends to publish the information provided in the quarterly report to ensure transparency and to allow the public to understand a PPSI’s financial condition. As with other items

in these proposed reporting forms, some items in the schedules discussed below may be modified or removed depending on the requirements of a final rule. The inclusion of any particular item in a schedule does not imply the permissibility of any particular activity.

The proposed quarterly reporting form (PS-02) would include five schedules, described below.

Schedule A—Income Statement

Schedule A would collect information about reserve asset income and expense, other income and expense, and net income. Schedule A separates (1) income and expenses associated with a PPSI’s reserve assets from (2) income and expenses associated with other PPSI activities.

Schedule B—Balance Sheet

Schedule B would collect a balance sheet including information about reserve assets backing payment stablecoins, non-reserve assets and liabilities, and capital. With the exception of United States coins and currency, the FDIC generally expects that items included in a PPSI’s reserve assets backing payment stablecoins would be reported at fair value.

Schedule C—Off-Balance Sheet Items

Schedule C would collect information about off-balance sheet items including off-balance sheet assets and liabilities, including derivatives. The FDIC generally expects that these off-balance sheet items would not represent PPSI reserve assets backing payment stablecoins but invites comments about whether there might be exceptions.

Schedule D—Capital and Operational Backstop

Schedule D would collect additional information about a PPSI’s capital elements. Schedule D would also collect information about a PPSI’s operational backstop, including information about the total expense for the previous 12 months and the composition of assets of the operational backstop.

Schedule E—Memorandum

Schedule E would collect additional information about a PPSI’s operations, including other reserve asset income and expenses, other income and expenses, other assets and liabilities, number of branded payment stablecoins issued, non-US dollar assets and liabilities, average reserve assets backing payment stablecoins, payment stablecoin issuances, redemption, and burn data, blockchains, redemption metrics, and custody activities.

Burden Estimate

The proposal would establish regulatory requirements for FDIC-supervised PPSIs as mandated by the GENIUS Act, as well as provide further clarity for FDIC-supervised custodians. As discussed in the proposal, the FDIC recognizes the significant uncertainty regarding estimates of the number of FDIC-supervised PPSIs and IDIs that would seek to issue payment stablecoins or engage in other permitted payment stablecoin activities. For the purposes of providing a conservative estimate, the

FDIC assumes that approximately 30 FDIC-supervised IDIs would perform these activities under the proposal. The FDIC assumes that: (1) 10 FDIC-supervised IDIs would seek approval for their subsidiary to become a PPSI each year over the first three years after the proposal is finalized and (2) there would be approximately 30 FDIC-supervised custodians, some of which may also be FDIC-supervised PPSIs themselves.

The total burden estimates for this collection of information were

published in the proposal. The proposal included burden estimates for the weekly form (information collection 7 for implementation burden and information collection 36 for ongoing burden in the proposal) and for the quarterly form (information collection 8 for implementation burden and 37 for ongoing burden in the proposal). This notice is re-publishing the estimates for the weekly and quarterly reporting burden below for informational purposes.

TABLE 1—SUMMARY OF ESTIMATED ANNUAL BURDEN FOR WEEKLY AND QUARTERLY REPORTING
[OMB No. 3064–NEW]

Information Collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Average time per response (HH:MM)	Annual burden (hours)
Implementation Burden Reporting Requirements					
Confidential weekly report to the FDIC—Section 350.7(g) (Mandatory).	Reporting	10	1	16:00	160
Provide quarterly reports of financial condition—Section 350.7(h) (Mandatory).	Reporting	10	1	80:00	800
Ongoing Burden Reporting Requirements					
Provide confidential weekly report to the FDIC—Section 350.7(g) (Mandatory).	Reporting (Weekly)	20	52	2:00	2,080
Provide quarterly reports of financial condition to the FDIC—Section 350.7(h) (Mandatory).	Reporting (Quarterly)	20	4	10:00	800
Total for weekly and quarterly reporting burden (Hours).	.....	.....	.....	.....	3,840

The weekly and quarterly reporting information collections and their corresponding estimates were introduced in the *GENIUS Act Requirements and Standards for FDIC-Supervised Permitted Payment Stablecoin Issuers and Insured Depository Institutions* notice of proposed rule-making published on April 10, 2026 (91 FR 18534). The estimated annual burden for this collection is 22,110 hours. The estimated annual burden for the weekly and quarterly reporting is 3,840 hours.

In addition to the questions posed through the document, comments are also invited on: (a) whether the collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. All comments will become a matter of public record.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on July 16, 2026.

Debra A. Decker,

Executive Secretary.

[FR Doc. 2026–14589 Filed 7–17–26; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

[Docket No. 26–02]

Nancy Prior, Complainant v. AMOOV Group; FreightLead LLC; and Air 7 Seas Transport Logistics, Inc., Respondents; Notice of Filing of Amended Complaint

Notice is given that an amended complaint has been filed with the Federal Maritime Commission (the “Commission”) by Nancy Prior (the “Complainant”) against AMOOV Group; FreightLead LLC; and Air 7 Seas Transport Logistics, Inc. (the “Respondents”). Complainant states that the Commission has personal and subject-matter jurisdiction over this

complaint pursuant to 46 U.S.C. 41102(c), 41301, and 41305 and 46 CFR part 502.

Complainant is an individual residing in Fort Lauderdale, Florida.

Complainant identifies Respondent AMOOV Group as an international freight forwarder and shipping logistics provider with place of business in Lille, France.

Complainant identifies Respondent FreightLead LLC as a licensed non-vessel-operating common carrier with its corporate and operational headquarters in Parsippany, New Jersey.

Complainant identifies Respondent Air 7 Seas Transport Logistics, Inc. as a licensed non-vessel-operating common carrier with its corporate and operational headquarters in Milpitas, California.

Complainant alleges that Respondents violated 46 U.S.C. 41102(c). Complainant alleges these violations arose from Respondents withholding household goods, demanding payment

of unsupported charges as a condition of release despite no contractual obligation, withholding shipping documentation, and other acts or omissions of Respondents.

Pursuant to the order issued by the presiding judge on June 30, 2026, titled “Order Denying Respondent Freightlead LLC’s Motion to Dismiss Without Prejudice and Directing Complaint to File Amended Complaint,” answers to the amended complaint must be filed with the Commission no later than July 28, 2026.

The full text of the amended complaint can be found in the Commission’s electronic Reading Room at <https://www2.fmc.gov/readingroom/proceeding/26-02/>.

This proceeding has been assigned to the Office of Administrative Law Judges. The initial decision of the presiding judge shall be issued by January 14, 2027, and the final decision of the Commission shall be issued by July 28, 2027.

(Authority: 46 U.S.C. 41301; 46 CFR 502.61(c).)

Served: July 15, 2026.

David Eng,
Secretary.

[FR Doc. 2026–14541 Filed 7–17–26; 8:45 am]

BILLING CODE 6730–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–4219–N]

Medicare Program; Inflation Reduction Act of 2022 (IRA) Medicare Drug Price Negotiation Program Draft Guidance; Comment Request

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS’ draft guidance for the Medicare Drug Price Negotiation Program regarding manufacturer effectuation of the maximum fair price in 2028 for the implementation of the Inflation Reduction Act of 2022 (IRA) (Pub. L. 117–169). CMS’ draft guidance and other IRA-related guidance can be viewed on the CMS website at <https://www.cms.gov/priorities/medicare-prescription-drug-affordability/medicare-prescription-drug-affordability>.

DATES: Comments must be received by September 18, 2026.

ADDRESSES: Written comments should be sent to IRAREbateandNegotiation@cms.hhs.gov with the subject line, “Medicare Drug Price Negotiation Program Draft Guidance”.

FOR FURTHER INFORMATION CONTACT:

Elisabeth Daniel,
IRAREbateandNegotiationprogram@cms.hhs.gov, or (667) 290–8793.

SUPPLEMENTARY INFORMATION: The Inflation Reduction Act of 2022 (IRA) was signed into law on August 16, 2022. Sections 11001 and 11002 of the IRA established the Medicare Drug Price Negotiation Program (hereafter the “Negotiation Program”) to negotiate maximum fair prices (MFPs) for certain high expenditure, single source drugs and biological products. The requirements for this program are described in sections 1191 through 1198 of the Social Security Act as added by sections 11001 and 11002 of the IRA. The draft guidance specifies the requirements for manufacturer effectuation of the MFPs in 2028.

To obtain copies of the draft guidance and other IRA-related documents, please access the CMS website by copying and pasting the following web address into your web browser: <https://www.cms.gov/inflation-reduction-act-and-medicare>. If interested in receiving CMS Inflation Reduction Act updates by email, individuals may sign up for CMS’ IRA email updates at <https://www.cms.gov/priorities/medicare-prescription-drug-affordability/medicare-prescription-drug-affordability>.

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Dr. Mehmet Oz, having reviewed and approved this document, authorizes Chyana Woodyard, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Chyana Woodyard,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2026–14583 Filed 7–16–26; 4:15 pm]

BILLING CODE 4169–69–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Privacy Act of 1974; System of Records

AGENCY: Office of Family Assistance (OFA), Administration for Children and

Families (ACF), Department of Health and Human Services (HHS).

ACTION: Extension of comment period for and the effective date of the new routine use under modified system of records.

SUMMARY: The Department of Health and Human Services (HHS) is extending the comment period for and the effective date of the new routine use under the modified system of records maintained by the Office of Family Assistance (OFA) within HHS’ Administration for Children and Families (ACF), System No. 09–80–0375, Temporary Assistance for Needy Families (TANF) Data that appeared in the **Federal Register** of June 23, 2026. We are taking this action in response to an issue that prevented the public from commenting through the Federal eRulemaking Portal until July 10, 2026.

DATES: ACF is extending the comment period for and the effective date of the new routine use under the modified system of records published June 23, 2026 (91 FR 37406). In accordance with 5 U.S.C. 552a(e)(4) and (11), the notice was effective June 23, 2026, with the exception of subparagraph a under routine use 1 and the new routine use 10, which will be effective August 11, 2026. Please submit any comments on the notice by August 11, 2026.

ADDRESSES: Comments may be submitted to the Federal eRulemaking Portal electronically at <http://www.regulations.gov> or mailed to John Talieri, Senior Official for Privacy, Administration for Children and Families, 330 C Street SW, Washington DC 20201. Please include “09–80–0375” in the subject line or [regulations.gov](https://www.regulations.gov) comment. Comments received will be available at [regulations.gov](https://www.regulations.gov) for public viewing, inspection or copies. ACF does not edit personally identifiable information from submissions; therefore, commenters should submit only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT:

General questions about the modified system of records may be submitted by mail or email to TANF Data Division, Office of Family Assistance, Administration for Children and Families, 330 C Street SW, Washington, DC 20201, or tanfdata@acf.hhs.gov; or may be submitted by telephone to John Talieri, Senior Official for Privacy, at (202) 969–3581.

Dated: July 16, 2026.

David M. Swegle,

*Director Office for Family Assistance,
Administration for Children and Families.*

[FR Doc. 2026–14587 Filed 7–17–26; 8:45 am]

BILLING CODE 4184–42–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0990–0279]

Agency Information Collection Request; 30-Day Public Comment Request

AGENCY: Office for Human Research Protections (OHRP), Office of the Assistant Secretary for Health (OASH), Office of the Secretary, HHS

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on the ICR must be received on or before August 19, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice via www.reginfo.gov/public/do/PRAMain. Find this information collection by selecting “Currently under Review” and “Select Agency: Department of Health and Human Services”.

FOR FURTHER INFORMATION CONTACT: Natalie Klein, Natalie.Klein@hhs.gov or

(240) 453–6900. If requesting information, please include the document identifier 0990–0279–30D and project title (Department of Health and Human Services (HHS) Registration of an Institutional Review Board Form) for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency’s functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Department of Health and Human Services (HHS) Registration of an Institutional Review Board Form.

Type of Collection: Reinstatement with changes OMB No. 0990–0279.

Abstract: The Office for Human Research Protections (OHRP) and the Food and Drug Administration (FDA) are requesting reinstatement with changes for the Office of Management and Budget (OMB) No. 0990–0279, Department of Health and Human Services (HHS) Institutional Review Board (IRB) Registration Form. The previous information collection was approved by OMB on June 27, 2022, and expired on June 30, 2025. The request for reinstatement with changes involves implementing a burden reducing change. Specifically, OHRP is seeking to remove the IRB membership roster information collection from the IRB registration form. This change will align the IRB registration form with the 2018

Requirements at 45 CFR 46.103. The change, when implemented, is anticipated to result in a shorter, simplified IRB registration process for respondents. Updates to the software applications OHRP uses to manage IRB registration will be deployed to enable such changes.

The purpose of the form is to provide a simplified procedure for: (1) IRBs to satisfy the requirements for IRB registration at 45 CFR part 46, subpart E; and (2) IRBs in the United States (US) to satisfy the FDA requirements for IRB registration at 21 CFR 56.106. Institutions engaged in nonexempt human subjects research conducted or supported by HHS, or another Common Rule department or agency, are required by the terms of the Federalwide Assurance (FWA) to rely upon only IRBs registered with OHRP for review of research to which the FWA applies. In this way, OHRP’s FWA process, established pursuant to the requirements for assurances at 45 CFR 46.103, is linked to the regulatory requirements for IRB registration.

The respondents for this information collection are institutions or organizations operating IRBs that review human subjects research conducted or supported by HHS; or, in the case of FDA’s requirements, each IRB in the United States that reviews clinical investigations regulated by FDA under sections 505(i) or 520(g) of the Federal Food, Drug and Cosmetic Act; and each IRB in the United States that reviews clinical investigations that are intended to support applications for research or marketing permits for FDA-regulated products. Many of the IRBs also review research conducted or supported by other Common Rule departments and agencies.

ANNUALIZED BURDEN HOUR TABLE

Form	Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
IRB Registration Form 0990–0279 ...	Institutions or Organizations that operate IRBs.	5,350	1	0.5	2,675
Total .....	.....	5,350	1	0.5	2,675

The estimate of the number of respondents is based upon the current number of IRBs registered with HHS, approximately 4,988 (as of July 13, 2026), and projecting that the number of respondents may increase to 5,350. Of the approximately 4,988 registered IRBs,

100% submitted their registration information electronically.

Of the 5,350 projected respondent IRBs, approximately 350 institutions or organizations are expected to submit IRB registration information for the first time, and nearly 5,000 institutions or

organizations are expected to update or renew their existing IRB registration once each year. The burden is estimated to average 0.5 hours for both an initial IRB registration and for updating or renewing the registration of a previously registered IRB. If on average 5,000

previous respondents submit information once each year, and on average 350 submit new registration information one time a year, the total annual burden hours are projected to be 2,675 hours. Consistent with 5 CFR 1320.5(a)(1)(iv)(5), therefore, we believe this estimate represents the total annual reporting and recordkeeping burden that will result from the collection of information.

Catherine Howard,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2026–14537 Filed 7–17–26; 8:45 am]

BILLING CODE 4150–36–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Secretary; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Interagency Autism Coordinating Committee, July 31, 2026, 9:00 a.m. to 5:00 p.m. ET. National Institutes of Mental Health (NIMH), Neuroscience Center (NSC), First Floor Conference Rooms, 6001 Executive Boulevard, Rockville, MD 20852, was published in the **Federal Register** on July 07, 2026, FR Doc. 2026–13714, 91 FR 41645.

This Notice is being amended to extend the public comment period from July 17, 2026, through July 24, 2026. The meeting is open to the public.

Dated: July 15, 2026.

Rosalind M Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–14599 Filed 7–17–26; 8:45 am]

BILLING CODE 4167–05–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

[OMB Control Number 1653–0055]

Flight Manifest/Billing Agreement

AGENCY: U.S. Immigration and Customs Enforcement, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995 the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE) will submit the

following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance. This information collection was previously published in the **Federal Register** on December 17, 2025, allowing for a 60-day comment period. ICE received several comments which have been addressed in the supporting statement available on www.reginfo.gov/public/do/PRAMain. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until August 19, 2026.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function under e-Docket ID number ICEB–2021–0005–0003.

FOR FURTHER INFORMATION CONTACT: For specific question related to collection activities, please contact U.S. Immigration and Customs Enforcement at ICEOCFOPolicy@ice.dhs.gov.

SUPPLEMENTARY INFORMATION:

Comments

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) Type of Information Collection: Extension of a Currently Approved Collection.

(2) Title of the Form/Collection: Flight Manifest/Billing Agreement.

(3) Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection: U.S. Immigration and Customs Enforcement.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Individuals or households. The Flight Manifest/Billing Agreement collects information for the purpose of confirming Space Available passengers on any ICE-chartered flight and to facilitate the effective billing of those passengers for the full coach fare of their seats on the flight.

(5) An estimate of the total number of responses and the amount of time estimated for an average respondent to respond: The estimated total number of respondents for the information collection is 250 and the estimated hour burden per response is .25 hours.

(6) An estimate of the total public burden (in hours) associated with the collection: 63 annual burden hours.

(7) An estimate of the total public burden (in cost) associated with the collection: The estimated total annual cost burden associated with this collection of information is \$2,391.

Dated: May 27, 2026.

Ashley Pearce,

Deputy Chief Data Officer.

[FR Doc. 2026–14560 Filed 7–17–26; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[Docket No. USGS–2026–0199; OMB Control Number 1028–0137; GX26EN05ES90000]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Evaluation of the Arctic Rivers Project

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the U.S. Geological Survey (USGS) is proposing an extension of an information collection.

DATES: Interested persons are invited to submit comments on or before August 19, 2026.

ADDRESSES: You may submit comments by one of the following methods:

■ *Internet:* <https://www.regulations.gov>. Search for and

submit comments on Docket No. USGS–2026–0199.

■ *U.S. Mail:* USGS, Information Collections Clearance Officer, 12201 Sunrise Valley Drive, MS 159, Reston, VA 20192.

FOR FURTHER INFORMATION CONTACT: To request additional information about this Information Collection Request (ICR), contact Ryan Toohey by email at rtoohey@usgs.gov, or by telephone at 907–227–6423. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or Tele Braille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: In accordance with the PRA (44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A *Federal Register* notice (91 FR 23301) with a 60-day public comment period soliciting comments on this collection of information was published on April 30, 2026, we received the following comment, (summarized). The Northern Alaska Environmental Center (NAEC) supports renewing the USGS information collection for the Evaluation of the Arctic Rivers Project, emphasizing its value for understanding climate-driven changes in Arctic river systems and ensuring project tools remain relevant to Tribes, Indigenous Knowledge holders, and rural communities. The NAEC urges the USGS to refine burden estimates, use clear and purposeful evaluation questions, respect Tribal sovereignty and data protections, and reduce respondent burden through flexible participation options. Continued evaluation is seen as essential for strengthening community-centered science and improving the project's usefulness, accessibility, and accountability.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting

comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comments addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used.

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How the agency might minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personally identifiable information (PII) in your comment, you should be aware that your entire comment—including your PII—may be made publicly available at any time. While you can ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so.

Abstract: We will collect information from stakeholders of the Arctic Rivers Project, which include representatives of Indigenous communities in Alaska, representatives of Indigenous organizations, and others regarding the effectiveness of participatory methods and achievement of overall project goals. Evaluation information will be collected via semi-structured interviews, surveys, and polls. Questions will focus on the relevancy of the project to participants, methods used to engage with participants, feedback about project components, input for the direction of the project, preferred communication methods, current and future use of project products. This information will allow for a greater understanding of the effectiveness of community engagement, the co-production process, and participation in the direction of the project. This information will help guide the project through its various phases, and it will help enhance communication and product development.

Title of Collection: Evaluation of the Arctic Rivers Project.

OMB Control Number: 1028–0137.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals/Tribal governments.

Total Estimated Number of Annual Respondents: 150.

Total Estimated Number of Annual Responses: 150.

Estimated Completion Time per Response: 30 minutes.

Total Estimated Number of Annual Burden Hours: 75.

Respondent's Obligation: Voluntary.

Frequency of Collection: One time.

Total Estimated Annual Non-hour Burden Cost: None.

An agency may not conduct, or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Stephen Gray,

Alaska Climate Science Center Director.

[FR Doc. 2026–14515 Filed 7–17–26; 8:45 am]

BILLING CODE 4388–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407–014–004–065516, #O2509–014–004–125222; LLNM922000]

Notice of Proposed Reinstatement of BLM New Mexico Terminated Oil and Gas Lease: NMNM141446

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of oil and gas lease reinstatement.

SUMMARY: In accordance with the Mineral Leasing Act of 1920, as amended, the Bureau of Land Management (BLM) received a petition for reinstatement of terminated competitive oil and gas lease NMNM141446 from Federal Abstract Company (lessee). The lessee timely filed a petition for reinstatement of the competitive oil and gas lease located in Eddy County, New Mexico. The lessee paid the required rental accruing from the date of termination. No leases have been issued that affect these lands. The BLM proposes to reinstate the lease.

FOR FURTHER INFORMATION CONTACT: Ross Klein, Natural Resource Specialist, Branch of Fluid Minerals, Bureau of Land Management New Mexico State Office, 301 Dinosaur Trail, Santa Fe, New Mexico 87508, (505) 954–2143,

rklein@blm.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The lessee agrees to new lease terms for rental of \$20 per acre, or fraction thereof, per year, and a royalty rate of 16.67 percent. The lessee agreed to amended lease notices. The lessee paid the required administration fee and has reimbursed the BLM for the cost of publishing this notice.

The lessee meets the requirements for reinstatement of the lease per Sec. 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188). The BLM is proposing to reinstate lease NMNM141446, effective January 1, 2022, for the remainder of the primary term, subject to: the original terms and conditions of the lease; amended lease notices; increased rental of \$20 per acre; and increased royalty of 16.67 percent. (Authority: 30 U.S.C. 188 (e)(4) and 43 CFR 3108.23.)

Michael J. Gibson,

Deputy State Director, Minerals.

[FR Doc. 2026–14574 Filed 7–17–26; 8:45 am]

BILLING CODE 4331–23–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–776–779 (Fifth Review)]

Preserved Mushrooms From Chile, China, India, and Indonesia

Determinations

On the basis of the record¹ developed in the subject five-year reviews, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that revocation of the antidumping duty orders on certain preserved mushrooms from Chile, China, India, and Indonesia would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.²

Background

The Commission instituted these reviews on February 2, 2026, (91 FR 4622) and determined on May 8, 2026, that it would conduct expedited reviews (91 FR 29168, May 19, 2026).

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on July 16, 2026. The views of the Commission are contained in USITC Publication 5765 (July 2026), entitled *Preserved Mushrooms from Chile, China, India, and Indonesia: Investigation Nos. 731–TA–776–779 (Fifth Review)*.

By order of the Commission.

Issued: July 16, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–14595 Filed 7–17–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1742 (Final)]

Lattice-Boom Crawler Cranes (LBCCs) From Japan; Determination

On the basis of the record¹ developed in the subject investigation, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that an industry in the United States is materially injured by reason of imports of lattice-boom crawler cranes (“LBCCs”) provided for in subheading 8426.49.00, or may be classified under statistical reporting numbers 8425.19.0000, 8431.49.1060, or 8431.49.1090 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (“Commerce”) to be sold in the United States at less than fair value (“LTFV”).²

Background

The Commission instituted this investigation effective April 10, 2025, following receipt of a petition filed with the Commission and Commerce by the Manitowoc Company, Inc., Milwaukee, WI. The Commission scheduled the final phase of the investigation following notification of a preliminary determination by Commerce that imports of LBCCs from Japan were being sold at LTFV within the meaning of

§ 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission’s investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of February 11, 2026 (291 FR 6265, February 11, 2026). The Commission conducted its hearing on June 3, 2026. All persons who requested the opportunity were permitted to participate.

The Commission made this determination pursuant to § 735(b) of the Act (19 U.S.C. 1673d(b)). It completed and filed its determination in this investigation on July 2, 2026. The views of the Commission are contained in USITC Publication 5764 (July 2026), entitled *Lattice-Boom Crawler Cranes (LBCCs) from Japan: Investigation 731–TA–1742 (Final)*.

By order of the Commission.

Issued: July 16, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–14597 Filed 7–17–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1512]

Certain Foundry Coke; Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on June 15, 2026, under section 337 of the Tariff Act of 1930, as amended, on behalf of SunCoke Technology and Development LLC of Lisle, Illinois and Jewell Coke Company L.P. of Lisle, Illinois. Letters supplementing the complaint were filed on July 1, 2026. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain foundry coke by reason of the infringement of certain claims of U.S. Patent No. 12,600,915 (“the ‘915 patent”) and U.S. Patent No. 12,331,367 (“the ‘367 patent”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainants request that the

¹ The record is defined in § 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

² Commissioner Amy A. Karpel not participating.

¹ The record is defined in § 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

² 91 FR 33690, June 4, 2026.

Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Susan Orndoff, The Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205-1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2025).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on July 16, 2026, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1, 3-5, and 7-13 of the '915 patent and claims 1-4, 7-10, 12, and 14-21 of the '367 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is "foundry coke products having nonconventional properties";

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which

this notice of investigation shall be served:

(a) The complainants are:
SunCoke Technology and Development LLC, 1011 Warrenville Road, Suite 600, Lisle, IL 60532
Jewell Coke Company L.P., 1011 Warrenville Road, Suite 600, Lisle, IL 60532

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:
MTX Group, a.s., Štěpánská 621/34, 110 00 Prague 1, Czech Republic
OKK Koksovny, a.s., Koksární 1112/7, 702 24 Ostrava-Prívov, Czech Republic
METALIMEX a.s., Štěpánská 621/34, 112 17 Prague 1, Czech Republic
METALIMEX Deutschland GmbH, Dr.-Alfred-Herrhausen-Allee 16, 47228 Duisburg, Germany
AMEX Coal Sp. z o.o., Al. Niepodległości 809A, 81-810 Sopot, Poland
Italiana Coke S.r.l., Via San Vincenzo, 2, 16121 Genova (GE), Italy
Terminal Alti Fondali Savona S.r.l., Porto di Savona, Zona 29, 17100 Savona (SV), Italy

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint, as supplemented, and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint, as supplemented, and the notice of investigation. Extensions of time for submitting responses to the complaint, as supplemented, and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint, as supplemented, and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint, as

supplemented, and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: July 16, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026-14596 Filed 7-17-26; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. TA-201-80]

Lamb Meat; Institution of Investigation, Scheduling of Public Hearings, and Determination That the Investigation Is Extraordinarily Complicated

AGENCY: United States International Trade Commission.

ACTION: Notice of institution of investigation and scheduling of public hearings.

SUMMARY: Following receipt of a request from the United States Trade Representative ("USTR") on July 13, 2026, the Commission has instituted Investigation No. TA-201-80 pursuant to section 202 of the Trade Act of 1974 ("the Act") to determine whether lamb meat is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article. The Commission has determined that this investigation is "extraordinarily complicated" within the meaning of section 202(b)(2)(B) of the Act and will make its injury determination within 123 days after the petition was filed, or by November 13, 2026. The Commission will submit to the President the report required under section 202(f) of the Act within 180 days after the date on which the petition was filed, or by January 11, 2027.

DATES: Applicable July 13, 2026.

FOR FURTHER INFORMATION CONTACT: Camille Bryan (202-205-2811), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office

of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted, pursuant to section 202 of the Act (19 U.S.C. 2252), in response to a request filed on July 13, 2026, by the United States Trade Representative.

The imported articles covered by this investigation is defined as fresh, chilled, or frozen lamb meat. Excluded from the scope are imports of live lambs and sheep and meat of mature sheep (mutton). Imports of lamb meat may enter under the following subheadings of the Harmonized Tariff Schedule of the United States (HTSUS): 0204.10.00, 0204.21.00, 0204.22.20, 0204.22.40, 0204.23.20, 0204.23.40, 0204.30.00, 0204.41.00, 0204.42.20, 0204.42.40, 0204.43.20, and 0204.43.40. While these HTSUS subheadings are provided for convenience and U.S. Customs purposes, the written description of the scope above is dispositive.

Determination that investigation is extraordinarily complicated.—The Commission has determined that this investigation is “extraordinarily complicated” within the meaning of section 202(b)(2)(B) of the Act (19 U.S.C. 2252(b)(2)(B)). The Commission's decision to designate this investigation “extraordinarily complicated” is based on the complexity of the investigation, including the need to collect data and other information from a large number of firms involved in the domestic production, processing, and/or marketing of lamb meat. Ordinarily, the Commission is required to make its injury determination within 120 days after the petition was filed, or by November 10, 2026. The statute permits the Commission to take up to 30 additional days to make its injury determination in an investigation where it determines that the investigation is extraordinarily complicated. At this time, the Commission intends to take three extra days and make its injury determination by November 13, 2026. As required by section 202(f)(1) of the Act (19 U.S.C. 2252(f)(1)), the Commission will submit its report to the President no later than 180 days after the day on which the USTR requested the investigation.

Participation in the investigation and public service list.—Persons wishing to participate in the investigation as parties must file an entry of appearance

with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, not later than 21 days after publication of this notice in the **Federal Register**. The Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Limited disclosure of confidential business information (CBI) under an administrative protective order (APO) and CBI service list.—Pursuant to section 206.17 of the Commission's rules, the Secretary will make CBI gathered in this investigation available to authorized applicants representing interested parties (as defined in 19 CFR 206.17(a)(3)(iii)) under the APO issued in the investigation, provided that the application is made not later than 21 days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive CBI under the APO.

The Commission may transmit CBI to the Office of the United States Trade Representative and may include CBI in the report it sends to the President and USTR for use in decision-making related to this proceeding. Additionally, all information, including CBI, submitted in this investigation may be disclosed to and used by (i) the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel for cybersecurity purposes. The Commission will not otherwise disclose any CBI in a manner that would reveal the operations of the firm supplying the information.

Hearings on injury and remedy.—The Commission has scheduled separate hearings in connection with the injury phase and remedy phase (if necessary) of this investigation. The hearing on injury will be held beginning at 9:30 a.m. EST on October 16, 2026, at the U.S. International Trade Commission Building, 500 E Street SW, Washington,

DC. In the event the Commission makes an affirmative injury determination or is equally divided on the question of injury in this investigation, a hearing on the question of remedy will be held beginning at 9:30 a.m. on December 1, 2026. Requests to appear at the hearings should be filed electronically with the Secretary to the Commission on or before October 8, 2026, for the injury hearing, and on or before November 23, 2026, for the remedy hearing. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearings.

All parties and nonparties desiring to appear at the hearings and make oral presentations should participate in prehearing conferences to be held on October 15, 2026, for the injury hearing and November 30, 2026, for the remedy hearing, if deemed necessary. Oral testimony and written materials to be submitted at the public hearings are governed by sections 201.6(b)(2) 201.13(f), and 206.5 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the respective hearings.

Any requests to appear as a witness via videoconference must be included with your request to appear. Requests to appear via videoconference must include a statement explaining why the witness cannot appear in person; the Chairman, or other person designated to conduct the investigations, may in their discretion for good cause shown, grant such a request. Requests to appear as remote witness due to illness or a positive COVID-19 test result may be submitted by 3:00 p.m. the business day prior to the hearing. Further information about participation in the hearing will be posted on the Commission's website at <https://www.usitc.gov/calendarpad/calendar.html>.

Written submissions.—Each party who is an interested party may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of sections 201.8, 206.7, and 206.8 of the Commission's rules. The deadline for filing prehearing briefs on injury is October 8, 2026; that for filing prehearing briefs on remedy, including any commitments pursuant to 19 U.S.C. 2252(a)(6)(B), is November 23, 2026. Parties may also file written testimony in connection with their presentation at the hearing, as provided in sections 201.13, 206.5, and 206.8 of the Commission's rules, and posthearing briefs, which must conform with the provisions of sections 201.8, 201.13, 206.7, and 206.8 of Commission's rules.

The deadline for filing posthearing briefs for the injury phase of the investigation is October 23, 2026; the deadline for filing posthearing briefs for the remedy phase of the investigation, if any, is December 8, 2026.

No posthearing brief, either in the injury phase or any remedy phase, shall exceed fifteen (15) pages of textual material, double-spaced and single-sided, when printed out on pages measuring 8.5 x 11 inches. In addition, the presiding official may permit persons to file answers to questions or requests made by the Commission at the hearing for the injury phase, and at any hearing for the remedy phase, within a specified time. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the consideration of injury on or before October 23, 2026, and pertinent to the consideration of remedy on or before December 8, 2026. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain CBI must also conform with the requirements of sections 201.6 and 206.17 of the Commission's rules. The Commission's *Handbook on E-Filing*, available on the Commission's website at <https://edis.usitc.gov>, elaborates upon the Commission's rules with respect to electronic filing.

Any additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, will not be accepted unless good cause is shown for accepting such a submission, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with section 201.16(c) of the Commission's rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 206, subparts A and B (19 CFR part 206).

Authority: This investigation is being conducted under authority of section 202 of the Act; this notice is published pursuant to section 202(b)(3) of the Act.

By order of the Commission.

Issued: July 16, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026-14602 Filed 7-17-26; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-800-801 and 731-TA-1796-1798 (Preliminary)]

Welded Stainless Steel Line and Pressure Pipe From India, Turkey, and the United Arab Emirates; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701-TA-800-801 and 731-TA-1796-1798 (Preliminary) pursuant to the Tariff Act of 1930 to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of welded stainless steel line and pressure pipe from India, Turkey, and the United Arab Emirates, provided for in subheadings 7305.31.60, 7306.11.00, 7306.40.50, and may also enter in under subheading 7306.40.10 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the Governments of India and Turkey. Unless the Department of Commerce ("Commerce") extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by August 31, 2026. The Commission's views must be transmitted to Commerce within five business days thereafter, or by September 8, 2026.

DATES: July 15, 2026.

FOR FURTHER INFORMATION CONTACT:

Lawrence Jones ((202) 205-3358), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility

impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to a petition filed on July 15, 2026, by Bristol Pipe and Tube, Inc., Bristol, Tennessee; Felker Brothers Corporation, Marshfield, Wisconsin; and Primus Pipe and Tube, Inc., Wildwood, Florida.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in §§ 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Office of Investigations will hold a staff conference in connection with the preliminary phase of these investigations beginning at 9:30 a.m. on August 5, 2026. Requests to appear at the conference should be emailed to preliminaryconferences@usitc.gov (DO NOT FILE ON EDIS) on or before noon on August 3, 2026. Please provide an email address for each conference participant in the email. Information on conference procedures, format, and participation, including guidance for requests to appear as a witness via videoconference, will be available on the Commission's Public Calendar (Calendar (USITC) | United States International Trade Commission). A nonparty who has testimony that may aid the Commission's deliberations may request permission to participate by submitting a short statement.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Written submissions.—As provided in §§ 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before 5:15 p.m. on August 10, 2026, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties shall file written testimony and supplementary material in connection with their presentation at the conference no later than 4:00 p.m. on August 4, 2026. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person

submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.12 of the Commission's rules.

By order of the Commission.

Issued: July 16, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026-14594 Filed 7-17-26; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1511]

Certain Dynamic Random Access Memory (DRAM) Devices, Products Containing the Same, and Components Thereof (II); Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on June 16, 2026, under section 337 of the Tariff Act of 1930, as amended, on behalf of Netlist, Inc. of Irvine, California. Supplements to the complaint were filed on June 24 and 25, 2026. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain dynamic random access memory (DRAM) devices, products containing the same, and components thereof by reason of the infringement of certain

claims of U.S. Patent No. 12,646,537 ("the '537 patent") and U.S. Patent No. 12,650,937 ("the '937 patent"). The complaint further alleges that an industry in the United States exists or is in the process of being established as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT:

Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2025).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on July 15, 2026, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1-8, 10, 11, 14-17, 19, and 20 of the '537 patent and claims 1-7 and 18-20 of the '937 patent, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and

Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is “dynamic random access memory devices (specifically DDR5 generation DIMM and high bandwidth memory (HBM)), products containing the same (such as servers, computing systems, and storage systems), and components thereof”;

(3) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties or other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1);

(4) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Netlist, Inc., 111 Academy Way, Suite 100, Irvine, CA 92617

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Samsung Electronics Co., Ltd., 129 Samsung-ro, Yeongtong-gu, Suwon, Gyeonggi-do, 443-742, Republic of Korea

Samsung Electronics America, Inc., 6625 Excellence Way, Plano, TX 75023

Samsung Semiconductor, Inc., 6625 Excellence Way, Plano, TX 75023

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043
Super Micro Computer, Inc., 980 Rock Ave., San Jose, CA 95131

NVIDIA Corp., 2788 San Tomas Expressway, Santa Clara, CA 95051
Broadcom Inc., 3421 Hillview Avenue, Palo Alto, CA 94304

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(5) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to

19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: July 15, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026-14535 Filed 7-17-26; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Clarification on Department of Justice Guidance Titled, “Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans With Disabilities Act and *Olmstead v. L.C.*”

AGENCY: Civil Rights Division, Department of Justice.

ACTION: Notice; clarification.

SUMMARY: The Department of Justice (the Department) is issuing this document to clarify that the guidance issued by the Department on June 22, 2011, and last updated February 28, 2020, titled “Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.*” (*Olmstead* Guidance), and similar guidance documents are not enforceable. In addition, the Department plans to revisit the *Olmstead* Guidance in light of the Supreme Court's decision in *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 400 (2024), to assess whether the *Olmstead* Guidance is consistent with the single best meaning of the relevant statutory text. The Department will not rely upon the

Olmstead Guidance in its enforcement of Title II of the Americans with Disabilities Act (ADA).

FOR FURTHER INFORMATION CONTACT: Luis E. Perez, Director, Disability Rights Section, Civil Rights Division, 202-320-6683.

SUPPLEMENTARY INFORMATION: On June 22, 2011, the Department issued a guidance document titled, “Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.*”¹ The *Olmstead* Guidance states, “To assist individuals in understanding their rights under Title II of the ADA and its integration mandate, and to assist state and local governments in complying with the ADA, the Department of Justice has created this technical assistance guide.” It provides eighteen questions and answers regarding enforcement of the Supreme Court's decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999).

The *Olmstead* Guidance concludes: “Guidance documents posted to this website are not intended to be a final agency action, have no legally binding effect, and have no force or effect of law. The documents may be rescinded or modified in the Department's complete discretion, in accordance with applicable laws. The Department's guidance documents, including this guidance, do not establish legally enforceable responsibilities beyond what is required by the terms of the applicable statutes, regulations, or binding judicial precedent.”² This is consistent with Supreme Court jurisprudence, which has held that guidance documents “do not have the force and effect of law.” *Perez v. Mortgage Bankers Ass'n*, 575 U.S. 92, 97 (2015) (quoting *Shalala v. Guernsey Mem'l Hosp.*, 514 U.S. 87, 99 (1995)). Despite the non-enforceable nature of the *Olmstead* Guidance, numerous courts have treated the *Olmstead* Guidance as authoritative. See *Davis v. Shah*, 821 F.3d 231, 263 (2d Cir. 2016); *Pashby v. Delia*, 709 F.3d 307, 322 (4th Cir. 2013); *Waskul v. Washtenaw Cnty. Cmty. Mental Health*, 979 F.3d 426, 460-61 (6th Cir. 2020); *Steimel v. Wernert*, 823 F.3d 902, 914 (7th Cir.

¹ U.S. Dep't of Just., *Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and Olmstead v. L.C.*, ADA.gov (last updated Feb. 28, 2020), <https://www.ada.gov/resources/olmstead-mandate-statement/> [<https://perma.cc/65V6-QGXW>].

² See also U.S. Dep't of Just., Just. Manual § 1-19.000 (last updated Apr. 2022), <https://www.justice.gov/jm/1-19000-limitation-issuance-guidance-documents-1> [<https://perma.cc/E35H-F7FF>].

2016); *but see United States v. Mississippi*, 82 F.4th 387, 393–94 (5th Cir. 2023). The Department is concerned about confusion over the non-enforceable nature of the *Olmstead* Guidance and issues this clarification that the *Olmstead* Guidance is not enforceable.

Further, the *Olmstead* Guidance was issued prior to the Supreme Court's decision in *Loper Bright*, 603 U.S. at 400, which held that agency interpretations must be consistent with the "single, best meaning" of the statute authorizing them. For these reasons, the Department plans to revisit the *Olmstead* Guidance in light of *Loper Bright* to determine whether the *Olmstead* Guidance is consistent with the "single, best meaning" of the ADA. The Department will not rely upon the *Olmstead* Guidance in its enforcement of Title II of the ADA.

Dated: July 13, 2026.

Harmeet K. Dhillon,

Assistant Attorney General, Department of Justice.

[FR Doc. 2026–14566 Filed 7–17–26; 8:45 am]

BILLING CODE 4410–13–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–244; NRC–2026–3104]

Constellation Energy Generation, LLC; R.E. Ginna Nuclear Power Plant; Subsequent License Renewal Application

AGENCY: Nuclear Regulatory Commission.

ACTION: Acceptance for docketing; opportunity to request a hearing and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC, the Commission) is considering an application for the subsequent renewal of Renewed Facility Operating License No. DPR–18, which authorizes Constellation Energy Generation, LLC (CEG, the applicant), to operate R.E. Ginna Nuclear Power Plant (Ginna). The subsequent renewed license would authorize CEG to operate Ginna for an additional 20 years beyond the period specified in the current renewed license. The current renewed license for Ginna expires September 18, 2029.

DATES: Requests for a hearing or petitions for leave to intervene must be filed by September 18, 2026.

ADDRESSES: Please refer to Docket ID NRC–2026–3104 when contacting the NRC about the availability of information for this action. You may

obtain publicly available information related to this action using any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC–2026–3104. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email Bridget.Curran@nrc.gov. For technical questions, contact the individual(s) listed in the "For Further Information Contact" section of this document.
- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin ADAMS Public Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to PDR.Resource@nrc.gov. The subsequent license renewal application is available in ADAMS under Package Accession No. ML26168A222.
- **Public Library:** A copy of the subsequent license renewal application can be accessed at the following public library: Lyons Public Library, 122 Broad Street, Lyons, NY 14489.
- **NRC's PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Brian Harris, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2277; email: Brian.Harris2@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC received a subsequent license renewal application (SLRA) from Constellation Energy Generation, LLC (CEG, the applicant) dated June 17, 2026, requesting subsequent renewal of Renewed Facility Operating License No. DPR–18, which authorizes CEG to operate R.E. Ginna Nuclear Power Plant (Ginna) up to 1,775 megawatts thermal. Ginna is located in Wayne County, New York. CEG submitted the SLRA pursuant to part 54 of title 10 of the *Code of Federal Regulations* (10 CFR), "Requirements for Renewal of Operating Licenses for Nuclear Power Plants." A

notice of receipt of the SLRA was published in the **Federal Register** on June 29, 2026 (91 FR 39125).

The NRC staff has determined that CEG has submitted sufficient information in accordance with 10 CFR 54.19, 54.21, 54.22, 54.23, 51.45, and 51.53(c) to enable the staff to undertake a review of the SLRA and that, therefore, the SLRA is acceptable for docketing. The current docket number, 50–244, for Renewed Facility Operating License No. DPR–18 will be retained. The determination to accept the SLRA for docketing does not constitute a determination that a subsequent renewed license should be issued and does not preclude the NRC staff from requesting additional information as the review proceeds.

Before issuance of the requested subsequent renewed license, the NRC will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. In accordance with 10 CFR 54.29, the NRC may issue a subsequent renewed license on the basis of its review if it finds that actions have been identified and have been or will be taken with respect to: (1) managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified as requiring aging management review; and (2) time-limited aging analyses that have been identified as requiring review, such that there is reasonable assurance that the activities authorized by the subsequent renewed license will continue to be conducted in accordance with the current licensing basis and that any changes made to the plant's current licensing basis will comply with the Act and the Commission's regulations.

The NRC staff will also complete an environmental review of the application and will document its findings in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and the Commission's regulations in 10 CFR part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions." The staff will prepare an environmental assessment that will be used to determine whether an environmental impact statement is necessary, or a finding of no significant impact is warranted to satisfy the NRC's NEPA obligations. In considering the SLRA, 10 CFR 54.29 requires that the Commission must find that the applicable requirements of subpart A of 10 CFR part 51 have been satisfied and that any matters raised under 10 CFR 2.335 have been addressed.

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 CFR part 2. Interested persons should consult 10 CFR 2.309. If a petition is filed, the presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

A State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h) no later than 60 days from the date of publication of this notice. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315, see ADAMS Accession No. ML20340A053 (<https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20340A053>), and on the NRC's public website (<https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate>).

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative

filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the "Guidance for Electronic Submissions to the NRC" (ADAMS Accession No. ML13031A056), and on the NRC's public website (<https://www.nrc.gov/site-help/e-submittals.html>).

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at Hearing.Docket@nrc.gov, or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals/getting-started.html>. After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public website at <https://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals.html>, by email to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)-(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at <https://adams.nrc.gov/ehd>, unless otherwise excluded pursuant to an order of the presiding officer. If you do not have an NRC issued digital ID certificate as previously described, click "cancel" when the link requests certificates and you will be automatically directed to the NRC's electronic hearing docket where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

Detailed information about the license renewal process can be found under the Reactor License Renewal section icon at <https://www.nrc.gov/reactors/operating/licensing/renewal.html> on the NRC's public website. The SLRA for Ginna is also available on the NRC's public

website at <https://www.nrc.gov/reactors/operating/licensing/renewal/subsequent-license-renewal.html>, while the SLRA is under review.

Authority: 42 U.S.C. 2011 *et seq.*

Dated: July 16, 2026.

For the Nuclear Regulatory Commission.

Jason Paige,

Chief, License Renewal Safety Branch,
Division of Licensing Projects II, Office of
Nuclear Reactor Regulation.

[FR Doc. 2026-14565 Filed 7-17-26; 8:45 am]

BILLING CODE 7590-01-P

POSTAL REGULATORY COMMISSION

[Docket No. MC2026-300; Order No. 9643]

Mail Classification Schedule

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is recognizing a recently filed Postal Service request to make changes to the product description for the Market Dominant Address Management Services product in the Mail Classification Schedule. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: Comments are due: July 31, 2026.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. Background and Contents of Filing
- III. Commission Action
- IV. Ordering Paragraphs

I. Introduction

On July 14, 2026, pursuant to 39 CFR part 3040, the Postal Service filed a request to make changes to the product description for the Market Dominant Address Management Services (AMS) product in the *Mail Classification Schedule* (MCS) section 1515 by adding a new National Change of Address

(NCOA) service called NCOA+ to the services offered under AMS.¹

II. Background and Contents of Filing

The Postal Service initially proposed to add NCOA+ to the AMS product in Docket No. R2026-1.² After receiving comments in that proceeding alleging that the introduction of NCOA+ could violate 39 U.S.C. 404a,³ the Commission determined that the proposed addition of NCOA+ could not “be appropriately vetted during an expedited rate adjustment proceeding” “given the issues raised and the record before the Commission.”⁴ Thus, the Commission did not approve the proposed changes related to the introduction of NCOA+ and stated that “[s]hould the Postal Service desire to re-propose the introduction of NCOA+, it should do so in a proceeding under 39 [CFR] part 3040.” Order No. 9584 at 130-31.

In the Request, the Postal Service re-proposes the addition of NCOA+ to AMS with a proposed implementation date of October 4, 2026. Request at 1-2. The Postal Service explains that the NCOA database holds all change-of-address (COA) records and that NCOA services allow entities access to the database in order to ensure correct addresses on mailings. *Id.* at 2. Currently, the Postal Service offers six NCOA services, which license the database (updated weekly or monthly depending on the license) to these entities and allow for the development and sale of software utilizing the database, the updating of themailing lists on behalf of mailers by licensees, the self-updating of mailing lists by individual licenseemailers, and use on mail processing equipment to remove undeliverable-as-addressed (UAA) mail and supply correct addressing information. *Id.* at 2-5. The Postal Service states that each of the six services have different requirements, limitations, and features associated with them and are offered at differing price points. *Id.* at 3-5, 21.

¹ USPS Request to Add the NCOA+ Price Category to the Mail Classification Schedule, July 14, 2026, at 1, 17-24 (Request).

² Docket No. R2026-1, United States Postal Service Notice of Market-Dominant Price Change, April 9, 2026, at 30.

³ See Docket No. R2026-1, Comments of the National Postal Policy Council, May 11, 2026, at 6-9; Docket No. R2026-1, Comments of the National Association of Presort Mailers, May 11, 2026, at 8-9; Docket No. R2026-1, Comments of the Association for Postal Commerce, May 11, 2026, at 4-7.

⁴ Docket No. R2026-1, Order on Price Adjustments for First-Class Mail, USPS Marketing Mail, Periodicals, Package Services, and Special Services Products and Related Mail Classification Changes, May 27, 2026, at 130 (Order No. 9584).

The Postal Service states that NCOA+ is proposed to be offered as an additional NCOA price category and would provide the exact same data as the other NCOA price categories. *Id.* at 5-6. The Postal Service represents that the primary difference between NCOA+ and the other NCOA services would be the way in which the underlying NCOA database is accessed. *Id.* at 6. The Postal Service states that the six current NCOA services require use of both Coded Accuracy Support System (CASS) compliant software and NCOA software (that licensees develop themselves or license from a provider). *Id.* The Postal Service explains that NCOA+ would provide “cloud-based access to the NCOA software and database through an encrypted, modern application programming interface (‘API’)[.]” with the API functioning “as a direct conduit to lookup a single address and receive new address information when a match is found.” *Id.* The Postal Service explains that NCOA+ users therefore would not have to develop or purchase “specifically compliant software[.]” and “NCOA+ will provide a more secure and easier way for licensees to instantly access and retrieve the most up-to-date data without having to wait for the next file distribution.” *Id.* The Postal Service states that NCOA+ would have several “enhancements” over current NCOA offerings, including the ability for a single address lookup, more frequent updates, the simplification of Privacy Act compliance requirements, and reduced administrative burdens on licensees. *Id.* at 6-7. The Postal Service also notes that NCOA+ would provide the Postal Service with several benefits, including reductions in costly UAA mail and improved ability to track and monitor database usage. *Id.* at 7-8. The Postal Service explains that NCOA+ would be priced based on the licensee’s number of API calls per month. *Id.* at 10.

The Postal Service represents that NCOA+ would be available to all mailers on the same terms and conditions and could be utilized by current NCOA licensees to access NCOA+’s distinct features. *Id.* at 8. The Postal Service expects that NCOA+ would be used by some current NCOA licensees and also that NCOA+ will attract new users to use NCOA data because of the lower technical barriers to entry. *Id.* The Postal Service also expects that many current licensees would continue using the other NCOA services for various reasons, including how their systems are optimized and potential switching costs. *Id.*

The Postal Service acknowledges that in reducing barriers to access,

somemailers who currently pay licensed intermediaries to check addresses may opt to use NCOA+ instead and that the number of available software providers may increase. *Id.* at 8–9. The Postal Service states that in this way, NCOA+ would likely increase competitive pressure on some current NCOA licensees but that “[a]ny competitive pressure will arise from the fact that other companies would be empowered by easier access to Postal Service data products.” *Id.* at 9. The Postal Service notes, however, that although access to the database may be easier with NCOA+, software will still be necessary and “NCOA+ is not a direct replacement for all the services current licensees either do for themselves or purchase from a third-party.” *Id.* The Postal Service asserts that “competition law and policy, including [39 U.S.C. 404a], is designed to increase competition, improve what is offered in the market, and protect consumers” and not “entrench current market participants or insulate them from market shifts related to technological advancement, changes to customer preferences, or new entry.” *Id.* The Postal Service also asserts that 39 U.S.C. 404a is inapplicable to this proceeding as it does not establish any “rule or regulation” within the meaning of the statute. *Id.* at 9–10.

Pursuant to 39 CFR 3040.180(b)(2), the Postal Service provides supporting justification for the proposed changes to the MCS, including a description of and rationale for the proposed changes; an explanation of why the proposed changes are not inconsistent with the policies and applicable criteria of chapter 36 of Title 39 of the United States Code, applicable regulatory requirements, and applicable Commission directives and orders; and a description of the likely impact that the proposed changes will have on users of the product and on competitors. *See id.* at 10–15. The Postal Service also provides a copy of the applicable sections of the MCS and the proposed changes in legislative format in Attachment A. *See id.* at 17–24.

III. Commission Action

The Commission establishes Docket No. MC2026–300 for consideration of matters raised by the Request. The Commission notes that the Postal Service requests a Commission decision in this proceeding within 60 days. *Id.* at 1–2. The Commission will strive to work expeditiously on this matter; however, the issues raised and what comes to light as the record is developed will likely determine the timing of the decision in this proceeding.

The Commission invites comments on the Postal Service’s Request. Comments are due July 31, 2026. The filings can be accessed via the Commission’s website (<https://www.prc.gov>). The Commission appoints Stephanie A. Quick to represent the interests of the general public (Public Representative) in this docket, pursuant to 39 U.S.C. 505. The Public Representative does not represent any individual person, entity, or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. MC2026–300 for consideration of matters raised by the Postal Service’s Request.

2. Pursuant to 39 U.S.C. 505, Stephanie A. Quick is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the public in this proceeding.

3. Comments are due July 31, 2026.

4. The Order, or abstract thereof, shall be published in the **Federal Register**.

By the Commission.

Parvaneh Higareda,

Senior Paralegal Specialist.

[FR Doc. 2026–14538 Filed 7–17–26; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. K2026–224; MC2026–306 and K2026–302; MC2026–307 and K2026–303; MC2026–308 and K2026–304; MC2026–309 and K2026–305; MC2026–311 and K2026–307]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission’s consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* July 23, 2026.

ADDRESSES: Submit comments electronically via the Commission’s Filing Online system at <https://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. Public Proceeding(s)
- III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service’s request(s) can be accessed via the Commission’s website (<http://www.prc.gov>). Non-public portions of the Postal Service’s request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request’s acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service’s request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a

¹ See Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. See 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)-(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s).*: K2026–224; *Filing Title*: USPS Request Concerning Amendment One to Priority Mail & USPS Ground Advantage Contract 974, with Material Filed Under Seal; *Filing Acceptance Date*: July 15, 2026; *Filing Authority*: 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative*: Manon Boudreault; *Comments Due*: July 23, 2026.

2. *Docket No(s).*: MC2026–307 and K2026–303; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 1041 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: July 15, 2026; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Kenneth Moeller; *Comments Due*: July 23, 2026.

3. *Docket No(s).*: MC2026–311 and K2026–307; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 1044 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: July 15, 2026; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Kenneth Moeller; *Comments Due*: July 23, 2026.

III. Summary Proceeding(s)

1. *Docket No(s).*: MC2026–306 and K2026–302; *Filing Title*: USPS Request to Add New Mid-Market Standardized Distinct Product, PM–GA Contract 1040, and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: July 15, 2026; *Filing Authority*: 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

2. *Docket No(s).*: MC2026–308 and K2026–304; *Filing Title*: USPS Request

to Add New Mid-Market Standardized Distinct Product, PM–GA Contract 1042, and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: July 15, 2026; *Filing Authority*: 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

3. *Docket No(s).*: MC2026–309 and K2026–305; *Filing Title*: USPS Request to Add New Fulfillment Standardized Distinct Product, PM–GA Contract 1043, and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: July 15, 2026; *Filing Authority*: 39 U.S.C. 3642 and 3633, 39 CFR 3035.105, and 39 CFR 3041.325.

This Notice will be published in the **Federal Register**.

Danielle LeFlore,
Legal Assistant.

[FR Doc. 2026–14563 Filed 7–17–26; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, July 23, 2026.

PLACE: The meeting will be held via remote means and at the Commission's headquarters, 100 F Street, NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at <https://www.sec.gov>.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and
Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION:

For further information, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Authority: 5 U.S.C. 552b.

Dated: July 16, 2026.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2026–14581 Filed 7–16–26; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0806]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Rule 17a–4(b)(17)

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. § 3501 *et seq.*), the Securities and Exchange Commission (“SEC” or “Commission”) is soliciting comments on the proposed collection of information provided in Rule 17a–4(b)(17) (17 CFR 240.17a–4(b)(17)), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17a–4(b)(17) requires broker-dealers to preserve the written probability of default determination relied upon pursuant to the exception in Rule 101(c)(2)(i) or Rule 102(d)(2)(i), as applicable. Rule 17a–4(b)(17) requires broker-dealers relying on either of those exceptions to preserve for a period of not less than three years, the first two years in an easily accessible place, the written probability of default determination made pursuant to Rule 101(c)(2)(i). Rule 17a–4(b)(17)'s record preservation requirements involving the written probability of default determinations are mandatory if a broker-dealer relies on the exception in Rule 101(c)(2)(i) or Rule 102(d)(2)(i). The burden imposed by Rule 17a–4(b)(17) is limited to the maintenance and preservation of the written records.

The information required by Rule 17a–4(b)(17) is designed to facilitate

Commission examinations of broker-dealers who rely on the exception in Rule 101 or Rule 102, as applicable, for nonconvertible debt securities and nonconvertible preferred securities (together “Nonconvertible Securities”) of certain credit-worthy issuers. Without Rule 17a-4(b)(17), the Commission would not have the same access to necessary records in conducting examinations of broker-dealers relying on either of the exceptions.

Rule 17a-4(b)(17) results in two information collections: initial and ongoing recordkeeping burdens related to preserving the written probability of default calculation relied upon pursuant to the exception in Rule 101(c)(2)(i) or Rule 102(d)(2)(i), as applicable.

Initial Burden

To the extent there are new (in relation to the previous 2023 estimate) respondents relying on the applicable exception in Rule 101(c)(2)(i) or Rule 102(d)(2)(i), the Commission estimates that the record preservation requirements under Rule 17a-4(b)(17) will impose an initial burden of 25 hours per respondent for updating the applicable policies and systems required to account for preserving the records made pursuant to Rule 101. Assuming that all 275 respondents are new entrants to the Nonconvertible Securities markets and need to update their policies and systems required to account for preserving the records made pursuant to Rule 101(c)(2)(i) (*i.e.*, because they have not already done so), the Commission estimates that the total annual industry-wide initial burden for this requirement is 2,292 hours.

Ongoing Burden

The Commission estimates that respondents will incur an internal ongoing annual burden of 10 hours per firm for maintaining such records, as well as to make additional updates to the applicable record preservation policies and systems to account for preserving the records pursuant to Rule 17a-4(b)(17). The Commission estimates that the total annual ongoing burden is 2,750 hours.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information will have practical utility; (b) the accuracy of the SEC’s estimate of the burden imposed by the proposed collection of

information, including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated, electronic collection techniques or other forms of information technology.¹

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to PaperworkReductionAct@sec.gov by September 18, 2026.

Dated: July 15, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-14531 Filed 7-17-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235-0464]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Rule 101 of Regulation M

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (SEC or “Commission”) is soliciting comments on the previously approved collection of information provided for in Rule 101 of Regulation M (17 CFR 242.101), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 101 prohibits distribution participants from purchasing activities at specified times during a distribution of securities. Persons otherwise covered by this rule may seek to use several applicable exceptions such as a calculation of the average daily trading volume of the securities in distribution, documenting an estimate of the probability of default for distributions of certain nonconvertible securities, the maintenance of policies regarding information barriers between their affiliates, and the maintenance of a written policy regarding general compliance with Regulation M for *de minimis* transactions.

There are estimated to be approximately 2,110 respondents per year that are required to comply with Rule 101’s collections of information. Each respondent is estimated to incur approximately 25.796 burden hours to comply with this rule’s information collections. Therefore, the estimated total industrywide compliance burden per year is approximately 54,429 burden hours. The total estimated industrywide internal labor compliance cost for respondents is approximately \$7,239,057, resulting in an estimated internal cost of compliance per respondent of approximately \$3,430.83 (*i.e.*, \$7,239,057/2,110 respondents).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information will have practical utility; (b) the accuracy of the SEC’s estimate of the burden imposed by the proposed collection of information, including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated, electronic collection techniques or other forms of information technology.

Please direct your written comment to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg, 100 F Street NE, Washington, DC 20549 and send it by email to PaperworkReductionAct@sec.gov within 60 days of publication of this notice, by September 18, 2026.

Dated: July 15, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-14530 Filed 7-17-26; 8:45 am]

BILLING CODE 8011-01-P

¹ See 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–105920; File No. SR–NYSEARCA–2026–76]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 6.8–O To Increase Position and Exercise Limits for Options on iShares Bitcoin Trust ETF

July 15, 2026.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (“Act”)² and Rule 19b–4 thereunder,³ notice is hereby given that, on July 6, 2026, NYSE Arca, Inc. (“NYSE Arca” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 6.8–O to increase the position limit and exercise limits⁴ for options on iShares Bitcoin Trust ETF (“IBIT”). The proposed rule change is available on the Exchange’s website at www.nyse.com and at the principal office of the Exchange.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 6.8–O to increase the position limit, and by extension, the exercise limits for options on IBIT to 1,000,000 contracts. This filing is based on substantially identical proposals by Nasdaq ISE, LLC (“ISE”), which was approved, and Nasdaq PHLX Exchange (“PHLX”) and BOX Exchange, which have been noticed for immediate effectiveness.⁵

Background and Proposed Rule Change

IBIT is an Exchange-Traded Fund (“ETF”) that holds Bitcoin and is listed on The Nasdaq Stock Market LLC (“Nasdaq”).⁶ On November 22, 2024, the Exchange became authorized to trade and list options on IBIT.⁷ Options on IBIT are listed on the Exchange pursuant to Rule 5.3.

The position limit for IBIT options is set by Rule 6.8–O, Commentary .06 and then reflected in the exercise limits of Rule 6.9–O. Pursuant to Rule 6.8–O, Commentary .06, the largest in capitalization and the most frequently traded stocks and ETFs have an option position limit of 250,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market; and smaller capitalization stocks and ETFs have position limits of 200,000, 75,000, 50,000 or 25,000 contracts (with

adjustments for splits, recapitalizations, etc.) on the same side of the market. IBIT currently qualifies for a 250,000-contract position limit.

The Exchange proposes to increase the position limit and exercise limit for options on IBIT to 1,000,000 contracts by adding the proposed position limit in Rule 6.8–O, which then reflects the exercise limits in Rule 6.9–O. The Exchange’s proposal is substantially similar, in all material respects, to the recent proposals by ISE, PHLX and BOX to increase the position and exercise limits for options on IBIT to 1,000,000 contracts on the same side of the market.⁸ In addition, the proposed position and exercise limits for options on IBIT are consistent with existing position and exercise limits for options on iShares Russell 2000 ETF, iShares MSCI Emerging Markets, iShares China Large-Cap ETF and iShares MSCI EAFE ETF.⁹

Composition and Growth Analysis for Underlying ETFs

Position limits, and exercise limits, are designed to limit the number of options contracts traded on the Exchange in an underlying security that an investor, acting alone or in concert with others directly or indirectly, may control. These limits are intended to address potential manipulative schemes and adverse market impacts surrounding the use of options, such as disrupting the market in the security underlying the options. Position and exercise limits must balance concerns regarding mitigating potential manipulation and the cost of inhibiting potential hedging activity that could be used for legitimate economic purposes. The Commission has recognized that these limits are designed to prevent the establishment of options positions that can be used to manipulate or disrupt the underlying market, as well as serve to reduce the possibility for disruption of the options market itself, especially in illiquid classes.¹⁰

Per the Commission, “[o]ptions position and exercise limits are intended to prevent the establishment of options positions that can be used or might create incentives to manipulate or disrupt the underlying market so as to

⁵ See Securities Exchange Act Release No. 105317 (April 27, 2026), 91 FR 23333 (April 30, 2026) (SR–ISE–2025–26) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 5, to Amend the Position and Exercise Limits for IBIT Options) (“ISE Approval Order”); Securities Exchange Act Release No. 105501 (May 18, 2026), 91 FR 30008, (May 21, 2026) (SR–Phlx–2026–29) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Increase the Position and Exercise Limits for Options on iShares Bitcoin Trust ETF PHLX Notice”); and Securities Exchange Act Release No. 105520 (May 19, 2026), 91 FR 30340 (May 22, 2026) (SR–BOX–2026–13) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Increase the Position and Exercise Limits for Options on iShares Bitcoin Trust ETF) (“BOX Notice”).

⁶ Nasdaq received approval to list and trade IBIT pursuant to Rule 5711(d) of Nasdaq. See Securities Exchange Act Release No. 99306 (January 10, 2024), 89 FR 3008 (January 17, 2024) (SR–NASDAQ–2023–016) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Bitcoin-Based Commodity-Based Trust Shares and Trust Units). IBIT started trading on January 11, 2024.

⁷ See Securities Exchange Act Release No. 101712 (November 22, 2024), 89 FR 94794 (November 29, 2024) (SR–NYSEARCA–2024–100) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To List and Trade Option Contracts on the iShares Bitcoin Trust, the Fidelity Wise Origin Bitcoin Fund, and the ARK21Shares Bitcoin ETF).

⁸ ISE Approval Order, PHLX Notice and BOX Notice, *supra* Note 5.

⁹ See Rule 6.8–O, Commentary .06(f).

¹⁰ See Securities Exchange Act Release No. 103567 (July 29, 2025), 90 FR 36253, 36255 (August 1, 2025) (SR–NYSEARCA–2025–07) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 3, To Amend Rules Regarding Position and Exercise Limits for Options on the Grayscale Bitcoin Trust (“GBTC”) and To Permit Flexible Exchange Options on GBTC).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b–4.

⁴ Rule 6.9–O (Exercise Limits) references the position limits of Rule 6.8–O, therefore, the exercise limits contained in Rule 6.9–O are not being separately amended.

benefit the options positions.”¹¹ For this reason, the Commission requires that “position and exercise limits must be sufficient to prevent investors from disrupting the market for the underlying security by acquiring and exercising a number of options contracts disproportionate to the deliverable supply and average trading volume of the underlying security.”¹²

The Exchange has observed an ongoing increase in demand in options on IBIT in 2025.¹³ The Exchange believes the current position limit and exercise limit of 250,000 contracts (the highest position limit available pursuant to Rule 6.8–O and exercise limit pursuant to Rule 6.9–O) will impede trading activity and strategies of investors, such as use of effective hedging vehicles or income generating strategies (e.g., buy-write or put-write), and the ability of Market Makers to make liquid markets with tighter spreads in IBIT options.

The Exchange believes that increasing the position limit and exercise limit for options on IBIT to 1,000,000 contracts would enable liquidity providers to provide additional liquidity to the Exchange, as well as other options exchanges on which they participate. As described in further detail below, the Exchange believes that the continuously increasing market capitalization of IBIT options, as well as the highly liquid markets for those securities, reduces the concerns for potential market manipulation and/or disruption in the underlying markets upon increasing position limits, while the rising demand for trading options on IBIT for legitimate economic purposes compels an increase in position limits (and corresponding exercise limits).

IBIT currently qualifies for a 250,000 contract position limit pursuant to the criteria in Rule 6.8–O, Commentary .06, which requires that, for the most recent six-month period, trading volume for the underlying security be at least 100 million shares.¹⁴ In their proposals to

increase the position limit for IBIT to 1,000,000, ISE PHLX and BOX noted that, as of February 11, 2026, the market capitalization for IBIT was 52,661,063,818¹⁵ with an average daily volume (“ADV”), for the preceding six months prior to February 11, 2026, of 61,803,035 shares. By comparison, on the same day, the iShares MSCI Emerging Markets (“EEM”) had an ADV of 29,459,889 shares and an AUM of 27,761,941,292 the iShares China Large-Cap ETF (“FXI”) had an ADV of 31,656,532 and an AUM of 6,594,337,253; and the iShares MSCI EAFE ETF (“EFA”) had an ADV of 17,215,037 shares and an AUM of 76,788,457,200.¹⁶

ISE performed additional analysis with respect to IBIT. First, ISE considered IBIT’s market capitalization and ADV and prospective position limit in relation to other securities. In measuring IBIT against other securities, ISE aggregated market capitalization and volume data for securities that have defined position limits utilizing data from The Options Clearing Corporations (“OCC”).¹⁷ This pool of data took into consideration 3,797 options on single stock securities, excluding broad based ETFs.¹⁸ Next, ISE aggregated the data based on market capitalization and ADV and grouped by option symbol and position limit utilizing statistical thresholds for ADV, based on 180 days, and market capitalization that were one standard deviation¹⁹ above the mean for each position limit category (i.e. 25,000, 50,000 to 52,000, 75,000, 200,000, 250,000 to 375,000, 450,000 to 650,000, 750,000 to 1,250,000 and, and greater than or equal to 2,000,000).²⁰ This

and the underlying security must have at least 300 million shares currently outstanding.

¹⁵ The market capitalization was determined by multiplying a Net Asset Value of \$38.29 by the number of shares outstanding 1,337,920,000. This figure was acquired as of February 11, 2026. See <https://www.ishares.com/us/products/333011/ishares-bitcoin-trust-etf>.

¹⁶ ISE Approval Order, PHLX Notice and BOX Notice, *supra* note 5.

¹⁷ ISE Approval Order, *supra* note 5. The computations are based on OCC data from February 11, 2026.

¹⁸ IBIT has one asset and therefore is not comparable to a broad-based ETF where there are typically multiple components.

¹⁹ The standard deviation added limited utility to the analysis given the heavily skewed distribution of market capitalizations in the single stock securities.

²⁰ These buckets are based on OCC’s current positions limits. See <https://www.theocc.com/market-data/market-data-reports/series-and-trading-data/position-limits>. Rule 6.8–O sets out position limits for various contracts. For example, a 25,000-contract limit applies to those options having an underlying security that does not meet the requirements for a higher options contract limit. The Exchange notes that position limits may also

exercise was performed to demonstrate IBIT’s position limit relative to other options symbols in terms of market capitalization and ADV. For reference, the market capitalization for IBIT was \$52,661,063,818 with an ADV, for the preceding 180 days prior to February 11, 2026, of 61,803,035 shares.

As set forth in the ISE Approval Order, as of February 11, 2026, if IBIT were compared to the 10 stocks that have position limits of 750,000 contracts to 1.25 million contracts it would rank in the 45th percentile for market capitalization and the 89th percentile for ADV. ISE also analyzed the position limits for IBIT by regressing the median elements from each bucket of market capitalization and 180-day ADV of all non-ETF equities, against their respective position limit figures. From this regression, ISE was able to determine the implied coefficients to create a formulaic method for determining an appropriate position limit.²¹

ISE utilized a linear model approach which incorporated the median metric from each bucket given the data at both the lower end of each position limit bucket and the higher end of each position limit bucket could be considered significant outliers, thereby skewing the results.

ISE utilized IBIT’s market capitalization of \$52,661,063,818 to arrive at a modeled position limit of 1,707,654. Additionally, ISE utilized IBIT’s ADV of 61,803,035 to arrive at a modeled position limit of 5,672,081. Based on the aforementioned analysis, the Exchange believes that the proposed 1,000,000 contracts position and exercise limit is appropriate.

Second, as set for in the ISE Approval Order, ISE reviewed IBIT’s data relative to the market capitalization of the entire Bitcoin market in terms of exercise risk and availability of deliverables. According to ISE, as of February 11, 2026, there were approximately 20.5 million Bitcoins in circulation. At a price of \$66,938,²² that equated to a market capitalization of greater than \$1.374 trillion. If a position limit of 1,000,000 contracts were considered, the exercisable risk would represent 7.474%²³ of the outstanding shares of IBIT. Since IBIT has a creation and redemption process managed through

be higher due to corporate actions in the underlying equities, such as a stock split.

²¹ ISE utilized Excel’s Data Analysis Package to model the position limit.

²² This was the approximate price of Bitcoin on February 11, 2026.

²³ This percentage is arrived at with this equation: (1,000,000 contract limit * 100 share per option / 1,337,920,000 shares outstanding).

¹¹ ISE Approval Order at 23334, *supra* Note 5.

¹² *Id.*

¹³ In 2025, the Exchange filed a rule proposal to eliminate the 25,000-contract position and exercise limits for IBIT options and apply the position and exercise limits in Rules 6.8–O and 6.9–O. See Securities Exchange Act Release No. 103751 (August 20, 2025), 90 FR 41462 (August 25, 2025) (SR–NYSEARCA–2025–590) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 6.8–O).

¹⁴ Rule 6.8–O, Commentary .06(e) provides that, to be eligible for the 250,000 option contract limit, either the most recent six (6) month trading volume of the underlying security must have totaled at least 100 million shares or the most recent six-month trading volume of the underlying security must have totaled at least seventy-five (75) million shares

the issuer, the position limit can be compared to the total market capitalization of the entire Bitcoin market and in that case, the exercisable risk for options on IBIT would represent 0.278% of all Bitcoin outstanding.²⁴ Assuming a scenario where all options on IBIT shares were exercised given the proposed 1,000,000-contract position limit (and exercise limit), this would have a virtually unnoticed impact on the entire Bitcoin market. This analysis demonstrates that the proposed 1,000,000 per same side position and exercise limit is appropriate for options on IBIT given its liquidity.

Third, as set forth in the ISE Approval Order, ISE reviewed the proposed position limit by comparing it to position limits for derivative products regulated by the Commodity Futures Trading Commission ("CFTC"). While the CFTC, through the relevant Designated Contract Markets, only regulates options positions based upon delta equivalents (creating a less stringent standard), ISE examined equivalent bitcoin futures position limits. Specifically, ISE looked at the CME bitcoin futures contract²⁵ that has a position limit of 2,000 futures.²⁶

On February 11, 2026, CME bitcoin futures settled at \$677,150,406.33.²⁷ On February 11, 2026, IBIT settled at \$38.29, which would equate to greater than 17,684,774 shares of IBIT if the CME notional position limit was utilized. Since substantial portions of any distributed options portfolio is likely to be out of the money on expiration, an options position limit equivalent to the CME position limit for bitcoin futures (considering that all options deltas are ≤ 1.00) should be a bit higher than the CME implied 176,848 limit. Of note, unlike options contracts, CME position limits are calculated on a net futures-equivalent basis by contract and include contracts that aggregate into one or more base contracts according to an aggregation ratio(s).²⁸ Therefore, if a portfolio includes positions in options on futures, CME would aggregate those positions

into the underlying futures contracts in accordance with a table published by CME on a delta equivalent value for the relevant spot month, subsequent spot month, single month and all month position limits.²⁹ If a position exceeds position limits because of an option assignment, CME permits market participants to liquidate the excess position within one business day without being considered in violation of its rules. Additionally, if at the close of trading, a position that includes options exceeds position limits for futures contracts, when evaluated using the delta factors as of that day's close of trading, but does not exceed the limits when evaluated using the previous day's delta factors, then the position shall not constitute a position limit violation. Based on the aforementioned analysis, the Exchange believes that the proposed 1,000,000 contracts position and exercise limit is appropriate.

Fourth, as noted in the ISE Approval Order, ISE analyzed a position limit and exercise limit of 1,000,000 for IBIT options against other options on ETFs with an underlying commodity, namely SPDR Gold Shares ("GLD"), iShares Silver Trust ("SLV"), and ProShares Bitcoin ETF ("BITO").³⁰ At the time of ISE's analysis, GLD had a float of 377 million shares³¹ and a position limit of 250,000 contract. SLV had a float of 552 million shares,³² and a position limit of 250,000 contracts. Finally, BITO had 200.89 million shares outstanding³³ and a position limit of 250,000 contracts. As previously noted, position limits and exercise limits are designed to limit the number of options contracts traded on the exchange in an underlying security that an investor, acting alone or in concert with others directly or indirectly, may control. A position limit exercise in GLD would represent 6.63% of the float of GLD; a position limit exercise in SLV would represent 4.53% of the float of SLV, and position limit exercise of BITO would represent 12.44% of the float of BITO. In comparison, a 1,000,000-contract position limit in IBIT options would represent 7.474%³⁴ of the float of IBIT.

Consequently, the 1,000,000 proposed IBIT options position and exercise limit is more conservative than the standard applied to GLD, SLV and BITO, and appropriate.

Fifth, as set forth in the ISE Approval Order, ISE noted that IBIT began trading in penny increments as of January 2, 2025 pursuant to the Penny Interval Program.³⁵ The Commission noted that evidence and analysis provided in connection with the Penny Pilot demonstrated that the Pilot benefited investors and other market participants in the form of narrower spreads.³⁶ The most actively traded options classes are included in the Penny Program based on certain objective criteria (trading volume thresholds and initial price tests). As noted in the Penny Approval Order, the Penny Program reflects a certain level of trading interest (either because the class is newly listed or a class experienced a significant growth in investor interest) to quote in finer trading increments, which in turn should benefit market participants by reducing the cost of trading such options.³⁷ IBIT options is among a select group of products that have achieved a certain level of liquidity that have garnered it the ability to trade in finer increments. Failing to increase position and exercise limits for IBIT options, now that it is trading in finer increments, may artificially inhibit liquidity and create price inefficiency. The Exchange notes that options on iShares MSCI Emerging Markets, iShares China Large-Cap ETF and iShares MSCI EAFE ETF also trade in penny increments based on their liquidity.

The Exchange believes that IBIT options have more than sufficient liquidity to garner an increased position and exercise limit of 1,000,000 contracts. The Exchange believes that any concerns related to manipulation and protection of investors are mollified by the significant liquidity provision in IBIT. The Exchange states that, as a general principle, increases in active trading volume and deep liquidity of the underlying securities do not lead to manipulation and/or disruption.

The Exchange believes that increasing the position (and exercise) limits for

²⁴ This number was arrived at with this calculation: (1,000,000 limit * 100 shares per option * \$38.29 IBIT NAV)/(20,528,687 BTC outstanding * \$66,938 BTC price).

²⁵ CME Bitcoin Futures are described in Chapter 350 of CME's Rulebook.

²⁶ See the Position Accountability and Reportable Level Table in the Interpretations & Special Notices Section of Chapter 5 of CME's Rulebook.

²⁷ 2,000 futures at a 5 bitcoin multiplier (per the contract specifications) equates to \$677,150,000 (2,000 contracts * 5 BTC per contract * \$67,715 price of February BTC future) of notional value.

²⁸ See <https://www.cmegroup.com/education/courses/market-regulation/position-limits/position-limits-aggregation-of-contracts-and-table.html>.

²⁹ *Id.*

³⁰ GLD, SLV and BITO each hold one asset in trust like IBIT.

³¹ GLD currently has a float of 360 million shares. See <https://www.ssga.com/us/en/intermediary/etfs/spdr-gold-shares-gld>.

³² SLV currently has a float of 534 million shares. See <https://www.ishares.com/us/products/239855/ishares-silver-trust-fund>.

³³ BITO currently has 169.53 million shares outstanding. See <https://www.marketwatch.com/investing/fund/bit0>.

³⁴ This percentage was arrived at with this equation: (1,000,000 contract limit * 100 share per

option/1,337,920,000 shares outstanding). This information was captured on February 11, 2026.

³⁵ See Rule 6.72A–O.

³⁶ See Securities Exchange Act Release No. 88532 (April 1, 2020), 85 FR 19545, 19548 (April 7, 2020) (File No. 4–443) (Joint Industry Plan; Order Approving Amendment No. 5 to the Plan for the Purpose of Developing and Implementing Procedures Designed To Facilitate the Listing and Trading of Standardized Options To Adopt a Penny Interval Program) ("Penny Approval Order").

³⁷ *Id.* at 19548.

IBIT options would lead to a more liquid and competitive market environment for IBIT options, which will benefit customers that trade these options. Further, the reporting requirement for such options would remain unchanged. Thus, the Exchange will still require that each participant that maintains positions in impacted options on the same side of the market, for its own account or for the account of a customer, report certain information to the Exchange. This information includes, but would not be limited to, the options' positions, whether such positions are hedged and, if so, a description of the hedge(s). Market Makers would continue to be exempt from this reporting requirement, however, the Exchange may access Market Maker position information.³⁸ Moreover, the Exchange's requirement that OTP Holders and OTP Firms file reports with the Exchange for any customer who held aggregate large long or short positions on the same side of the market of 200 or more option contracts of any single class for the previous day will remain at this level and will continue to serve as an important part of the Exchange's surveillance efforts.³⁹

The Exchange also has no reason to believe that the growth in trading volume in IBIT will not continue. Rather, the Exchange expects continued options volume growth in IBIT as opportunities for investors to participate in the options markets increase and evolve. The Exchange believes that the current position and exercise limits in IBIT options are restrictive and will hamper the listed options markets from being able to compete fairly and effectively with the over-the-counter ("OTC") markets. OTC transactions occur through bilateral agreements, the terms of which are not publicly disclosed to the marketplace. As such, OTC transactions do not contribute to the price discovery process on a public exchange or other lit markets. The Exchange believes that without the proposed changes to position and exercise limits for IBIT options, market participants will find the 250,000-contract position limit an impediment to their business and investment objectives as well as an impediment to

efficient pricing. As such, market participants may find the less transparent OTC markets a more attractive alternative to achieve their investment and hedging objectives, leading to a retreat from the listed options markets, where trades are subject to reporting requirements and daily surveillance.

The Exchange believes that the existing surveillance procedures and reporting requirements at the Exchange are capable of properly identifying disruptive and/or manipulative trading activity. The Exchange also represents that it has adequate surveillances in place to detect potential manipulation, as well as reviews in place to identify continued compliance with the Exchange's listing standards. These procedures monitor market activity via automated surveillance techniques to identify unusual activity in both options and the underlyings, as applicable. The Exchange also notes that large stock holdings must be disclosed to the Commission by way of Schedules 13D or 13G,⁴⁰ which are used to report ownership of stock which exceeds 5% of a company's total stock issue and may assist in providing information in monitoring for any potential manipulative schemes. Further, the Exchange believes that the current financial requirements imposed by the Exchange and by the Commission adequately address concerns regarding potentially large, unhedged positions in equity options. Current margin and risk-based haircut methodologies serve to limit the size of positions maintained by any one account by increasing the margin and/or capital that an OTP Holder or OTP Firm must maintain for a large position held by itself or by its customer.⁴¹ In addition, Rule 15c3-1⁴² imposes a capital charge on participants to the extent of any margin deficiency resulting from the higher margin requirement.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁴³ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁴⁴ in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove

impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. In addition, the Exchange believes that the proposed rule change is consistent with the Section 6(b)(5)⁴⁵ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that increasing the position limit and exercise limit for options on IBIT to 1,000,000 contracts is consistent with the Act. This proposal will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest, because it will provide market participants with the ability to more effectively execute their trading and hedging activities. Also, based on current trading volume, the resulting increase in the position (and exercise) limits for IBIT options may allow Market Makers to maintain their liquidity in these options in amounts commensurate with the continued high consumer demand in IBIT options. The increased position and exercise limits may also encourage other liquidity providers to continue to trade on the Exchange rather than shift their volume to OTC markets, which will enhance the process of price discovery conducted on the Exchange through increased order flow. Further, this proposal would allow institutional investors to utilize IBIT options for prudent risk management purposes.

In addition, the Exchange believes that the current liquidity in IBIT will continue to mitigate concerns regarding potential manipulation of IBIT options and/or disruption of IBIT upon amending the table of position limits in Rule 6.8–O, Commentary .06(f). ISE compared IBIT's data relative to the market capitalization of the entire Bitcoin market in terms of exercise risk and availability of deliverables and concluded that if a position limit of 1,000,000 contracts were considered, the exercisable risk would represent 7.474%⁴⁶ of the shares outstanding of IBIT. Since IBIT has a creation and redemption process managed through the issuer (whereby Bitcoin is used to create IBIT shares), the position limit can be compared to the total market capitalization of the entire Bitcoin market and in that case, the exercisable

³⁸ OCC through the Large Option Position Reporting ("LOPR") system acts as a centralized service provider for Participant compliance with position reporting requirements by collecting data from each Participant, consolidating the information, and ultimately providing detailed listings of each Participant's report to the Exchange, as well as Financial Industry Regulatory Authority, Inc. ("FINRA"), acting as its agent pursuant to a regulatory services agreement ("RSA").

³⁹ See Rule 6.6–O.

⁴⁰ 17 CFR 240.13d–1.

⁴¹ See Section 3. Margins.

⁴² 17 CFR 240.15c3–1

⁴³ 15 U.S.C. 78f(b).

⁴⁴ 15 U.S.C. 78f(b)(5).

⁴⁵ 15 U.S.C. 78f(b)(5).

⁴⁶ This percentage is arrived at with this equation: (1,000,000 contract limit * 100 share per option / 1,337,920,000 shares outstanding). This information was captured on February 11, 2026.

risk for options on IBIT would represent less than 0.278% of all Bitcoin outstanding.⁴⁷ This analysis demonstrated that a 1,000,000 contracts position and exercise limits would be appropriate.

Comparing a position limit of 1,000,000 for IBIT options against other options on ETFs with an underlying commodity, namely GLD, SLV and BITO, a position limit exercise in GLD represents 6.63% of the float of GLD, a position limit exercise in SLV represents 4.53% of the float of SLV, and a position limit exercise of BITO represents 12.44% of the float of BITO. In comparison, a 1,000,000-contract position limit in IBIT options would represent 7.474%⁴⁸ of the float of IBIT. Consequently, a 1,000,000 IBIT options position limit is generally aligned with the standards applied to GLD, SLV and BITO, and, therefore, appropriate.

ISE noted that IBIT began trading in penny increments on January 2, 2025 pursuant to the Penny Interval Program.⁴⁹ The Commission noted that evidence and analysis provided in connection with the Penny Pilot demonstrated that the Pilot benefitted investors and other market participants in the form of narrower spreads.⁵⁰ The most actively traded options classes are included in the Penny Program based on certain objective criteria (trading volume thresholds and initial price tests).⁵¹ As noted in the Penny Approval Order, the Penny Program reflects a certain level of trading interest (either because the class is newly listed or a class that experience a significant growth in investor interest) to quote in finer trading increments, which in turn should benefit market participants by reducing the cost of trading such options.⁵² IBIT options are among a select group of products that have achieved a certain level of liquidity that have garnered it the ability to trade in finer increments pursuant to the Penny Interval Program. Failing to permit IBIT options to potentially increase position and exercise limits given the trading in finer increments, may artificially inhibit

liquidity and create price inefficiency for IBIT options.

Finally, as discussed above, the Exchange's surveillance and reporting safeguards continue to be designed to deter and detect possible manipulative behavior that might arise from increasing or eliminating position and exercise limits in certain classes. The Exchange believes that the current financial requirements imposed by the Exchange and by the Commission adequately address concerns regarding potentially large, unhedged positions in the options on the underlying securities, further promoting just and equitable principles of trading, the maintenance of a fair and orderly market, and the protection of investors.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In this regard and as indicated above, the Exchange notes that the rule change is substantially similar in all material respects to proposals submitted by ISE, PHLX and BOX.⁵³

The Exchange does not believe that the proposed rule change will impose any burden on inter-market competition as the proposal is not competitive in nature. The Exchange expects that all option exchanges have or will adopt substantively similar proposals, such that the Exchange's proposal would benefit competition. For these reasons, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposal does not burden intra-market competition because all OTP Holders and OTP Firms would be subject to the position limits in Rule 6.8–O and corresponding exercise limits in Rule 6.9–O. The Exchange believes that the proposed rule change will also provide additional opportunities for market participants to continue to efficiently achieve their investment and trading objectives for equity options on the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

⁵³ ISE Approval Order, PHLX Notice and BOX Notice, *supra* Note 5.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act⁵⁴ and subparagraph (f)(6) of Rule 19b–4 thereunder.⁵⁵

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)⁵⁶ permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission notes that the proposal will conform the Exchange's IBIT options position and exercise limits with IBIT options position and exercise limits on ISE, PHLX, and BOX Exchange LLC.⁵⁷ Therefore, the proposal raises no novel legal or regulatory issues. Thus, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.⁵⁸

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

⁵⁴ 15 U.S.C. 78s(b)(3)(A)(iii).

⁵⁵ 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

⁵⁶ 17 CFR 240.19b–4(f)(6)(iii).

⁵⁷ See *supra* note 5 and accompanying text.

⁵⁸ For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

⁴⁷ This number was arrived at with this calculation: (1,000,000 limit * 100 shares per option * \$38.29 IBIT NAV)/(20,528,687 BTC outstanding * \$66,938 BTC price).

⁴⁸ This percentage is arrived at with this equation: (1,000,000 contract limit * 100 share per option/1,337,920,000 shares outstanding). This information was captured on February 11, 2026.

⁴⁹ See 6.72A–O.

⁵⁰ Penny Approval Order *supra* Note 36.

⁵¹ Options on iShares MSCI Emerging Markets, iShares China Large-Cap ETF and iShares MSCI EAFE ETF also trade in penny increments based on their liquidity.

⁵² Penny Approval Order, *supra* Note 36.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-NYSEARCA-2026-76 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-NYSEARCA-2026-76. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSEARCA-2026-76 and should be submitted on or before August 10, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁵⁹

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-14527 Filed 7-17-26; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-105922; File No. SR-FINRA-2026-015]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the FINRA Rule 6300 Series (Trade Reporting Facilities) To Extend the Trade Reporting Facilities Operating Hours to 23 Hours Per Day, Five Days Per Week

July 15, 2026.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on July 7, 2026, the Financial Industry Regulatory Authority, Inc. ("FINRA") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to amend FINRA Rules 6320A, 6320B, 6380A, and 6380B regarding the operation of the FINRA/NYSE Trade Reporting Facility, the FINRA/Nasdaq Trade Reporting Facility Carteret, and the FINRA/Nasdaq Trade Reporting Facility Chicago (the "Trade Reporting Facilities" or "TRFs") to extend TRF operating hours such that the TRFs are operational from 9:00 p.m. Eastern Time ("E.T.") on Sundays to 8:00 p.m. E.T. Fridays, excluding holidays, with a one-hour pause from 8:00 p.m. E.T. to 9:00 p.m. E.T. on Monday through Thursday.³

The text of the proposed rule change is available on FINRA's website at <http://www.finra.org> and at the principal office of FINRA.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements

may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background

The TRFs are facilities of FINRA that are operated by NYSE Market (DE), Inc. (in the case of the FINRA/NYSE TRF) and Nasdaq, Inc. (in the case of the FINRA/Nasdaq TRF Carteret and the FINRA/Nasdaq TRF Chicago). Along with the Alternative Display Facility ("ADF"),⁴ the TRFs provide FINRA members with a mechanism for reporting over-the-counter ("OTC") trades in NMS stocks. While members are required to report all OTC trades in NMS stocks to FINRA, they may choose which FINRA facility (or facilities) to use to satisfy their trade reporting obligations.

Currently, the operating hours of the TRFs are 4:00 a.m. to 8:00 p.m. each business day.⁵ These operating hours

⁴ Collectively, the TRFs and the ADF are referred to as the "FINRA facilities." The ADF is a FINRA facility that provides members with a mechanism for displaying quotations and comparing and reporting trades in NMS stocks. Currently, there are no active quoting ADF participants, and only one Trade Reporting Only participant using the ADF as a back-up trade reporting facility. The ADF operating hours are 8:00 a.m. to 6:30 p.m. for both quotation display and trade reporting. Separately, FINRA operates the OTC Reporting Facility ("ORF"), a facility for reporting trades in OTC Equity Securities. The ORF operating hours are 8:00 a.m. to 8:00 p.m. The instant proposed rule change is limited to the TRFs. FINRA is not at this time proposing any changes to the operating hours of either the ADF or the ORF.

⁵ Prior to March 30, 2026, the operating hours of the TRFs were 8:00 a.m. to 8:00 p.m. each business day. To align with the current operating hours of the Securities Information Processors ("SIPs") and thereby enable real-time public dissemination of trade reports for OTC transactions in NMS stocks executed between 4:00 a.m. and 8:00 a.m., FINRA extended the TRF operating hours from opening at 8:00 a.m. to opening at 4:00 a.m. each business day. See Securities Exchange Act Release No. 103435 (July 11, 2025), 90 FR 32032 (July 16, 2025) (Notice of Filing and Immediate Effectiveness of File No. SR-FINRA-2025-011). FINRA subsequently filed a proposed rule change to provide a limited, temporary exception from reporting specified overnight transactions prior to 8:00 a.m. See Securities Exchange Act Release No. 104912 (March 2, 2026), 91 FR 10835 (March 5, 2026) (Notice of Filing and Immediate Effectiveness of File No. SR-FINRA-2026-005). The 4:00 a.m. opening time of the TRFs is reflected in current Rules 6380A and 6380B. The temporary exception for specified overnight transactions is reflected in Supplementary Material .05 to Rules 6380A and 6380B. By its terms, the temporary exception in Supplementary Material .05 expires upon the

Continued

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Unless otherwise specified, all times referred to in the proposed rule change are E.T.

⁵⁹ 17 CFR 200.30-3(a)(12), (59).

are reflected in the transaction reporting rules for the FINRA/Nasdaq TRFs (FINRA Rule 6380A (Transaction Reporting)) and the FINRA/NYSE TRF (FINRA Rule 6380B (Transaction Reporting)), as well as the associated definitional rules for the FINRA/Nasdaq TRFs (FINRA Rule 6320A (Definitions)) and the FINRA/NYSE TRF (FINRA Rule 6320B (Definitions)). Under these reporting rules, transactions executed during normal market hours, *i.e.*, 9:30 a.m. to 4:00 p.m.,⁶ must be reported as soon as practicable but no later than 10 seconds after execution.⁷ Transactions executed outside normal market hours must be reported as follows:

- for transactions executed between 4:00 a.m. and 9:30 a.m., as soon as practicable but no later than 10 seconds after execution, with a unique trade report modifier to denote execution outside normal market hours;
- for transactions executed between 4:00 p.m. and 8:00 p.m., as soon as practicable but no later than 10 seconds after execution, with a unique trade report modifier to denote execution outside normal market hours;
- for transactions executed between midnight and 4:00 a.m., by 4:15 a.m., with a unique trade report modifier to denote execution outside normal market hours; and
- for transactions executed between 8:00 p.m. and midnight, or on any non-business day,⁸ by 4:15 a.m. on the following business day, designated “as/of” and with a unique trade report modifier to denote execution outside normal market hours.⁹

All trade reports submitted to the TRFs, other than non-tape reports,¹⁰ are transmitted to and publicly

effective date of any amendments to the TRF reporting rules to further extend TRF operating hours, including the amendments to the TRF reporting rules proposed in this filing to further extend the TRF operating hours.

⁶ “Normal market hours” are defined as 9:30 a.m. to 4:00 p.m. for purposes of the FINRA TRF rules. See Rules 6320A(a)(6) and 6320B(a)(6).

⁷ See FINRA Rules 6380A(a)(1) and 6380B(a)(1).
⁸ A non-business day means a weekend or holiday. See Rules 6380A(a)(2)(D) and 6380B(a)(2)(D).

⁹ See FINRA Rules 6380A(a)(2) and 6380B(a)(2).

¹⁰ “Tape” or “media” reports are those that are submitted to a TRF for public dissemination by the SIPs. By contrast, “non-tape” or “non-media” reports are not submitted to a TRF for public dissemination but are submitted for regulatory and clearance and settlement purposes. Another term that is often used with respect to “tape” or “media” reports is “for publication.” In certain limited circumstances, trade reports submitted for publication may be suppressed from public dissemination (*e.g.*, transactions in Restricted Equity Securities effected pursuant to Securities Act Rule 144A, as well as T+365 trades and trades executed on a non-business day).

disseminated by the appropriate SIP.¹¹ Currently, the operating hours of the SIPs are 4:00 a.m. until 8:00 p.m. on business days.¹² Transactions executed during current TRF operating hours—*i.e.*, between 4:00 a.m. and 8:00 p.m. on business days—are reported to the TRFs and publicly disseminated through the SIPs in real time, since both the TRFs and SIPs are operating during those hours.

The Operating Committees of the CTA Plan, the CQ Plan, and the UTP Plan (the “SIP Plans” and the “SIP Operating Committees”) recently filed with the Commission proposed amendments to the SIP Plans to extend the SIP operating hours to run from 9:00 p.m. Sundays to 8:00 p.m. Fridays, excluding holidays, with a one-hour technical pause from 8:00 p.m. to 9:00 p.m. on Monday through Thursday.¹³ On June 26, 2026, the Commission approved the

¹¹ Market data is transmitted to three tapes based on the listing venue of the security: securities listed on New York Stock Exchange are disseminated through Tape A; securities listed on 24X, BYX, BZX, EDGA, EDGX, IEX, LTSE, MEMX, MIA, Nasdaq BX, Nasdaq PSX, NYSE American, NYSE Texas, NYSE National, NYSE Arca, or Texas are disseminated through Tape B; and securities listed on Nasdaq are disseminated through Tape C. Tape A and Tape B market data is disseminated pursuant to the Consolidated Tape Association Plan (“CTA Plan”) and the Consolidated Quotation Plan (“CQ Plan”), while Tape C market data is disseminated pursuant to the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis (“UTP Plan”).

¹² See, *e.g.*, UTP Plan, Section XI.

¹³ See Securities Exchange Act Release No. 104670 (January 22, 2026), 91 FR 3609 (January 27, 2026) (Notice of Filing of the Fifty-Fifth Amendment to the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis); Securities Exchange Act Release No. 104665 (January 22, 2026), 91 FR 3602 (January 27, 2026) (Notice of Filing of Fortieth Substantive Amendment to the Second Restatement of the CTA Plan and Thirty-First Substantive Amendment to the Restated CQ Plan). See also Securities Exchange Act Release No. 105268 (April 17, 2026), 91 FR 21541 (April 22, 2026) (Notice of Filing of Amendment No. 1, and Order Instituting Proceedings To Determine Whether To Approve or Disapprove an Amendment to the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis, as Modified by Amendment No. 1 Thereto, To Extend the Processor’s Hours of Operation); Securities Exchange Act Release No. 105269 (April 17, 2026), 91 FR 21563 (April 22, 2026) (Notice of Filing of Amendment No. 1, and Order Instituting Proceedings To Determine Whether To Approve or Disapprove the Fortieth Substantive Amendment to the Second Restatement of the CTA Plan and Thirty-First Substantive Amendment to the Restated CQ Plan, as Modified by Amendment No. 1 Thereto, To Extend the Processor’s Hours of Operation).

proposed amendments to the SIP Plans (collectively as approved, the “SIP Amendment”).¹⁴ Under the SIP Amendment, on a holiday where U.S. markets are closed, the SIPs will not operate from 8:00 p.m. the day before the holiday through 9:00 p.m. the day of the holiday.¹⁵ Further, the SIPs will consider a “trade date” to start at 8:00 p.m. on the day before regular trading hours begins and end at 8:00 p.m. on the same day when regular trading hours began.¹⁶ The SIP Operating Committees anticipate implementing the SIP Amendment extending SIP operating hours on December 6, 2026.¹⁷

In anticipation of the upcoming extension of SIP operating hours per the SIP Amendment, FINRA is proposing to extend the operating hours of the TRFs to run from 9:00 p.m. Sundays to 8:00 p.m. Fridays, excluding holidays, with a one-hour pause from 8:00 p.m. to 9:00 p.m. on Monday through Thursday, thereby enabling real-time public dissemination of trade reports for OTC transactions in NMS stocks executed during the overnight hours when the SIPs are operating. To implement this proposed enhancement to TRF operating hours, the proposed rule change would amend the FINRA TRF reporting rules to reflect the new 9:00 p.m. opening time, as well as make clarifying and conforming changes to the TRF definitional rules, as described in detail below.

Proposed Amendments to TRF Reporting Rules

FINRA is proposing to amend its TRF reporting rules and associated definitions to provide that the TRFs will operate from 9:00 p.m. Sundays to 8:00 p.m. Fridays, with a one-hour pause from 8:00 p.m. to 9:00 p.m. on Monday through Thursday. Specifically, the proposed rule change would make amendments to FINRA Rules 6320A (for the FINRA/Nasdaq TRFs definitions),

¹⁴ See Securities Exchange Act Release No. 105780 (June 26, 2026), 91 FR 40058 (July 1, 2026) (Order Approving the Fifty-Fifth Amendment to the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis, as Modified by Amendment No. 1 Thereto) (“UTP SIP Approval Order”); Securities Exchange Act Release No. 105779 (June 26, 2026), 91 FR 40082 (July 1, 2026) (Order Approving the Fortieth Substantive Amendment to the Second Restatement of the CTA Plan and Thirty-First Substantive Amendment to the Restated CQ Plan, as Modified by Amendment No. 1 Thereto) (“CTA SIP Approval Order”).

¹⁵ See, *e.g.*, CTA SIP Approval Order, *supra* note 15, 91 FR 40082, 40083.

¹⁶ See, *e.g.*, CTA SIP Approval Order, *supra* note 15, 91 FR 40082, 40083.

¹⁷ See, *e.g.*, CTA SIP Approval Order, *supra* note 15, 91 FR 40082, 40083.

6320B (for the FINRA/NYSE TRF definitions), 6380A (for the FINRA/Nasdaq TRFs reporting rules), and 6380B (for the FINRA/NYSE TRF reporting rules) to reflect the new extended operating hours of the TRFs, clarify the operation of the reporting requirements in light of the new operating hours and SIP Amendment, and make non-substantive conforming and technical changes. Together, the proposed amendments would extend the requirement to report transactions to the TRFs as soon as practicable but no later than 10 seconds after execution to apply during the new extended TRF operating period from 9:00 p.m. Sundays to 8:00 p.m. Fridays, with a one-hour pause from 8:00 p.m. to 9:00 p.m. on Monday through Thursday, and require transactions executed when the TRFs are closed to be reported within 15 minutes after the new TRF opening time of 9:00 p.m.¹⁸

New Definitions in Rules 6320A and 6320B

FINRA is proposing to add several definitions to FINRA Rules 6320A(a) and 6320B(a) that would align with definitions used in the SIP Amendment.¹⁹ First, FINRA is proposing to define: “Calendar Day,” “Business Day,” “Regular Trading Hours,” and “Trade Date.” Calendar Day would be defined to mean each full 24-hour period starting at midnight Eastern Time and ending the following midnight Eastern Time (*i.e.*, the common understanding of a calendar day, meaning Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, or Sunday). Business Day would be defined to mean any Calendar Day other than a Saturday, Sunday, or a holiday where U.S. markets are closed.²⁰ Regular Trading Hours would be defined to mean 9:30 a.m. to 4:00 p.m. each Business Day, and would clarify that Regular Trading Hours can end earlier than 4:00 p.m. in the case of

an early scheduled close.²¹ Trade Date would be defined to mean the Calendar Day attributed to a transaction as its Trade Date based on its time of execution, with a Trade Date considered to start at 8:00 p.m. on a Calendar Day and end at 8:00 p.m. the following Calendar Day.²² Thus, transactions executed between midnight and 8:00 p.m. on a Calendar Day will be designated with a Trade Date of that same Calendar Day, and transactions executed after 8:00 p.m. on a Calendar Day will be considered to have a Trade Date of the next Calendar Day, regardless of whether the Calendar Day is a Business Day or a holiday or weekend.²³

Second, FINRA is proposing to add new definitions to Rules 6320A(a) and 6320B(a) to define the operating hours of each TRF. Under amended Rule 6320A(a), “FINRA/Nasdaq Trade Reporting Facility System Hours” would be defined to mean 9:00 p.m. Sunday to 8:00 p.m. Friday, with a one-hour pause from 8:00 p.m. to 9:00 p.m. on Monday through Thursday, and would clarify that, in the event of a holiday where U.S. markets are closed, the FINRA/Nasdaq Trade Reporting Facility will not operate from 8:00 p.m. on the Business Day immediately preceding the holiday through 9:00 p.m. on the Calendar Day immediately preceding the next Business Day following the holiday, which may be the day of the holiday. Similarly, amended Rule 6320B(a) would define “FINRA/

NYSE Trade Reporting Facility System Hours” to mean 9:00 p.m. Sunday to 8:00 p.m. Friday, with a one-hour pause from 8:00 p.m. to 9:00 p.m. on Monday through Thursday, and would clarify that, in the event of a holiday where U.S. markets are closed, the FINRA/NYSE Trade Reporting Facility will not operate from 8:00 p.m. on the Business Day immediately preceding the holiday through 9:00 p.m. on the Calendar Day immediately preceding the next Business Day following the holiday, which may be the day of the holiday.

Amendments To Reporting Timeframes Under Rules 6380A and 6380B

FINRA is proposing conforming amendments to FINRA Rules 6380A and 6380B to update the trade reporting timing requirements in light of the new TRF operating hours and to simplify the structure of the rule. As discussed above, the current timing requirements for reporting transactions executed during normal market hours are found in Rules 6380A(a)(1) and 6380B(a)(1), while the timing requirements for reporting transactions executed outside normal market hours are found in Rules 6380A(a)(2) and 63280B(a)(2). FINRA is proposing to replace existing Rule 6380A(a)(1) with revised Rule 6380A(a)(1), entitled “Transaction Reporting to the FINRA/Nasdaq Trade Reporting Facility During FINRA/Nasdaq Trade Reporting Facility System Hours,” which would provide that a Trade Reporting Facility Participant shall, as soon as practicable but no later than 10 seconds after execution, transmit to the FINRA/Nasdaq Trade Reporting Facility last sale reports of transactions in designated securities executed during FINRA/Nasdaq Trade Reporting Facility System Hours. Transactions not reported within 10 seconds after execution will be designated as late, and transactions executed during FINRA/Nasdaq Trade Reporting Facility System Hours but outside Regular Trading Hours shall be designated with the unique trade report modifier, as specified by FINRA, to denote their execution outside Regular Trading Hours.²⁴ FINRA is proposing to replace existing Rule 6380A(a)(2) with revised Rule 6380A(a)(2), entitled “Transaction Reporting to the FINRA/Nasdaq Trade Reporting Facility Outside FINRA/Nasdaq Trade Reporting Facility System Hours,” which would provide that last sale reports of transactions in designated securities

¹⁸ FINRA has published guidance and technical documentation relating to TRF reporting, available at <https://www.finra.org/filing-reporting/trade-reporting-facility-trf>. FINRA would make appropriate conforming changes to guidance and technical documentation in connection with implementation of the proposed rule change.

¹⁹ FINRA also is reordering the definitions in Rules 6320A and 6320B in alphabetical order and renumbering existing definitions as necessary to incorporate new defined terms. Other than replacing the definition of “normal market hours” with the new defined term “Regular Trading Hours” as discussed below, and updating an exchange entity name, FINRA is not proposing any changes to existing definitions.

²⁰ The proposed definition of Business Day is consistent with current Rules 6380A(a)(2)(D) and 6380B(a)(2)(D), which refer to a “non-business day” as a weekend or holiday.

²¹ The new term “Regular Trading Hours” would replace the existing defined term “normal market hours” but is not intended to substantively change the meaning of the term. Rather, the new definition is intended to provide greater clarity by aligning with the defined terms used in the SIP Plans and Regulation NMS. See, e.g., UTP Plan, Section X.A.9; Rule 600(b) of SEC Regulation NMS.

²² The new definition of Trade Date is intended to conform to the concept of a “trade date” as discussed in the SIP Amendment. See, e.g., CTA SIP Approval Order, *supra* note 15, 91 FR 40082, 40083. The new definition of Trade Date under Rules 6320A and 6320B applies only for purposes of the TRF reporting rules in the FINRA Rules 6300A and 6300B Series, respectively.

²³ FINRA is not proposing any new reporting fields or modifiers in connection with the instant proposed rule change to extend the TRF operating hours. However, FINRA notes that currently, members must report two separate fields related to the time and date of execution of a transaction: (1) the time of execution (*i.e.*, “TransactTime”), which embeds the actual date of execution, and (2) the trade date (“TradeDate”). FINRA does not anticipate any changes to reporting TransactTime field, from which FINRA will continue to obtain the Calendar Day of execution for each transaction for audit trail purposes. However, members may need to adjust the date reported in the TradeDate field to reflect the new definition of Trade Date under Rules 6320A and 6320B as described above, in alignment with parallel changes under the SIP Amendment. As noted above, FINRA will publish updated technical specifications in advance of implementation of the proposed rule change.

²⁴ FINRA notes that members are required to append applicable modifiers to a transaction based on the transaction’s characteristics, in accordance with the TRF reporting rules and specifications.

executed outside FINRA/Nasdaq Trade Reporting Facility System Hours shall be reported no later than 15 minutes after the FINRA/Nasdaq Trade Reporting Facility opens and shall be designated with the unique trade report modifier, as specified by FINRA, to denote their execution outside Regular Trading Hours. Transactions not reported within 15 minutes after the FINRA/Nasdaq Trade Reporting Facility opens shall be designated as late, and transactions executed on a Trade Date that is not a Business Day shall be designated “as/of” trades. Rule

6380B(a)(1) and (2) would be similarly amended to reflect the new operating hours of the FINRA/NYSE Trading Reporting Facility.

Collectively, these amendments would clarify that transactions executed during TRF operating hours—generally now defined as 9:00 p.m. Sunday to 8:00 p.m. Friday, excluding holidays, with a one-hour pause from 8:00 to 9:00 p.m. on Monday through Thursday—must be reported as soon as practicable but no later than 10 seconds after execution. By contrast, transactions executed outside TRF operating hours—

generally now meaning during the one-hour pause from 8:00 p.m. to 9:00 p.m. on Monday through Thursday, between 8:00 p.m. Friday and 9:00 p.m. Sunday, and between 8:00 p.m. the day before a holiday until 9:00 p.m. on the holiday—must be reported within 15 minutes after the TRF next opens.

To illustrate the application of the new reporting timeframes, the below chart provides examples of the applicable trade reporting timeframes under the new TRF operating hours, based on the time of execution of a transaction.²⁵

Execution time of transaction (calendar day)	Required reporting timeframe	Trade date
Weekdays		
Tuesday, May 12 at 2:00 a.m.	As soon as practicable but no later than 10 seconds after execution.	Tuesday, May 12.
Tuesday, May 12 at 1:00 p.m.	As soon as practicable but no later than 10 seconds after execution.	Tuesday, May 12.
Tuesday, May 12 at 5:00 p.m.	As soon as practicable but no later than 10 seconds after execution.	Tuesday, May 12.
Tuesday, May 12 at 8:30 p.m.	By 9:15 p.m. on Tuesday, May 12	Wednesday, May 13.
Tuesday, May 12 at 11:59 p.m.	As soon as practicable but no later than 10 seconds after execution.	Wednesday, May 13.
Weekends		
Friday, May 15 at 5:00 p.m.	As soon as practicable but no later than 10 seconds after execution.	Friday, May 15.
Friday, May 15 at 8:30 p.m.	By 9:15 p.m. on Sunday, May 17	Saturday, May 16.
Friday, May 15 at 11:59 p.m.	By 9:15 p.m. on Sunday, May 17	Saturday, May 16.
Saturday, May 16 at 1:00 p.m.	By 9:15 p.m. on Sunday, May 17	Saturday, May 16.
Saturday, May 16 at 8:30 p.m.	By 9:15 p.m. on Sunday, May 17	Sunday, May 17.
Sunday, May 17 at 1:00 p.m.	By 9:15 p.m. on Sunday, May 17	Sunday, May 17.
Sunday, May 17 at 8:30 p.m.	By 9:15 p.m. on Sunday, May 17	Monday, May 18.
Sunday, May 17 at 10:00 p.m.	As soon as practicable but no later than 10 seconds after execution.	Monday, May 18.
Holidays (Assume Wednesday, May 20 is a Holiday and Thursday, May 21 is a Business Day)		
Tuesday, May 19 at 5:00 p.m.	As soon as practicable but no later than 10 seconds after execution.	Tuesday, May 19.
Tuesday, May 19 at 8:30 p.m.	By 9:15 p.m. on Wednesday, May 20	Wednesday, May 20.
Tuesday, May 19 at 11:59 p.m.	By 9:15 p.m. on Wednesday, May 20	Wednesday, May 20.
Wednesday, May 20 at 1:00 p.m.	By 9:15 p.m. on Wednesday, May 20	Wednesday, May 20.
Wednesday, May 20 at 8:30 p.m.	By 9:15 p.m. on Wednesday, May 20	Thursday, May 21.
Wednesday, May 20 at 11:59 p.m.	As soon as practicable but no later than 10 seconds after execution.	Thursday, May 21.

Conforming Amendments to Rules 6380A and 6380B

FINRA is also proposing several conforming changes to other paragraphs of FINRA Rules 6380A and 6380B to reflect the new reporting timeframes and defined terms discussed above, as well as to delete obsolete provisions. These changes are not intended to substantively alter existing reporting obligations other than with respect to the applicable TRF reporting hours.

First, FINRA is proposing conforming amendments to paragraphs (a)(4), (5), (6), (7), and (8) of Rules 6380A and 6380B, which set forth additional requirements regarding when and how transactions must be reported to the TRFs. Specifically:

- Paragraph (a)(4) sets forth additional requirements related to late reporting, using the currently undefined terms “date” and “trade date.” FINRA is proposing to replace these terms with

the phrase “Trade Date that is a Business Day” to clarify when such trades must be reported using the new defined terms.

- Paragraphs (a)(5)(A) and (H) set forth requirements for appending trade report modifiers for trades executed during normal market hours but reported late, and trades executed during pre-opening and after-hours but reported late, respectively. FINRA is proposing conforming changes to these

²⁵ FINRA notes that the scenarios provided in the chart are not intended to be exhaustive. FINRA will

consider whether any additional guidance may be warranted to address specific reporting scenarios.

paragraphs to use the new defined terms “Regular Trading Hours” and “FINRA/Nasdaq Trade Reporting Facility System Hours” or “FINRA/NYSE Trade Reporting Facility System Hours,” as applicable.

- Paragraph (a)(6) states that the TRF will append the appropriate modifier for trades reported late where the member does not append the appropriate modifier. FINRA is proposing conforming changes to replace the term “normal market hours” with the new defined term “Regular Trading Hours.”

- Paragraph (a)(7) addresses pre-opening and after-hours trades reported late. FINRA is proposing conforming changes to remove references to “pre-opening and after-hours” trades and use the new terms “Regular Trading Hours” and “FINRA/Nasdaq Trade Reporting Facility System Hours” or “FINRA/NYSE Trade Reporting Facility System Hours,” as applicable.

- Paragraph (a)(8) sets forth requirements for reporting transactions using Form T, including a provision stating that transactions that can be reported to the TRF, whether on trade date or on a subsequent date on an “as/of” basis, shall not be reported on Form T. FINRA is proposing a conforming change to use the new defined term “Trade Date.”

Second, FINRA is proposing conforming amendments to paragraph (g) of Rule 6380A, and paragraph (f) of 6380B, which set forth requirements related to reporting cancelled and reversed trades. Specifically, paragraphs (g)(2)(A) through (F) of Rule 6380A, and paragraphs (f)(2)(A) through (F) of Rule 6380B, refer to the period between 9:30 a.m. and 4:00 p.m. as well as the undefined terms “date of execution” and “business day.” For clarity, FINRA is proposing to refer to the defined terms “Regular Trading Hours” and “Business Day,” as appropriate.

FINRA has filed the proposed rule change for immediate effectiveness. The implementation date of the proposed rule change will be the implementation date of the SIP Amendment.²⁶

²⁶ As discussed above, the SIP Operating Committees anticipate implementing the SIP Amendment on December 6, 2026. FINRA intends to align the implementation date of the instant proposed rule change with the implementation of the SIP Amendment, including in the event that the SIP Amendment is ultimately implemented at a later date than currently anticipated by the SIP Operating Committees.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,²⁷ which requires, among other things, that FINRA rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

FINRA believes that the proposed rule change is consistent with the Act because it would enhance market transparency by enabling the reporting and real-time public dissemination of OTC transactions in NMS stocks during overnight hours when the SIPs will be operating. As described above, the TRFs currently only accept transaction reports beginning at 4:00 a.m. each Business Day, which aligns with the current operating hours of the SIPs. The Commission has approved amendments to the SIP Plans to extend SIP operational hours to collect, consolidate, and disseminate real-time market data beginning at 9:00 p.m. Sundays to 8:00 p.m. Fridays, excluding holidays, with a one-hour pause from 8:00 p.m. to 9:00 p.m. Monday through Thursday. FINRA believes that extending the TRF operating hours to align with the SIPs would improve the timeliness of trade information available to the public with respect to trades executed overnight between 9:00 p.m. and 4:00 a.m. on Business Days.

B. Self-Regulatory Organization's Statement on Burden on Competition

Section 15A(b)(9) of the Act²⁸ requires that FINRA's rules not impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Economic Impact Assessment

FINRA has undertaken an economic impact assessment, as set forth below, to analyze the potential economic impacts of the proposed rule change, including potential costs, benefits, and distributional and competitive effects, relative to the current baseline.

²⁷ 15 U.S.C. 78o-3(b)(6).

²⁸ 15 U.S.C. 78o-3(b)(9).

Regulatory Need

As discussed above, FINRA is proposing to extend TRF operating hours consistent with the planned operating hours of the SIPs²⁹ such that the TRFs will be operational from 9:00 p.m. on Sundays to 8:00 p.m. on Fridays, excluding holidays, with a one-hour pause from 8:00 p.m. to 9:00 p.m. on Monday through Thursday, with related changes to weekend and holiday reporting to the TRFs as discussed in greater detail above. FINRA believes that the proposed rule change would enhance market transparency by enabling the reporting and real-time public dissemination of OTC transactions in NMS stocks during overnight hours when the SIPs will be operating.

Economic Baseline

FINRA established two analytical baselines to support this assessment. The primary baseline spans from March 30, 2026 through April 30, 2026, capturing reporting activity under the new TRF reporting timeframes effective March 30, 2026.³⁰ This period provides the primary baseline for assessment of the proposed reporting timeframes. FINRA also analyzed the period from January 1, 2025 through March 27, 2026 under the prior reporting timeframes as the secondary baseline. This extended historical period of review provides additional context to capture typical reporting activity and patterns.

Analysis Prior to March 30, 2026

FINRA's analysis from January 1, 2025 to March 27, 2026 (Table 1) shows the breakdown of OTC trades in NMS stocks executed during and outside of the then-effective TRF operating hours categorized by media and non-media trades during different time periods.³¹

²⁹ See *supra* note 27.

³⁰ As discussed above, FINRA extended the operating hours of the TRFs to begin reporting at 4:00 a.m. rather than 8:00 a.m. each Business Day, effective March 30, 2026. See *supra* note 6.

³¹ This analysis uses FINRA TRF transaction data as of April 14, 2026. The analysis includes trades executed through March 27, 2026 before the 4:00 a.m. reporting timeframe took effect on March 30, 2026. Because some trades are reported with a delay, the analysis includes trades reported within ten days after execution. The analysis excludes trades that are canceled, declined, rejected, reversed, or reported with special trade conditions. The analysis includes both media and non-media trades reported to the TRFs. See *supra* note 11.

TABLE 1—NUMBER OF OTC TRADES IN NMS STOCKS REPORTED TO THE TRFs FROM JANUARY 1, 2025 TO MARCH 27, 2026

[By media and non-media trades]

Execution time	Media trades		Non-media trades		Total percentages
	Number of trade reports	Percentage of all trade reports	Number of trade reports	Percentage of all trade reports	
Total within TRF operating hours (8:00 a.m. to 8:00 p.m. on Business Days, excluding 8:00 p.m.)	14,299,477,600	52.33	12,121,852,616	44.36	96.69
Between 9:00 p.m. and 4:00 a.m., when the period from midnight to 4:00 a.m. occurs on a Business Day (excluding 4:00 a.m.) ^a	112,982,786	0.41	257,840,808	0.94	1.36
Between 4:00 a.m. and 8:00 a.m. on a Business Day (excluding 8:00 a.m.)	122,651,024	0.45	313,485,375	1.15	1.60
Between 8:00 p.m. and 9:00 p.m. preceding a Business Day (excluding 9:00 p.m.) ^b	29,153,048	0.11	68,536,886	0.25	0.36
All other time periods not otherwise specified, including all non-Business Days ^c	13,908	0.00005	3,362	0.00001	0.00006
Total outside of TRF operating hours	264,800,766	0.97	639,866,431	2.34	3.31
Total outside of and within TRF operating hours	14,564,278,366	53.30	12,761,719,047	46.70	100.00
Total number of trade reports	27,325,997,413				

^a This includes the Sunday 9:00 p.m. through Monday 4:00 a.m. period where Monday is a Business Day, or in the case of a weekday holiday, 9:00 p.m. through 4:00 a.m. spanning the weekday holiday and the following Business Day (where 9:00 p.m. to midnight falls on the holiday and midnight to 4:00 a.m. falls on the Business Day.)

^b This includes 8:00 p.m. to 9:00 p.m. on Sunday when the following Monday is a Business Day, or 8:00 p.m. to 9:00 p.m. on a weekday holiday when the following day is a Business Day.

^c This includes the period from Friday 8:00 p.m. to Sunday 8:00 p.m. when the following Monday is a Business Day, or from 8:00 p.m. on a Business Day to 8:00 p.m. on a weekday non-Business Day when the Business Day precedes a weekday holiday and the day following the holiday is a Business Day (with the 8:00 p.m. to 12:00 a.m. window occurring on the Business Day prior to the holiday and the midnight to 8:00 p.m. window occurring on the holiday itself.)

FINRA estimates that, from January 1, 2025 to March 27, 2026, 379 firms reported trades to the TRFs.³² Of the 379 firms, 221 firms reported trades executed exclusively during the then-effective TRF operating hours of 8:00 a.m. to 8:00 p.m. on Business Days and did not report any trades executed outside of the then-effective TRF operating hours. Based on this activity, these firms would not be affected by the proposed rule change.

The remaining 158 firms reported to the TRFs at least one trade executed between 8:00 p.m. and 8:00 a.m. on Business Days or anytime on non-Business Days from January 1, 2025 to March 27, 2026.

Of these 158 firms, 75 firms reported to the TRFs at least one trade executed between 9:00 p.m. and 4:00 a.m., where the midnight to 4:00 a.m. window occurred on a Business Day. Under the proposed rule change, these firms would be required to report such trades as soon as practicable but no later than 10 seconds after execution, rather than by 8:15 a.m. on the same Business Day for trades executed between midnight and 4:00 a.m., or by 8:15 a.m. on the next Business Day for trades executed

between 9:00 p.m. and midnight (as was required prior to March 30, 2026).³³

Of the 158 firms, 133 firms reported to the TRFs at least one trade executed between 4:00 a.m. and 8:00 a.m. on Business Days. Under the proposed rule change, these firms would continue to be required to report such trades as soon as practicable but no later than 10 seconds after execution (as they have been required to do since March 30, 2026).

Of the 158 firms, 43 firms reported to the TRFs at least one trade executed between 8:00 p.m. and 9:00 p.m. preceding a Business Day. Under the proposed rule change, these trades would be required to be reported by 9:15 p.m. on the same day, rather than by 8:15 a.m. on the next Business Day (as was required prior to March 30, 2026).³⁴

Of the 158 firms, 43 firms reported to the TRFs at least one trade executed during a time period not otherwise specified above, including all non-Business Days. Depending on the execution time, these trades would be

required to be reported by 9:15 p.m. when the TRF resumes operations, rather than 8:15 a.m. on the next Business Day (as was required prior to March 30, 2026).³⁵ These trades are minimal, representing approximately 0.00006% of total TRF reports.

Additionally, between January 1, 2025 and March 27, 2026, almost all of the 158 firms that reported at least one trade executed outside of the then-effective TRF operating hours also executed at least one trade during the then-effective TRF operating hours, which are required to be reported as soon as practicable but no later than 10 seconds after execution.

Analysis Between March 30, 2026 and April 30, 2026

FINRA's analysis from March 30, 2026 to April 30, 2026 (Table 2) shows the breakdown of OTC trades in NMS stocks during and outside of the currently effective TRF operating hours, including different periods outside those hours, categorized by media and non-media trades.³⁶

³² FINRA's analysis uses Central Registration Depository ("CRD") numbers to identify firms executing trades.

³³ Effective March 30, 2026, these trades were required to be reported by 4:15 a.m. on the same Business Day for trades executed between midnight and 4:00 a.m. on a Business Day, and by 4:15 a.m. on the next Business Day for trades executed between 9:00 p.m. and midnight.

³⁴ Effective March 30, 2026, these trades are required to be reported by 4:15 a.m. on the next Business Day.

³⁵ Effective March 30, 2026, these trades are required to be reported by 4:15 a.m. on the same Business Day.

³⁶ The analysis utilizes FINRA TRF transaction data as of May 18, 2026. Because some trades are reported with a delay, the analysis utilized all trades reported within ten days after execution. The analysis excludes trades that are canceled, declined, rejected, reversed, or reported with special trade

TABLE 2—NUMBER OF OTC TRADES IN NMS STOCKS REPORTED TO THE TRFS FROM MARCH 30, 2026 TO APRIL 30, 2026

[By media and non-media trades]³⁷

Execution time	Media trades		Non-media trades		Total percentages
	Number of trade reports	Percentage of all trade reports	Number of trade reports	Percentage of all trade reports	
Total within TRF operating hours (4:00 a.m. to 8:00 p.m. on Business Days, excluding 8:00 p.m.)	1,270,308,883	53.18	1,023,755,617	42.86	96.03
Between 9:00 p.m. and 4:00 a.m., when the period from midnight to 4:00 a.m. occurs on a Business Day (excluding 4:00 a.m.) ^d	22,957,227	0.96	52,077,130	2.18	3.14
Between 8:00 p.m. and 9:00 p.m. preceding a Business Day (excluding 9:00 p.m.) ^e	5,923,762	0.25	13,808,898	0.58	0.83
All other time periods not otherwise specified, including all non-Business Days ^f	4,695	0.0002	140	0.000006	0.0002
Total outside of TRF operating hours	28,885,684	1.21	65,886,168	2.76	3.97
Total outside of and within TRF operating hours	1,299,194,567	54.39	1,089,641,785	45.61	100.00
Total number of trade reports	2,388,836,352				

^d This includes Sunday 9:00 p.m. through Monday 4:00 a.m. when Monday is a Business Day, or 9:00 p.m. through 4:00 a.m. spanning a weekday holiday and the following Business Day (where 9:00 p.m. to midnight falls on the holiday and midnight to 4:00 a.m. falls on the Business Day.)

^e This includes 8:00 p.m. to 9:00 p.m. on Sunday when the following Monday is a Business Day, or 8:00 p.m. to 9:00 p.m. on a weekday holiday when the following day is a Business Day.

^f This includes the period from Friday 8:00 p.m. to Sunday 8:00 p.m. when the following Monday is a Business Day, or from 8:00 p.m. on a Business Day to 8:00 p.m. on a weekday non-Business Day when the Business Day precedes a weekday holiday and the day following the holiday is a Business Day (with the 8:00 p.m. to 12:00 a.m. window occurring on the Business Day prior to the holiday and the midnight to 8:00 p.m. window occurring on the holiday itself.)

FINRA estimates that, from March 30, 2026 to April 30, 2026, 280 firms reported trades to the TRFs.³⁸ Of the 280 firms, 239 firms reported trades executed exclusively during the current TRF operating hours of 4:00 a.m. to 8:00 p.m. on Business Days and did not report any trades executed outside of the TRF operating hours. Based on this activity, these firms would not be affected by the proposed rule change.

The remaining 41 firms reported to the TRFs at least one trade executed between 8:00 p.m. and 4:00 a.m. on Business Days or anytime on non-Business Days from March 30, 2026 to April 30, 2026.

Of these 41 firms, 36 firms reported to the TRFs at least one trade executed between 9:00 p.m. and 4:00 a.m., where the midnight to 4:00 a.m. window occurred on a Business Day. Under the proposed rule change, these firms would be required to report such trades as soon as practicable but no later than 10 seconds after execution, rather than by 4:15 a.m. on the same Business Day for trades executed between midnight and 4:00 a.m. or by 4:15 a.m. on the next Business Day for trades executed between 9:00 p.m. and midnight (as is currently required).

Of the 41 firms, 18 firms reported to the TRFs at least one trade executed between 8:00 p.m. and 9:00 p.m. preceding a Business Day. Under the proposed rule change, these trades would be required to be reported by 9:15 p.m. on the same day, rather than by 4:15 a.m. on the next Business Day (as is currently required).

Of the 41 firms, 21 firms reported to the TRFs at least one trade executed during a time period not otherwise specified above, including all non-Business Days. Under the proposed rule change, depending on the execution time, these trades would be required to be reported by 9:15 p.m. on the day when the TRFs resume operations, rather than 4:15 a.m. on the next Business Day (as is currently required). These trades are minimal, representing approximately 0.0002% of total TRF reports.

Additionally, between March 30, 2026 and April 30, 2026, almost all of the 41 firms that reported at least one trade executed outside of TRF operating hours also executed at least one trade during TRF operating hours, which must be reported as soon as practicable but no later than 10 seconds after execution.

Economic Impacts

Anticipated Benefits

FINRA believes that the proposed rule change would provide more timely pricing and transaction information to the market for OTC trades in NMS stocks. By extending TRF operating hours to align with the SIPs' planned expansion, the proposed rule change would enable real-time reporting and public dissemination of OTC transactions in NMS stocks executed during hours when the TRFs are currently closed but the SIPs would be open, thereby improving transparency and supporting more efficient price formation across extended trading hours. Specifically, trades executed while the TRFs are open would be reported in real-time, providing greater market transparency. For trades executed when the TRFs are closed, the proposed rule change would require reporting within 15 minutes after the TRFs reopen at 9:00 p.m., significantly accelerating the availability of transaction information compared to the current requirements that require reporting by 4:15 a.m. on the next business day when the TRFs open at 4:00 a.m. These proposed changes to the TRF operating hours would serve to

conditions. The analysis includes both media and non-media trades reported to the TRFs.

³⁷ This analysis captures one month of TRF activity, reflecting the 4:00 a.m. expanded hours

effective March 30, 2026. The analysis is provided for comparison purposes but represents a much smaller sample size relative to the analysis from January 1, 2025 to March 27, 2026.

³⁸ FINRA's analysis uses CRD numbers to identify firms executing trades.

reduce information asymmetry and improve price discovery for trades executed during those extended hours.

Anticipated Costs

Members may incur initial and ongoing costs, such as programming, maintenance, and compliance costs, to implement and maintain systems to report OTC trades in NMS stocks pursuant to the proposed rule change. Furthermore, members that use third-party vendors to report OTC trades in NMS stocks to the TRFs may need to adjust their business relationships to comply with the proposed rule change.

The extent of these costs for each member will depend in part on the current activities and reporting systems of each member with respect to OTC trading in NMS stocks. As discussed above, FINRA estimates 41 firms reported at least one trade executed outside of the current TRF operating hours during the period from March 30, 2026 to April 30, 2026. Almost all of these 41 firms also reported at least one trade executed between 4:00 a.m. and 8:00 p.m. on Business Days, and therefore these firms would already have systems in place to report these trades as soon as practicable but no later than 10 seconds after execution,³⁹ which may indicate that the initial fixed costs and variable costs may be lower for those members.⁴⁰

FINRA identified a very small number of firms reporting trades executed exclusively outside of current TRF operating hours. To the extent these firms are not able to report trades as soon as practicable but no later than 10 seconds after execution or by 9:15 p.m., as applicable, such firms may incur costs to upgrade systems or employ a vendor to report in compliance with the amended rule.

³⁹ Among the 41 firms, certain firms may have utilized the temporary exception that allows them to continue reporting at 8:15 a.m. for specified overnight transactions. *See supra* note 6. Firms that have availed themselves of the temporary exception, effective March 30, 2026, and that execute trades exclusively between 4:00 a.m. to 8:00 a.m., may not have the requisite system infrastructure already in place to meet the new reporting requirements. Consequently, these firms may be required to incur costs to develop, implement, and maintain the necessary systems to comply with the proposed amendments.

⁴⁰ Similarly, between January 1, 2025 and March 27, 2026, almost all of the 158 firms that executed at least one OTC trade in NMS stocks outside of the then-effective TRF operating hours also executed at least one OTC trade in NMS stocks during those TRF operating hours, which must be reported as soon as practicable but no later than 10 seconds after execution.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act⁴¹ and Rule 19b-4(f)(6) thereunder.⁴²

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-FINRA-2026-015 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to File Number SR-FINRA-2026-015. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/>

⁴¹ 15 U.S.C. 78s(b)(3)(A).

⁴² 17 CFR 240.19b-4(f)(6).

[rules/sro.shtml](http://www.sec.gov/rules/sro.shtml)). Copies of the filing will be available for inspection and copying at the principal office of FINRA. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to File Number SR-FINRA-2026-015 and should be submitted on or before August 10, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁴³

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2026-14528 Filed 7-17-26; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-105918; File No. SR-ICC-2026-004]

Self-Regulatory Organizations; ICE Clear Credit LLC; Order Approving Proposed Rule Change Relating to the Operational Risk Management Framework

July 15, 2026.

I. Introduction

On May 29, 2026, ICE Clear Credit LLC ("ICC") filed with the Securities and Exchange Commission (the "Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act")¹ and Rule 19b-4 thereunder,² a proposed rule change (hereafter, "Proposed Rule Change") to revise the Operational Risk Management Framework ("ORMF"). The Proposed Rule Change was published for comment in the **Federal Register** on June 8, 2026.³ The Commission has not received comments regarding the Proposed Rule Change. For the reasons discussed below, the Commission is approving the Proposed Rule Change.

II. Description of the Proposed Rule Change

ICC is registered with the Commission as a clearing agency for the purpose of clearing Credit Default Swap ("CDS")

⁴³ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Proposed Rule Change Relating to the Operational Risk Management Framework; Securities Exchange Act Release No. 34-105606 (June 3, 2026), 91 FR 34681 (June 8, 2026) (SR-ICC-2026-004) ("Notice").

contracts.⁴ ICC's parent company is Intercontinental Exchange, Inc. ("ICE"), which also provides core services to ICC that directly support the delivery of clearance and settlement functionality or other purposes material to ICC's business as a registered clearing agency. In its role as a CDS clearing agency, ICC faces operational risks stemming from the breakdown of systems and processes that that would impair ICC's ability to complete settlements or ICC's internal business operations. The ORMF outlines ICC's risk assessment and oversight program, which aims to address such operational risks, including by reducing operational incidents, encouraging process and control improvement, bringing transparency to operational performance standard monitoring, and fulfilling regulatory obligations.

A. Terminology and Grammatical Changes

The Proposed Rule Change would amend terminology within the ORMF to make clear that processes of the operational risk lifecycle are associated with risk. For example, a process labelled as "Identify" would be renamed as "Risk Identification." Additionally, ICC intends to rename the "Mitigate" category into a "Risk Management" category but otherwise leave its definition unchanged. Other terminology changes would add actions associated with risk. For example, new category "Risk Assessment" would add language making clear that it includes the mitigation of identified risk, while new category "Risk Monitoring" would add the term "risk" to describe the type of monitoring within its definition. ICC also proposes other changes which it states are being done for clarity, including recategorizing the "Mitigate" process into "Management," while also removing the term mitigate from the category's description, and changing the term "treasury" to "movement of funds."

ICC also proposes to make changes to the ORMF as to external service provider assessments. This includes numbering certain core services, but also removing a reference to CDS because ICC does not want these services to be product-specific. A similar change would see CDS removed from a section on technology control functions, because ICC has stated that the section will also apply to the service of Treasury clearing.⁵

Finally, ICC is making clean-up changes through minor language clarifications and grammatical alterations to the ORMF. These clean-up changes include deleting unnecessary definite articles, replacing conjunctions with commas, correcting verb tense and usage, and removing unnecessary prepositions throughout the document.

ICC also proposes to modify the ORMF by including references to outsourcing procedures within its "Internal Assessment" category which is listed as one of the ways it manages risk from relationships it maintains with service providers. ICC states that in addition to promoting clarity, this will cause the ORMF to align with separate agreements ICC has executed.⁶ Similarly, certain changes proposed to be made to the ORMF's "Risk Assessment" category are designed to align the ORMF with ICE, Inc's Enterprise Risk Management Policy ("ERM Policy"), by updating terms to match those in the policy.⁷

B. Substantive Changes to Oversight and Lines of Responsibility

Substantive descriptive changes within the ORMF are also proposed for a section on information security, specifically the addition of language stating that ICC's Operational Oversight Committee ("OOC") receives updates on information security, including metrics, certain types of remediation activity and cyber and physical security incidents, and updates to threat objectives and threat intelligence, which the OOC will review during meetings. Additionally, a section on the administration of the ORMF would add references to the Board Risk Committee as a necessary reviewer of the ORMF.

III. Discussion

Section 19(b)(2)(C) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization.⁸ Under the Commission's Rules of Practice, the "burden to demonstrate that a proposed rule change is consistent with the Act and the rules and regulations issued thereunder . . . is on the self-regulatory

organization ['SRO'] that proposed the rule change."⁹

The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,¹⁰ and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Act and the applicable rules and regulations.¹¹ Moreover, "unquestioning reliance" on an SRO's representations in a proposed rule change is not sufficient to justify Commission approval of a proposed rule change.¹²

After carefully considering the Proposed Rule Change, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to ICC. More specifically, for the reasons discussed below, the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act¹³ and Rules 17Ad-22(e)(2)(i),¹⁴ 17Ad-22(e)(2)(v)¹⁵ and 17Ad-22(e)(17)(i)¹⁶ thereunder.

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of ICC be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions.¹⁷ Based on a review of the record, and for the reasons discussed below, the proposed changes to the ORMF are consistent with the promotion of the prompt and accurate clearance and settlement of transactions at ICC.

ICC's changes include both terminology changes and substantive changes. The terminology changes are intended, as ICC has stated, to add transparency to its ORMF by emphasizing that various processes are meant to address risk by identifying,

⁹ Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

¹⁰ *Id.*

¹¹ *Id.*

¹² *Susquehanna Int'l Group, LLP v. Securities and Exchange Commission*, 866 F.3d 442, 447 (D.C. Cir. 2017) ("Susquehanna").

¹³ 15 U.S.C. 78q-1(b)(3)(F).

¹⁴ 17 CFR 240.17ad-22(e)(2)(i).

¹⁵ 17 CFR 240.17ad-22(e)(2)(v).

¹⁶ 17 CFR 240.17ad-22(e)(17)(i).

¹⁷ 15 U.S.C. 78q-1(b)(3)(F).

⁴ Capitalized terms not otherwise defined herein have the meanings assigned to them in ICC Rules and the ORMF, as applicable.

⁵ See Notice, 91 FR at 34682; see also Exchange Act Release No. 104762 (Jan 30, 2026), 91 FR 5528, at 30754 (Feb 2, 2026) (Commission order granting

ICC's Application for registration as a clearing agency to provide central counterparty services for transactions involving U.S. Treasury securities).

⁶ See Notice, 91 FR at 34682.

⁷ See Notice, 91 FR at 34682.

⁸ 15 U.S.C. 78s(b)(2)(C).

managing and mitigating it. Additionally, because ICC began offering clearing of Treasuries this year,¹⁸ changes to the ORMF include removing language that limits application of certain processes, such as assessing third party service providers, to CDS clearing. Finally, ICC also intends to make language in the ORMF align with other ICC policies such as its Enterprise Risk Management Policy. Substantive changes, such as ensuring that the OOC receives certain risk-related data and that the Board Risk Committee review the ORMF, are also designed to promote ICC's continued operations where ICC assumes risk in its activities.

These changes therefore will ensure that ICC maintains a transparent ORMF with appropriate oversight, and therefore will contribute to ICC's operational sustainability, which in turn will promote the continued prompt and accurate clearing of securities.

For the reasons stated above, the Commission finds that the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Act.¹⁹

B. Consistency With Rule 17Ad-22(e)(2)(i) Under the Act

Rule 17Ad-22(e)(2)(i) requires each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to, as applicable, provide for governance agreements that are clear and transparent.²⁰

As described above, the Proposed Rule Change would help ensure that the ORMF contain language describing certain processes which clearly denote their objective, including processes that are designed to address risk. Furthermore, the proposed changes to the ORMF would remove certain limiting language which is no longer applicable because ICC operations have expanded, such as language related to assessing external service providers which is intended to apply to Treasury clearing in addition to CDS clearing. These changes would have the effect of promoting clarity and transparency as it relates to ICC objectives and operational activities.

For these reasons, the Commission finds the Proposed Rule Change is consistent with Rule 17Ad-22(e)(2)(i).²¹

C. Consistency With Rule 17Ad-22(e)(2)(v) Under the Act

Rule 17Ad-22(e)(2)(v) requires each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to, as applicable, provide for governance agreements that specify clear and direct lines of responsibility.²²

ICC has proposed to change the ORMF to clearly state that its OOC would receive certain updates on risk-informing data, including information security, metrics, and certain types of remediation activity. Additionally, the ICC Board Risk Committee would be clearly designated as a mandatory ORMF reviewer. Both these language changes include the assumption of responsibility in risk-mitigation responsibilities by the OOC and the Board Risk Committee, respectively, and would assign both the OOC and the Board Risk Committee clear and direct oversight roles that promote the objectives of the ORMF.

For these reasons, the Commission finds the Proposed Rule Change is consistent with Rule 17Ad-22(e)(2)(v).²³

D. Consistency With Rule 17Ad-22(e)(17)(i) Under the Act

Rule 17Ad-22(e)(17)(i) requires each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to, as applicable, manage the covered clearing agency's operational risk by identifying the plausible sources of operational risk, both internal and external, and mitigating their impact through the use of appropriate systems, policies and procedures, and controls.²⁴

As stated above, the ORMF is designed to outline ICC's risk assessment and oversight program, reduce operational incidents, and approach risk management, in part, through mitigation. By updating the policy, both substantively, such as by identifying OOC responsibilities, and through terminology and other changes, including that necessary to cover ICC's offering of Treasury clearing, ICC is maintaining written procedures that address the management of its operational risk.

For these reasons, the Commission finds the Proposed Rule Change is consistent with Rule 17Ad-22(e)(17)(i).²⁵

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act, and in particular, with the requirements of Section 17A(b)(3)(F) of the Act²⁶ and Rules 17Ad-22(e)(2)(i),²⁷ 17Ad-22(e)(2)(v)²⁸ and 17Ad-22(e)(17)(i)²⁹ thereunder.

It is therefore ordered pursuant to Section 19(b)(2) of the Act³⁰ that the proposed rule change (SR-ICC-2026-004) be, and hereby is, approved.³¹

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³²

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026-14525 Filed 7-17-26; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act and OMB procedures, SBA is publishing this notice to allow all interested members of the public an additional 30 days to provide comments on the proposed collection of information.

DATES: Submit comments on or before August 19, 2026.

ADDRESSES: Written comments and recommendations for this information collection request should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection request by selecting "Small Business Administration"; "Currently Under Review," then select the "Only Show ICR for Public Comment" checkbox. This information collection can be identified by title and/or OMB Control Number.

²⁶ 15 U.S.C. 78q-1(b)(3)(F).

²⁷ 17 CFR 240.17ad-22(e)(2)(i).

²⁸ 17 CFR 240.17ad-22(e)(2)(v).

²⁹ 17 CFR 240.17ad-22(e)(17)(i).

³⁰ 15 U.S.C. 78s(b)(2).

³¹ In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

³² 17 CFR 200.30-3(a)(12).

¹⁸ See *supra* note 6.

¹⁹ *Id.*

²⁰ 17 CFR 240.17Ad-22(e)(2)(i).

²¹ *Id.*

²² 17 CFR 240.17Ad-22(e)(2)(v).

²³ *Id.*

²⁴ 17 CFR 240.17ad-22(e)(17)(i).

²⁵ *Id.*

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the information collection and supporting documents from the Interim Agency Clearance Officer at Shauniece.Carter@sba.gov; (202) 921-2198, or from www.reginfo.gov/public/do/PRAMain.

SUPPLEMENTARY INFORMATION: The Disaster Loan Program is an SBA financing program authorized under the Small Business Act of 1953, 15 U.S.C. 636 *et seq.* SBA provides low-interest disaster loans to help businesses and homeowners recover from declared disasters. SBA's information collection approved under OMB Control Number 3245-0017 supports the ongoing administration of the Disaster Loan Program and currently includes SBA Form 5, Disaster Business Loan Application. SBA has determined that revisions to this collection are necessary to reflect recent regulatory updates and to ensure alignment with Executive Order 14168. The proposed revisions also standardize required data fields and instructions to eliminate inconsistent guidance to applicants, thereby improving clarity and enhancing the applicant's understanding of the information needed for disaster assistance. Finally, SBA added a new Social Security consent for the purpose of determining whether the information provided by the applicant matches the Social Security Administration (SSA) records to ensure loans are only issued to eligible, real individuals or authorized business owners and to prevent fraudulent applications from being processed.

Solicitation of Public Comments

Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

OMB Control 3245-0017.

Title: Disaster Business Loan Application.

Description of Respondents: Disaster survivors seeking disaster loan assistance.

Form Number: SBA Form 5.

Total Estimated Annual Responses: 37,529.

Total Estimated Annual Hour Burden: 46,911.

Shauniece Carter,

Interim Agency Clearance Officer.

[FR Doc. 2026-14588 Filed 7-17-26; 8:45 am]

BILLING CODE 8026-09-P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.
ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act and OMB procedures, SBA is publishing this notice to allow all interested members of the public an additional 30 days to provide comments on the proposed collection of information.

DATES: Submit comments on or before August 19, 2026.

ADDRESSES: Written comments and recommendations for this information collection request should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection request by selecting "Small Business Administration"; "Currently Under Review," then select the "Only Show ICR for Public Comment" checkbox. This information collection can be identified by title and/or OMB Control Number.

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the information collection and supporting documents from the Interim Agency Clearance Officer at Shauniece.Carter@sba.gov; (202) 921-2198, or from www.reginfo.gov/public/do/PRAMain.

SUPPLEMENTARY INFORMATION: The Disaster Loan Program is an SBA financing program authorized under the Small Business Act of 1953, 15 U.S.C. 636 *et seq.* SBA provides low-interest disaster loans to help businesses and homeowners recover from declared disasters. SBA's information collection approved under OMB Control Number 3245-0018 supports the ongoing administration of the Disaster Loan Program and currently includes SBA Form 5C, Disaster Home Loan Application. Revisions to this collection include recent regulatory updates and ensure alignment with Executive Order 14168. Also, updates were made to required data fields, consent language,

and applicant instructions to improve clarity and enhance uniform guidance across all methods of application submission.

Solicitation of Public Comments

Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

OMB Control 3245-0018.

Title: Disaster Home Loan Application.

Description of Respondents: Disaster survivors seeking disaster loan assistance.

Form Number: SBA Form 5C.

Total Estimated Annual Responses: 84,494.

Total Estimated Annual Hour Burden: 105,617.

Shauniece Carter,

Interim Agency Clearance Officer.

[FR Doc. 2026-14586 Filed 7-17-26; 8:45 am]

BILLING CODE 8026-09-P

DEPARTMENT OF STATE

[Public Notice:13072]

Imposition of Additional Sanctions on Sudan Under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: On April 24, 2025, the Senior Official performing the functions of the Under Secretary for Arms Control and International Security, acting under authority delegated pursuant to Executive Order 12851 and Department of State Delegation 293-2, determined pursuant to section 306(a) of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (the Act), 22 U.S.C. 5604(a), that the Government of Sudan has used chemical weapons in violation of international law. Notice of this determination was published on June 27, 2025 in the **Federal Register** under Public Notice 12749, which resulted in sanctions against Sudan. Section 307(b) of the Act provides for additional sanctions unless a certification to Congress was made within three months of April 24, 2025 that Sudan has met certain conditions described in the Act.

Sudan has not met the Act's conditions and the Under Secretary for Arms Control and International Security decided to impose additional sanctions on Sudan on June 23, 2026.

DATES: This notice is effective on July 20, 2026.

FOR FURTHER INFORMATION CONTACT:

Pamela K. Durham, Office of Missile, Biological, and Chemical Nonproliferation, Bureau of International Security and Nonproliferation, Department of State, Telephone (202) 647-4930.

SUPPLEMENTARY INFORMATION: Pursuant to Section 307(b) of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (22 U.S.C. 5605(b)), on June 23, 2026 the Under Secretary of State for Arms Control and International Security decided to impose additional sanctions on Sudan. As a result, the following additional sanctions are hereby imposed:

1. *Multilateral Development Bank Assistance:* The United States Government shall oppose, in accordance with Section 701 of the International Financial Institutions Act (22 U.S.C. 262d), the extension of any loan or financial or technical assistance to Sudan.

The Under Secretary of State for Arms Control and International Security has determined that it is essential to the national security interests of the United States to waive the application of this sanction on loans or financial or technical assistance to Sudan that serve the basic human needs of its citizens.

2. *Further Export Restrictions:* The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit exports to Sudan of all other goods and technology (excluding food and other agricultural commodities and products).

The Under Secretary for Arms Control and International Security has determined that it is essential to the national security interests of the United States to waive the application of this sanction with respect to items not on the Commerce Control List (CCL). The restrictions are also partially waived in order to allow the authorization of exports or re-exports of goods or technology on the Commerce Control List (CCL) to Sudan in the following categories:

License Exceptions: Exports and re-exports of goods or technology on the CCL may be authorized under License Exceptions CCD, GOV, ENC, BAG, TMP,

RPL, TSU and ACE, as described in 15 CFR part 740.

Safety of Flight: Exports and re-exports of goods or technology on the CCL may be authorized pursuant to new licenses when necessary for the safety of flight of civil fixed-wing passenger aviation, provided that such licenses shall be issued consistent with export licensing policy for Sudan prior to the date of the determination.

Deemed Exports/Re-Exports: Exports and re-exports of goods or technology on the CCL may be authorized pursuant to new licenses for deemed exports and re-exports to Sudanese nationals, provided that such licenses shall be issued consistent with export licensing policy for Sudan prior to the date of the determination.

Wholly-Owned U.S. and Other Foreign Subsidiaries: Exports and re-exports of goods or technology on the CCL may be authorized pursuant to new licenses for exports and re-exports to wholly-owned subsidiaries of U.S. and foreign companies in Sudan, provided that such licenses shall be issued consistent with export licensing policy for Sudan prior to the date of the determination.

Licenses for all other exports, reexports, or transfers (in-country) of items on the CCL to Sudan will be reviewed under a "presumption of denial."

National security-sensitive goods and technology exports to Sudan remain subject to the sanctions under section 307(a)(5) of the Act as described in the June 27, 2025 **Federal Register** notice. Consistent with the above, all other licenses for the export, reexport, and transfer (in-country) of national security-sensitive goods and technology will be reviewed under a "presumption of denial."

3. *Action Regarding Aviation:* The Department of Transportation shall take all steps necessary to suspend the authority of foreign air carriers owned or controlled by the Government of Sudan to engage in foreign air transportation to or from the United States.

These measures shall be implemented by the responsible departments and agencies of the United States government and will remain in place for

at least one year and until further notice.

* * * * *

Christopher T. Yeaw,

Assistant Secretary, Bureau of Arms Control and Nonproliferation, U.S. Department of State.

[FR Doc. 2026-14568 Filed 7-17-26; 8:45 am]

BILLING CODE 4710-27-P

DEPARTMENT OF STATE

[Public Notice: 13071]

Notice of Department of State Sanctions Action

ACTION: Notice of Department of State sanctions actions pursuant to the Executive Order blocking property with respect to specified harmful foreign activities of the Government of the Russian Federation.

SUMMARY: The U.S. Department of State is publishing the names of seven individuals, two entities, and two vessels that have been removed from the U.S. Department of the Treasury's Specially Designated Nationals and Blocked Persons List (SDN List), administered by the Office of Foreign Assets Control (OFAC).

DATES: This action was issued on June 24, 2026. See **SUPPLEMENTARY INFORMATION** section for applicable dates.

FOR FURTHER INFORMATION CONTACT:

Aaron P. Forsberg, Director, Office of Economic Sanctions Policy and Implementation, Bureau of Economic and Business Affairs, Department of State, Washington, DC 20520, tel.: (202) 647 7677, email: ForsbergAP@state.gov.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning sanctions programs are available on OFAC's website, <https://ofac.treasury.gov/sanctions-programs-and-country-information/russian-harmful-foreign-activities-sanctions>.

Notice of Department of State Actions

On June 24, 2026, the Department of State determined that the property and interests in property subject to U.S. jurisdiction of the following persons are unblocked, and they have been removed from the SDN List.

Individuals

BILLING CODE 4710-07-P

1. CHERKASOVA, Nadia Narimanovna (Cyrillic: ЧЕРКАСОВА, Надия Наримановна) (a.k.a. CHERKASOVA, Nadiia Narimanovna; a.k.a. CHERKASOVA, Nadiya Narimanovna), Russia; DOB 11 Dec 1971; POB Vladimir, Russia; nationality Russia; Gender Female (individual) [RUSSIA-EO14024] (Linked To: PUBLIC JOINT STOCK COMPANY BANK FINANCIAL CORPORATION OTKRITIE).
2. KREMLEVA, Irina Vladimirovna (Cyrillic: КРЕМЛЕВА, Ирина Владимировна), Russia; DOB 25 Apr 1968; nationality Russia; Gender Female (individual) [RUSSIA-EO14024] (Linked To: PUBLIC JOINT STOCK COMPANY BANK FINANCIAL CORPORATION OTKRITIE).
3. NIKOLAEV, Viktor Andreevich (Cyrillic: НИКОЛАЕВ, Виктор Андреевич) (a.k.a. NIKOLAYEV, Viktor Andreyevich), Russia; DOB 16 Apr 1982; nationality Russia; Gender Male (individual) [RUSSIA-EO14024] (Linked To: PUBLIC JOINT STOCK COMPANY BANK FINANCIAL CORPORATION OTKRITIE).
4. SMIRNOV, Maxim Yuryevich (Cyrillic: СМІРНОВ, Максим Юрьевич) (a.k.a. SMIRNOV, Maksim Yuryevich), 19-8 Lomonosovskiy Prospect, Moscow 119311, Russia; DOB 04 Oct 1965; nationality Russia; Gender Male; Passport

761664720 (Russia) expires 01 Oct 2029; Tax ID No. 772804227305 (Russia) (individual) [RUSSIA-EO14024].

5. POTANIN, Ivan Vladimirovich (Cyrillic: ПОТАНИН, Иван Владимирович), 3-7, Skatertny Pereulok, Moscow 121069, Russia; DOB 11 Apr 1989; POB Moscow, Russia; nationality Russia; Gender Male; Passport 725464065 (Russia); National ID No. 4510126532 (Russia); Tax ID No. 770370541696 (Russia) (individual) [RUSSIA-EO14024] (Linked To: POTANIN, Vladimir Olegovich).
6. BELOUS, German Valentinovich (Cyrillic: БЕЛОУС, Герман Валентинович) (a.k.a. BELOUS, German (Cyrillic: БЕЛОУС, Герман)), 12-2 Chistoprudny Boul, Apt 79, Moscow 101000, Russia; DOB 14 Nov 1977; POB Klin, Russia; nationality Russia; Gender Male; Passport 718489066 (Russia); National ID No. 4514863944 (Russia) (individual) [RUSSIA-EO14024].
7. KLYUKIN, Mikhail Vasilyevich (Cyrillic: КЛЮКИН, Михаил Васильевич), 1st Krasnoarmeyskiy per. 4 flat 187, Mytishi, Moscow, Russia; DOB 22 Sep 1977; POB Kirov, Russia; nationality Russia; alt. nationality Cyprus; Gender Male; Passport K00299010 (Cyprus) (individual) [RUSSIA-EO14024] (Linked To: SOVCOMBANK OPEN JOINT STOCK COMPANY).

BILLING CODE 4710-07-C

Entities

1. DEIN DANISMANLIK PAZARLAMA VE TICARET ANONIM SIRKETI, Vetro City Apartmani, No:16-133 Barbaros Hayrettin Pasa Mahallesi 1992. Sokak, Esenyurt, Istanbul 34522, Turkey; Registration Number 241115 (Turkey) [RUSSIA-EO14024]

2. IDA ASANSOR SANAYII VE TICARET LIMITED SIRKETI (a.k.a. IDA ASANSOR SAN VE TIC LTD; a.k.a. IDA

ELEVATOR INDUSTRY AND TRADE LIMITED COMPANY), 5 1 Osb Mahallesi 9, Caddesi, Yesilyurt, Malatya 44900, Turkey; Registration Number 13872 (Turkey) [RUSSIA-EO14024].

Vessels

1. VYACHESLAV ARSHINOV (UBGX2) General Cargo Russia flag; Vessel Registration Identification IMO 9945136 (vessel) [RUSSIA-EO14024] (Linked To: JOINT STOCK COMPANY

STATE TRANSPORTATION LEASING COMPANY).

2. GENNADY EGOROV (UBGX4) General Cargo Russia flag; Vessel Registration Identification IMO 9945124 (vessel) [RUSSIA-EO14024] (Linked To: JOINT STOCK COMPANY STATE

TRANSPORTATION LEASING
COMPANY).

Hugo Y. Yon,

Principal Deputy Assistant Secretary, Bureau
of Economic, Energy, and Business Affairs,
U.S. Department of State.

[FR Doc. 2026–14593 Filed 7–17–26; 8:45 am]

BILLING CODE 4710–07–P

DEPARTMENT OF STATE

[Public Notice: 13073]

**United States Passports Invalid for
Travel to, in, or Through the
Democratic People's Republic of Korea
(DPRK)**

AGENCY: Department of State.

ACTION: Notice of extension of passport
travel restriction.

SUMMARY: On September 1, 2017, all U.S. passports were declared invalid for travel to, in, or through the Democratic People's Republic of Korea (DPRK), unless specially validated for such travel. The restriction has been extended annually since 2017, and, if not renewed, the restriction is set to expire on August 31, 2026. This notice extends the restriction until August 31, 2027, unless extended or revoked by the Secretary of State.

DATES: The extension of the travel restriction is in effect on September 1, 2026.

FOR FURTHER INFORMATION CONTACT: Jennifer Tinianow, Bureau of Consular Affairs, Passport Services, Office of Adjudication, 202–765–6517.

SUPPLEMENTARY INFORMATION: On September 1, 2017, pursuant to the authority of 22 U.S.C. 211a and Executive Order 11295 (31 FR 10603), and in accordance with 22 CFR 51.63(a)(3), all U.S. passports were declared invalid for travel to, in, or through the DPRK unless specially validated for such travel. The restriction was renewed on September 1 in each year from 2018 through 2025. If not renewed again, the restriction is set to expire on August 31, 2026.

The Department of State has determined there continues to be serious risk to U.S. citizens and nationals of arrest and long-term detention constituting imminent danger to their physical safety, as defined in 22 CFR 51.63(a)(3). Accordingly, all U.S. passports shall remain invalid for travel to, in, or through the DPRK unless specially validated for such travel under the authority of the Secretary of State. This extension to the restriction of travel to the DPRK shall be effective on September 1, 2026, and shall expire

August 31, 2027, unless extended or revoked by the Secretary of State.

Dated: July 2, 2026.

Marco Rubio,

Secretary of State, U.S. Department of State.

[FR Doc. 2026–14601 Filed 7–17–26; 8:45 am]

BILLING CODE 4710–06–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36944]

**Chicago Rock Island & Pacific
Railroad, LLC—Change of Operator
Exemption— Railroad Line in Monterey
and Santa Cruz Counties, Cal.**

Chicago Rock Island & Pacific Railroad, LLC (Rock Island), has filed a verified notice of exemption under 49 CFR 1150.41 to replace St. Paul & Pacific Railroad Company, LLC (SPPR), as the common carrier operator over an approximately 2.567-mile rail line (the Line) owned by the Santa Cruz County Regional Transportation Commission (RTC), in Monterey and Santa Cruz Counties, Cal.¹ The Line extends from milepost 0.433 at Watsonville Junction, Monterey County, to a point west of Watsonville Junction at milepost 3.00 in Santa Cruz County.

Rock Island states SPRR currently holds an exclusive freight common carrier easement over the Line. According to the verified notice, Rock Island recently entered into an agreement with RTC pursuant to which RTC will arrange for the voluntary transfer of the Line from SPRR to Rock Island, giving Rock Island the right to provide common carrier service on the Line on or after the effective date of the exemption. As noted above, SPRR consents to being replaced as the operator of the Line.

Rock Island certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier and will not exceed \$5 million. Rock Island also certifies that the proposed transaction does not involve any provision or agreement that may limit future interchange of traffic with a third-party connecting carrier. Under 49 CFR 1150.42(b), a change in operators exemption requires that notice be given

¹ By decision served July 7, 2026, Rock Island was directed to supplement its verified notice to provide the information necessary to determine that SPRR consents to the proposed change in operators. See *Chi. Rock Island & Pac. R.R.—Change in Operator Exemption—R.R. Line in Monterey & Santa Cruz Cnty., Cal.*, FD 36944, slip op. at 1 (July 7, 2026). On July 8, 2026, SPRR filed a letter stating that it consents to being replaced as the operator of the Line. July 8, 2026, is therefore considered the filing date of the verified notice.

to shippers. Rock Island states that it has provided a copy of the notice to all shippers on the Line.

The transaction may be consummated on or after August 7, 2026, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed by July 31, 2026 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36944, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Rock Island's representative, Robert J. Riley, Chicago Rock Island & Pacific Railroad, LLC, 2747 Pass Road, Biloxi, MS 39531.

According to Rock Island, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at www.stb.gov.

Decided: July 15, 2026.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

Tammy Lowery,
Clearance Clerk.

[FR Doc. 2026–14600 Filed 7–17–26; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 497 (Sub-No. 8X)]

**Minnesota Northern Railroad, Inc.—
Abandonment Exemption—in Norman
and Polk Counties, Minn.**

Minnesota Northern Railroad, Inc. (MNN), filed a verified notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments* to abandon approximately 11.14 miles of rail line located in Norman and Polk Counties, Minn., extending from milepost 40.20 at approximately the north end of the Marsh River Bridge south of Shelly, Minn., to milepost 51.34 at approximately the north side of Golf Course Lane, north of Climax, Minn. (the Line). The Line traverses U.S. Postal Service Zip Codes 56523, 56568, and 56581.

MNN has certified that: (1) no local freight traffic has moved over the Line during the past two years; (2) any overhead traffic can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government on behalf of such user) regarding cessation of service over the Line is pending with either the Surface Transportation Board (Board) or any U.S. District Court or has been decided in favor of a complainant within the two-year period prior to the filing of the notice; and (4) the requirements at 49 CFR 1105.7(b) and 1105.8(c) (notice of environmental and historic reports), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to government agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received,¹ this exemption will be effective on August 19, 2026, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2), and interim trail use/railbanking requests under 49 CFR 1152.29 must be filed by July 30, 2026.³ Petitions to reopen and requests for public use conditions under 49 CFR 1152.28 must be filed by August 10, 2026.

All pleadings, referring to Docket No. AB 497 (Sub No. 8X), must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW,

Washington, DC 20423–0001. In addition, a copy of each pleading must be served on MNN's representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 N Wacker Drive, Suite 800, Chicago, IL 60606–3208.

If the verified notice contains false or misleading information, the exemption is void ab initio.

MNN has filed a combined environmental and historic report that addresses the potential effects, if any, of the abandonment on the environment and historic resources. OEA will issue a Draft Environmental Assessment (Draft EA) by July 24, 2026. The Draft EA will be available to interested persons on the Board's website, by writing to OEA, or by calling OEA at (202) 245–0294. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245–0245. Comments on environmental or historic preservation matters must be filed within 15 days after the Draft EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/railbanking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), MNN shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by MNN's filing of a notice of consummation by July 20, 2027, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available at www.stb.gov.

Decided: July 15, 2026.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

Regena Smith-Bernard,
Clearance Clerk.

[FR Doc. 2026–14520 Filed 7–17–26; 8:45 am]
BILLING CODE 4915–01–P

TENNESSEE VALLEY AUTHORITY

Generator Interconnection Programmatic Environmental Impact Statement

AGENCY: Tennessee Valley Authority.

ACTION: Notice of intent.

SUMMARY: The Tennessee Valley Authority (TVA) intends to prepare a Programmatic Environmental Impact Statement (PEIS) to evaluate the environmental effects of transmission system activities associated with generator interconnection requests

across TVA's Power Service Area (PSA). The PEIS will establish a programmatic, bounded framework to support efficient, consistent, and predictable National Environmental Policy Act (NEPA) review for generator interconnection related transmission actions conducted under TVA's Large Generator Interconnection Procedures (LGIP), Small Generator Interconnection Procedures (SGIP), and Expedited Resource Addition Study (ERAS). The PEIS will also support tiered, site-specific reviews where needed.

DATES: To ensure consideration, comments must be postmarked, emailed, or submitted online no later than August 14, 2026.

ADDRESSES: Written comments should be sent to Elizabeth Smith, NEPA Specialist, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 11B, Knoxville, Tennessee 37902. Comments may be submitted online at: www.tva.gov/nepa, or by email to nepa@tva.gov. Comments submitted electronically are encouraged.

FOR FURTHER INFORMATION CONTACT: Elizabeth Smith by email at nepa@tva.gov, by phone at (865) 632–3053, or by mail at the address above.

SUPPLEMENTARY INFORMATION: The unique identification number is PEIS–455–00–000–1781540537. This notice is provided in accordance with TVA's procedures for implementing the NEPA (18 CFR 1318). TVA is an agency and instrumentality of the United States, established by an act of Congress in 1933, to foster the social and economic welfare of the people of the Tennessee Valley region and to promote the proper use and conservation of the region's natural resources. One component of this mission is the generation, transmission, and sale of reliable and affordable electric energy.

TVA's generator interconnection processes have experienced a substantial increase in volume as electricity demand accelerates due to population growth and industrial development. TVA's new NEPA regulations, adopted January 21, 2026 (18 CFR 1318.502), encourage the use of programmatic environmental documents for geographically broad or procedurally consistent actions. The proposed PEIS would provide bounding environmental criteria, standardized screening tools such as an Environmental Screening Checklist (ESC), and siting guidance to streamline environmental reviews associated with interconnection-driven transmission activities.

The PEIS will support timely decision-making related to new

¹ Persons interested in submitting an OFA must first file a formal expression of intent to file an offer, indicating the type of financial assistance they wish to provide (*i.e.*, subsidy or purchase) and demonstrating that they are preliminarily financially responsible. See 49 CFR 1152.27(c)(2)(i).

² The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Serv. Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

³ Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

construction, upgrades, maintenance, and modifications of transmission lines, substations, switchyards, communication infrastructure, access roads, and associated system components needed to interconnect new or modified generation resources. TVA will consult with applicable federal, state, and tribal authorities, and ensure compliance with relevant environmental statutes including, but not limited to, the Clean Water Act, Endangered Species Act, and National Historic Preservation Act.

Background

The Tennessee Valley region is experiencing rapidly growing electricity demand driven by population increases, industrial expansion, and high-load developments. Generator interconnection requests—ranging from small, distributed resources to large utility-scale projects—require transmission system evaluations and, where necessary, construction or modification of transmission assets. A map showing TVA's power service territory is available on the project web page at www.tva.gov/nepa.

Traditionally, TVA conducts environmental reviews of interconnection related transmission actions as connected actions to each generation project. However, the consistent and predictable nature of environmental impacts associated with these actions makes them suitable for programmatic analysis. Implementation of a PEIS would allow TVA to separate environmental review of interconnection driven transmission actions from individual generation projects while ensuring NEPA compliance through appropriate tiering.

Project Purpose and Need

The purpose of the proposed action is to establish a programmatic NEPA approach that supports TVA's statutory mission to provide reliable, affordable electricity while meeting rising regional demand. TVA needs an efficient pathway to evaluate transmission system impacts associated with generator interconnections in a manner that reduces schedule risk, improves process consistency, and maintains system reliability within the TVA service territory.

A programmatic NEPA review is needed because generator interconnection related transmission activities generally fall within predictable environmental impact categories that can be bounded at a programmatic level. This approach will support -near-term capacity needs, enable accelerated interconnections of qualifying generation projects, and

ensure alignment with TVA's updated NEPA regulations.

Preliminary Proposed Action and Alternatives

Under the No Action Alternative, TVA would continue to conduct project specific NEPA reviews for all interconnection driven transmission actions under LGIP, SGIP, and ERAS. No programmatic framework or bounded criteria would be established. This alternative serves as the baseline for comparison.

Under the Action Alternative, TVA proposes to prepare a PEIS that evaluates typical environmental impacts associated with interconnection driven transmission actions and establishes bounding criteria, screening tools, and standardized siting requirements. Under this alternative:

- TVA would utilize the ESC to assess each proposed interconnection site and determine whether actions fall within the programmatic bounds.
- Site-specific NEPA analyses would be completed only when a proposed action exceeds bounding criteria or requires additional consultation.
- The PEIS would cover new construction, modification, operation, and maintenance of transmission lines, substations, switchyards, communication systems, access roads, and underground components.
- The approach would apply consistently across LGIP (≤ 20 MW), SGIP (≤ 20 MW), and ERAS (targeted > 20 MW).

This alternative is intended to streamline environmental decision-making, enhance schedule certainty, and support TVA's reliability obligations while maintaining full compliance with NEPA and other federal environmental requirements.

Request for Identification of Potential Alternatives, Information, and Analyses Relevant to the Proposed Action

TVA requests assistance with identifying any new potential alternatives to the proposed action to be considered. TVA also requests assistance with identifying any new potential impacts of the proposed action, identifying the activity and the potential impact that should be analyzed. Information interested parties possess which would assist in the analysis of resources issues is also appreciated. TVA is particularly interested in public input on other reasonable alternatives that should be considered in the PEIS. The preliminary identification of reasonable alternatives, information, and analyses relevant to

the proposed action in this notice is not meant to be exhaustive or final.

Public Participation

The public is invited to submit comments on the scope of this PEIS no later than the date identified in the **DATES** section of this notice. Federal, state, and local agencies and Native American Tribes are also invited to provide comments. Information about this project is available on the TVA web page at www.tva.gov/nepa, including a link to an online public comment page. Any comments received, including names and addresses, will become part of the administrative record and will be available for public inspection. Following analysis of the issues, TVA will prepare the draft PEIS for public review and comment; expected to be released fall of 2026. TVA anticipates the final PEIS in early 2027. In finalizing the PEIS and in making its final decision, TVA will consider the comments that it receives during scoping.

Dawn Booker,

Senior Manager, NEPA Compliance.

[FR Doc. 2026-14605 Filed 7-17-26; 8:45 am]

BILLING CODE 8120-08-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Advisory Circular: AC 413.13-1A Guidance on Submitting an Application for a Part 450 Vehicle Operator License

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of availability, request for comments.

SUMMARY: The Federal Aviation Administration (FAA) is seeking public comments on its revised draft advisory circular (AC) for the Guidance on Submitting an Application for a Part 450 Vehicle Operator License. This revised AC provides guidance on demonstrating compliance with the requirements of a license application in accordance with §§ 413.11 and 413.13 of title 14 of the Code of Federal Regulations (14 CFR). It details the criteria for submitting an application and the FAA's evaluation of the application for a license determination under 14 CFR part 450.

DATES: Written comments must be received by August 19, 2026.

ADDRESSES: Please send comments identified with "AC 413.13-1A Guidance on Submitting an Application

for a Part 450 Vehicle Operator License,” to email address: 9-AST-ASZ210-Directives@faa.gov.

FOR FURTHER INFORMATION CONTACT: James Hatt, Space Policy Division Manager, ASZ-200, Federal Aviation Administration, 1200 New Jersey Avenue SE, West Building, Washington, DC 20590 USA; email James.A.Hatt@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The Commercial Space Launch Act of 1984, as amended and codified at 51 U.S.C. 50901 through 50923 (“the Act”), authorizes DOT and FAA through delegation, to oversee, license, and regulate commercial launch and reentry activities, and the operation of launch and reentry sites as carried out by United States citizens or within the United States. The Act’s requirements are implemented in parts 400 through 460 of title 14 of the Code of Federal Regulations (14 CFR).

Title 14 of the Code of Federal Regulations (14 CFR) outlines requirements for § 413.11 (Acceptance of an Application) and § 413.13 (Complete Application). The FAA has revised its previously published AC to provide additional guidance on acceptable means of compliance with these sections. This new AC supersedes AC 413.13-1, “Guidance on Submitting a Complete Enough and Complete Application for a Vehicle Operator License,” dated December 18, 2023. This updated draft AC focuses on requirements for vehicle operator licenses under Part 450, offering guidance on application acceptance criteria and submission schedules that impact the FAA’s evaluation process.

Expected Criticisms/Reactions: We anticipate a positive response from industry stakeholders to this AC, as its release and revision has been highly anticipated. In addition, we expect that other government entities will welcome the AC as it provides clear, standardized guidance that supports interagency coordination and compliance with regulatory frameworks. Advocacy groups are also likely to respond favorably, recognizing that the AC reflects industry best practices and promotes safety, transparency, and accountability in launch vehicle operations.

Comments Invited

The FAA invites the public to submit comments on the draft AC, using the method specified in the **ADDRESSES** section above. Commenters should include the subject line “AC number

and title” on all comments submitted to the FAA. The most helpful comments will reference specific paragraphs of the draft document, provide the rationale for any recommended changes, and include supporting data. The FAA will consider all comments received on or before the closing date prior to issuing the final AC. The FAA will also consider late filed comments if it is possible to do so without incurring additional expense or delay [if applicable].

You may examine the draft AC on the agency’s public website *Commercial Space Draft Advisory Circulars* available for Public Comment web page located at: https://www.faa.gov/space/legislationregulationguidance/draft_docs/ac.

Issued in Washington, DC.

James A. Hatt,

Manager, Space Policy Division, Office of Commercial Space Transportation.

[FR Doc. 2026-14576 Filed 7-17-26; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Advisory Circular: AC 413.5-1 Pre-Application Consultation and Lifecycle Overview for Licenses and Permits

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of availability, request for comments.

SUMMARY: The Federal Aviation Administration (FAA) is soliciting public comment on draft advisory circular (AC) for Pre-Application Consultation and Lifecycle Overview for Licenses and Permits. This Advisory Circular (AC) assists prospective applicants in obtaining commercial space authorizations from FAA and provides guidance for operating in compliance with FAA commercial space in accordance with title 14 of the Code of Federal Regulations (14 CFR) § 413.5.

DATES: Written comments must be received by August 19, 2026.

ADDRESSES: Please send comments identified with “Pre-Application Consultation and Lifecycle Overview for Licenses and Permits,” to the following email address: 9-AST-ASZ210-Directives@faa.gov.

FOR FURTHER INFORMATION CONTACT: James Hatt, Space Policy Division Manager, ASZ-200, Federal Aviation Administration, 1200 New Jersey Avenue SE, West Building, Washington,

DC 20590, USA; email James.A.Hatt@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The Commercial Space Launch Act of 1984, as amended and codified at 51 U.S.C. 50901 through 50923 (“the Act”), authorizes DOT and FAA through delegation, to oversee, license, and regulate commercial launch and reentry activities, and the operation of launch and reentry sites as carried out by United States citizens or within the United States. The Act’s requirements are implemented in parts 400 through 460 of title 14 of the Code of Federal Regulations (14 CFR).

In accordance with § 413.5, a prospective applicant must consult with FAA before they submit an application to discuss the application process and possible issues relevant to FAA’s licensing or permitting decision. To provide thorough guidance, this AC provides prospective applicants with an overview of the commercial space license and permit process lifecycle. Prospective applicants begin the process with early pre-application consultation and continue through formal pre-application consultation, application submission, and initial application screening. For accepted applications, this AC lays out a high-level outline of FAA’s evaluation and determination process for license and permit applications. Additionally, post-determination topics include compliance monitoring and license modification requests. FAA considers this AC an accepted means of compliance for complying with the regulatory requirements of § 413.5.

Expected Criticisms/Reactions: We anticipate a positive response from industry stakeholders to this AC, as its release has been highly anticipated. In addition, we expect that other government entities will welcome the AC as it provides clear, standardized guidance that supports interagency coordination and compliance with regulatory frameworks. Advocacy groups are also likely to respond favorably, recognizing that the AC reflects industry best practices and promotes safety, transparency, and accountability in launch vehicle operations.

Comments Invited

The FAA invites the public to submit comments on the draft AC, using the method specified in the **ADDRESS** section above. Commenters should include the subject line “AC number and title” on all comments submitted to the FAA.

The most helpful comments will reference specific paragraphs of the draft document, provide the rational for any recommended changes, and include supporting data. The FAA will consider all comments received on or before the closing date prior to issuing the final AC.

You may examine the draft AC on the agency's public website *Commercial Space Draft Advisory Circulars available for Public Comment* at the web page located at: https://www.faa.gov/space/legislationregulationguidance/draft_docs/ac.

Issued in Washington, DC.

James A. Hatt,

Manager, Space Policy Division, Office of Commercial Space Transportation.

[FR Doc. 2026–14577 Filed 7–17–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2026–4678]

Agency Information Collection

Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Flight Engineers and Flight Navigators

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to reinstate an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on May 6, 2026. This collection involves FAA Form 8400–3, Application for an Airman Certificate and/or Rating, (for flight engineer and flight navigator) and applications for approval of related training courses that are submitted to FAA for evaluation. The information collection is necessary to determine applicant eligibility for flight engineer or flight navigator certificates. This collection is also necessary to determine training course acceptability for those schools training flight engineers or navigators. This collection is being reinstated due to delays caused by the government shutdown and changeover of personnel.

DATES: Written comments should be submitted by August 19, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Sandra L. Ray by email at: Sandra.ray@faa.gov; phone: 412–546–7344

SUPPLEMENTARY INFORMATION: Public Comments Invited:

You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0007.

Title: Flight Engineers and Flight Navigators.

Form Numbers: 8400–3.

Type of Review: Reinstatement of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on May 6, 2026 (91 FR 24638). The information collection is necessary to determine applicant eligibility for flight engineer or flight navigator certificates. This collection is also necessary to determine training course acceptability for those schools training flight engineers or navigators. FAA Form 8400.3, Application for an Airman Certificate and/or Rating, (for flight engineer and flight navigator) and applications for approval of related training courses are available online and are submitted to FAA for evaluation. The information is reviewed to determine applicant eligibility and compliance with prescribed provisions of Title 14 CFR part 63, Certification: Flight Crewmembers Other Than Pilots. Form 8400–3 is multiple-use form also used for control tower operators and aircraft dispatchers.

Respondents: Airmen Applicants and Training Schools.

Frequency: Flight Engineer school will renew approval on one course every 24 months, revisions will be submitted as necessary.

Estimated Average Burden per Response: 12 Hours.

Estimated Total Annual Burden: 231 Hours.

Issued in Washington, DC on July 16, 2026.

Sandra L. Ray,

Aviation Safety Inspector, AFS–260.

[FR Doc. 2026–14582 Filed 7–17–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2026–7669]

Agency Information Collection

Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Monitoring, Reporting, and Verification (MRV) Program for Annex 16, Volume IV of the Convention on Civil Aviation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request Office of Management and Budget (OMB) approval to renew an information collection. The collection involves a request that airplane operators subject to the applicability of Annex 16, Volume IV of the Convention on Civil Aviation (hereinafter the “Chicago Convention”) submit electronically an Emissions Monitoring Plan (EMP), an annual Emissions Report (ER) to the FAA. Airplane operators may also submit an optional ER Eligible Fuels Annex (EFA) to the FAA if they want to receive credit for their use of Synthetic Aviation Fuel (SAF) or other fuel types. The information to be collected is necessary because FAA will use the information to fulfill the United States' responsibilities under the Chicago Convention.

DATES: Written comments should be submitted by September 18, 2026.

ADDRESSES: Please send written comments:

By Electronic Docket:
www.regulations.gov (Enter docket number into search field).

By mail: Kevin Partowazam, Federal Aviation Administration, AEE–5, 800 Independence Ave. SW, Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT:

Kevin Partowazam by email at: kevin.partowazam@faa.gov; phone: 202–267–3563.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of

information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120-0790.

Title: Monitoring, Reporting, and Verification (MRV) Program for Annex 16, Volume IV of the Convention on Civil Aviation.

Form Numbers: 1. Emissions Monitoring Plan (EMP) Template; 2. Emissions Report (ER) Template; 3. ER Eligible Fuels Annex (EFA).

Type of Review: Clearance of a renewal of an information collection.

Background: The FAA MRV Program is a voluntary program for certain U.S. air carriers and commercial operators (collectively referred hereinafter as "operators") to submit certain airplane fuel and emissions data to the FAA to enable the United States to establish uniformity with ICAO Standards And Recommended Practices (SARPs) for Annex 16, Volume IV of the Chicago Convention, which were adopted in June 2018. Facilitating voluntary reporting by U.S. operators will ensure fair and reciprocal commercial competition by avoiding a patchwork of country- or regionally-based regulatory measures that are inconsistently applied, bureaucratically costly, and economically damaging.

According to Annex 16, Volume IV, all ICAO Member States whose airplane operators undertake international flights will have needed to develop an MRV system for emissions from those international flights starting January 1, 2019. The FAA's MRV Program is intended to be the United States' MRV system for monitoring, reporting, and verification of U.S. airplane operator emissions from international flights.

Operators that are subject to the applicability of Annex 16, Volume IV will submit their EMPs, ERs, and ER EFAs electronically.¹

¹ The following activities are excluded from Annex 16, Volume IV:

- Domestic flights;
- Humanitarian, medical, and firefighting operations, including flight(s) preceding or following a humanitarian, medical, or firefighting flight provided such flight(s) were conducted with the same airplane, were required to accomplish the related humanitarian, medical, or firefighting activities or to reposition thereafter the airplane for its next activity;

- Operations using an airplane with a maximum certificated take-off mass equal to or less than 5,700 kg;

Each document uses Microsoft Excel-based templates and can be transmitted via email or uploaded to a web portal. EMPs that are submitted by operators will be used as a collaborative tool between the operator and FAA to document a given operator's chosen fuel use monitoring procedures. FAA will retain a copy of the EMP and will share with ICAO a list of operators that submit EMPs. FAA will not submit any specific EMPs from U.S. operators to ICAO. Operators may gather data through a "fuel use monitoring method" or a simplified monitoring method depending on the scale of their operations. Annual ERs and optional ER EFAs that are submitted to FAA by operators and verifiers will be used to document each operators' international emissions. FAA will use the ERs and ER EFAs to calculate aggregated emissions data for all U.S. operators. FAA will submit the aggregated emissions data to ICAO to demonstrate U.S. implementation of Annex 16, Volume IV.

Respondents: Respondents will be airplane operators subject to the applicability of Annex 16, Volume IV of the Chicago Convention. Since the FAA MRV Program was originally launched, FAA received 30 initial EMPs from participating operators, along with an annual ER from each. Some additional operators could submit an EMP and ER over time based on their international aviation activities.

Frequency: An EMP is a one-time submission. An ER, and optional ER EFA, is an annual submission.

Estimated Average Burden per Response: FAA expects that filling and submitting an EMP could take an average of approximately 28.6 hours per operator. FAA expects that for operators using a Fuel Use Monitoring Method, the reporting hour burden could be approximately 47.5 hours per operator, per year. For operators using a simplified Monitoring Method, the reporting hour burden could be approximately 16 hours per operator, per year.

Estimated Total Annual Burden: Based on the above, FAA expects that the average annual submission of an ER could take approximately 49.4 hours per operator, per year. For operators using a Fuel Use Monitoring Method, this includes 60 hours per operator, per year for filling and reporting an ER and an additional potential 8 hours for filling and reporting the ER EFA. For operators using simplified Monitoring Methods, this includes 17.5 hours per operator, per year for filling and reporting an ER

—Operations on behalf of the military.

and an additional potential 4 hours for filling and reporting the ER EFA.

Issued in Washington, DC on July 15, 2026.

Julie Marks,

Executive Director, Office of Environment and Energy.

[FR Doc. 2026-14544 Filed 7-17-26; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2026-1095]

Request Notice: Use of Foreign-Built Small Passenger Vessel in United States Coastwise Trade, M/V PORTS-NORTH

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Secretary of Transportation, as represented by MARAD, is authorized to make determinations regarding the coastwise use of foreign built; certain U.S. built; and U.S. and foreign rebuilt vessels that solely carry no more than twelve passengers for hire. MARAD has received such a determination request and is publishing this notice to solicit comments to assist with determining whether the proposed use of the vessel set forth in the request would have an adverse effect on U.S. vessel builders or U.S. coastwise trade businesses that use U.S.-built vessels in those businesses. Information about the requestor's vessel, including a description of the proposed service, is in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Submit comments on or before August 19, 2026.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2026-1095 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Search the above DOT Docket Number and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include the DOT Docket Number, your name and a mailing address, an email address or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific DOT Docket Number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Mail Stop 2, MAR-620, Washington, DC 20590. Telephone: (202) 366-5400. Email: smallvessels@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 46 U.S.C. 12121(b), the U.S. Coast Guard may issue a certificate of documentation with a coastwise trade endorsement for eligible, small passenger vessels authorized to carry no more than 12 passengers for hire if MARAD, after notice and an opportunity for public comment, determines the use of the small passenger vessel in the coastwise trade will not adversely affect United States vessel builders or the coastwise trade business of any person that employs vessels built in the United States in that business.¹

MARAD has received an eligibility determination request. Further details about the requester's vessel and its proposed operations may be found in the determination request posted in the DOT Docket Number listed in the **ADDRESSES** section above at <https://www.regulations.gov>. Interested parties may comment on the undue adverse effect this action may have on U.S. vessel builders or coastwise trade businesses in the U.S. that employ U.S.-built vessels in those businesses. Comments should refer to the vessel name, state the commenter's interest in the request, and demonstrate, with supporting documentation, the undue adverse effect on U.S. vessel builders and coastwise trade businesses.

Public Participation

How do I submit comments?

Please submit comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. It may take a few hours or even days for comments to be reflected on the docket. Comments must be written in English. Provide concise comments and attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

The docket online is located at <https://www.regulations.gov>, keyword search the DOT Docket Number list in the **ADDRESSES** section above or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). Please periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

You may request that MARAD treat your comments as commercially confidential by submitting them to SmallVessels@dot.gov. Include in the email subject heading "Contains Confidential Commercial Information" or "Contains CCI" and state in your submission, with specificity, the basis for any such confidential treatment highlighting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

If MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's

compliance with the Privacy Act, please visit <https://www.transportation.gov/privacy>.

(Authority: 46 U.S.C. 12121, 49 CFR 1.93(a))

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2026-14521 Filed 7-17-26; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on July 15, 2026. See Supplementary Information for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202-622-2420; Assistant Director for Licensing, 202-622-2480; Assistant Director for Sanctions Compliance, 202-622-2490; or <https://ofac.treasury.gov/contact-ofac>.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: <https://ofac.treasury.gov>.

Notice of OFAC Actions

On July 15, 2026, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

BILLING CODE 4810-AL-P

¹ The U.S. Coast Guard and MARAD have authority under 46 U.S.C. 12121(b) through the

Secretary of the Department of Homeland Security

and the Secretary of the Department of Transportation, respectively.

Individuals

1. DRUZHBIN, Vadim Anatolyevich, Russia; DOB 10 May 1987; nationality Russia; Additional Sanctions Information - Subject to Secondary Sanctions; Gender Male; Tax ID No. 781699698096 (Russia) (individual) [NPWMD] [IFSR] (Linked To: AVRATEK OOO).

Designated pursuant to section 1(a)(iv) of Executive Order (E.O.) 13382 of June 28, 2005, "Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters," 70 FR 38567, 3 CFR, 2005 Comp., p. 170 (E.O. 13382), for acting or purporting to act for or on behalf of, directly or indirectly, AVRATEK OOO, a person whose property and interests and property are blocked pursuant to E.O. 13382.

2. ETTAIB, Dounia, Milan, Italy; DOB 27 Apr 1979; POB Casablanca, Morocco; nationality Italy; Additional Sanctions Information - Subject to Secondary Sanctions; Gender Female; Passport YC7432706 (Italy) expires 24 Sep 2034 (individual) [NPWMD] [IFSR] (Linked To: NAMAZI, Behrouz).

Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, NAMAZI, Behrouz, a person whose property and interests and property are blocked pursuant to E.O. 13382.

3. NAMAZI, Behrouz (Arabic: بهروز نمازی) (a.k.a. NAMAZI, Behruz), Tehran, Iran; DOB 22 Jul 1987; POB Tehran, Iran; nationality Iran; Additional Sanctions Information - Subject to Secondary Sanctions; Gender Male; Passport T72756886 (Iran); National ID No. 0083311688 (Iran) (individual) [NPWMD] [IFSR] (Linked To: ISLAMIC REVOLUTIONARY GUARD CORPS).

Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, ISLAMIC REVOLUTIONARY GUARD CORPS, a person whose property and interests and property are blocked pursuant to E.O. 13382.

4. SELINA, Mariya Vladimirovna (Cyrillic: СЕЛИНА, Мария Владимировна), Russia; DOB 17 Feb 1985; nationality Russia; Additional Sanctions Information - Subject to Secondary Sanctions; Gender Female; Passport 766355168 (Russia); Tax ID No. 711706408303 (Russia) (individual) [NPWMD] [IFSR] (Linked To: ISLAMIC REVOLUTIONARY GUARD CORPS).

Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, ISLAMIC REVOLUTIONARY GUARD CORPS, a person whose property and interests and property are blocked pursuant to E.O. 13382.

Entities

1. AVRATEK OOO, Pom. 3/23, D. 39, Str. 80, Prospekt Leningradsky, Moscow 125167, Russia; Website <https://avratek.com>; Additional Sanctions Information - Subject to Secondary Sanctions; Organization Established Date 06 Dec 2013; Tax ID No. 7715985119 (Russia); Registration Number 5137746162296 (Russia) [NPWMD] [IFSR] (Linked To: NAMAZI, Behrouz).

Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, NAMAZI, Behrouz, a person whose property and interests and property are blocked pursuant to E.O. 13382.

2. NIKA JET COMPANY (Arabic: شرکت نیکا جت), Ground Floor, Falsafi Building, No. 1190, Dr. Ali Shariati St. Falsafi Alley, Davoodiyeh, Tehran 1913633593, Iran; Office 102, Floor 10, Almas Tower, Pesiyan St., Moqaddas Ardebili St., Zaferaniyeh, Tehran, Iran; Floor 3, No. 370, Mirdamad Boulevard, First Alley, Davoudiyeh, Tehran, Iran; Website <http://nikajet.com>; Additional Sanctions Information - Subject to Secondary Sanctions; Organization Established Date 18 Jan 2016; Organization Type: Manufacture of air and spacecraft and related machinery; National ID No. 14005551194 (Iran); Registration Number 485863 (Iran) [NPWMD] [IFSR] (Linked To: NAMAZI, Behrouz).

Designated pursuant to section 1(a)(iv) of E.O. 13382 for being owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, NAMAZI, Behrouz, a person whose property and interests and property are blocked pursuant to E.O. 13382.

3. VANGUARD TACTICAL SUPPLY LIMITED, Stallion Estate by Lobito Crescent, Wuse 2, Abuja, Nigeria; Additional Sanctions Information - Subject to Secondary Sanctions; Organization Established Date 20 May 2026; Registration Number 9562580 (Nigeria) [NPWMD] [IFSR] (Linked To: NAMAZI, Behrouz).

Designated pursuant to section 1(a)(iii) of E.O. 13382 for having provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, NAMAZI, Behrouz, a person whose property and interests and property are blocked pursuant to E.O. 13382.

(Authority: E.O. 13382.)

Bradley T. Smith,
Director, Office of Foreign Assets Control.
[FR Doc. 2026-14514 Filed 7-17-26; 8:45 am]
BILLING CODE 4810-AL-C

UNIFIED CARRIER REGISTRATION PLAN

Board of Directors; Request for Nomination

AGENCY: Unified Carrier Registration Plan.

ACTION: Notice.

SUMMARY: The Unified Carrier Registration (UCR) Plan Board of Directors is requesting nominations of qualified individuals from the motor carrier industry for consideration by the Federal Motor Carrier Safety Administration (FMCSA) for appointment by FMCSA to the UCR Plan Board of Directors to fill a vacancy that has arisen. By statute, all nominees for the vacancy must be representatives of “a national trade association representing the general motor carrier of property industry”. The selected individual will fill the vacancy for a term which begins immediately on

appointment and expires on May 31, 2027.

DATES: Nominations of or expressions of interest by qualified individuals to be considered by FMCSA for appointment to fill the vacancy in the Board of Directors of the Unified Carrier Registration Plan, along with accompanying resumes, must be received on or before August 28, 2026.

ADDRESSES: Nominations or expressions of interest may be submitted by any of the following methods—internet, regular mail, courier, or hand-delivery. *Mail, Courier, or Hand-Delivery:* Unified Carrier Registration Plan, Attention:

Matt Manton, 529 14th Street NW, Suite 1280, Washington, DC 20045, internet: mmanton@plan.ucr.gov.

FOR FURTHER INFORMATION CONTACT:

Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305-3783, eleaman@board.ucr.gov.

SUPPLEMENTARY INFORMATION:

Background: Section 4305(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) [Pub. L. 109-59, 119 Stat. 1144, August 10, 2005] enacted 49 U.S.C. 14504a, entitled "Unified Carrier Registration System plan and agreement." Under the UCR Agreement, motor carriers, motor private carriers, brokers, freight forwarders, and leasing companies that are involved in interstate transportation must register with a State and pay certain fees. The UCR Plan's Board of Directors must issue rules and regulations to govern the UCR Agreement. The UCR Plan Board also must recommend to the Secretary of Transportation annual registration fees to be assessed against carriers, leasing companies, brokers, and freight forwarders under the UCR Agreement.

The Unified Carrier Registration Plan is defined in 49 U.S.C. 14504a(a)(9) as the organization of State, Federal, and industry representatives responsible for developing, implementing, and administering the UCR Agreement. Section 14504a(d)(1)(B) directed the Secretary of Transportation to establish a Unified Carrier Registration Plan Board of Directors made up of 15 members from FMCSA, State Governments, and the motor carrier industry. The establishment of the Board was announced in the **Federal Register** on May 12, 2006 (71 FR 27777). Section 14504a(d)(1)(B) provides that

the UCR Plan's Board of Directors must consist of directors from the following groups:

Federal Motor Carrier Safety

Administration: One director must be selected from each of the four FMCSA service areas (as defined by FMCSA on January 1, 2005). The four directors selected must be from among the chief administrative officers of the State agencies responsible for administering the UCR Agreement.

State Agencies: Five directors must be selected to represent State agencies. The five directors selected must be from among the professional staffs of State agencies responsible for overseeing the administration of the UCR Agreement.

Motor Carrier Industry: Five directors must be from the motor carrier industry. At least one of the five motor carrier industry directors must be from "a national trade association representing the general motor carrier of property industry" and one of them must be from "a motor carrier that falls within the smallest fleet fee bracket."

U.S. Department of Transportation (the Department): One individual, either the FMCSA Deputy Administrator or such other Presidential appointee from the Department appointed by the Secretary, represents the Department.

This document serves as a notice from the UCR Plan Board soliciting nominations of, and expressions of interest by, qualified individuals who are interested in being considered by FMCSA for appointment to the UCR Plan Board to fill a vacancy that has arisen among the five directors representing the motor carrier industry. The UCR Plan Board is seeking one Director representing "a national trade association representing the general motor carrier of property industry" to

fill that vacancy by serving for a term which begins immediately on appointment and expires on May 31, 2027.

All nominations or expressions of interest by qualified individuals for the vacancy described above must be received by the UCR Plan Board on or before August 28, 2026. All nominations or expressions of interest received by that date will be forwarded to FMCSA. The authority to appoint an individual to fill the vacant position representing the motor carrier industry on the UCR Plan Board lies with Secretary of Transportation, which has been delegated to FMCSA.

Nominations and expressions of interest should indicate that the individual nominated or interested meets the statutory requirements specified in 49 U.S.C.

14504a(d)(1)(B)(iii). All submissions must include a current resume.

The UCR Plan Board may, but is not required to, recommend to FMCSA the appointment of an individual to represent this statutorily specified sector of the motor carrier industry ("a national trade association representing the general motor carrier of property industry") from among the nominations and expressions of interest received. If the UCR Plan Board does make a recommendation, it will do so after consideration during an open meeting in compliance with the Government in the Sunshine Act that includes the recommendation as part of the subject matter of the open meeting.

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

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Part II

Department of Homeland Security

8 CFR Parts 103 and 212

Public Charge Ground of Inadmissibility; Final Rule

DEPARTMENT OF HOMELAND SECURITY

8 CFR Parts 103 and 212

[CIS No. 2857–26; DHS Docket No. USCIS–2025–0304]

RIN 1615–AD06

Public Charge Ground of Inadmissibility

AGENCY: U.S. Citizenship and Immigration Services (“USCIS”), Department of Homeland Security (“DHS”).

ACTION: Final rule.

SUMMARY: DHS is rescinding the 2022 public charge ground of inadmissibility regulations (“2022 Final Rule”). The 2022 Final Rule was not the best implementation of the statute. It was inconsistent with congressional intent, unduly restrictive, and hampered DHS’s ability to make accurate, precise, and reliable determinations of whether certain aliens are likely at any time to become a public charge. Rescission restores broader discretion for DHS officers to evaluate all pertinent facts and aligns with long-standing policy that aliens in the United States should be self-reliant and government benefits should not incentivize immigration. This rule also revises the breach and cancellation of public charge bonds regulations.

DATES: The final rule is effective on September 18, 2026. This rule applies to applications for admission made on or after September 18, 2026 or applications for adjustment of status postmarked or electronically submitted on or after September 18, 2026. Receipt of means-tested public benefits before September 18, 2026 will be considered consistently with the 2022 Final Rule.

FOR FURTHER INFORMATION CONTACT: U.S. Citizenship and Immigration Services (USCIS), DHS, 5900 Capital Gateway Drive, Camp Springs, MD 20746; telephone (240) 721–3000 (not a toll-free call).

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Table of Abbreviations

APA—Administrative Procedure Act
 ASC—Application Support Center
 BIA—Board of Immigration Appeals
 CCBG—Child Care and Development Block Grant
 CBO—Congressional Budget Office
 CBP—U.S. Customs and Border Protection
 CFR—Code of Federal Regulations
 CHIP—Children’s Health Insurance Program
 CMS—Centers for Medicare & Medicaid Services
 CNMI—Commonwealth of the Northern Mariana Islands
 COVID–19—Coronavirus Disease 2019
 CPI–U—Consumer Price Index for All Urban Consumers

CPS—Current Population Survey
 CTC—Child Tax Credit
 DHS—U.S. Department of Homeland Security
 DOJ—Department of Justice
 DOS—U.S. Department of State
 EAD—Employment Authorization Document
 eFMAP—Enhanced Federal Medical Assistance Percentage
 EITC—Earned Income Tax Credit
 E.O.—Executive Order
 FAM—Department of State Foreign Affairs Manual
 FAS—Freely Associated States
 FFP—Federal Financial Participation
 FMAP—Federal Medical Assistance Percentage
 FOIA—Freedom of Information Act
 FR—Federal Register
 FY—Fiscal Year
 GW—George Washington University
 HCV—Housing Choice Voucher
 HHS—U.S. Department of Health and Human Services
 HSA—Homeland Security Act
 HUD—U.S. Department of Housing and Urban Development
 ICE—U.S. Immigration and Customs Enforcement
 ICR—Information Collection Request
 IIRIRA—Illegal Immigration Reform and Immigrant Responsibility Act of 1996
 IMF—International Monetary Fund
 INA—Immigration and Nationality Act
 INS—Immigration and Naturalization Service
 IRCA—Immigration Reform and Control Act
 KFF—Kaiser Family Foundation
 LPR—Lawful Permanent Resident
 NDAA—National Defense Authorization Act
 NEPA—National Environmental Policy Act
 NHTSA—U.S. National Highway Traffic Safety Administration
 NOID—Notice of Intent to Deny
 NPRM—Notice of Proposed Rulemaking
 NTA—Notice to Appear
 NTMVS Act—National Traffic and Motor Vehicle Safety Act of 1966
 OBBA—One Big Beautiful Bill Act
 OHP—Oregon Health Plan
 OMB—Office of Management and Budget
 PII—Personally Identifiable Information
 PRA—Paperwork Reduction Act
 PRWORA—Personal Responsibility and Work Opportunity Reconciliation Act of 1996
 RFA—Regulatory Flexibility Act of 1980
 RFE—Request for Evidence
 RIA—Regulatory Impact Analysis
 SNAP—Supplemental Nutrition Assistance Program
 SSA—Social Security Administration
 SSI—Supplemental Security Income
 TANF—Temporary Assistance for Needy Families
 TPS—Temporary Protected Status
 UBI—Universal Basic Income
 UMRA—Unfunded Mandates Reform Act of 1995
 U.S.C.—United States Code
 USCIS—U.S. Citizenship and Immigration Services
 USDA—U.S. Department of Agriculture
 VAWA—Violence Against Women Act
 WIC—Special Supplemental Nutrition Program for Women, Infants, and Children

I. Executive Summary

A. Purpose of the Regulatory Action

The purpose of this rule is to remove from the Code of Federal Regulations the public charge inadmissibility provisions promulgated by the Public Charge Ground of Inadmissibility final rule (2022 Final Rule),¹ as these provisions straitjacket DHS officers' ability to make public charge inadmissibility determinations that are consistent with Congress's express national policy on welfare and immigration enacted in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). See Public Law 104–193, section 400, 110 Stat. 2105, 2260 (codified at 8 U.S.C. 1601). The 2022 Final Rule imposed narrow definitions of statutory terms and minimum factors as well as limited the public benefits that DHS could consider in a public charge inadmissibility determination. Indeed, the 2022 Final Rule created a framework under which officers were directed to consider seven factors (five of those required by statute) rather than being explicitly empowered to consider any other factors or information relevant to determining an alien's likelihood at any time of becoming a public charge in the totality of the alien's circumstances.²

DHS is moving away from a bright line primary dependence standard. By removing most³ of the regulatory provisions in the 2022 Final Rule, DHS can implement policy and interpretive tools guiding officers in making individualized, fact-specific public charge inadmissibility determinations, based on a totality of the alien's circumstances, consistent with the statute, congressional intent, and precedent.⁴ These tools will guide

¹ 87 FR 55472 (Sept. 9, 2022).

² The Fourth Circuit emphasized the provision indicates the executive has extensive and ultimate discretion over the relevant determination, especially since Congress embedded discretion into the statutory scheme such as by identifying minimum, but not exclusive, factors for consideration. See *CASA de Maryland, Inc. v. Trump*, 971 F.3d 220, 243–244 (4th Cir. 2020) (request for rehearing *en banc* granted on December 3, 2020, but the appeal was later dismissed). DHS believes this rescission is more consistent with congressional intent as it restores ultimate discretion for officers to consider not just the minimum statutory factors but also any other information the officer deems relevant to a public charge inadmissibility determination.

³ Except certain public charge bond provisions, which this final rule amends.

⁴ See *Matter of Vindman*, 16 I&N Dec. 131, 132 (BIA 1977) (“The elements constituting likelihood of an alien becoming a public charge are varied. They are not defined by statute, but rather are determined administratively upon consideration of all the factors bearing on the alien’s ability or potential ability to be self-supporting.”) (emphasis added); *Matter of Harutunian*, 14 I&N Dec. 583, 588

public charge inadmissibility determinations while empowering officers to consider: (1) the mandatory statutory factors in section 212(a)(4)(B) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(a)(4)(B); (2) the alien’s receipt of means-tested public benefits; (3) any other individualized case-specific factors and circumstances relevant to an alien’s case; and (4) any empirical data relevant to an alien’s self-sufficiency. Using good judgment and discretion, officers will more accurately assess an alien’s likelihood at any time of becoming a public charge, in the totality of the circumstances, as Congress intended.

DHS reviewed and considered the feedback and recommendations submitted in response to the notice of proposed rulemaking (NPRM).

B. Legal Authority

The authority of the Secretary of Homeland Security (Secretary) for the rescissions and regulatory amendments is found in section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), (public charge inadmissibility determinations); section 235 of the INA, 8 U.S.C. 1225, (applicants for admission); and section 245 of the INA, 8 U.S.C. 1255, (eligibility criteria for applications for adjustment of status). In addition, section 103(a)(3) of the INA, 8 U.S.C. 1103(a)(3), authorizes the Secretary to establish such regulations as deemed necessary for carrying out the Secretary’s authority under the INA.

C. Summary of the Proposed Rule

On November 19, 2025, DHS published an NPRM titled Public Charge Ground of Inadmissibility. 90 FR 52168 (Nov. 19, 2025). In the NPRM, DHS proposed the following changes:

- Amend 8 CFR 103.6(c), Cancellation and breach—Clarifying that receipt of any means-tested public benefit, or being otherwise noncompliant with any condition of the public charge bond, results in a breach of that bond and eliminating language stating that “USCIS may cancel a public charge bond at any time after determining that the alien is not likely at any time to become a public charge.”

- Remove 8 CFR 212.20, Applicability of public charge inadmissibility—Removal in its entirety of the language defining the categories

(BIA 1974) (“Since the elements constituting likelihood of becoming a public charge are varied, there should be no attempt to define the term in the law, but rather to establish the specific qualification that the determination of whether an alien falls into that category rests within the discretion of the consular officers or the Commissioner.”).

of aliens subject to the public charge ground of inadmissibility.

- Remove 8 CFR 212.21,

Definitions—Removal of the definitions, including the definitions of “likely at any time to become a public charge,” “receipt (of public benefits),” “public cash assistance for income maintenance,” and “long-term institutionalization at government expense.”

- Remove 8 CFR 212.22, Public charge inadmissibility determination—Removal of the overly restrictive language relating to an alien’s current and/or past receipt of means-tested public benefits, the totality of the circumstances analysis, and receipt of public benefits by an alien in an exempt category.

- Remove 8 CFR 212.23, Exemptions and waivers for public charge ground of inadmissibility—Removal of the language listing exemptions and waivers to the public charge ground of inadmissibility.

DHS received 8,846⁵ comments on the proposed rule, the majority of which opposed the rule. Following careful consideration of public comments received, DHS is issuing this final rule as proposed. The preamble to this final rule includes summaries of significant issues raised by the comments and includes responsive explanations for policy changes.

D. Implementation

DHS will begin implementing this final rule on its effective date. This final rule will apply to applications for adjustment of status that are postmarked or electronically submitted on or after the effective date and applications for admission made on or after the effective date. On or before the effective date, USCIS will issue subregulatory guidance to inform, but not prescribe, the outcome of USCIS officers’ public charge inadmissibility determinations made under this final rule in the totality of the circumstances. In addition, DHS will only consider the receipt of public cash assistance for income maintenance and long-term institutionalization at government expense before the effective

date of this final rule and will consider the receipt of any means tested public benefits on or after that date.

E. Costs and Benefits

DHS is removing most of the 2022 Final Rule provisions to allow DHS to better implement the public charge ground of inadmissibility. The final rule is expected to impose new benefits and transfers. To assess the impacts of the rule, DHS considers the potential impacts of the rule relative to a no-action baseline, which reflects the current state of the world absent this regulatory action.

The primary source of unquantified benefits of this rule is the removal of overly restrictive provisions promulgated in the 2022 Final Rule that hinder officers in making public charge inadmissibility determinations. By removing rigid regulatory definitions and standards, this rule ensures that officers can make highly individualized, fact-specific, case-by-case public charge inadmissibility decisions based on the totality of each alien’s individual circumstances. This approach will prevent the application of overly restrictive criteria that straitjackets DHS officers’ ability to make public charge inadmissibility determinations.

The rule will also result in a reduction in transfer payments from Federal and State governments to individuals who may choose to disenroll from or forgo enrollment in a public benefits program. Individuals who might choose to disenroll from or forgo future enrollment in a public benefits program include aliens as well as U.S. citizens who are members of mixed-status households. DHS estimates that the total reduction in transfer payments from the Federal and State governments could be approximately \$13.05 billion annually due to disenrollment or forgone enrollment in public benefits programs by members of households that include aliens who may be receiving public benefits. DHS estimates that the 10-year discounted Federal and State transfer payments reduction of this rule could be approximately \$111.28 billion at a 3-percent discount rate and about \$91.62 billion at a 7-percent discount rate. This total includes DHS’s estimate that Federal transfer payments could decrease by approximately \$65.76

billion at a 3-percent discount rate and about \$54.14 billion at a 7-percent discount rate. Using the average Federal Medical Assistance Percentage (FMAP), DHS further estimates that State transfer payments could decrease by approximately \$45.52 billion at a 3-percent discount rate and approximately \$37.48 billion at a 7-percent discount rate. DHS notes there may be additional reductions in transfer payments that we are unable to quantify. DHS also recognizes that the estimated reductions in transfer payments are approximations and could be influenced by external factors unrelated to this rule. For example, the recent changes to Medicaid and the Supplemental Nutrition Assistance Program (SNAP) included in H.R. 1 are expected to impact enrollment rates, adding complexity to quantification efforts.⁶ DHS anticipates that disenrollment or forgone enrollment rates may fluctuate independently of this rule, potentially affecting the transfer payment estimates presented. However, those external factors are separate and independent of this rule.

Finally, DHS recognizes that reductions in Federal and State transfers under Federal benefits programs may have downstream and upstream impacts on State and local economies, large and small businesses, and individuals. For example, the rule might result in reduced revenues for healthcare providers, such as hospitals and nonprofits, participating in Medicaid, companies that manufacture medical supplies or pharmaceuticals, grocery retailers participating in SNAP, agricultural producers who grow foods that are eligible for purchase using SNAP benefits. Landlords participating in federally funded housing programs may also experience financial strain, such as increased tenant turnover and higher administrative costs.

Table I.1 provides a detailed summary of the regulatory changes and the estimated costs, benefits, and transfers associated with the expected impacts.⁷

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⁵ DHS received 5,882 comments during the 30-day comment period applicable to the rule, and 2,964 during the overlapping 60-day comment period applicable to the associated information collection.

⁶ See H.R. 1 Reconciliation Bill, *e.g.*, secs. 10108 (SNAP Eligibility); 71109 (Alien Medicaid Eligibility); Public Law 119-21 (July 4, 2025).

⁷ For a complete list of regulatory changes in this rule, please see section V. “List of Subjects and Regulatory Amendments.”

Table I.1. Summary of Major Provisions and Economic Impacts of the Rule		
Provision	Purpose	Expected Impact of the Rule
Remove 8 CFR 212.20. Purpose and applicability of public charge inadmissibility.	Remove the language defining the categories of aliens subject to the public charge ground of inadmissibility.	Quantitative: <u>Benefits</u> • None. <u>Costs</u> • None. Qualitative: <u>Benefits</u> • The removal of overly-restrictive provisions codified in the 2022 Final Rule will allow DHS to more accurately, precisely, and reliably assess public charge inadmissibility, which could lead to fewer aliens entering or remaining in the United States who are likely at any time to become a public charge, which could also result in a reduction in the number of aliens dependent on public benefit programs. • The removal of overly restrictive provisions codified in the 2022 Final Rule will ensure DHS officers can make case-by-case decisions based on the totality of circumstances, eliminating the narrow criteria. <u>Costs</u> • Costs to various entities and individuals associated with regulatory familiarization with the provisions of the rule. Costs will include the opportunity cost of time to read the rule and subsequently determine applicability of its provisions. DHS estimates that the time to read this rule in its entirety would be 8 to 9 hours per individual. DHS estimates that the opportunity cost of time will range from about \$384.40 to \$432.45 per individual who must read and review the rule. While DHS cannot determine the number of individuals who will read the rule, DHS assumes immigration lawyers, immigration advocacy groups, benefits providing agencies, nonprofit organizations, non-governmental organizations, and religious organizations, among others, would choose to familiarize themselves with this rule.
Remove 8 CFR 212.21. Definitions.	Remove the definitions of “likely at any time to become a public charge,” “receipt (of public benefits),” “public cash assistance for income maintenance,” and “long-term institutionalization at government expense.”	
Remove 8 CFR 212.22. Public charge inadmissibility determination.	Remove overly restrictive language codified by the 2022 Final Rule as it relates to an alien’s current and/or past receipt of certain public benefits, the totality of the circumstances analysis, and the receipt of public benefits by an alien in an exempt category.	
Remove 8 CFR 212.23. Exemptions and waivers for public charge ground of inadmissibility.	Remove the list of exemptions and waivers to the public charge ground of inadmissibility.	

		• Indirect costs of the rule will include costs to various entities associated with compliance with the provisions of the rule, such as hospitals, nonprofits, or State Medicaid agencies. Compliance costs may include salaries of employees who monitor regulations, opportunity costs of time related to understanding regulatory requirements, disseminating information to their organization (e.g., training sessions), and developing or modifying information technology (IT) systems as needed. <u>Transfer Payments:</u> • Total estimated annual reduction in transfer payments from the Federal and State governments is approximately \$13.05 billion from those who may disenroll from or forgo enrollment in public benefits programs. The Federal-level share of annual transfer payments could be about \$7.71 billion and the State-level share of annual transfer payments could be about \$5.34 billion. • Total estimated reduction in transfer payments over a 10-year period, including the combined Federal- and State-level shares, could be: \$130.45 billion for undiscounted costs; \$111.28 billion at a 3-percent discount rate; and \$91.62 billion at a 7-percent discount rate. • From the overall total estimated reduction in transfer payments over a 10-year period for the Federal-level share could be about: \$77.09 billion for undiscounted costs; \$65.76 billion at a 3-percent discount rate; and \$54.14 billion at a 7-percent discount rate. • From the overall total estimated reduction in transfer payments over a 10-year period for the State-level share could be about: \$53.36 billion for undiscounted costs; \$45.52 billion at a 3-percent discount rate; and \$37.48 billion at a 7-percent discount rate.
Amend 8 CFR 103.6. Immigration bonds.	Amend and clarify provisions relating to the cancellation and breach of a public charge bond. Amendments include clarifying that the receipt of any means-tested public benefit, or being otherwise noncompliant with any	<u>Quantitative:</u> <u>Benefits</u> • None. <u>Costs</u> • None. <u>Qualitative:</u> <u>Benefits</u>

	condition of the public charge bond, results in a breach of that bond. Remove the language: “USCIS may cancel a public charge bond at any time after determining that the alien is not likely at any time to become a public charge.”	- The amendments to the bonds provision establishes a policy that aligns more closely with the broader policy of the United States that aliens should be self-sufficient and not dependent on public resources. <u>Costs</u> - DHS does not anticipate an increase in the number of cancelled or breached bonds due to this clarification because DHS does not anticipate an impact on the overall number of requests for bond cancellation.
Source: USCIS analysis.		

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II. Background

A. Legal Authority

The Secretary’s authority for issuing this rule is found in various sections of the INA, 8 U.S.C. 1101 *et seq.*, and the Homeland Security Act of 2002 (HSA).⁸ Section 102 of the HSA, 6 U.S.C. 112, and section 103 of the INA, 8 U.S.C. 1103, charge the Secretary with the administration and enforcement of the immigration laws of the United States. Section 101 of the HSA, 6 U.S.C. 111, establishes that part of DHS’s primary mission is to ensure that efforts, activities, and programs aimed at securing the homeland do not diminish either the overall economic security of the United States or the civil rights and civil liberties of persons.

In addition to establishing the Secretary’s general authority for the administration and enforcement of immigration laws, section 103 of the INA, 8 U.S.C. 1103, enumerates various related authorities, including the Secretary’s authority to establish such regulations, prescribe such forms of bond, issue such instructions, and perform such other acts as the Secretary deems necessary for carrying out such authority.

Section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), provides that any alien who applies for a visa, admission, or adjustment of status is inadmissible if he or she is likely at any time to become a public charge. In general, under section 213 of the INA, 8 U.S.C. 1183, the Secretary has the discretion to admit into the United States an alien who is determined to be inadmissible based only on the public charge ground upon

the giving of a suitable and proper bond or undertaking approved by the Secretary.

Under section 213A of the INA, 8 U.S.C. 1183a, certain aliens are required to submit a sufficient Affidavit of Support Under Section 213A of the INA (Form I-864) executed by a sponsor who agrees to provide support to maintain the sponsored alien at an annual income that is not less than 125 percent of the Federal poverty line⁹ during the period in which the affidavit is enforceable. The Form I-864 is intended to ensure that an intending immigrant has adequate means of financial support and is not likely to rely on the U.S. Government for financial support.

Section 235 of the INA, 8 U.S.C. 1225, addresses the inspection of applicants for admission, including inadmissibility determinations of such aliens.

Section 245 of the INA, 8 U.S.C. 1255, generally establishes eligibility criteria for adjustment of status to that of a lawful permanent resident (LPR).

B. Grounds of Inadmissibility Generally

The United States has a long history of permitting aliens to enter the United States, whether permanently or on a temporary basis. At the same time, Congress has excluded aliens who pose a threat to the safety or general welfare of the country or who seek to violate immigration laws.¹⁰

⁹ Sponsors on active duty (other than active duty for training) in the Armed Forces of the United States who are petitioning for the admission of their spouse or child only need to demonstrate the means to maintain an annual income equal to at least 100 percent of the Federal poverty line.

¹⁰ See *Fiallo v. Bell*, 430 U.S. 787, 787 (1977) (The Supreme Court has “long recognized [that] the power to expel or exclude aliens [is] a fundamental sovereign attribute exercised by the Government’s political departments largely immune from judicial control”).

Congress has exercised this authority in part by establishing the concepts of admission¹¹ and inadmissibility in the INA.¹² Aliens are inadmissible due to a range of acts, conditions, and conduct.¹³ If an alien is inadmissible that alien is ineligible to be admitted to the United States and ineligible to receive a visa, unless he or she applies for and receives a waiver of inadmissibility or other form of relief. Congress extended the applicability of the inadmissibility grounds beyond the context of applications for admission and visas by making admissibility an eligibility requirement for certain immigration benefits, including adjustment of status to that of an LPR.¹⁴ If an alien is inadmissible, that alien is also ineligible for those benefits unless the alien is eligible to apply for and received waiver of inadmissibility or other form of relief, where available and appropriate.¹⁵

¹¹ Admission is defined as “the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.” See INA sec. 101(a)(13)(A), 8 U.S.C. 1101(a)(13)(A).

¹² See INA sec. 212(a), 8 U.S.C. 1182(a).

¹³ *Id.*

¹⁴ See INA sec. 245(a)(2), 8 U.S.C. 1255(a)(2).

¹⁵ See, e.g., INA sec. 212(a)(9)(B)(v), 8 U.S.C. 1182(a)(9)(B)(v); INA sec. 212(h), 8 U.S.C. 1182(h); INA sec. 212(i), 8 U.S.C. 1182(i); INA sec. 212(a)(9)(A)(iii), 8 U.S.C. 1182(a)(9)(A)(iii); see also USCIS Policy Manual, Volume 9, Waivers and Other Forms of Relief, <https://www.uscis.gov/policy-manual/volume-9> (last updated Feb. 3, 2026). DHS has the discretion to waive certain grounds of inadmissibility as designated by Congress. Where an alien is seeking an immigration benefit that is subject to a ground of inadmissibility, DHS cannot approve the immigration benefit being sought if a waiver of that ground is unavailable under the INA, the alien does not meet the statutory and regulatory requirements for the waiver, or the alien does not warrant the waiver in any authorized exercise of discretion.

⁸ See Public Law 107–296, 116 Stat. 2135, 6 U.S.C. 101 *et seq.* (Nov. 25, 2002).

C. Public Charge Ground of Inadmissibility

Section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), states any alien who applies for a visa, admission, or adjustment of status is inadmissible if in the opinion of the consular officer or immigration officer, as applicable, the alien is likely at any time to become a public charge. The public charge ground of inadmissibility, therefore, applies to aliens applying for a visa to come to the United States temporarily or permanently, for admission at or between ports of entry,¹⁶ and for adjustment of status to that of an LPR.¹⁷ Under the statute, some categories of aliens are exempt from the public charge ground of inadmissibility, while others, if found inadmissible under the public charge ground, may apply for a waiver of the public charge ground of inadmissibility or may be invited to submit a public charge bond.¹⁸

The INA does not define the terms “public charge” or “likely at any time to become a public charge.” However, it does specify that when determining whether an alien is likely at any time to become a public charge, consular officers and immigration officers must, *at a minimum*, consider the alien’s age; health; family status; assets, resources, and financial status; and education and skills. *See* INA sec. 212(a)(4)(B)(i), 8 U.S.C. 1182(a)(4)(B)(i) (emphasis added). Section 212(a)(4)(B)(ii) of the INA, 8 U.S.C. 1182(a)(4)(B)(ii), permits consular officers or immigration officers to consider any Form I-864 submitted

on the alien’s behalf, when determining whether the alien is likely at any time to become a public charge.¹⁹ In fact, with very limited exceptions, most aliens seeking family-based immigrant visas and adjustment of status, and certain aliens seeking employment-based immigrant visas or adjustment of status, must submit a sufficient Form I-864 in order to avoid being found inadmissible as likely at any time to become a public charge. *See* INA sec. 212(a)(4)(C) and (D), 8 U.S.C. 1182(a)(4)(C) and (D).

In general, under section 213 of the INA, 8 U.S.C. 1183, the Secretary has the discretion to admit into the United States an alien who is determined to be inadmissible only on the public charge ground upon the giving of a suitable and proper bond or undertaking approved by the Secretary. *See* INA sec. 213, 8 U.S.C. 1183.

D. Current Rulemaking

On November 19, 2025, DHS published the NPRM, Public Charge Ground of Inadmissibility, 90 FR 52168 (Nov. 19, 2025). The public comment period on the NPRM closed on December 19, 2025, and the public comment period on the associated information collection closed on January 20, 2026.²⁰ Following careful consideration of public comments received, DHS is issuing this final rule as proposed. The following section of the preamble includes a detailed summary and analysis of public comments received. Comments received may be reviewed at the Federal Docket Management System (FDMS) at <https://www.regulations.gov>, docket number USCIS-2025-0304.

For a detailed description of the history of the public charge ground of inadmissibility, public benefits under PRWORA, and prior public charge rulemakings, please refer to the NPRM.

E. Severability

DHS intends the changes to 8 CFR 103.6(c) to be severable from the full rescission of regulatory provisions in 8 CFR part 212. To the extent a court finds this final rule rescinding the public charge inadmissibility regulations in 8 CFR 212.20 through 212.23 is invalid or unenforceable, DHS intends that certain

changes to 8 CFR 103.6(c) nevertheless be construed so as to continue to give the maximum effect to those provision(s) permitted by law, unless they are also held to be wholly invalid and unenforceable. Specifically, DHS intends to continue to give effect to the removal of the ground for cancellation 8 CFR 103.6(c)(1) stating that DHS can cancel a public charge bond at any time if it determines “that the alien is not likely at any time to become a public charge” because, as discussed in the NPRM, the rationale for the proposed removal of that ground of cancellation is based on the practical infeasibility of applying it rather than the broader justification for rescinding 8 CFR 212.20 through 212.23. 90 FR 52168, 52185 (Nov. 19, 2025). Similarly, if not separately invalidated or deemed unenforceable, DHS intends to keep the revised restructuring of 8 CFR 103.6(c)(1), separating the cancellation and breach provisions into paragraphs (c)(1)(i) and (c)(1)(ii) for clarity.

III. Response to Public Comments on the Proposed Rule

A. Summary of Public Comments

On November 19, 2025, DHS published an NPRM titled Public Charge Ground of Inadmissibility. 90 FR 52168 (Nov. 19, 2025). DHS received 8,846 comments on the proposed rule, the majority of which opposed the rule. Most of the comment submissions were from individual or anonymous commenters, including attorneys and academic researchers. Other commenters included healthcare providers, legal service providers, research and religious organizations, advocacy groups, social and community organizations, professional associations, State and local government agencies and elected officials, trade and business organizations, unions, schools and universities, and a foreign government entity.

B. Comments Expressing General Support for the Proposed Rule

Comment: Several commenters were generally in favor of the proposed rule. Some of the commenters who supported the proposal stated that public benefit programs are intended for Americans and that the government should put America first.

Many commenters who supported the rule expressed concern about the burden of benefit use by immigrants on available resources, stating the government should not allow immigrants to burden the benefit systems for Americans. Several commenters stated that the United

¹⁶ DHS notes that due to differences in the information collected from aliens and operational limitations at and between the ports of entry, the information and evidence considered in the totality of the circumstances by USCIS may be different from that which is considered by U.S. Customs and Border Protection (CBP).

¹⁷ *See* INA sec. 212(a)(4), 8 U.S.C. 1182(a)(4). Three different agencies are responsible for applying the public charge ground of inadmissibility, each in a different context or contexts. DHS primarily applies the public charge ground of inadmissibility to applicants for admission at or between ports of entry and when adjudicating certain applications for adjustment of status. DOS consular officers are responsible for applying the public charge ground of inadmissibility as part of the visa application process and for determining whether a visa applicant is ineligible for a visa on public charge grounds at the time of application for a visa. This rule does not revise DOS standards or processes. DOJ is responsible for applying the public charge ground of inadmissibility with respect to aliens in Immigration Court. Immigration Judges adjudicate matters in removal proceedings, and the Board of Immigration Appeals, and, in some cases, the Attorney General, adjudicate appeals arising from such proceedings. This rule does not revise DOJ standards or processes.

¹⁸ *See* INA sec. 212(d)(3)(A), 213, 245(d)(2)(B), and 245(j), 8 U.S.C. 1182(d)(3)(A), 1183, 1255(d)(2)(B), and 1255(j), and 8 CFR 213.1 and 8 CFR 245.11.

¹⁹ *See* INA sec. 212(a)(4)(B)(ii), 8 U.S.C. 1182(a)(4)(B)(ii). When required, the applicant must submit an Affidavit of Support Under Section 213A of the INA (Form I-864 or Form I-864EZ).

²⁰ DHS received 5,882 comments during the first comment period, and 2,964 during the second comment period. Comments on the NPRM were to be submitted during the first comment period. Comments on the information collection described in the Paperwork Reduction Act section could be submitted during both comment periods.

States should eliminate the potential for aliens to be incentivized to immigrate for public benefits, with some commenters referencing aliens' fraud and abuse of public benefit programs, taking advantage of the United States, draining resources, or disproportionately benefiting from assistance at taxpayer expense. One commenter stated that resources for new immigrants should be limited, with another stating that when conditions for U.S. citizens in America improve immigrants can be helped. One commenter expressed their belief that supplemental programs are meant to be a temporary aid but that there are insufficient regulations to prevent such aid from becoming a lifestyle. Other commenters expressed support for the rule, remarking that immigrants should demonstrate advanced education, personal savings, and value provided to the United States upon admission.

Response: DHS agrees that aliens applying for admission and adjustment of status who are subject to the public charge ground of inadmissibility should be self-sufficient and should not depend on the government to meet their needs. DHS also agrees that the availability of public benefits should not constitute an incentive for immigration to the United States, as Congress indicated in PRWORA.²¹ This rulemaking seeks to align public charge inadmissibility determinations with those concepts. DHS firmly believes that this was Congress's intent in enacting section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4).

This rulemaking will empower officers to consider not only the mandatory statutory factors and an alien's receipt of means-tested public benefits, but also all relevant evidence and information in the record specific to the alien as the officers determine whether the alien is likely at any time to become a public charge. This will restore a public charge inadmissibility determination that relies on DHS officers' good judgment and sound discretion as envisioned by Congress.

DHS emphasizes neither the public charge ground of inadmissibility nor this final rule govern eligibility for means-tested public benefits; rather they govern which aliens are inadmissible and, therefore, ineligible for admission and adjustment of status. This final rule does not address the government's responsibility to care for aliens or which aliens are, or should be, eligible to receive means-tested public benefits.

C. Comments Expressing General Opposition to the Proposed Rule

Comment: Many commenters expressed general opposition to the rule. Some stated that the rule is unfair, cruel and inhumane or barbaric, that previous poverty is not a reason to penalize a person today, and that every human deserves to be cared for and treated respectfully. Some disagreed with the basis of the rule, commenting that the rule is not right for the country. One commenter called the rule pointless, with another stating the rule is unnecessary and would negatively impact children.

Response: DHS strongly disagrees that the rule is pointless, unnecessary, or unfair. The purpose of this rule is to remove the public charge inadmissibility provisions promulgated by the 2022 Final Rule, 87 FR 55472 (Sept. 9, 2022), as these provisions straitjacketed DHS officers' ability to make public charge inadmissibility determinations that are consistent with Congress's express national policy on welfare and immigration enacted in the PRWORA.²² The 2022 Final Rule imposed narrow definitions of statutory terms and minimum factors as well as limited the public benefits that DHS could consider in a public charge inadmissibility determination, preventing officers from considering all factors and information relevant to an alien's likelihood at any time of becoming a public charge, as Congress intended. See 90 FR 52168, 52185 (Nov. 19, 2025). Rescission of the 2022 Final Rule allows officers to more accurately assess an alien's likelihood at any time of becoming a public charge using good judgment and discretion, consider the mandatory statutory factors in section 212(a)(4)(B) of the INA, 8 U.S.C. 1182(a)(4)(B), the alien's receipt of means-tested public benefits, all individualized case-specific factors and circumstances relevant to an alien's case, and any empirical data relevant to an alien's self-sufficiency.

Comment: A commenter wrote that the proposed rule is not practical and instead driven by a desire to resurrect a punitive approach that was widely rejected by public health experts, State and local governments, and advocates.

Response: DHS rejects the suggestion that it is resurrecting the public charge ground of inadmissibility approach found in the 2019 Final Rule, 84 FR 41292 (Aug. 14, 2019). As it made clear in the NPRM, previous regulations relating to the public charge ground of

inadmissibility were overly restrictive.²³ By removing (not replacing or amending) the rigid definitions and factors, this final rule will allow officers to consider all case-specific factors and circumstances relevant to the public charge inadmissibility determination, in the totality of the circumstances. This in turn enables officers to more accurately assess an alien's likelihood at any time of becoming a public charge. DHS is not implementing the provisions of the 2019 Final Rule in this final rule.

D. Comments Regarding Legal Authority and Statutory Provisions

1. Statutory Authority

Comment: One commenter stated that this rule is intended to reduce immigration to the United States, which only Congress can do via statute.

Response: While it is possible this rule may decrease the number of aliens who will be admitted into or granted adjustment of status in the United States, as explained elsewhere in this final rule, DHS is unable to quantify those impacts due to the nature of the individualized case-by-case determination required by statute. DHS strongly disagrees that it is aiming to reduce immigration in excess of its statutory authority. While Congress established annual numerical limitations for certain immigrant and nonimmigrant visa classifications, Congress has not mandated, nor would it be practical to mandate, that these limits be fully utilized given specific eligibility criteria and other congressionally imposed restrictions, such as specific grounds of inadmissibility. *See e.g.*, INA secs. 202, 203, 212 and 214; 8 U.S.C. 1152, 1153, 1182, and 1184. In fact, Congress provided for the rollover or reallocation of immigrant visas in certain circumstances. *See e.g.*, INA sec. 201, 203, and 206, 8 U.S.C. 1151, 1153, and 1156.

The very purpose of the public charge ground of inadmissibility is to prevent the admission and adjustment of status of aliens who are determined by an officer to be likely at any time to become a public charge. Indeed, since 1882, Congress has clearly decided to limit the admission of such aliens.²⁴ To the extent the commenter does not like that this ground of inadmissibility prevents the admission and adjustment of status of certain aliens, the complaint is for Congress, not DHS. More than 70 years ago Congress recognized that setting the parameters for determining whether an

²¹ See Public Law 104–193, sec. 400, 110 Stat. 2105, 2260 (codified at 8 U.S.C. 1601).

²² See Public Law 104–193, section 400, 110 Stat. 2105, 2260 (codified at 8 U.S.C. 1601).

²³ 90 FR 52180–52181 (Nov. 19, 2025).

²⁴ Immigration Act of 1882, 22 Stat. 214 (Aug. 3, 1882).

alien is likely at any time to become a public charge is best left to the judgment and interpretation of the executive branch and the courts because the elements constituting public charge are so varied.²⁵ If Congress wanted to conclusively define what it means to be “likely at any time to become a public charge” it would have done so when enacting immigration statutes in 1882,²⁶ 1891,²⁷ 1903,²⁸ 1907,²⁹ 1917,³⁰ 1952,³¹ 1990,³² or 1996.³³ However, Congress, at no point during the history of the public charge inadmissibility ground, limited the manner in which the executive branch made public charge inadmissibility determinations save providing a non-exhaustive list of factors that must be considered, in 1996.

As referenced in the NPRM and this final rule, with the rescission of the 2022 Final Rule DHS is eliminating a rigid regulatory framework and restoring broader officer discretion, which ensures that aliens whom DHS has determined are likely at any time to become a public charge are not admitted or granted adjustment of status, as Congress intended.

Comment: Several commenters said this rulemaking overreached the powers granted in the statute by Congress. Another said removal of the 2022 Final Rule is unlawful.

Response: DHS strongly disagrees that the removal of the 2022 Final Rule is unlawful or goes beyond the powers granted to DHS by Congress. The Secretary’s authority for issuing this rule is found in various sections of the INA, 8 U.S.C. 1101 *et seq.*, and the HSA. Section 102 of the HSA, 6 U.S.C. 112, and section 103 of the INA, 8 U.S.C. 1103, charge the Secretary with the administration and enforcement of the immigration laws of the United States. Indeed, this rulemaking is within DHS’s express authority to enforce and administer the immigration laws of the

United States, section 103(a)(1) of the INA, 8 U.S.C. 1103(a)(1), including the public charge ground of inadmissibility, section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4). For these reasons as well as those discussed previously, the rescission of the 2022 Final Rule does not exceed the Secretary’s authority.

The removal of the 2022 Final Rule in favor of a broader exercise of discretion on a case-by-case basis is a permissible implementation of the public charge inadmissibility statute enacted by Congress. *See* INA sec. 212(a)(4), 8 U.S.C. 1182(a)(4). DHS believes that the express language of sections 212(a)(4)(A) and (B) of the INA, 8 U.S.C. 1182(a)(4)(A) and (B), the longstanding national policy on immigration and welfare, and the precedent decisions that have guided public charge inadmissibility determinations for decades provide sufficient guidance for DHS officers to make public charge inadmissibility determinations.

Comment: Some commenters stated that section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), does not authorize DHS to consider the past or present receipt of non-cash public benefits, and added that such consideration would constitute an impermissible expansion of the statutory criteria and undermine the intent of section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4). Another commenter similarly stated that the expansion of the public charge definition to include non-cash benefits lacks a clear basis in section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), or precedent decisions.

Response: DHS is neither promulgating definitions for the terms “public charge” or “public benefits” through this rulemaking. As proposed in the NPRM, DHS believes that retaining regulations that disregard receipt of certain means-tested public benefits, when such receipt is relevant to assessing an alien’s likelihood of becoming a public charge, is not the best reading of the statute. DHS is therefore removing the rigid provisions in the 2022 Final Rule, including limitations on what public benefits may be considered in a public charge inadmissibility determination, which prevented officers from making public charge inadmissibility determinations consistent with the clear self-sufficiency goals articulated by Congress in PRWORA. Consideration of non-cash public benefits in a public charge inadmissibility determination is neither precluded by section 212(a)(4) of the

INA, 8 U.S.C. 1182(a)(4), nor inconsistent with precedent decisions.³⁴

In fact, when passing the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Congress added a list of minimum, but not exclusive, factors to consider in public charge inadmissibility determinations but did not preclude consideration of any other factors including the alien’s receipt of non-cash public benefits. INA sec. 212(a)(4)(B), 8 U.S.C. 1182(a)(4)(B). Moreover, DHS disagrees that Congress intended to exclude consideration of non-cash benefits when it enacted section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4). Congress does not mention public benefits at all in section 212(a)(4), 8 U.S.C. 1182(a)(4), leaving it to the agencies administering the public charge ground of inadmissibility³⁵ to specify how public benefits should be considered in a public charge inadmissibility determination. However, Congress did prohibit consideration of any public benefits under 8 U.S.C. 1641(c) for certain battered aliens, without reference to cash versus non-cash benefits, which strongly suggests Congress understood and accepted DHS’s consideration of past receipt of any public benefits—cash and non-cash alike—in all other circumstances. INA sec. 212(s), 8 U.S.C. 1182(s). DHS further disagrees that precedent decisions preclude consideration of non-cash benefits. On the contrary, as concluded in past precedent decisions that have informed public charge inadmissibility determinations for decades, receipt of public support of any kind is an appropriate consideration in a public charge inadmissibility determination.³⁶

Comment: A commenter stated removal of 2022 Final Rule contradicts DHS’s statutory obligation to administer immigration laws fairly, equitably, and without discrimination.

Response: DHS disagrees. As noted above, DHS has the authority to enforce

²⁵ *See* The 1950 Omnibus Report of the Senate Judiciary Committee, S. Rep. No. 81–1515, at 349 (1950).

²⁶ Immigration Act of 1882, 22 Stat. 214 (Aug. 3, 1882).

²⁷ Immigration Act of 1891, ch. 551, 26 Stat. 1084 (Mar. 3, 1891).

²⁸ Immigration Act of 1903, 32 Stat. 825 (Feb. 13, 1903).

²⁹ Immigration Act of 1907, 36 Stat. 264 (Feb. 20, 1907).

³⁰ Immigration Act of 1917, 39 Stat. 874 (Feb. 5, 1917).

³¹ INA of 1952, 66 Stat. 163 (June 27, 1952).

³² 603 *See* Immigration Act of 1990, Public Law 101–649, section 601, 110 Stat. 4978, 5072 (Nov. 29, 1990).

³³ IIRIRA, *See, e.g., Cyan, Inc. v. Beaver Cty. Emp. Ret. Fund*, 138 S. Ct. 1061, 1070 (2018) (explaining that, if Congress had wanted to deprive State courts of jurisdiction over certain class actions, it could have easily done so by inserting a provision).

³⁴ *See Matter of Vindman*, 16 I&N Dec. 131, 132 (BIA 1977) (considering receipt of cash benefits and other public funds as part of a public charge inadmissibility determination); *Matter of M.*, 2 I&N Dec. 131, 131 (BIA 1944) (considering alien’s receipt of public aid as part of public charge inadmissibility determination).

³⁵ DHS, DOJ, and DOS all administer this ground of inadmissibility.

³⁶ *See, e.g., Matter of Vindman*, 16 I&N Dec. 131 (Reg’l Comm’n’s 1977) (consideration of past public benefits in determining the likelihood of becoming a public charge in the future); *Matter of Harutunian*, 14 I&N Dec. 583, 589 (Reg’l Comm’n’s 1974) (“Congress intends that an applicant for a visa be excluded who is without sufficient funds to support himself, who has no one under any obligation to support him and who, being older, has an increasing chance of becoming dependent, disabled and sick.”) (emphasis added).

and administer the immigration laws of the United States, including the public charge ground of inadmissibility and to prescribe regulations necessary to carry out that authority. INA sec. 103(a)(1), 8 U.S.C. 1103(a)(1), INA sec. 103(a)(3), 8 U.S.C. 1103(a)(3). By removing regulations that the Secretary determined are rigid, overly-restrictive, and not the best implementation of the statute, DHS is returning the administration of the public charge ground of inadmissibility to a broader exercise of discretion on a case-by-case basis, consistent with Congress's express national policy on immigration and welfare and in line with the spirit of section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4). With this rulemaking, DHS returns to a standard which permits DHS officers to consider any and all factors, in the totality of the circumstances, relevant to each individual alien's likelihood at any time of becoming a public charge.³⁷ As discussed in other comment responses, DHS disagrees any changes in this final rule risk inviting discriminatory decision-making.

Comment: One commenter, citing *Loper Bright v. Raimondo*,³⁸ stated that “legal interpretation” of statutes—even statutes Congress expressly authorized agencies to implement, like section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4)—is a judicial function driven by “traditional tools of statutory interpretation,” not the “policy preferences” of the Executive, adding the statute has a fixed, single best meaning which courts (and not the Supreme Court alone) must interpret and agencies must implement. The commenter said DHS mistakenly treats statutory meaning merely as a regulatory choice and mischaracterizes “primary dependence on the government for subsistence” as a “bright-line . . . standard” rather than acknowledging it is the statute's single best meaning. Another commenter indicated the rule suffers from the same defects which led courts to enjoin the 2019 Final Rule

under the more deferential *Chevron*³⁹ framework, adding that *Loper Bright* requires agencies to adopt a statute's best reading and asserted the existing regulatory framework reflects a better, if not the best reading. Another cited to *Loper Bright*, stating the Administration is not entitled to any deference when interpreting a statute in a way that is contrary to its plain meaning, history, and tradition. Another commenter said DHS does not have unchecked power, authority, or flexibility in defining the term public charge contrary to congressional intent.

Response: The Supreme Court in *Loper Bright* held that courts are no longer required to defer to an agency's “reasonable” interpretations of ambiguous statutes. DHS strongly disagrees with the commenters' suggestion that rescission of the 2022 Final Rule is simply a policy decision. On the contrary, it is a direct result of the Secretary's determination that the 2022 Final Rule is not the best reading of the statute, as well as congressional intent on immigration and welfare. As noted in the NPRM, DHS is removing the 2022 Final Rule to restore the longstanding case-by-case and inherently discretionary nature of public charge inadmissibility determinations expressly intended by Congress when mandating officers make these determinations in their opinion considering certain enumerated non-exhaustive factors at a minimum. 90 FR 52168, 52189 (Nov. 19, 2025). INA sec. 212(a)(4)(B), 8 U.S.C. 1182(a)(4)(B). The Secretary determined rescission of the 2022 Final Rule is appropriate to ensure officers are making public charge inadmissibility determinations in line with the statute and relevant precedent. 90 FR 52168, 52186–87 (Nov. 19, 2025). DHS believes relevant precedent decisions that guided public charge inadmissibility determinations for decades and, where applicable, recent circuit case law will provide officers with sufficient guidance to conduct individualized determinations based on the specific facts and circumstances of each alien's case. DHS believes this approach falls within the explicit discretionary authority Congress delegated to the Secretary.⁴⁰ Therefore, DHS's rescission of the 2022 Final Rule,

and subsequent administration of the public charge ground of inadmissibility consistent with the statute and applicable precedent, is well within the Secretary's authority. It is also consistent with Congress's express national policy on welfare and immigration enacted in PRWORA. See 8 U.S.C. 1601. Therefore, this final rule does not reflect an exercise of unchecked power or unauthorized flexibility contrary to congressional intent.

Finally, DHS disagrees that it is interpreting the term “public charge” in this final rule, or that any such interpretation is contrary to its plain meaning, history, or tradition. As proposed and discussed previously, this final rule is putting forth no definition of the term “public charge.” As discussed in the NPRM, there is no single settled meaning of the term and courts have differed in their positions regarding what the term encompasses, as well as what DHS can consider when making public charge inadmissibility determinations.⁴¹ DHS does not dispute that the Supreme Court has tasked courts with ascertaining the best meaning of ambiguous statutes or that a number of federal courts found different meanings for the term. DHS, in operating the national immigration system, is not precluded from eliminating regulatory definitions and rigid frameworks that have not been definitively or uniformly endorsed as reflecting the best meaning of statutory terms, particularly where Congress delegated broad discretion to DHS over immigration and the public charge

⁴¹ The U.S. Courts of Appeal for the Second, Fourth, Seventh, and Ninth Circuits opined on the plain language of the statute as well as the historical/traditional meaning of the term public charge but did not reach mutually consistent decisions. The Fourth Circuit, for example, disagreed that the primarily dependent standard is embedded into the text of the statute, as well as that the term has a fixed historical meaning and emphasized that instead the statute grants the executive extensive and ultimate discretion over inadmissibility determinations, including the consideration of a non-finite list of factors. See, *CASA de Maryland, Inc. v. Trump*, 971 F.3d 220, 242–244 (4th Cir. 2020) (rehearing *en banc* granted but the case was subsequently voluntarily dismissed). Other circuits focused on identifying limitations on the meaning of the term, and ensuring that the term public charge is not defined in such a way that would deem someone receiving a small amount of supplemental benefits for a short period of time inadmissible under the ground. See, e.g., *New York v. DHS*, 969 F.3d 42, 78 (2nd Cir. 2020); *City and Cnty. of San Francisco v. United States Citizenship and Immigration Services*, 981 F.3d 742, 759 (9th Cir. 2020); *Cook County v. Wolf*, 962 F.3d 208, 229, 246 (7th Cir. 2020). The Seventh Circuit held that the term “public charge” has a “floor inherent in the words,” which requires a degree of dependence that goes beyond temporary receipt of supplemental in-kind benefits from any type of public agency. *Id.*

³⁷ See *Matter of Vindman*, 16 I&N Dec. 131, 132 (BIA 1977) (“The elements constituting likelihood of an alien becoming a public charge are varied. They are not defined by statute, but rather are determined administratively upon consideration of all the factors bearing on the alien's ability or potential ability to be self-supporting.”) (emphasis added); *Matter of Harutunian*, 14 I&N Dec. 583, 588 (BIA 1974) (“Since the elements constituting likelihood of becoming a public charge are varied, there should be no attempt to define the term in the law, but rather to establish the specific qualification that the determination of whether an alien falls into that category rests within the discretion of the consular officers or the Commissioner.”).

³⁸ 603 U.S. 369 (2024).

³⁹ *Chevron, U.S.A., Inc. v. Nat. Res. Def. Council, Inc.*, 467 U.S. 837 (1984).

⁴⁰ See *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 394–395 (2024) (explaining that in some cases, a statute may authorize an agency to exercise discretion, such as by expressly delegating authority to define a particular statutory term, by empowering an agency to prescribe rules to fill up the details of a statutory scheme, or by authorizing an agency to regulate, subject to certain limits).

ground of inadmissibility. DHS is returning the administration of the public charge ground of inadmissibility to decades of agency practice, consistent with statute and binding precedent.

Comment: A commenter stated that the “extraordinary breadth” of authority DHS exerts with the proposed rule, coupled with the economic significance of the action, also opens the proposed rule to major questions doctrine concerns under *West Virginia v. EPA*.⁴² The commenter warned that courts would be skeptical to conclude Congress meant to confer this level of political and economic authority to DHS, writing that “reliance on Executive Orders to enact policy unmoored from statutory text and agency discretion has given rise to claims during this Administration that agency action is preordained.”

Response: DHS disagrees that this final rule implicates the major questions doctrine as articulated in *West Virginia v. EPA*. The major questions doctrine is triggered when the agency claims regulatory authority of vast economic and political significance, and the asserted authority lacks clear congressional authorization.⁴³

First, DHS has clear congressional authorization for this final rule. As discussed throughout this preamble, the INA provides that an alien is inadmissible if, “in the opinion of the consular officer or the Attorney General” (now the Secretary of Homeland Security), the alien is likely at any time to become a public charge. INA sec. 212(a)(4)(A), 8 U.S.C. 1182(a)(4)(A). The statutory text does not define public charge or likely at any time to become a public charge and only requires officers to consider a non-exhaustive list of specified minimum factors. The Supreme Court has long recognized that the political branches possess plenary authority over admission of aliens.⁴⁴ And the Board of Immigration Appeals (BIA) repeatedly recognized the inherently discretionary nature of the public charge inadmissibility determinations.⁴⁵ This statutory structure reflects an express delegation from Congress to the Secretary, explicit discretionary language (“in the opinion of”), and mandatory but non-exhaustive factors. Unlike the statutes at issue in *West Virginia v. EPA*, or *Biden v. Nebraska*,⁴⁶

Congress did not assign a narrow, technical function that DHS has transformed into sweeping economic regulation. Congress instead gave DHS broad discretion in an immigration inadmissibility context. Unlike cases where agencies argued for an expansion of authority or claimed transformative new regulatory powers, in this final rule DHS is doing the opposite: it is rescinding rigid regulatory definitions adopted in 2022; restoring individualized, discretionary adjudications that track the plain language of the statute; and returning to long-standing totality of the circumstances analysis. This administrative calibration is within the precise domain Congress delegated: immigration admissibility.

Furthermore, the economic impact of this final rule does not alone trigger the major questions doctrine. The Regulatory Impact Analysis (RIA) estimates potential transfer effects related to public benefits disenrollment, which is an indirect impact of the final rule. But the Supreme Court has made clear economic impact alone does not trigger the doctrine. In *West Virginia v. EPA*, the Court emphasized the doctrine applies when agencies claim the power to make decisions of “vast economic and political significance” in a manner inconsistent with their statutory design.⁴⁷ Admissibility determinations, which could impact aliens’ decisions to disenroll from public benefits programs, are squarely within DHS’s statutory domain. Importantly, this final rule does not purport to regulate public benefit eligibility; rather, public benefits eligibility remains governed by PRWORA and other statutes. Any economic effects are incidental to admissibility determinations Congress explicitly authorized DHS to make. Finally, immigration is an area of heightened executive authority given that the Supreme Court repeatedly emphasized the political branches’ broad authority over admission and exclusion.⁴⁸ This final rule pertains to admission eligibility and adjustment of status, but it does not more broadly regulate aliens’ or citizens’ conduct or restructure domestic industries.

Finally, this final rule does not reflect a transformative expansion of agency power, it simply implicates existing delegated authority that DHS is tailoring to more closely reflect the plain language of the statute, national policy on self-sufficiency of aliens, and longstanding agency practice.

Comment: Citing section 103(a)(3) of the INA, 8 U.S.C. 1103(a)(3), a commenter remarked DHS’s choice to rescind the public charge regulations without promulgating a replacement regulation is inconsistent with the INA, which explicitly provides that the Secretary “shall establish such regulations . . . as he deems necessary for carrying out his authority under the provisions of this chapter.”

Response: DHS disagrees that it is required to promulgate a regulation to replace the rescinded 2022 Final Rule and notes this rulemaking is a permissible change in the manner in which DHS makes public charge inadmissibility determinations given prior interpretations of the statute were not the best interpretation. 90 FR 52168, 52185 (Nov. 19, 2025). On the contrary, while the Administrative Procedure Act (APA) mandates the process agencies must follow when issuing, amending, and rescinding regulations, it does not require agencies to replace a rescinded regulation. 5 U.S.C. 551 *et seq.* Indeed, an agency may change or rescind regulations as long as it provides a reasoned justification,⁴⁹ but it is not required to replace a rescinded regulation unless required by law. There is nothing in the express language of section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), requiring DHS to replace the rescinded 2022 Final Rule with a new rule. Further, DHS notes there were no regulations governing public charge inadmissibility determinations from 1882 until the 2019 Final Rule.

Although this is a change from the frameworks established since 1999, DHS emphasizes that it provided a reasoned justification for the rescission of the 2022 Final Rule in the NPRM and throughout this final rule, as well as an explanation as to why prior frameworks were lacking.⁵⁰ This position aligns with the plain language of section 103(a)(3) of the INA, 8 U.S.C. 1103(a)(3), which the commenter cites—which by incorporating the phrase “as he deems necessary for carrying out his authority” grants the Secretary both authority and discretion over issuing regulations. In this case, the Secretary has determined that issuing replacement regulations is not necessary for carrying out his authority. Therefore, DHS will not issue a replacement rule.

Comment: Some commenters said DHS’s emphasis on the subjective nature of the public charge inadmissibility determination contradicts the INA, which vests

⁴² 597 U.S. 697 (2022).

⁴³ *Id.* at 724.

⁴⁴ *Fiallo v. Bell*, 430 U.S. 787, 792 (1977).

⁴⁵ See, e.g., *Matter of Harutunian*, 14 I&N Dec. 583 (Reg’l Comm’r 1974); *Matter of Martinez-Lopez*, 10 I&N Dec. 409 (BIA 1962; Att’y Gen. 1964); *Matter of Vindman*, 16 I&N Dec. 131 (BIA 1977).

⁴⁶ 600 U.S. 477 (2023).

⁴⁷ *West Virginia*, 597 U.S. 697, 716 (2022).

⁴⁸ See *Fiallo v. Bell*, 430 U.S. 787, 792 (1977).

⁴⁹ *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515–16 (2009).

⁵⁰ *Id.*

discretionary authority with the Attorney General, not DHS. Specifically, the commenter suggests that it is only the opinion of the Attorney General, not the opinion of an individual DHS officer, that is relevant to public charge inadmissibility determinations.

Response: DHS disagrees with the commenters' interpretations of DHS' statutory authority. On March 1, 2003, functions of the Immigration and Naturalization Service (INS) were transferred from the Department of Justice (DOJ) to DHS.⁵¹ Although several provisions of the INA discussed in this final rule refer exclusively to the "Attorney General," such provisions are now read as referring to the Secretary by operation of the HSA.⁵² DHS rejects the suggestion that only the Attorney General's (now, the Secretary's) opinion is relevant in the context of a public charge inadmissibility determination when an alien applies for admission or adjustment of status. Congress understood that the Attorney General and Secretary delegate authorities throughout the INA to officials serving under them.⁵³ DHS notes that no ground of inadmissibility in section 212(a) of the INA, 8 U.S.C. 1182(a), contains language referencing DHS or DOJ officers; throughout the section, Congress referred to consular officers, the Attorney General, or the Secretary. DHS also notes that section 245(a) of the INA, 8 U.S.C. 1255(a), states that the status of an alien "may be adjusted by the Attorney General, in his discretion" to that of an LPR. Congress knew that the Attorney General would not personally make millions of admissibility, adjustment of status, admission, and deportation decisions annually.

Comment: One commenter suggested that the rule is unjustified because DHS does not identify relevant post-1999 or post-2022 laws, data, or experience not already considered by INS, USCIS, or any other component or predecessor of DHS that would justify this change. The commenter requested that DHS identify

and describe the legal authorities and other information, apart from those that predated the 1999 Interim Field Guidance and the 2022 Final Rule, that DHS relied on in developing a new framework.

Response: DHS's rescission of the 2022 Final Rule and return to a broader exercise of case-by-case discretion is based on the same statutes, authorities, and other resources that served as the basis and justification for the 2022 Final Rule. DHS rejects this commenter's suggestion that DHS cannot rely on previously considered authorities.

On the contrary, DHS may rely on the same authorities underlying the now rescinded 2022 Final Rule so long as DHS provides a reasoned explanation for coming to a different conclusion, which it has, and as long as the new approach is consistent with the plain language of section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4).⁵⁴ DHS explained the change and why DHS believes it to be a better reading of the statute. As explained in other comment responses, DHS has the express authority to enforce and administer the immigration laws of the United States, including the public charge ground of inadmissibility, and finds support for this rule in the express language of section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), the national statements of immigration policy and welfare in PRWORA, and the sources listed in the NPRM. See 90 FR 52168, 52181–82 (Nov. 19, 2025).

Comment: Commenters stated that DHS's reliance on section 212(s) of the INA, 8 U.S.C. 1182(s), to support its argument that Congress intended consideration of past benefit receipt in all contexts outside of certain battered aliens is flawed. One commenter said the Violence Against Women Act (VAWA) provisions speak broadly about benefits but do not support DHS's

contention that Congress intended DHS to consider receipt of benefits beyond those considered in the 1999 Interim Field Guidance. Another commenter said the language in section 212(s) of the INA, 8 U.S.C. 1182(s), is not an express command to consider all means-tested public benefits, calling the proposal "particularly dubious" because Congress repeatedly expanded public benefit programs for certain aliens.

Response: DHS disagrees that section 212(s) of the INA, 8 U.S.C. 1182(s), does not support considering the alien's receipt of any means-tested public benefit in public charge inadmissibility determinations made under this final rule. Section 212(s) of the INA, 8 U.S.C. 1182(s),⁵⁵ prohibits considering the receipt of benefits by certain victims of violence and trafficking in applications for immigrant visas and adjustment of status and was codified to ensure they could access the full range of support services necessary for recovery and cooperation with law enforcement, including healthcare, housing, food assistance, and other non-cash benefits.⁵⁶ The fact that Congress expressly precluded the consideration of receipt of benefits by this population strongly suggests that, absent such an exception, Congress intended DHS to consider the receipt of benefits when other aliens applied for immigrant visas and adjustment of status. "Where Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion." ⁵⁷ Similarly, when Congress creates a specific exception to a general rule, it is presumed that Congress intended the general rule to apply in all other circumstances.⁵⁸ Accordingly, section 212(s) of the INA, 8 U.S.C. 1182(s), reflects that Congress understood that unless expressly exempted, an alien's receipt of any means-tested public benefits would be considered in all other applications for immigrant visas and adjustment of status.

As noted in the NPRM, the term benefits in section 212(s) of the INA, 8 U.S.C. 1182(s), is properly interpreted as

⁵¹ See Homeland Security Act of 2002, Public Law 107–296, sections 402(3), 441, 116 Stat. 2135, 2178, 2192.

⁵² See 6 U.S.C. 202(3), 251, 271(b), 542 note, 557; 8 U.S.C. 1103(a)(1), (g), 1551 note; *Nielsen v. Preap*, 586 U.S. 392, 397 n.2 (2019).

⁵³ Specifically, section 102(b) of the HSA, 6 U.S.C. 112(b), states that the Secretary "... may delegate any of the Secretary's functions to any officer, employee, or organization unit of the Department." In addition, section 103(a)(4) of the INA, 8 U.S.C. 1103(a)(4), states that "[the Secretary] may authorize any employee of the Service or the Department of Justice to perform or exercise any of the powers, privileges, or duties conferred or imposed by this chapter. . . ." See also, DHS Delegation No. 0150.1 (Jun. 5, 2003); DHS Delegation 07010.3 Rev. 03.2 (May 11, 2005).

⁵⁴ *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515–16, 129 S. Ct. 1800, 1811, 173 L. Ed. 2d 738 (2009) (holding that an agency "need not demonstrate to a court's satisfaction that the reasons for the new policy are better than the reasons for the old one; it suffices that the new policy is permissible under the statute, that there are good reasons for it, and that the agency believes it to be better, which the conscious change of course adequately indicates. This means that the agency need not always provide a more detailed justification than what would suffice for a new policy created on a blank slate. Sometimes it must—when, for example, its new policy rests upon factual findings that contradict those which underlay its prior policy; or when its prior policy has engendered serious reliance interests that must be taken into account. It would be arbitrary or capricious to ignore such matters. In such cases it is not that further justification is demanded by the mere fact of policy change; but that a reasoned explanation is needed for disregarding facts and circumstances that underlay or were engendered by the prior policy.").

⁵⁵ This provision was enacted by the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), Public Law 106–386 sec. 1505(f) (2000).

⁵⁶ See, e.g., Public Law 106–386 sec. 107(b) (2000).

⁵⁷ *Russello v. United States*, 464 U.S. 16, 23 (1983).

⁵⁸ See *TRW Inc. v. Andrews*, 534 U.S. 19, 28 (2001) ("Where Congress explicitly enumerates certain exceptions to a general prohibition, additional exceptions are not to be implied, in the absence of evidence of a contrary legislative intent.") (internal citations omitted).

including both cash means-tested public benefits and non-cash means-tested public benefits since Congress did not limit benefits to cash assistance for income maintenance as the commenters suggest; it used the broad term “benefits.” 90 FR 52168, 52187 (Nov. 19, 2025). Additionally, Congress cross-referenced 8 U.S.C. 1641(c), which defines Federal public benefits as “any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States; and . . . any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of the United States or by appropriated funds of the United States,” clearly including both cash and non-cash benefits. 8 U.S.C. 1611 and 1641(c). The absence of limiting language, combined with Congress’s intent to provide comprehensive support to victims, demonstrates that the exemption applies to all forms of public assistance, not just cash benefits. As Congress’s prohibition on consideration of benefits for these victims is properly interpreted to include both cash and non-cash means-tested public benefits, DHS believes that it is proper to consider the receipt of both cash and non-cash means-tested public benefits for all other cases as part of the public charge inadmissibility determination under this final rule.

Comment: A commenter expressed concern that DHS is relying on a series of decades-old immigration statutes originating from the 1882 Immigration Act to justify stricter policies, stating that this represents an unjustifiable regression that conflicts with Congress’s tailored framework in section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4).

Response: DHS disagrees that it is impermissibly relying on decades-old immigration statutes to justify this final rule. DHS notes that the public charge ground of inadmissibility as it exists today has deep roots in the earliest immigration laws, as explained in detail in the NPRM. 90 FR 52168, 52174–52180 (Nov. 19, 2025). DHS’s interpretation and application of the public charge inadmissibility ground in this rulemaking is properly guided by the more than centuries-old history of this provision, the current statutory language at section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), relevant case law, and Congress’s express statements of national policy with respect to immigration and welfare. Where

Congress has not materially altered the statutory framework, DHS is tasked with implementing the statute as written. Reliance on the historical and current statutory framework for the public charge ground of inadmissibility is legally appropriate.

2. Congressional Intent and Historical Application

Comment: Commenters expressed support for the proposed rule, stating that the rule better reflects congressional intent. In particular, one commenter stated that the definitions in the 2022 Final Rule were too rigid, artificially narrowed categories of public benefits considered, and frustrated Congress’s intent that immigration policy discourage dependence on public resources. Another commenter stated that the rule returns the decision-making process to a more balanced, common-sense approach where the totality of the circumstances, not just one or two factors, may be considered.

Response: DHS notes that the 2022 Final Rule emphasized seven factors that must be considered, not one or two factors as the commenter indicated. However, DHS agrees otherwise with these commenters; this final rule better reflects congressional intent. First, the commenter is correct that the 2022 Final Rule unduly limited DHS officers’ ability to make public charge inadmissibility determinations consistent with Congress’s express national policy on welfare and immigration enacted in PRWORA. See 8 U.S.C. 1601. Second, DHS agrees that the 2022 Final Rule prevented DHS officers from considering all factors and information relevant to an alien’s likelihood at any time of becoming a public charge, as Congress intended. Indeed, the 2022 Final Rule created a framework under which officers were limited to considering seven factors (five required by statute) rather than being explicitly empowered to consider any other factors or information relevant to determining an alien’s likelihood at any time of becoming a public charge in the totality of the alien’s circumstances.⁵⁹ As a result, DHS agrees

⁵⁹ For example, when considering the challenge to the 2019 Final Rule, the Fourth Circuit emphasized that the language in the provision indicates that the executive has extensive and ultimate discretion over the relevant determination, especially since Congress embedded discretion into the statutory scheme such as by identifying minimum, but not exclusive, factors for consideration. See *CASA de Maryland, Inc. v. Trump*, 971 F.3d 220, 242–244 (4th Cir. 2020) (request for rehearing *en banc* granted on December 3, 2020, but the appeal was later dismissed). DHS believes that this rescission will be more consistent with congressional intent as it would restore

that it is essential to remove these limiting regulations in order to follow congressional intent.⁶⁰

DHS also agrees that while Congress identified five minimum factors officers must consider, Congress intended, and the courts have endorsed, that the totality of an individual alien’s circumstances, not a rigid number of regulatory factors, should be taken into consideration when determining an alien’s likelihood at any time of becoming a public charge. Although the statute does not expressly include a totality of the circumstances test, this test “has been developed in several Service, BIA, and Attorney General decisions and has been codified in the Service regulations implementing the legalization provisions of the Immigration Reform and Control Act of 1986.”⁶¹ Federal courts have also endorsed this “totality of the circumstances” test.⁶² As a result, officers had made public charge inadmissibility determinations considering all facts and circumstances in the totality prior to the 2019 Final Rule and 2022 Final Rule. DHS will continue to do so, consistent with past precedent decisions, under this final rule.⁶³

ultimate discretion for officers to consider not just the minimum statutory factors but also any other information the officer deems relevant to a public charge inadmissibility determination.

⁶⁰ See *Matter of Vindman*, 16 I&N Dec. 131, 132 (BIA 1977) (“The elements constituting likelihood of an alien becoming a public charge are varied. They are not defined by statute, but rather are determined administratively upon consideration of all the factors bearing on the alien’s ability or potential ability to be self-supporting.”) (emphasis added); *Matter of Harutunian*, 14 I&N Dec. 583, 588 (BIA 1974) (“Since the elements constituting likelihood of becoming a public charge are varied, there should be no attempt to define the term in the law, but rather to establish the specific qualification that the determination of whether an alien falls into that category rests within the discretion of the consular officers or the Commissioner.”).

⁶¹ See 64 FR 28689, 28690 (May 26, 1999) (citing *Zambrano v. INS*, 972 F.2d 1122 (9th Cir. 1992), judgment vacated on other grounds, 509 U.S. 918 (1993)).

⁶² See, e.g., *Zambrano v. INS*, 972 F.2d 1122 (9th Cir. 1992), judgment vacated on other grounds, 509 U.S. 918 (1993).

⁶³ *Matter of A-*, 19 I&N Dec. 867, 869 (BIA 1988) (“The traditional test applied by the Service to determine whether an alien is likely to become a public charge is “a prediction based on the totality of the alien’s circumstances” as presented in the individual case.”); *Matter of Perez*, 15 I&N Dec. 136, 137 (BIA 1974) (“The determination of whether an alien is likely to become a public charge under section 212(a)(15) is a prediction based upon the totality of the alien’s circumstances at the time he or she applies for an immigrant visa or admission to the United States.”); *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421–22 (BIA 1962; Att’y Gen. 1964) (in determining whether a person is likely to become a public charge, factors to consider include age, health, and physical condition, physical or mental defects which might affect earning capacity, vocation, past record of employment, current

Comment: One commenter said that the proposed rule ignores decades of practice and contradicts congressional intent. Another wrote that Congress did not intend for the public charge ground of inadmissibility to punish people for using temporary or supplemental assistance while others opined that Congress did not intend for officers to consider an infinite set of factors. One asserts that Congress's silence as to whether additional factors can or should be considered was not intended to permit consideration of infinite factors and that Congress did not intend the statute to include a "catch-all" provision. In their view, the language "at a minimum" in the statute does not imply contemplation of factors not listed because the must-consider factors are complemented by one additional item that may be considered—the Form I–864.

Response: DHS disagrees that this rule ignores or contradicts congressional intent. In fact, Congress made clear in PRWORA that aliens within the nation's borders should be self-sufficient and not dependent on public resources to meet their needs. As set forth in section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), aliens who are likely at any time to become a public charge are inadmissible to the United States unless a statutory exception applies. While DHS agrees that the broader discretionary approach to public charge inadmissibility determinations resulting from this rule is a departure from the 1999, 2019, and 2022 public charge efforts, it notes Congress authorized the Secretary to determine how to implement this provision. The Secretary determined, as he is authorized to do, that DHS needs to make public charge inadmissibility determinations that reflect Congress's intent when it enacted section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), and PRWORA. Indeed, with this rulemaking, DHS returns to a standard permitting officers to consider any and all factors relevant to an individual alien's likelihood at any time of becoming a public charge, consistent with precedent.⁶⁴

employment, offer of employment, number of dependents, existing conditions in the United States, sufficient funds or assurances of support by relatives or friends in the United States, bond or undertaking, or any specific circumstances reasonably tending to show that the burden of supporting the alien is likely to be cast on the public.).

⁶⁴ See *Matter of Vindman*, 16 I&N Dec. 131, 132 (BIA 1977) ("The elements constituting likelihood of an alien becoming a public charge are varied. They are not defined by statute, but rather are determined administratively upon consideration of all the factors bearing on the alien's ability or potential ability to be self-supporting.") (emphasis

Additionally, DHS agrees Congress made clear that officers must consider certain factors; however, we disagree that those factors are a limited, structured framework with defined parameters. The statute lists the five factors DHS officers must consider "at a minimum," language that clearly does not preclude the consideration of other factors. INA sec. 212(a)(4)(B), 8 U.S.C. 1182(a)(4)(B). Congress created the broad, non-exhaustive, and discretionary framework DHS will follow upon rescission of the unduly rigid 2022 Final Rule. As discussed thoroughly in the NPRM, the Secretary determined the 2022 Final Rule is overly restrictive and prevents DHS officers from making public charge inadmissibility determinations that align with the longstanding national policy set by Congress. 90 FR 52168, 52189 (Nov. 19, 2025). DHS also disagrees that rescission of the 2022 Final Rule will lead to potential consideration of infinite factors, as DHS will limit consideration to only relevant factors; *i.e.*, factors bearing on an alien's ability or potential ability to be self-supporting, consistent with precedent decisions.⁶⁵

3. Administrative Law Concerns

a. Request To Extend the Comment Period

Comment: Several commenters requested an extended comment period on the proposed rule, noting the 30-day comment period overlapping with a significant Federal holiday and arguing that that is not consistent with Federal law and the APA in particular, and stating the time provided was insufficient to respond to a rule of significant scope, lack of clarity, and potential impacts. A commenter remarked that the apparently rushed approach, combined with the lack of a replacement framework, suggests the rulemaking is driven by predetermined policy preferences not careful consideration of statutory requirements and practical implementation, while another asserted the compressed timeframe was an effort to curtail negative comments.

Commenters referenced longer public comment periods in DHS's past rulemaking efforts, including past

added); *Matter of Harutunian*, 14 I&N Dec. 583, 588 (BIA 1974) ("Since the elements constituting likelihood of becoming a public charge are varied, there should be no attempt to define the term in the law, but rather to establish the specific qualification that the determination of whether an alien falls into that category rests within the discretion of the consular officers or the Commissioner.");

⁶⁵ See *Matter of Vindman*, 16 I&N Dec. 131, 132 (BIA 1977).

public charge rules, as support for an extension and various comments requested between an additional 120 and 150 days (some for a total of 180 days) to enable sufficient time for all stakeholders, discussion and consideration of the data, and to provide comment on the potential impacts of the proposed rule. One commenter cited caselaw to support the insufficiency of a 30-day comment period, stating the purposes of "notice and comment requirements are '(1) to ensure that agency regulations are tested via exposure to diverse public comment, (2) to ensure fairness to affected parties, and (3) to give affected parties an opportunity to develop evidence in the record to support their objections to the rule and thereby enhance the quality of judicial review.'" ⁶⁶

Response: DHS believes the 30-day comment period provided an adequate opportunity for public input and declines to extend the comment period. DHS agrees with commenters regarding the purpose of notice-and-comment rulemaking in that the APA is silent regarding the duration of public comment periods, and neither it nor relevant caselaw establish a minimum duration applicable in all cases. 5 U.S.C. 553. Often, agencies, including DHS in the past, provide a 60-day comment period consistent with the recommendation in Executive Order (E.O.) 12866, particularly when the rulemaking is broad, includes new policies not previously considered by the regulated public or has significant impacts on the regulated public. DHS emphasizes this final rule is not broad but narrow in scope since it only covers a single ground of inadmissibility. Further, it does not include new policies not previously considered by the regulated public since DHS is returning the administration of the public charge ground of inadmissibility to the approach that guided public charge inadmissibility determinations for decades before the 1999 Interim Field Guidance. While a 30-day comment period was shorter than the 60 days recommended in E.O. 12866, DHS believes in this instance 30 days was sufficient for the public to review, consider, and comment on the proposed rescission of the 2022 Final Rule. DHS

⁶⁶ See *Prometheus Radio Project v. FCC*, 652 F.3d 431, 449 (3d Cir. 2011) (quoting *Int'l Union, United Mine Workers of Am. v. Mine Safety & Health Admin.*, 407 F.3d 1250, 1259 (D.C. Cir. 2005)); see also *Connecticut Light & Power Co. v. Nuclear Regulatory Comm'n*, 673 F.2d 525, 530 (D.C. Cir. 1982) ("The purpose of the comment period is to allow interested members of the public to communicate information, concerns, and criticisms to the agency during the rule-making process.")

notes that it received 5,882 public comments during the 30-day comment period,⁶⁷ including substantive, high-quality comments from attorneys, Federal, State, and local elected officials, and advocacy organizations who provided detailed information and, in some instances, raised significant issues to which DHS is responding in this final rule. As such, an extension of the comment period would not have been helpful or necessary.

As stated in the NPRM, DHS believes it is in the best interest of the United States and its citizens to ensure public benefits do not create an incentive for immigration contrary to the INA and PRWORA. In acting expeditiously to remove regulations requiring officers to ignore the receipt of a large swath of public benefits when making public charge inadmissibility determinations, DHS is returning the public charge ground of inadmissibility to the congressional intent underlying the INA, IIRIRA, and PRWORA.

Finally, DHS strongly disagrees it provided a shorter comment period to curtail negative public comments or failed to adequately consider practical impacts of the rulemaking in favor of predetermined policy preferences. As discussed in this preamble, during the comment period, DHS received a number of comments opposing the proposed rule. In addition to carefully explaining and addressing the anticipated impacts of the rescission of the 2022 Final Rule in the NPRM, DHS has carefully considered and here responds to public comments in this final rule.

DHS agrees with commenters, however, that every agency rulemaking reflects the policy objectives of the administration which initiated the rulemaking and reflects the will of the American people who elected the public officials heading a particular administration. So too, in this case, this rulemaking reflects current policy objectives. DHS published a proposed rule, carefully considered the public comments received, and provided substantive responses, in full compliance with the APA.

b. Future Guidance and Compliance With the APA

Comment: Several commenters requested DHS commit to developing future public charge inadmissibility standards through transparent notice-and-comment rulemaking, not solely

through subregulatory policy tools. Several commenters stated, if DHS decides to develop an alternative rule, it must be open to full public notice and comment along with any guidance or tools created to direct officers' decisions. Multiple commenters said asking for open-ended feedback and recommendations on what to include in such tools is not a substitute for notice and comment.

Response: As indicated in the NPRM and other comment responses, DHS is not issuing regulations governing public charge inadmissibility determinations. DHS is removing regulatory provisions that unduly hampered officers when making inadmissibility determinations. USCIS will issue nonbinding subregulatory guidance that will go into effect on the effective date of this final rule. This guidance will be a general statement of policy that will not have the force and effect of law and will thus be exempt from notice and comment rulemaking. USCIS plans to include the new guidance in the USCIS Policy Manual, which is available on the USCIS website, is transparent to the public, and will replace the existing guidance reflecting the 2022 Final Rule. If regulations are needed or would be helpful to the administration of the public charge ground of inadmissibility in the future, DHS will comply with the APA requirements in issuing any such regulations.

Comment: Several commenters objected to eliminating regulatory standards in favor of undefined policy and interpretive tools without notice-and-comment rulemaking, arguing it denies the public a meaningful opportunity to review the adjudication standards and likely violates the APA. The commenters cited *Perez v. Mortgage Bankers Association*⁶⁸ and *Mendoza v. Perez*⁶⁹ to warn subregulatory guidance cannot create new substantive standards, alter statutory requirements, or expand adjudicator discretion in ways that affect rights. They stated that public charge inadmissibility determinations require clear, publicly vetted regulations, not internal guidance, and warned relying on future guidance would invite inconsistent, arbitrary USCIS decisions across offices, leave families uncertain which programs are safe to use, and chill participation in health, nutrition, and housing supports. Commenters urged DHS to withdraw the rulemaking or clarify its intentions, develop the rule internally, and reissue a more detailed proposed rule or a new NPRM if

substantive changes are intended, noting that bypassing the APA would allow continual policy shifts without public input and create ongoing uncertainty.

Response: DHS disagrees that this rule will lead to arbitrary outcomes and that any future guidance will alter statutory requirements or conflict with the APA and related case law. DHS will not withdraw the NPRM, and is issuing this final rule to conclude the rescission of the 2022 Final Rule. DHS also disagrees that any clarification of its intentions is needed. The NPRM was explicit about rescinding the 2022 Final Rule and freeing officers from arbitrary and undue limitations on the exercise of congressionally-authorized discretion. DHS is committed to following the law, including the APA, and does not intend to issue regulations or promulgate substantive rules through subregulatory guidance without notice and comment rulemaking.

As discussed in other comment responses, the subregulatory guidance USCIS publishes in the USCIS Policy Manual will guide, but not prescribe, public charge inadmissibility determinations made under this final rule in the context of adjustment of status applications. This guidance will explain how officers will be able to consider the receipt of any means-tested public benefits by the alien and will ensure officers fully consider this and any other factors or information relevant to determining an alien's likelihood at any time of becoming a public charge in the totality of the alien's circumstances, as Congress intended.

Comment: Commenters supported the creation of appropriate interpretive tools, but said these should supplement, not supplant, Federal regulations, requesting regulations not be removed until after such tools are developed and any timeline appropriately reflect a period for soliciting and incorporating public input on these tools before they are finalized. Another commenter said instead of including details of the policies or interpretive tools in the NPRM, DHS elected to issue a "vague" NPRM and issue the tools later, which likely violates the APA at 5 U.S.C. 533 because the public is entitled to notice and comment rulemaking on impactful matters, especially those implicating the potential use of public benefits. Commenters asserted DHS should withdraw the NPRM because it cannot radically expand the definition of "public charge" without explicitly proposing a new public charge rule subject to notice and comment. Commenters stated that interpretive tools must undergo the full notice-and-

⁶⁷ As discussed elsewhere in this final rule, an additional 2,964 public comments were received during the second part of the comment period applicable only to the associated information collections.

⁶⁸ 575 U.S. 92 (2015).

⁶⁹ 754 F.3d 1002 (D.C. Cir. 2014).

comment process, citing *Appalachian Power Co. v. EPA*⁷⁰ and *General Electric Co. v. EPA*,⁷¹ noting soliciting feedback is not a substitute for notice and comment. They claimed that without clearer guidance, it would be very difficult to advise clients on the potential public charge implications of certain public benefits.

Other commenters said the 2025 NPRM explicitly seeks a return to policies similar to the 2019 Final Rule, while attempting an end-run around the APA's notice-and-comment requirements, noting to justify a new substantive public charge rule, DHS must go through the full APA-mandated process, as the first Trump Administration did in 2018–2019 and the Biden Administration did in 2022. The commenters warned simply rescinding the 2022 Final Rule and replacing it with “appropriate policy and interpretive tools” (*i.e.*, not a “legislative rule” under the APA) would be a clear violation of statute with no purpose other than haste and avoidance of public comment. A few commenters requested DHS use the full notice-and-comment process for any policy or tools in public charge determinations, clearly reaffirm any changes would apply only prospectively (in acknowledgement of the reliance interests) and not penalize individuals who relied in good faith on prior rules.

Response: As indicated in the responses above, DHS disagrees with these commenters because the NPRM was not vague; rather, it clearly explained the changes DHS was considering and the reasoning behind them. DHS will not issue substantive rules without notice and comment rulemaking. Further, DHS is not making an “end run” around the APA's notice and comment requirements. As explained in the NPRM and elsewhere in this final rule, there are some substantive differences between the 2019 Final Rule and this final rule. For example, the 2019 Final Rule limited officer discretion. Specifically, the 2019 final rule included strict definitions, such as the term “likely at any time to become a public charge.” This definition included a new dependence threshold. The 2019 Final Rule also included regular and heavily weighted factors to be considered in the totality of the circumstances, and specific exclusions from consideration of certain public benefits (when such benefits were received by certain populations). DHS now finds this limited discretion is not aligned with Congressional intent.

USCIS will issue guidance for officers to consider when making individualized public charge inadmissibility determinations, consistent with the INA and established precedent. The APA's notice and comment requirements apply to legislative rules but not to interpretative rules or general statements of policy. *See* 5 U.S.C. 553(b)(A). The Supreme Court has long recognized the distinction.⁷² Interpretive rules or general statements of policy are lawful so long as they do not impose new rights or obligations or bind agency decisionmakers.⁷³ DHS disagrees that the guidance and interpretive tools it plans to issue would fail under *Appalachian Power* or *General Electric* because in those cases the guidance used mandatory language, left no room for agency discretion, imposed concrete regulatory obligations, the regulated parties reasonably believed that noncompliance would trigger enforcement, and they had no realistic alternative but compliance.⁷⁴

DHS has determined regulations are unnecessary for the effective implementation of the public charge ground of inadmissibility and will not issue replacement regulations at this time. DHS believes the statute and applicable precedent decisions that guided the public charge inadmissibility determinations for decades provide sufficient guideposts for determining whether an alien is likely at any time to become a public charge. DHS also disagrees that it would be possible or appropriate to delay the rescission of the 2022 Final Rule pending the issuance of new agency guidance because absent a rescission of existing regulations, USCIS would be bound by the prior administration's policies reflected in that regulatory framework when issuing subregulatory guidance to officers. By removing the 2022 Final Rule, DHS is reestablishing officer discretion within the existing statutory and precedential framework. Any guidance that USCIS issues will not amount to a binding rule but rather guide USCIS officer discretion in the context of adjustment of status

applications without limiting it or prescribing adjudicatory outcomes.

Comment: A commenter warned DHS cannot lawfully rescind binding regulations and substitute undisclosed subregulatory guidance to effect substantive policy changes while avoiding public participation and judicial review, noting that a November 6, 2025, Department of State (DOS) cable to consular posts broadened the public charge factors and evidence for visa adjudications. The commenter said the cable reportedly directs officers to deny visas unless applicants affirmatively show they will never become a public charge; treats non-cash benefits, charitable aid, and other lawful support as potential evidence of inadmissibility; and deepens financial scrutiny (previewing Foreign Affairs Manual (FAM) updates) forcing applicants to produce extensive financial documentation and imposing disproportionate burdens on low-income, credit-thin, intermittently employed, or unstably housed individuals, an outcome the commenter contended plainly violates the APA.

Response: DHS refers commenters to DOS on the issue of the DOS cable and the FAM. With respect to the evidentiary burden applicable to aliens seeking adjustment of status with USCIS after the rescission of the 2022 Final Rule, DHS has proposed changes to the Form I–485 and disclosed the relevant paperwork burden estimate on which the public was invited to comment in conjunction with this rulemaking during the applicable 60-day comment period consistent with the Paperwork Reduction Act of 1995 (PRA) and implementing regulations. 44 U.S.C. 3501 *et seq.*, 5 CFR part 1320. As with all other adjudications, should USCIS officers require more evidence or clarification of information or evidence included with the Form I–485, USCIS may issue Requests for Evidence (RFEs) or Notices of Intent to Deny (NOIDs).

c. Good Cause To Forgo Notice and Comment Rulemaking

Comment: One commenter stated if DHS invoked the APA's good-cause exception to bypass notice-and-comment or the 30-day delayed effective date, it is improper for a rule of this scope absent a genuine, immediate emergency, since courts construe good cause narrowly; administrative convenience or policy urgency does not suffice.

Response: When issuing this final rule, DHS did not invoke the good cause exception to the APA's notice and comment requirements but rather published a proposed rule with a 30-day

⁷⁰ 208 F.3d 1015, 1024 (D.C. Cir. 2000).

⁷¹ 290 F.3d 377 (D.C. Cir. 2002).

⁷² *See Perez v. Mortgage Bankers Association*, 575 U.S. 92, 96 (2015) (“Interpretive rules do not have the force and effect of law and are not accorded that weight in the adjudicatory process.”); *Shalala v. Guernsey Memorial Hospital*, 514 U.S. 87, 99 (1995) (interpretive rules may be issued without notice and comment).

⁷³ *See, e.g., Pacific Gas & Electric Co. v. Federal Power Commission*, 506 F.2d 33, 38 (D.C. Cir. 1974); *National Mining Association v. McCarthy*, 758 F.3d 243, 251–52 (D.C. Cir. 2014).

⁷⁴ *See, generally, Appalachian Power Co. v. EPA*, 208 F.3d 1015 (D.C. Cir. 2000); *General Electric Co. v. EPA*, 290 F.3d 377 (D.C. Cir. 2002).

comment period, and is publishing this final rule with a 60-day effective date, as required by the Congressional Review Act and in compliance with the APA which requires a minimum of 30 days. See 5 U.S.C. 553 and 5 U.S.C. 801–808.

d. Rule Is Arbitrary and Capricious

i. Lack of Reasoned Justification

Comment: Multiple commenters asserted the NPRM should be struck down under 5 U.S.C. 706(2)(A) because the APA requires a reasoned explanation for rescinding or changing an existing rule beyond just a new administration. Some commenters asserted the rule is arbitrary and capricious due to the lack of a sufficient justification for DHS's changed position, the likelihood of inconsistent agency interpretations, and the failure to consider reliance interests stemming from prior rules and guidance. Citing to the litigation on the 2019 Final Rule, the commenters added the rule would also be inconsistent with the INA and it departs from the well-settled meaning of public charge. Another commenter stated, under basic principles of administrative law, "reasoned decision making" requires agencies to rely on expertise and coherent standards, not unguided intuition.

Response: DHS disagrees with commenters that the NPRM or this final rule is arbitrary and capricious. Importantly, DHS is not providing a definition for public charge in this final rule. Moreover, there is no single well-settled meaning of the term public charge that definitively includes the consideration of some public benefits but not others, notwithstanding the caselaw commenters cite.⁷⁵ As discussed in the NPRM, the INA does not define "public charge" or "likely at any time to become a public charge." Instead, Congress provided a framework of non-exhaustive minimum factors for consideration (age, health, family status,

assets, resources, and financial status, and education and skills and left it to the agency's discretion to determine whether an alien is inadmissible under the ground. See INA sec. 212(a)(4)(A) and (B), 8 U.S.C. 1182(a)(4)(A) and (B); 90 FR 52168, 52186, 52187–88, 52175 (Nov. 19, 2025).

Administrative and judicial precedent decisions have consistently recognized the public charge inadmissibility determination is inherently subjective and discretionary and must be made on a case-by-case basis, considering the totality of the alien's circumstances. DHS notes these precedent decisions predate both the 1999 Interim Field Guidance and the regulatory definitions promulgated in 2019 and 2022. As indicated in *Matter of Harutunian*, the elements constituting likelihood of an alien becoming a public charge are varied; they are not defined by statute but rather are determined administratively upon consideration of all the factors bearing on the alien's ability or potential ability to be self-supporting. 14 I&N Dec. 583, 588 (BIA 1974). Similarly, as stated in *Matter of Martinez-Lopez*, the statute "requires more than a showing of a possibility that the alien will require public support. Some specific circumstance . . . must be present." 10 I&N Dec. 409, 421–22 (BIA 1962; Att'y Gen. 1964). Finally, as stated in *Matter of A-*, the "traditional test . . . is 'a prediction based on the totality of the alien's circumstances' as presented in the individual case." 19 I&N Dec. 867, 869 (BIA 1988) (citation omitted).

As DHS noted in the NPRM, there has never been a single, uniform, or "well settled" definition of public charge. 90 FR 52168, 52174 (Nov. 19, 2025). Instead, the meaning evolved over time and has been subject to varying administrative interpretations. For example, the Senate Judiciary Committee in 1950 noted: "[s]ince the elements constituting likelihood of becoming a public charge are varied, there should be no attempt to define the term in the law, but rather to establish the specific qualification that the determination . . . rests within the discretion of the consular officers or [INS]." 90 FR 52168, 52181 (Nov. 19, 2025). Certain circuit courts recognized the statute grants the executive "extensive and ultimate discretion" and the term "public charge" does not have a fixed historical meaning.⁷⁶ Finally, as stated in the NPRM, past agency guidance and practice in place before the 2019 Final Rule, including the 1999

Interim Field Guidance and prior administrative decisions, have always emphasized a flexible, fact-specific approach, not a rigid or narrow definition. Congress, in enacting PRWORA and IIRIRA, did not codify a specific definition but instead reinforced the officer's discretion to consider all relevant evidence. 90 FR 52168, 52182–83, 52188–89 (Nov. 19, 2025). For these reasons, rescinding the 2022 Final Rule and restoring broader officer discretion is not arbitrary and capricious; it is not contrary to a well-settled meaning of public charge, because no such settled meaning exists.

In addition, DHS disagrees this rule is arbitrary and capricious because it lacks justification or a reasoned explanation. DHS agrees that, under *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502 (2009), a change in agency regulations requires a reasoned explanation: the agency must acknowledge the change, provide good reasons for it, and indicate why it believes the new position is better. DHS satisfied these requirements in the NPRM and in this final rule.

DHS explicitly acknowledged it was proposing to rescind the 2022 public charge ground of inadmissibility regulations established by the 2022 Final Rule and consistently provided good reasons for the proposed rescission.⁷⁷ DHS provided detailed, reasoned explanations for the change, including explaining the 2022 Final Rule is not the best implementation of the statute, is inconsistent with congressional intent, is unduly restrictive, and hampers DHS's ability to make accurate, precise, and reliable determinations. 90 FR 52168 (Nov. 19, 2025). While rescinding the 2022 Final Rule is a departure—in varying degrees—from the three prior efforts over the last 27 years related to the public charge ground of inadmissibility, DHS is not required to retain any of the prior regulations and policy guidance the Secretary determined, upon a review of guidance and public-facing information dating back to 1946, are not the best way to implement the expansive, fact-specific, totality of the circumstances, and discretionary public charge inadmissibility determination Congress put into place. See 90 FR 52168, 52181–82 (Nov. 19, 2025).

The NPRM further stated the 2022 Final Rule straitjackets DHS officers' ability to make public charge inadmissibility determinations that are

⁷⁵ DHS acknowledges that there is a general understanding as reflected in certain dictionary definitions that public charge is generally a person in economic distress who is dependent on the government for his or her support. However, neither Congress nor the Supreme Court have defined the term in statute or through case law. While there had been early 20th century Supreme Court precedent which found an alien inadmissible under the totality of the circumstances approach focusing on the labor market where the alien was headed and which seemed to consider the term narrowly to mean something akin to a pauper (*i.e.*, someone destitute and unable to work), the case was overridden by Congress. See *CASA de Maryland v. Trump*, 971 F.3d 220 (4th Cir. 2020) ("In all events, there is considerable doubt as to *Gegiw's* [*v. Uhl's*, 239 U.S. 3 (1915)] continued relevance, as Congress amended the Immigration Act two years later to nullify *Gegiw's* restrictive interpretation of the statute.") (internal citations omitted).

⁷⁶ See, *e.g.*, *CASA de Maryland, Inc. v. Trump*, 971 F.3d 220, 242–44 (4th Cir. 2020).

⁷⁷ See 90 FR 52168, 52169–52170 (Nov. 19, 2025) ("DHS proposes to rescind the 2022 public charge ground of inadmissibility regulations . . . Rescission would restore broader discretion to evaluate all pertinent facts and align with long-standing policy . . .").

consistent with Congress's express national policy on welfare and immigration enacted in the PRWORA by limiting what public benefits DHS can consider in the totality of the circumstances and by precluding officers from considering factors beyond the seven factors outlined in the regulations. 90 FR 52168, 52169–52170 (Nov. 19, 2025). DHS also explained that both the 2019 and 2022 rules provided a finite list of factors officers are required to consider without providing officers the authority to consider other factors relevant in any individual case, which is inconsistent with the discretionary and case-specific framework Congress intended. 90 FR 52168, 52180–52181 (Nov. 19, 2025).

DHS also explained why it believes that public charge inadmissibility determinations after the rescission of the 2022 Final Rule will be more consistent with congressional intent. Specifically, DHS noted that officers will be able to use good judgment and discretion to make highly individualized, fact-specific, case-by-case public charge inadmissibility decisions based on the totality of each alien's individual circumstances, rather than being limited by rigid regulatory definitions and standards. 90 FR 52168, 52194 (Nov. 19, 2025). Crucially, DHS explained that the 2022 Final Rule's approach including the primary dependence standard may have resulted in USCIS finding aliens eligible for adjustment of status even when their past receipt of means-tested public benefits may have demonstrated they lacked self-sufficiency and were likely at any time to become a public charge, due to officers' inability to consider all benefits the alien depended on and any other relevant case-specific factor that has bearing on the inadmissibility determination. 90 FR 52168, 52180 (Nov. 19, 2025). In fact, DHS provided multiple reasons to support the rescission of the 2022 Final Rule. 90 FR 52168, 52180–81, 52186 (Nov. 19, 2025).

DHS also discussed the underlying reasons for past policies, including their limitations in the NPRM. Specifically, DHS noted that both the 2019 Final Rule and 2022 Final Rule attempted to provide clarity and predictability by specifying a finite list of factors and benefits to be considered in public charge determinations, however in so doing these rules “severely and unduly limited the factors that DHS could consider in making a public charge inadmissibility determination,” which is inconsistent with the broad, discretionary standard Congress intended. 90 FR 52168, 52180–81 (Nov. 19, 2025).

DHS also discussed the 2019 Final Rule in various parts of the NPRM and determined that it was not a truly viable alternative, because, while closer to congressional intent behind section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), and PRWORA, that rule also prescribed a rigid and complex regulatory scheme that unnecessarily constrained officer discretion.

Furthermore, in proposing the rescission of the 2022 Final Rule, DHS also provided a thorough review of statutory history, prior administrative practice, and case law, and explained the new approach is grounded in the agency's expertise and longstanding precedent.⁷⁸ Finally, DHS acknowledged the existence of reliance interests and specifically requested comments on what aspects of the 2022 Final Rule might have engendered such reliance interests, and how DHS should best address such reliance interests given its stated policy objectives. 90 FR 52168, 52193 (Nov. 19, 2025). In this final rule, DHS is responding to public comments raising specific reliance interests and has made clarifications in this final rule to further address those interests.

For all of these reasons, DHS has established why the rescission of the 2022 Final Rule is reasonable given the broad congressional delegation, and the fact that there is no settled meaning of public charge. DHS has provided a detailed, reasoned explanation for the change, identified the deficiencies in the prior rules, explained why the new approach is preferable, and addressed reliance interests and the need for coherent, expertise-driven discretionary determinations.

Comment: Some commenters stated expanding the public charge inadmissibility framework so broadly—to potentially encompass working U.S. citizens with income—lacks historical or rational support and would be arbitrary and capricious. Citing the Supreme Court's requirement in *FCC v. Fox Television* that agencies justify disregarding prior facts and reliance interests, commenters noted the proposal offers no evidence the 2022 Rule is unworkable or inconsistent with the INA, identifies no enforcement problems or data, and fails to account for the chilling effects on immigrants, domestic violence survivors, and nonprofit service providers. One commenter stated the Supreme Court addressed the very issue of rescinding automobile safety standards without

promulgating new regulations in the *Motor Vehicle Manufacturers Ass'n of the United States, Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29 (1983) (“*State Farm*”), finding it to be arbitrary and capricious. Several commenters warned DHS has not provided the necessary justification for abandoning longstanding interpretations or for why the codified provisions of the 2022 Final Rule could not instead be modified in response to H.R.1.

Response: DHS disagrees that the rescission of the 2022 Final Rule is arbitrary and capricious or lacks a reasonable basis or sufficient explanation. As detailed above, DHS provided an ample reasonable basis for removing the 2022 Final Rule, explained removing the rule restores officer discretion, and aligns the administration of the public charge ground of inadmissibility closer to the congressional intent. Neither *State Farm*⁷⁹ nor *FCC v. Fox Television*⁸⁰ requires DHS to establish the 2022 Final Rule is unworkable or that it is inconsistent with the INA. The Supreme Court in *FCC v. Fox Television* held an agency does not need to show its prior policy or interpretation is unworkable to justify a change, explaining an agency may change its policy as long as it provides a reasoned explanation for the change, acknowledges the shift, and addresses any reliance interests.⁸¹ The Court specifically rejected the requirement for heightened justification, stating an agency “need not demonstrate. . . that the reasons for the new policy are better than the reasons for the old one.”⁸² Instead, the agency must simply explain the new policy and why it believes it is preferable.⁸³ This principle allows agencies flexibility to adapt and revise policies without being constrained by the workability or enforceability of previous approaches.⁸⁴ All of this being said, DHS believes it established in the NPRM the 2022 Final Rule was not the best interpretation of the statute and not fully consistent with congressional intent.

Similarly, DHS is not required to establish the 2022 Final Rule was

⁷⁹ *Motor Vehicle Manufacturers Ass'n of the United States, Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29 (1983).

⁸⁰ *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502 (2009).

⁸¹ *Fox Television*, 556 U.S. at 515–516.

⁸² *Id.* at 515.

⁸³ *Id.* at 514–515.

⁸⁴ See also *Nat'l Cable & Telecomms. Ass'n v. Brand X internet Servs.*, 545 U.S. 967, 981–982 (2005) (“An agency is not required to adopt a new interpretation of a statute on the ground that its previous interpretation is unwise or outdated. Rather, the agency must merely provide a reasoned explanation for its change of position.”).

⁷⁸ See, e.g., 90 FR 52168, 52182–52187 (Nov. 19, 2025) (discussing the totality of the circumstances test and relevant BIA/Attorney General decisions).

unenforceable, although DHS clearly stated in the NPRM the approach taken in the 2022 Final Rule (as also reflected in the 1999 Interim Field Guidance) inappropriately required officers to ignore a large swath of means-tested public benefits in public charge inadmissibility determinations and exclude the possibility of future dependence on such benefits as part of the overall framework. DHS strongly disagrees that it ignored reliance interests or facts underlying the promulgation of the 2022 Final Rule.

As articulated in the NPRM, DHS grappled with prior factual findings underlying the 2022 Final Rule particularly as it pertains to self-sufficiency and whether considering receipt of means-tested public benefits can be indicative of a lack of self-sufficiency, as well as collateral impacts of the rulemaking, such as chilling effects. 90 FR at 52183, 52208–10. To that end, DHS provided an adequate legal and policy justification for changing course given its interests to further the statutory purpose behind the public charge ground of inadmissibility and PRWORA by reducing the incentive for aliens who are not self-sufficient and are likely to become dependent on the government to enter or remain in the United States. Congress has established multiple statutory tools to reduce such dependence. PRWORA and other statutes significantly restricted the eligibility of aliens for public benefits. The public charge grounds of inadmissibility and deportability are other tools Congress created to advance these national policy objectives regarding aliens' self-sufficiency. Though an alien may be eligible to receive public benefits, Congress established consequences for such receipt by those aliens. If they become a public charge within 5 years after entry, they may be removed from the United States. INA sec. 237(a)(5), 8 U.S.C. 1227(a)(5). Congress clearly intended these immigration consequences to disincentivize the receipt of public benefits by aliens.

This rule advances the clear national policy concerning welfare and immigration by making it possible for officers to more accurately assess whether, in their opinion, an alien is likely at any time to become a public charge.

While this policy objective differs from the prior administration's objectives, DHS has permissibly reevaluated the relevant facts and provided a reasoned explanation for its new policy. DHS therefore disagrees

that the rule is arbitrary and capricious.⁸⁵

In addition, DHS finds the specific circumstances in *State Farm* to be distinguishable. Congress granted the Secretary broad discretion to administer the public charge ground of inadmissibility, provided only certain mandatory factors for consideration in individual cases, and at no point directed the Secretary to engage in rulemaking or establish binding standards to govern the public charge ground of inadmissibility. In contrast, Congress when wishing to improve motor vehicle and traffic safety by enacting the National Traffic and Motor Vehicle Safety Act of 1966, (NTMVS Act), 15 U.S.C. 1381 *et seq.* (1976 and Supp. IV 1980) directed the Secretary of Transportation or his delegate to issue motor vehicle safety standards and also mandated those standards be practicable, meet the need for motor vehicle safety, and be stated in objective terms. 15 U.S.C. 1392(a).⁸⁶ Congress also directed that in issuing these standards, the Secretary must consider relevant available motor vehicle safety data, whether the proposed standard is reasonable, practicable and appropriate for the particular type of motor vehicle, and the “extent to which such standards will contribute to carrying out the purposes” of the NTMVS Act. 15 U.S.C. 1392(f)(1), (3), (4).⁸⁷ See *State Farm*, 463 U.S. 29 (1983). Therefore, when the Secretary of Transportation rescinded the seatbelt regulation without requiring either the use of airbags or seat belts, or considering alternatives, the court determined this approach was arbitrary and capricious because National Highway Traffic Safety Administration (NHTSA) ignored the statutory requirement to enhance safety and failed to consider reasonable alternatives. *Id.* at 46–57.

In the case of this rescission of the 2022 Final Rule, while DHS has the statutory authority to issue regulations or guidance (or both) to administer the public charge ground of inadmissibility in its discretion, it is not required by statute to issue regulations or guidance. INA sec. 103(a)(3), 8 U.S.C. 1103(a)(3).

⁸⁵ *Chamber of Com. of United States v. Sec. & Exch. Comm'n*, 115 F.4th 740 (6th Cir. 2024) (examination of the same 2021 SEC rescission found that the SEC had not acted arbitrarily and capriciously because its reevaluation of old facts in “precisely the same record” reached new policy conclusions that were reasonably explained).

⁸⁶ This is a historical reference cited in *State Farm*. The relevant provision has since been re-codified at 49 U.S.C. 30111(a).

⁸⁷ This is a historical reference cited in *State Farm*. The relevant provisions have since been revised and re-codified at 49 U.S.C. 30111(b)(1), (3), and (4).

Furthermore, in the NPRM and this final rule, DHS has made it clear that USCIS will administer the ground of inadmissibility consistent with the statute and applicable precedent, and any USCIS guidance will guide but not prescribe officer discretion. This approach is consistent with INS' approach for most of the time this ground of inadmissibility existed. DHS only opted to issue binding regulations for the first time in 2019. As discussed in the NPRM and this final rule, DHS explained why retaining the 2022 Final Rule or returning to the 2019 Final Rule would not accomplish its objectives, and explained why DHS believes this rule is better, is more aligned with congressional intent and purpose, and fulfills its policy objective. 90 FR at 52180. Therefore, the rescission of the 2022 Final Rule is distinguishable from the rescission of the vehicle and traffic safety standards by the NHTSA in *State Farm*.

With respect to comments stating DHS did not explain why the regulations could not be modified in response to H.R. 1, DHS is unclear what the commenters meant. While H.R. 1 narrowed eligibility for SNAP and imposed limits on federal matching payments for full Medicaid benefits, subject to certain exceptions,⁸⁸ it is unclear how or why DHS should have considered amending public charge regulations in line with H.R. 1.

ii. Failing To Define Undefined Terms

Comment: A commenter said DHS acted arbitrarily and capriciously by refusing to define vague statutory terms that it would be applying in individual cases, by transgressing the “fundamental norm of administrative procedure [that] requires an agency to treat like cases alike,” and by postponing guidance indefinitely and leaving individual DHS officers with no objective standard to follow. Another commenter agreed and said the NPRM's complete lack of guidance is arbitrary and capricious because it is vague, precludes individuals from knowing how to comply, while asserting the following terms are used multiple times throughout the NPRM without providing definitions: means-tested public benefit, public benefits, public benefit program, benefits, and public resources.

Response: DHS disagrees that this final rule is arbitrary and capricious because it does not codify definitions of certain terms implicated in making

⁸⁸ See H.R. 1 Reconciliation Bill, *e.g.*, secs. 10108 (SNAP Eligibility), 71109 (Alien Medicaid Eligibility); Public Law 119–21 (July 4, 2025).

public charge inadmissibility determinations. DHS does not believe it is necessary to define the terms referenced, noting prior to the 2019 Final Rule officers successfully applied the 1999 Interim Field Guidance; and prior to 1999, officers similarly applied the statute, precedent decisions, and applicable agency guidance to make reasonable case-by-case public charge inadmissibility decisions without binding regulatory definitions. In fact, there were no codified definitions governing the public charge inadmissibility determination from 1882 until the 2019 Final Rule. As noted in other responses, USCIS will issue subregulatory guidance that will go into effect on the effective date of this final rule to assist officers with applying the public charge ground of inadmissibility.

DHS agrees it used certain terms interchangeably in the NPRM and agrees consistent use of terms is preferable. When referring to public benefits and/or resources, DHS in all cases meant means-tested public benefits and when referring to public benefit programs, DHS intended to refer to Federal, State, territorial, Tribal, and local programs that provide means-tested public benefits. DHS does not believe that codifying a definition of means-tested public benefits is necessary as that term is generally understood to refer to a government program or benefit where eligibility is based on an individual's or family's income and/or assets falling below a specific threshold.⁸⁹

iii. Consideration of All Means-Tested Public Benefits

Comment: Commenters said the NPRM is arbitrary and capricious because it fails to cogently explain why participation in public benefit programs that improve health, educational, and financial stability, or are otherwise supplemental not necessary for subsistence or not indicative of a lack of self-sufficiency, is relevant to the public charge inadmissibility determination. One commenter said DHS ignores the data and evidence relied on in promulgating the 2022 Rule showing receipt of supplemental benefits is associated with increased employment and self-sufficiency. The other

commenter indicated that the Seventh Circuit reached a similar conclusion, observing many covered benefits are supplemental rather than primary resources. The commenter wrote that both courts recognized a crucial distinction between using benefits to supplement one's life and using them due to lack of self-sufficiency, and asserted the NPRM made no such distinction as PRWORA requires, leaving DHS unable to "show that there are good reasons" for the policy and risking another arbitrary and capricious ruling.

Response: DHS disagrees it failed to explain how participation in certain public benefit programs is relevant to public charge inadmissibility determinations or failed to consider the evidence or policy considerations underlying the 2022 Final Rule. While DHS did not directly address the data and evidence from the 2022 Final Rule about the relationship between receipt of certain benefits and employment and self-sufficiency referenced by commenters in the NPRM, DHS's underlying rationale for this rulemaking makes such discussion superfluous because DHS is not promulgating a dependence threshold or making an alien inadmissible exclusively based on the receipt of one or more public benefits. Similarly, DHS is not drawing distinctions between public benefits based on whether they merely subsidize an alien's life or provide for the alien's basic needs, nor is DHS disputing the fact that some means-tested public benefits assist aliens on the path to self-sufficiency. Rather, DHS is engaging in this rulemaking to bring the public charge ground of inadmissibility in line with congressional intent and purpose and to ensure that all inadmissibility determinations are made by officers in the totality of the alien's circumstances and that officers are empowered to consider all relevant information and evidence, including the full universe of benefits aliens may have received and the circumstances surrounding such receipt. In administering the public charge ground of inadmissibility DHS must ensure that it does not permit aliens who are likely at any time to become a public charge to be admitted or adjust their status to that of an LPR. In the NPRM, DHS referenced precedent and recent court opinions providing support for the premise that receiving means-tested public benefits is relevant to public charge inadmissibility determinations. See 90 FR 52168, 52186–87 (Nov. 19, 2025). Furthermore, DHS believes that officers will consider the relative importance of the alien's

receipt of any particular means-tested public benefit in the totality of the circumstances and will provide training and guidance to support accurate adjudications. With the 2022 Final Rule removed, officers will be able to consider whether the alien: received means-tested public benefits for only a short period of time, received small dollar amounts of assistance, received any particular public benefit rendering the alien dependent on the benefit, received means-tested public benefits permanently or temporarily, and has good overall prospects for being and remaining self-sufficient.

DHS disagrees that PRWORA created a distinction in the context of public charge inadmissibility determinations between means-tested public benefits denoting a lack of self-sufficiency and benefits merely supplementing an alien's lifestyle. PRWORA outlined the national policy objectives for the role of public benefits and eligibility for the same, specifying eligibility rules based on public benefit types and an alien's immigration status, including establishing exceptions from such eligibility rules. 8 U.S.C. 1601, *et seq.* DHS agrees the Seventh Circuit in *Cook County v. Wolf* found it failed to explain why it changed its longstanding policy of excluding non-cash benefits from the public charge inadmissibility determination, but the Seventh Circuit did not hold the consideration of such benefits was *de facto* arbitrary and capricious.⁹⁰ Similarly, the Second Circuit in *Make the Road New York v. Cuccinelli* also focused on DHS's explanation for considering non-cash public benefits rather than finding such consideration was *de facto* unreasonable.⁹¹ DHS believes these cases are distinguishable from this rule. The 2019 Final Rule approach treated the receipt of any included public benefits as having the same consequences as long as the durational threshold (12 months or more) was met. The 2019 Final Rule not only provided for the consideration of non-cash benefits but also prescribed heavy weight in the totality of the circumstances to certain circumstances surrounding the receipt of any one

⁸⁹ See, e.g., Institute for Research On Poverty, University of Wisconsin-Madison, Means-Tested Programs, <https://www.irp.wisc.edu/research/economic-support/means-tested-programs/> (last visited Feb. 11, 2026) ("Means-tested programs limit eligibility to individuals and families whose incomes and/or assets fall below a pre-determined threshold (means test). They are generally financed by tax revenues and may take the form of entitlements (e.g., Medicaid, SNAP/Food Stamps) or have spending caps (e.g., State Child Health Insurance Program, housing subsidies, TANF)").

⁹⁰ *Cook County v. Wolf*, 962 F.3d 208, 226 (7th Cir. 2020) ("DHS did not adequately explain why it changed its longstanding policy of excluding non-cash benefits from the public charge determination.").

⁹¹ 62 F.3d 612, 638–39 (2d Cir. 2020) (The court held that DHS failed to adequately consider the evidence before it and to explain why it was changing course from the agency's longstanding interpretation, as well as to adequately explain why non-cash benefits which are designed to promote self-sufficiency should be considered evidence that an alien is likely to become a public charge.).

public benefit (regardless of type); this Final Rule does not do that.

Comment: A commenter said the proposed rule offers no evidence to support DHS's "belie[f] that any prior receipt of means-tested public benefits is a key gauge to determining the likelihood of future dependence on the government for subsistence" and the fundamental flaw of DHS's justification is it does not provide any factual basis for this belief. The commenter reasoned the goals and eligibility criteria of these benefits programs belie DHS's assumption and show these programs are designed to provide supplemental support to a broad swath of the population, as INS recognized in 1999.

Response: DHS believes the commenter misunderstood DHS's proposal to remove the 2022 Final Rule and the impact on public charge inadmissibility determinations in expanding the consideration of a broader universe of public benefits. The NPRM did not state that considering a broader universe of public benefits would result in aliens *de facto* being found inadmissible under the public charge ground or the removal of the 2022 Final Rule would elevate the importance of receipt of means-tested public benefits in public charge inadmissibility determinations. To the contrary, DHS cited to precedent decisions holding receipt of public benefits is not in itself outcome determinative⁹² and highlighted that the past receipt of means-tested public benefits is one consideration in the totality of the circumstances.⁹³ As discussed in other comment responses, USCIS will issue subregulatory guidance to help its officers determine how to best consider the alien's current and past receipt of means-tested public benefits in the totality of the circumstances.

iv. Lack of Replacement Framework or Guidance

Comment: One commenter said by proposing to remove regulatory

guidance related to public charge inadmissibility, DHS undermines a shared understanding of the law and its meaning. The commenter stated that the adjudicatory standards DHS proposes to erase are necessary to fair, transparent, and consistent application of law, and warned that all stakeholders must understand when and to whom the public charge rule does and does not apply, yet DHS proposes to remove the regulations explaining applicability, exemptions, and waivers.

Response: DHS agrees the regulated public should understand how and to whom the public charge ground of inadmissibility applies. As explained in the NPRM and other responses to comments, DHS believes the statute and applicable precedent decisions that guided the public charge inadmissibility determinations for decades provide sufficient guideposts for determining whether an alien is likely at any time to become a public charge. However, to ensure transparency and consistent adjudications, USCIS will issue subregulatory guidance that will explain how officers, under this final rule, will be able to consider the alien's receipt of any means-tested public benefits and will ensure officers fully consider this and any other factors or information relevant to determining an alien's likelihood at any time of becoming a public charge in the totality of the alien's circumstances, as Congress intended.

With respect to concerns that the removal from DHS regulations of the list of exemptions and waivers is arbitrary and capricious, as stated in the NPRM, these exemptions are statutory and will not be impacted by the removal of the regulations. 90 FR 52168, 52192 (Nov. 19, 2025). In order to provide a convenient reference point for the regulated public as to the exemptions and waivers, DHS will retain the list on the USCIS website, in the USCIS Policy Manual, and on the Form I-485.

v. Reliance Interests

Comment: Some commenters responded to DHS's request regarding which aspects of the 2022 Final Rule engendered reliance interests. Commenters identified key elements that engendered reliance interests:

- That no benefits would be considered other than cash assistance for income maintenance and long-term institutionalization at government expense;
- That applications for or receipt of benefits by family members would not be considered;
- That receipt of public benefits while the alien was in an immigration

status that is not subject to the public charge ground of inadmissibility would not be considered; and

- That information on applications for non-cash benefits would not be shared or used for immigration purposes.

Response: DHS thanks the commenters for these specific examples. While DHS is adopting the proposed rescission of the regulations promulgated by the 2022 Final Rule without change, DHS has provided clarifications in this final rule in response to public comments to address some of these potential reliance interests. This approach is consistent with DHS' understanding of Congress's national policy objectives. DHS notes that given the regulatory changes since 2019, and subsequent litigation challenging the 2019 and 2022 Final Rules, the current reliance interests of the regulated public are not as significant as the reliance interests of the regulated public at the time the 1999 Interim Field Guidance was superseded with the 2019 Final Rule because the regulated public was placed on notice by recurring rulemakings and litigation of the significant differences in policy objectives and approaches among administrations when it comes to the public charge ground of inadmissibility.⁹⁴

For reliance interests engendered by the 2022 Final Rule's limitations on the consideration of benefits outside of public cash assistance for income maintenance and long-term institutionalization at government's expense, DHS clarified that once this final rule goes into effect, there will be no limit on which means-tested public benefits officers can consider for benefits received on or after the effective date of the rule. However, with the exception of Medicaid-funded services for long-term institutionalization, officers will not consider non-cash public benefits received before the effective date of this final rule (including any information in the record that the alien applied for, was certified or approved to receive public benefits before the effective date of this final rule). However, where the evidence reflects that the alien has been approved or certified to receive benefits for a

⁹² See *Matter of Perez*, 15 I&N Dec. 136, 137 (BIA 1974) ("The fact that an alien has been on welfare does not, by itself, establish that he or she is likely to become a public charge."); *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421 (BIA 1962) ("the statute requires more than a showing of a possibility that the alien will require public support."); *Matter of A-*, 19 I&N Dec. 867 (BIA 1974) (BIA considered that the alien was a mother of a small child, there were few jobs in the area where she lived, and that she was now employed despite receiving public benefits previously for 4 years to find her not likely to become a public charge).

⁹³ 90 FR at 52188 ("For example, following past precedent, an officer would not conclude that an alien is inadmissible as likely at any time to become a public charge simply because that alien received a means-tested public benefit.")

⁹⁴ The Supreme Court in *Regents of the University of California v. Ntanos* emphasized that reliance interests are tied to the duration and stability of a prior policy—not rather than whether the agency has changed its position in the past. If a policy was longstanding and people relied on it, those reliance interests must be considered when the agency changes course. See, *Department of Homeland Security v. Regents of the University of California*, 140 S. Ct. 1891, 1913 (2020); *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 222 (2016).

period that extends beyond the effective date of this final rule, if the alien does not provide evidence of disenrollment from such benefits or that he or she withdrew such application or notified the relevant agencies he or she no longer wanted to receive the benefits, DHS would consider the application, certification, and receipt of such benefits in the totality of the circumstances that occurs on or after the effective date of the final rule. For a more detailed discussion of the prospective application of this rule, please see section III.D.5. of this final rule's preamble.

For the definition of receipt and the statement that applications for, or receipt of benefits by family members should not be considered in a public charge inadmissibility determination, DHS did not propose nor does this final rule direct officers to consider information about an alien's family member's receipt of public benefits, unless that family member is applying for admission or adjustment of status and is subject to the public charge ground of inadmissibility. As such, DHS will generally not consider the application for, certification or approval to receive, or receipt of public benefits by the alien's family members. As discussed in other comment responses, DHS considers the alien's income as part of the mandatory assets, resources, and financial status factor, and if there is evidence in the record the alien's family members whom the alien is legally obligated to support receive means-tested public benefits based on the alien's income falling below the designated threshold, DHS would consider that fact as part of the alien's assets, resources, and financial status in the totality of the circumstances. Given the alien must exclude any income received from means-tested public benefits from household income information provided on the Form I-485, the inclusion of amounts received from means-tested public benefits by others in the household as household income may lead to an inadmissibility finding under section 212(a)(6)(C)(i) of the INA, 8 U.S.C. 1182(a)(6)(C)(i).

For comments expressing concern regarding the consideration of means-tested public benefits while in a status not subject to the public charge ground of inadmissibility, DHS believes these reliance interests are at least partially addressed by clarifying means-tested public benefits not previously considered under the 2022 Final Rule will also not be considered if received before the effective date of this final rule. DHS notes many aliens who received means-tested public benefits

while in categories exempt from the public charge ground of inadmissibility are also able to adjust their status to that of LPR in a category similarly exempt from the public charge ground of inadmissibility (e.g., T and U nonimmigrants and VAWA beneficiaries). For aliens who adjust under a different category, or aliens who cannot adjust under an exempt category, DHS notes, without the unduly rigid framework of the 2022 Final Rule, officers can consider the specific circumstances in which public benefits were received. Officers may give limited weight to the receipt of such benefits, examining any public policy considerations underlying the alien's eligibility for them, along with other factors officers normally consider in the totality of the circumstances; such as (but not limited to) duration or amount of receipt, whether circumstances leading to receipt were temporary or permanent, alien's age, health, family status, work prospects, etc.

Finally, DHS notes that prior to the 2019 Final Rule, under the 1999 Interim Field Guidance, there was no limitation on the consideration of means-tested public benefits received while in an exempt category. If an alien received public cash assistance or long-term institutionalization at government's expense while in a status exempt from public charge and subsequently sought to adjust status to an LPR in a category subject to public charge, such receipt could be considered in the totality of the circumstances. Therefore, the approach DHS is taking now is consistent with past agency practice, and DHS's interest in taking a consistent approach across immigration categories outweighs any remaining reliance interests from the 2022 Final Rule.

The last element of reliance identified—that information included on non-cash benefits applications would not be shared or used for immigration purposes—DHS notes that the 2022 Final Rule excluded from consideration the applications, approval or certification to receive, or receipt of non-cash benefits, but it did not address information sharing between benefit providing agencies and DHS in this context. DHS did not propose nor does this final rule address any information sharing between agencies. Therefore, this portion of the comment is out of scope.

Comment: Commenters said the NPRM disregarded reliance interests, noting families, advocacy groups, and service providers relied on the 2022 Final Rule's clarity when enrolling in health, nutrition, and housing programs. Commenters stated that unclear Federal

direction undermines federalism and State reliance interests, disrupts extensive State and local networks, and risks worsening public health and fiscal outcomes by deterring use of programs like Medicaid, SNAP, and early childhood supports. These commenters stated that agencies failing to account for reliance interests raises serious concerns about retroactivity, arbitrary decision-making, and unequal treatment of applicants. Another commenter agreed and said that DHS must not only identify reliance interests or invite public input on them but it must meaningfully consider and weigh the reliance interests when reversing prior policy and explain why they do not want a different policy outcome. Commenters stated that merely soliciting comments about reliance after announcing wholesale rescission of the operative framework is not the "reasoned explanation" with "awareness" of reliance interests required by the Supreme Court. Commenters cited *Department of Homeland Security v. Regents of the University of California*, where the Supreme Court emphasized agencies must consider the "reliance interests" fostered in changing policy, and found that failure to do so can render an action arbitrary and capricious under the APA.

Response: DHS disagrees that the NPRM disregarded any reliance interests or that the NPRM or this final rule reflects unclear Federal direction. In the NPRM, DHS specifically described prior rulemakings and requested feedback regarding specific reliance interests. DHS considered comments and supporting information provided, including narrative explanations from aliens, immigration service providers, State and local governments, etc., consistent with Supreme Court precedent.⁹⁵

DHS disagrees that rescission of the 2022 Final Rule adversely impacts federalism or disrupts State reliance interests. While DHS agrees aliens may have relied on the 2022 Final Rule when enrolling in certain means-tested public benefit programs, DHS addressed those

⁹⁵ *Department of Homeland Security v. Regents of the University of California*, 140 S. Ct. 1891, 1913–15 (2020) (holding that the agency "failed to consider the conspicuous issues of whether to retain forbearance and what if anything to do about the hardship to DACA recipients," i.e., whether there was legitimate reliance on the DACA policy, including not just DACA recipients but also their employers and states and local governments. The Court explained that agencies must assess reliance interests broadly, including those of parties not directly regulated, when those interests are substantial and foreseeable); *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 222 (2016) (agencies must consider reliance interests when changing policies, and failure to do so is arbitrary and capricious).

reliance interests by clarifying previously excluded benefits are excluded from consideration if received before the effective date of this rule (including any information in the record that the alien applied for, was certified or approved to receive public benefits before the effective date of this final rule) where the alien can provide evidence he or she disenrolled from such benefits, or in the case of application, certification or approval to receive means-tested public benefits, the alien withdrew such application or notified the relevant agencies he or she no longer wanted to receive the benefits. For a more detailed discussion of the prospective application of this rule, please see section III.D.5. of this final rule's preamble. DHS also repeatedly stated the receipt of means-tested public benefits alone is not outcome determinative in public charge inadmissibility determinations and explained in the NPRM and throughout this final rule that the nature of the discretionary determination after this final rule goes into effect takes into consideration all evidence relevant to an alien's case including the circumstances surrounding benefit receipt.

DHS also disagrees rescission of the 2022 Final Rule will disrupt extensive State and local networks' dependence on Federal policy or risks worsening public health and fiscal outcomes because few aliens are both subject to the public charge ground of inadmissibility and eligible to receive means-tested public benefits like Medicaid, SNAP, and early childhood supports. However, DHS agrees that the change in the public charge inadmissibility determinations will require reevaluation for aliens, organizations providing immigration services to aliens, as well as Federal, State, and local benefit and service providers. DHS also agrees removing regulations constraining officer discretion and expanding the universe of means-tested public benefits in the totality of the circumstances may cause aliens to exercise caution when applying for or receiving Medicaid and benefits from the Children's Health Insurance Program (CHIP), as well as food, housing, and other means-tested public benefits previously excluded from public charge inadmissibility determinations.

DHS acknowledges that immigration services providers, and Federal, State, local, and other public benefits providing agencies may have relied on information, services, and outreach to inform them of immigration consequences associated with receipt of means-tested public benefits; and DHS

understands that such entities will need to update their practices and procedures consistent with this rulemaking. DHS believes that any new burden this may impose on aliens, immigration services providers, and public benefits providing agencies is outweighed by the need to conform to the statutory requirements, congressional intent, and the policy goals explained throughout this rule.

DHS is not promulgating a new, stricter standard, but rather is simply returning to decades of practice where officers will be able to consider all relevant factors, including the consideration of the alien's receipt of any means-tested public benefits, including the receipt of previously excluded means-tested public benefits received on or after the effective date of this final rule, as only one aspect of one factor in the totality of the circumstances. Under this approach and using governing precedent, officers have the discretion to logically determine how much such receipt should matter in the case of any specific alien. This approach is more likely to bring stability and accuracy to the administration of public charge inadmissibility.

Furthermore, DHS believes even expanding the public charge inadmissibility determination to consider previously excluded means-tested public benefits if received on or after the effective date of this final rule, as DHS is doing, would not meaningfully affect reliance interests. This is because, as DHS has noted, few aliens are both subject to the public charge ground of inadmissibility and eligible to receive means-tested public benefits.⁹⁶

DHS agrees the direct outreach conducted by the prior administration regarding excluding non-cash benefits could have strengthened certain reliance interests. As is the case with all its regulatory initiatives, DHS will notify

⁹⁶ At the time of the 2019 Final Rule, the Migration Policy Institute estimated that less than 1 percent of the 22.1 million aliens in the United States could be deemed inadmissible due to the current use of a listed benefit because there are very few benefit programs that are open to aliens who do not already hold a green card, resulting from PRWORA. See MPI, MPI Estimates No More than 167,000 Non-Citizens Could Be Ineligible for Green Cards Based on Current Public Benefits Use (Mar. 5, 2020), [https://www.migrationpolicy.org/news/public-charge-denial-green-cards-benefits-use](https://www.migrationpolicy.org/news/mpi-estimates-non-citizens-ineligible-green-cards-based-current-benefit-use#:~:text=March%205%2C%202020-.MPI%20Estimates%20No%20More%20than%2020167%2C000%20Non%2DCitizens%20Could%20Be,that%20took%20effect%20February%2024; and Randy Capps, Julia Gelatt and Mark Greenberg, MPI, The Public-Charge Rule: Broad Impacts, But Few Will Be Denied Green Cards Based on Actual Benefits Use (Mar. 2020), <a href=).

the public via the DHS and USCIS websites and social media of changes that will result from the removal of the 2022 Final Rule, in addition to USCIS' planned subregulatory guidance to guide adjudications under this final rule. DHS intends this outreach, together with excluding consideration of non-cash public benefits received before the effective date of this final rule, will address concerns about reliance interests and assist aliens in understanding how DHS will administer section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4).

DHS has a statutory responsibility to remove incentives for immigration stemming from availability of public benefits and ensure aliens seeking to remain in the United States permanently do not become dependent on the public for their support. See 8 U.S.C. 1601. Therefore, DHS considered the reliance on the 2022 Final Rule, while balancing its interests in applying the public charge ground of inadmissibility to more closely reflect congressional intent and determined that when making public charge inadmissibility determinations under this final rule, DHS will not consider previously excluded means-tested public benefits if received before the effective date of this final rule.

Comment: Raising reliance interests commenters had advised clients regarding receipt of public benefits based on the 1999 Interim Field Guidance and reflected in the 2022 Final Rule that receipt of non-cash benefits would not be considered; some were concerned about the accuracy of their legal advice to clients, including ethical and malpractice implications. Commenters requested DHS either exempt non-cash benefits received before the effective date of the final rule or ensure such receipt is given little to no weight in the totality of the circumstances analysis.

Response: DHS acknowledges concerns regarding advice provided to clients based on previously effective DHS regulations and guidance and agrees that receipt of previously excluded means-tested public benefits should not be considered in the totality of the circumstances if such benefits were received before the effective date of this final rule. DHS explicitly stated this final rule will apply prospectively, and in the context of adjustment applications, DHS made conforming changes to the Form I-485 instructions to clarify which means-tested benefits should be reported and for what period.

4. Constitutional Concerns

Comment: Several commenters said the rule is unconstitutional and suggested the rule is intended to prevent people of certain races from coming to the United States without any further explanation.

Response: DHS notes in removing the 2022 Final Rule, DHS returned to public charge inadmissibility determinations that are a faithful execution of the public charge inadmissibility statute and are consistent with national policy on immigration and welfare as set forth in PRWORA,⁹⁷ and therefore, congressional intent. DHS disagrees with the suggestion the public charge determinations DHS will make now are unconstitutional or intended to bar certain races from the United States. On the contrary, the statute does not direct DHS to consider an alien's race⁹⁸ and DHS does not, through this or any other action, target aliens of a particular race. While DHS cannot rule out the possibility of disproportionate impacts on certain racial groups, DHS is committed to applying the public charge ground of inadmissibility by considering the statutory mandatory factors, the alien's receipt of means-tested public benefits, and any other specific fact or circumstance the officer determines is relevant to assessing the individual alien's likelihood at any time of becoming a public charge.

Comment: Multiple commenters stated the proposed rule violates the Fifth Amendment's due process clause because it fails to provide fair notice of the standards with which individuals must comply and invites arbitrary and discriminatory enforcement due to the lack of standards governing the exercise of discretion thereby depriving applicants of procedural due process. Commenters also raised concerns that this rule violates the Fifth Amendment's equal protection guarantees by targeting individuals for discriminatory treatment based on their race, ethnicity, and/or national origin, gender or disability, and indicated that nonwhite immigrants will be disproportionately harmed by it because it will not be applied equally and is likely to be applied on the basis of protected characteristics.

Response: DHS strongly disagrees that officers will make public charge inadmissibility determinations in a manner that violates the due process clause of the Fifth Amendment. As a preliminary matter in the NPRM and this final rule, DHS provided the regulated public with sufficient notice

that officers will apply the statute, binding precedent decisions, and subregulatory guidance which USCIS will publish in advance of the effective date of this final rule when making public charge inadmissibility determinations. DHS identified the factors, including the receipt of any means-tested public benefit, to be considered in public charge determinations in both the NPRM and this final rule, and also explained that while it was removing regulatory text, exceptions from the public charge ground of inadmissibility are statutory. These factors will also remain on the USCIS website and in the Form I-485 instructions for ease of reference. As a result, the public will be on notice regarding what officers will consider when making public charge inadmissibility determinations, and thus the public will have fair notice of the standards officers will use when making admissibility determinations. Section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), is clear that it applies to aliens seeking admission, visa, or adjustment of status, and establishes the minimum factors DHS is required to consider, and precedent decisions discussed in the NPRM and this final rule provide examples and establish certain parameters regarding the application of this ground of inadmissibility. Future USCIS guidance will provide further insight regarding relevant considerations.

In particular, and as discussed elsewhere in this final rule, USCIS revised the Form I-485, Application to Register Permanent Residence or Adjust Status, and its instructions to clarify aliens must provide information relevant to the factors considered in public charge inadmissibility determination. For instance, instructions include questions about family status,⁹⁹ receipt of any means-tested public benefits, including the dates and amount of receipt, and an explanation as to why those benefits were received,¹⁰⁰ and any education and skills they have. Additionally, aliens required to undergo an immigration medical examination must submit a Form I-693, Report of Immigration Medical Examination, which USCIS considers as part of the mandatory health factor, in the totality of the circumstances. Insofar as this rule makes clear officers consider any other factors relevant to determining whether an alien is likely at any time to become a public charge, aliens may submit any other evidence they believe relevant to

this determination. While not specific to public charge inadmissibility determinations, USCIS notifies applicants of deficiencies in their applications with respect to any ineligibility in accordance with 8 CFR 103.2 and USCIS policy on RFEs, NOIDs, and denials.¹⁰¹

Similarly, DHS disagrees its public charge inadmissibility determinations will discriminate against aliens from certain races, ethnicities, or countries. DHS must consider, at a minimum, an applicant's age, health, family status, assets, resources and financial status, and education and skills. DHS officers will also consider the alien's receipt of means-tested public benefits and any other factors they determine are relevant to determining whether any individual alien is likely at any time to become a public charge, as Congress intended. INA secs. 212(a)(4)(B) and (s), 8 U.S.C. 1182(a)(4)(B) and (s).

While aliens present in the United States are protected by the due process clause of the Fifth Amendment,¹⁰² which requires that immigration proceedings be conducted fairly and without discrimination or bias,¹⁰³ DHS' public charge determinations are neither facially discriminatory nor intended to have a discriminatory effect based on race, ethnicity, national origin, or any other protected classifications. The Supreme Court determined that immigration decisions made by DHS, specifically pertaining to which aliens are permitted to enter or remain in the United States, are subjected to a "narrow standard of review. . . ." ¹⁰⁴

¹⁰¹ DHS notes that the failure to submit a completed Form I-693 and Form I-864 with the Form I-485, when required, may result in a rejection or a denial of the Form I-485 without a prior RFE or NOID. See 8 CFR 103.2(a)(7), (b)(8)(ii).

¹⁰² Although the Equal Protection Clause of the Fourteenth Amendment does not apply to the Federal government, the Supreme Court in *Bolling v. Sharpe*, 347 U.S. 497, 500 (1954), held that while "equal protection of the laws" is a more explicit safeguard of prohibited unfairness than "due process of law," . . . discrimination may be so unjustifiable as to be violative of due process." In the case of racial discrimination in DC public schools, the Court found that no lesser Constitutional protections apply to the Federal government through the application of the Due Process Clause in the Fifth Amendment than by application of the Equal Protection Clause of the Fourteenth Amendment.

¹⁰³ See *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) ("[O]nce an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.").

¹⁰⁴ See *Mathews v. Diaz*, 426 U.S. 67, 81-2 (1976) ("For reasons long recognized as valid, the responsibility for regulating the relationship between the United States and our alien visitors has been committed to the political branches of the

⁹⁷ 8 U.S.C. 1601.

⁹⁸ INA sec. 212(a)(4)(B)(i), 8 U.S.C. 1182(a)(4)(B)(ii).

⁹⁹ See Form I-485 (edition 01/20/25).

¹⁰⁰ See Form I-485 (edition 01/20/25).

Any due process or equal protection claim regarding this rulemaking would be subject to rational basis scrutiny.^{105 106} Generally, laws, regulations, and policies that neither involve fundamental rights nor include suspect classifications are reviewed under rational basis scrutiny, under which the person challenging the law must show the government has no legitimate interest in the law or policy or there is no rational link between the interest and the challenged law or regulation.¹⁰⁷ DHS believes that this rulemaking would survive rational basis scrutiny because it is rationally related to DHS's statutory authority: to determine which aliens seeking admission and adjustment of status are inadmissible under section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), that aliens present in the United States are self-sufficient and do not rely on public resources, and to minimize incentives for aliens to immigrate to the United States due to public benefits, 8 U.S.C. 1601.¹⁰⁸

Federal Government. Since decisions in these matters may implicate our relations with foreign powers, and since a wide variety of classifications must be defined in the light of changing political and economic circumstances, such decisions are frequently of a character more appropriate to either the Legislature or the Executive than to the Judiciary . . . The reasons that preclude judicial review of political questions also dictate a narrow standard of review of decisions made by the Congress or the President in the area of immigration and naturalization.”).

¹⁰⁵ See *Mathews v. Diaz*, 426 U.S. 67, 81 n.17 (1976) (“For reasons long recognized as valid, the responsibility for regulating the relationship between the United States and our alien visitors has been committed to the political branches of the Federal Government.”).

¹⁰⁶ *Korab v. Fink*, 797 F.3d 572, 577–79 (9th Cir. 2014) (“[F]ederal statutes regulating alien classifications are subject to the easier-to-satisfy rational-basis review . . . Although aliens are protected by the Due Process and Equal Protection Clauses, this protection does not prevent Congress from creating legitimate distinctions either between citizens and aliens or among categories of aliens and allocating benefits on that basis . . . The difference between state and federal distinctions based on alienage is the difference between the limits that the Fourteenth Amendment places on discrimination by states and the power the Constitution grants to the federal government over immigration.”) (internal citations omitted); *Lewis v. Thompson*, 252 F.3d 567, 582 (2d Cir. 2001), (“We have recently recognized that a ‘highly deferential’ standard is appropriate in matters of immigration . . .”) (internal citations omitted); *Brooks v. Ashcroft*, 283 F.3d 1268, 1274 (11th Cir. 2002) (“Classifications that distinguish among groups of aliens are subject to rational basis review, and will be found valid if not arbitrary or unreasonable”).

¹⁰⁷ *Heller v. Doe by Doe*, 509 U.S. 312, 319 (1993).

¹⁰⁸ The Secretary's authority for issuing this rule is found in various sections of the INA. See INA secs. 101 *et seq.*, 8 U.S.C. 1101 *et seq.*, section 102 of the HSA, 6 U.S.C. 112, and section 103 of the INA, 8 U.S.C. 1103. Section 101 of the HSA, 6 U.S.C. 111, establishes that part of DHS's primary mission is to ensure that efforts, activities, and programs aimed at securing the homeland do not

Further, the public charge inadmissibility determinations DHS will make under this final rule, clearly reflect a rational link to the government's interest in ensuring that aliens in the United States are self-sufficient and do not rely on the public assistance to meet their needs. While this rule does not limit officer discretion, it contemplates that officers will exercise that discretion rationally and fairly, and in addition to the mandatory statutory factors, will consider only facts and circumstances that are relevant to any public charge inadmissibility determination. So, while it is possible that these determinations may in some instances result in more aliens from a protected classification (e.g., a racial or ethnic group, specific sex, etc.) being found inadmissible under the public charge ground, that does not mean that this rule or individual public charge inadmissibility determinations made after the rescission of the 2022 Final Rule will violate the equal protection guarantee of the Fifth Amendment. Furthermore, neither this rule nor the individual inadmissibility determinations officers will make under the public charge ground of inadmissibility are facially discriminatory or have a discriminatory purpose.¹⁰⁹

Comment: A commenter stated the proposed rule conflicts with the Tenth and Eleventh Amendments and undermines federalism by potentially penalizing State public benefit programs because: the Supreme Court recognized federalism prohibits Congress and the Executive from intruding on State sovereignty and powers reserved to the States, even if otherwise authorized under an enumerated power which stems from federal constitutional structure in the Tenth and Eleventh Amendments prohibiting the Federal government from commandeering a State to implement Federal commands.

Response: DHS public charge inadmissibility determinations under this rulemaking neither implicate the Tenth or Eleventh Amendments nor have federalism implications. First, it is not clear from the comment how this rule could even theoretically implicate

diminish either the overall economic security of the United States.

¹⁰⁹ See generally *Pers. Adm'r of Mass. v. Feeney*, 442 U.S. 256, 279 (1979) (“Discriminatory purpose, however, implies more than intent as volition or intent as awareness of consequences. It implies that the decisionmaker, in this case a state legislature, selected or reaffirmed a particular course of action at least in part ‘because of,’ not merely ‘in spite of,’ its adverse effects upon an identifiable group”) (internal citations omitted).

the Eleventh Amendment¹¹⁰ which pertains to judicial powers and not the power of the Executive Branch. Second, pertaining to the Tenth Amendment reservation clause,¹¹¹ nothing in this rule purports to take away power that was Constitutionally reserved for the States. While the NPRM and this final rule acknowledge some indirect impacts on States, the rule does not regulate State, local, or Tribal functions. This rule simply exercises the Secretary's lawfully delegated authority over immigration¹¹² and the public charge inadmissibility. INA secs. 103(a) and 212(a)(4), 8 U.S.C. 1103(a) and 1182(a)(4). The commenter did not cite caselaw or explain how this final rule can be viewed to commandeer States and DHS strongly disagrees with that sentiment. Furthermore, this rule does not violate Federalism principles because it does not substantially impact States, the relationship between the Federal Government and the States, or the distribution of power and responsibilities among the various levels of government. Although this rulemaking will expand the universe of means-tested public benefits that DHS will consider in public charge inadmissibility determinations, to include benefits that may be fully or partially funded or administered by State, local, or Tribal governments, DHS is neither regulating which aliens may receive such benefits nor how States, local, and Tribal governments administer such programs. Consequently, DHS does not expect that this final rule will impose substantial direct compliance costs on State, local, or Tribal governments, or preempt State law.

Comment: A commenter wrote rescission is unconstitutional under the “void for vagueness doctrine” and unlawful pursuant to section 706(2)(c) of the APA, reasoning the rescission fails to provide, and deliberately obscures, any fair notice to those potentially affected, of the conduct encompassed by the public charge ground of inadmissibility resulting in a

¹¹⁰ U.S. Const. amend. XI “The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.”

¹¹¹ U.S. Const. amend. X “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

¹¹² See *Arizona v. United States*, 567 U.S. 387, 394–5 (2012) (holding that the federal government has “broad, undoubted power over the subject of immigration and the status of aliens” which is derived from the Constitution's grant of authority over naturalization and the federal government's sovereign authority in foreign affairs.)

total lack of standards for assessing inadmissibility under public charge and virtually guarantees arbitrary and discriminatory enforcement by immigration officers, citing *Sessions v. Dimaya*.¹¹³

Response: DHS disagrees that either the proposed rule or this final rule is vague. As discussed earlier in this preamble, DHS believes its approach in this rule falls within the explicit discretionary authority Congress delegated to the Secretary regarding public charge inadmissibility determinations. Thus, DHS's rescission of the 2022 Final Rule, and subsequent administration of the public charge ground of inadmissibility as outlined in this final rule are consistent with the statute and applicable precedent is well within the Secretary's authority. It is also consistent with Congress's express national policy on welfare and immigration enacted in PRWORA. *See* 8 U.S.C. 1601. DHS notes it is Congress that established the public charge ground of inadmissibility and, in delegating discretion to DHS, identified a nonexclusive list of factors to be considered when making public charge determinations. Congress did not prescribe how this discretion should be exercised, *i.e.*, how these factors should be applied, precluded consideration of other factors, nor provided a prescriptive roadmap for agencies to follow when making public charge inadmissibility determinations. Congress left to INS and DHS, how to interpret and apply those factors, including how to incorporate a consideration of public benefit receipt the public charge inadmissibility determinations. Prior to the issuance of the 1999 Interim Field Guidance and promulgation of agency regulations in 2019 and 2022, the public charge ground of inadmissibility was successfully applied in adjudications and certain precedential decisions developed from that discretionary application. By rescinding the 2022 Final Rule, DHS is returning to the pre-1999 application of officer discretion consistent with the statute and applicable precedent. Furthermore, the NPRM and this final rule have been explicit about considering all information and evidence relevant to assessing whether an alien is likely at any time to become a public charge will be considered in the totality of the circumstances.

While DHS generally agrees that the constitutional vagueness doctrine applies to regulations (in addition to statutes), particularly those regulating

criminal conduct or imposing penalties, DHS disagrees that the vagueness doctrine applies to the rescission of an agency regulation because no replacement regulation was proposed in the NPRM or adopted by this final rule. In addition, to the extent the vagueness doctrine would apply to future subregulatory guidance, DHS does not intend that guidance to be vague.

Even if removal of the 2022 Final Rule is subject to challenge under the vagueness doctrine, DHS believes *Sessions v. Dimaya*, 584 U.S. 148 (2018), is distinguishable because that case dealt with the Federal criminal code's incorporation of the definition of "crime of violence" into the INA, and application of the same in the removal context, rather than a civil statute that specifically authorizes broad discretion in subjective determinations and prohibits no conduct.¹¹⁴

Comment: Citing the Supreme Court's 1982 decision in *Plyler v. Doe*,¹¹⁵ some commenters said this rule violates the principles set forth in *Plyler* because it discriminates against children by making predictions and assumptions about receipt of public benefits based on their parents' decisions and using a child's lawful access to food or medical care as evidence against a parent applying for admission or adjustment of status which inverts that principle entirely risking equal protection guarantees meant to shield children.

Response: DHS disagrees that removal of the 2022 Final Rule is inconsistent with *Plyler v. Doe*. In *Plyler*, the Supreme Court held States cannot discriminate against children on the basis of undocumented status. As courts have recognized, *Plyler* relates to distinctions made by States rather than the Federal government and therefore does not apply to DHS or this rulemaking.¹¹⁶ Even if *Plyler* applies to the Federal government on the theory that the equal protection protections applicable to States through the Fourteenth Amendment to the U.S. Constitution are extended to the Federal Government by virtue of the due process

clause of the Fifth Amendment.¹¹⁷ DHS believes that *Plyler* would still be distinguishable. First, the Supreme Court recognized that Federal alienage classifications are subject to rational-basis review because immigration regulation is entrusted to the political branches.¹¹⁸ Therefore, the standard of review would be different than in *Plyler*.¹¹⁹ Secondly, unlike in *Plyler*, where State action categorically deprived children of education based on their immigration status, in this case DHS is not depriving alien children of any right. The rescission of the 2022 Final Rule does not categorically exclude anyone from any government benefit program; it merely returns public charge inadmissibility determinations to the historical practice of applying the statute and relevant precedent, in which receipt of means-tested public benefits is but one consideration in the totality of the circumstances. While this rule may disincentivize some parents from applying for means-tested public benefits on their children's behalf, it does so consistent with our national policy that such benefits not provide an incentive for immigration. *See* 8 U.S.C. 1601. Furthermore, the rule in no way prevents alien children from receiving means-tested public benefits for which they are eligible and under this rule, the receipt of such benefits alone, including where parents applied on their behalf, is not outcome determinative in a public charge inadmissibility determination. Therefore, DHS strongly disagrees that this final rule violates the principles of *Plyler*.

Furthermore, this final rule does not render children per se inadmissible under the public charge ground due to the receipt of means-tested public benefits that their parents applied for on their behalf. As is the case with any alien seeking admission or adjustment

¹¹⁷ *See, e.g., Bolling v. Sharpe*, 347 U.S. 497, 499 (1954) (holding that equal protection principles constrain Federal action through the Fifth Amendment).

¹¹⁸ *Matthews v. Diaz*, 426 U.S. 67, 79–80 (1976). *See also Trump v. Hawaii*, 585 U.S. 667, 702 (2018) (recognizing that courts apply a highly deferential review in the admission context.)

¹¹⁹ *Plyler v. Doe*, 457 U.S. at 216–17 (1982) ("But we would not be faithful to our obligations under the Fourteenth Amendment if we applied so deferential a standard to every classification. The Equal Protection Clause was intended as a restriction on state legislative action inconsistent with elemental constitutional premises. Thus, we have treated as presumptively invidious those classifications that disadvantage a 'suspect class,' or that impinge upon the exercise of a 'fundamental right.' With respect to such classifications, it is appropriate to enforce the mandate of equal protection by requiring the State to demonstrate that its classification has been precisely tailored to serve a compelling governmental interest.").

¹¹³ *Sessions v. Dimaya*, 584 U.S. 148, 156 (2018).

¹¹⁴ 584 U.S. 148, 155–56 ("The prohibition of vagueness in criminal statutes is an essential due process required by both ordinary notions of fair play and settled rules of law . . . [because] it guarantees that ordinary people have fair notice of the conduct a statute proscribes," (internal citations omitted)).

¹¹⁵ 457 U.S. 202 (1982).

¹¹⁶ *See, e.g., Aleman v. Glickman*, 217 F.3d 1191, 1198 (9th Cir. 2000) ("*Plyler* [is] inapposite, however, because [it] involve[s] state classifications of aliens.") (emphasis in the original); *Rodriguez ex rel. Rodriguez v. U.S.*, 169 F.3d 1342, 1350 (11th Cir. 1999) ("*Plyler* is inapposite because it deals with a Fourteenth Amendment challenge to a state's classification of aliens.") (emphasis in the original).

of status, as required by the statute, DHS considers that child's age, health, family status, assets and resources, financial status, education, and skills, along with receipt of means-tested public benefits in the totality of the circumstances. Under this final rule, DHS can also consider, for instance, the length, recency, and amount of receipt of those benefits, the fact that the child's parent sought the benefits on the child's behalf, and that the child is not likely to receive such benefits once they reach the age of maturity.

With respect to the suggestion DHS is impermissibly considering the receipt of means-tested public benefits by an alien's child, DHS notes as reflected in the changes to the adjustment of status application, USCIS is only collecting information about the receipt of any means-tested public benefits by the alien applying for adjustment.¹²⁰ DHS further notes the receipt of means-tested public benefits by an alien's children would only be relevant to the alien's public charge determination to the extent either the means-tested public benefits received by the alien's child are the alien's source of financial support or the alien is legally obligated to support the child who is receiving the means-tested public benefits. In both cases, receipt of means-tested public benefits by the alien's child would be relevant to the alien's assets, resources, and financial status and would be considered in the totality of the circumstances.

DHS has discussed in other comment responses how this rule does not violate the equal protection clause and incorporates those responses here. However, even if the rule did place additional restrictions on aliens, the Supreme Court, even prior to PRWORA, determined the equal protection analysis of Federal action that differentiates between citizens and aliens in the immigration context is different from the equal protection analysis of State actions that differentiate between citizens of another State and citizens of another country.¹²¹

¹²⁰ See Form I-485.

¹²¹ In *Mathews v. Diaz*, the Supreme Court specifically distinguished between State statutes that deny welfare benefits to resident aliens, or aliens not meeting duration residence requirements, from similar actions taken by the political branches of the Federal Government that are specifically empowered to regulate the conditions of entry and residence of aliens finding the enforcement of a 5-year residency requirement against aliens applying for a supplemental medical insurance program did not deprive the aliens of life, liberty or property without due process of law under the Due Process Clause of the Fifth Amendment. See 426 U.S. 67, 79–80, 85–86 (1976). (“The fact that all persons, aliens and citizens alike, are protected by the Due Process Clause does not lead to the further

Comment: One commenter stated the proposed rule undermines U.S. human rights obligations under the International Covenant on Economic, Social, and Cultural Rights in 1977,¹²² including the right to adequate housing and obligation to implement it without discrimination.

Response: DHS rejects the assertion this rule violates the United States' treaty obligations under the International Covenant on Economic, Social, and Cultural Rights. DHS notes the United States has not ratified this covenant and therefore has no associated treaty obligations. Separately, DHS notes its public charge determinations under this final rule are not inconsistent with this treaty, which “recognize[s] the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”¹²³ Simply put, in making public charge inadmissibility determinations under this final rule, DHS officers will consider the statutory minimum factors, receipt of any means-tested public benefits, and any other factor an officer, in his or her discretion, determines is relevant to assessing the alien's likelihood at any time of becoming a public charge. Consideration of these factors does not prevent any alien subject to the public charge ground of inadmissibility from applying for and receiving any means-tested public benefits for which they are eligible, including benefits related to food, clothing, or housing. As was the case prior to the 1999 Interim Field Guidance, DHS will now consider any receipt of means-tested public benefits in the totality of the circumstances, as such receipt bears on an alien's self-sufficiency and likelihood at any time of becoming a public charge but receipt of means-tested public benefits alone is not outcome determinative.¹²⁴

conclusion that all aliens are entitled to enjoy all the advantages of citizenship. . . .”).

¹²² United Nations, International Covenant on Economic, Social and Cultural Rights, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights> (last visited Feb. 5, 2026).

¹²³ United Nations, International Covenant on Economic, Social and Cultural Rights, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights> (last visited Feb. 5, 2026).

¹²⁴ See *Matter of A-*, 19 I&N Dec. 867, 869 (BIA 1988) (acknowledging consideration of evidence of receipt of any prior public assistance as a factor in making the public charge inadmissibility determination); *Matter of Vindman*, 16 I&N Dec. 131, 132 (BIA 1977) (finding that aliens who are receiving SSI and public funds from the New York Department of Social Services “fall clearly within the confines of section 212(a)(15) of the [INA] and

5. Prospective Application of the Final Rule and Retroactivity Concerns

Comment: Many commenters expressed concerns the new rule would apply retroactively to aliens who received means-tested public benefits previously excluded from consideration, as grounds to deny permanent residence, unfairly penalizing decisions made in good faith under existing guidance. One commenter, citing caselaw, stated unless expressly authorized by Congress, a rule may not take away vested rights under existing laws, or create a new obligation, impose a new duty, or attach a new disability with respect to concluded transactions or considerations and DHS impermissibly relied on INA sec. 212(s), 8 U.S.C. 1182(s), to consider past use of previously excluded public benefits, concluding the NPRM was impermissibly retroactive. Other commenters wrote in contrast to the 2019 and 2022 rules, the proposed rule does not clearly state it only applies prospectively and to honor these reliance interests and uphold basic principles of administrative law, DHS must explicitly state any policy changes will apply only prospectively, ensuring families are not retroactively penalized for accessing the healthcare and nutrition benefits essential to their health under protections relied upon in the 2022 Final Rule. Another similarly remarked retroactively implementing more stringent rules would undermine the Federal Government's credibility and people's ability to rely on its policies. Another requested a transition policy preventing retroactive penalization for benefit use during the period in which the 2022 Final Rule was in effect and explaining how reliance interests will be weighed for pending/near-term filings. Other commenters requested a clause in the final rule stating receipt of benefits that were excluded prior to the rule's publication will not be considered or would be considered consistently with the 2022 Final Rule. Several of these commenters noted that such a clear statement was included in both the 2018

are excludable as public charges.”); *Matter of M-*, 2 I&N Dec. 131, 131 (BIA 1944) (considering alien's receipt of public aid as part of public charge inadmissibility determination). *Matter of Perez*, 15 I&N Dec. 136, 137 (BIA 1974) (“the statute . . . requires more than a showing of a possibility that the alien will require public support. Some specific circumstance, such as mental or physical disability, advanced age, or other fact reasonably tending to show that the burden of supporting the alien is likely to be cast on the public, must be present.”) (emphasis added); *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421 (BIA 1962) (“the statute requires more than a showing of a possibility that the alien will require public support.”).

NPRM and the 2019 Final Rule, and its omission from this proposal was deeply alarming. In addition to a non-retroactivity clause, one commenter asked DHS to clarify that aliens do not need to report benefits received prior to the final rule's effective date and that the use of State-funded programs based on reliance of prior DHS policies would be excluded. Another urged DHS not to treat past use of the Oregon Health Plan (OHP) or similar Medicaid coverage, obtained while the 2022 Final Rule is in effect, as a negative factor in any public charge determination stating families should not be retroactively harmed for relying on clear government messaging.

Response: DHS did not claim an express grant of retroactive rulemaking authority nor specifically relied on INA sec. 212(s), 8 U.S.C. 1182(s), for that authority. DHS also did not propose to find aliens inadmissible under the public charge ground and therefore ineligible for adjustment of status based on the past receipt of public benefits previously excluded from consideration under the 2022 Final Rule. In general, DHS applies its regulations prospectively. DHS agrees the U.S. Supreme Court held “statutory grants of rulemaking authority will not be understood to encompass the power to promulgate retroactive rules unless that power is conveyed by express terms”¹²⁵ and retroactive rules alter the past legal consequences of past actions.¹²⁶ DHS also recognizes a rule operates retroactively if it takes away or impairs vested rights.¹²⁷ In addition, DHS recognizes if a new rule is “substantively inconsistent” with a prior agency practice and attaches new legal consequences to events completed before its enactment, it operates retroactively.¹²⁸ However, an agency rule altering future effect, not the past legal consequences of an action, or that upsets expectations based on prior law (which may be characterized as secondary retroactivity), is not necessarily impermissibly retroactive.

Finally, “[a] rule that has unreasonable secondary retroactivity—for example, altering future regulation in a manner that makes worthless substantial past investment incurred in reliance upon the prior rule—may for that reason be ‘arbitrary’ or ‘capricious.’”¹²⁹ This final rule makes clear that it is not altering the past consequences of past actions or imposing new adverse consequences for past actions taken in reliance on prior agency regulations, and therefore would not be impermissibly retroactive or arbitrary and capricious for having an unjustified secondary retroactive effect.

While DHS does not agree the NPRM was impermissibly retroactive, DHS recognizes some aliens may have relied on the 2022 Final Rule, including the outreach, when making decisions on previously excluded means-tested public benefits. Therefore, DHS will not consider the receipt of previously excluded means-tested public benefits if such benefits were received before the effective date of this final rule. However, if the alien continues to receive these benefits on or after the effective date of this final rule, DHS will consider that receipt in the totality of the circumstances.

DHS also agrees it is helpful to state explicitly in this final rule how the rule will be implemented. DHS included an Implementation section in this preamble that clarified that this final rule will apply to applications for admission made on or after the effective date of this final rule and applications for adjustment of status postmarked or electronically submitted on or after that date and accepted by USCIS pursuant to 8 CFR 103.2(a)(1) and (a)(2).¹³⁰ To determine whether a case was postmarked before the effective date of the rule, DHS will consider the postmark date for the application or petition currently before USCIS, not the postmark date for any previously-filed application or petition USCIS rejected pursuant to 8 CFR 103.2(a)(7)(ii). Similarly, DHS clarified it will consider the receipt of means-tested public benefits received before the effective date of this final rule consistently with the 2022 Final Rule, *i.e.*, DHS will only consider the alien's receipt of Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), State, Tribal, territorial, and local public cash assistance for income maintenance and long-term institutionalization at

government expense received. DHS also clarified in the Form I-485 instructions that with respect to means-tested public benefits that were received before the effective date of this final rule, DHS will only collect information about the receipt of SSI, TANF, State, Tribal, territorial, and local public cash assistance for income maintenance, and long-term institutionalization at government expense. With respect to the OHP or Medicaid received before the effective date of this final rule, DHS will treat such receipt consistently with the 2022 Final Rule and only consider receipt in the context of long-term institutionalization at government expense limited to institutional services under section 1905(a) of the Social Security Act, 42 U.S.C. 1396d(a), when received by a beneficiary, including in a nursing facility or mental health institution.

As discussed in other comment responses, this rule does not direct or require aliens to disenroll from means-tested public benefits. However, when making a public charge inadmissibility determination under this final rule, where there is evidence in the record of any past receipt of means-tested public benefits, USCIS may request the alien clarify whether he or she is continuing to receive means-tested public benefits, or has disenrolled. USCIS will consider any evidence the alien provides demonstrating that he or she has disenrolled.

Comment: A commenter stated the resistance to retroactive penalization is a matter of basic civil liberties, not just administrative law, and retroactive application of the new public charge rule runs afoul of 6 U.S.C. 111(b)(1)(G), which the proposed rule cites as a source of DHS's legal authority.

Response: DHS disagrees it violated 6 U.S.C. 111(b)(1)(G) regarding the civil rights and civil liberties of persons or economic security of the United States because, as explained in the immediately preceding comment response, this final rule does not operate retroactively and DHS included clarifications to ensure there is no confusion among the regulated public or officers administering public charge. DHS explained in other comment responses this final rule does not discriminate on the basis of race, national origin, or any other protected class, nor otherwise violate aliens' civil rights or civil liberties, and that DHS is well within its authority to consider all factors mandated by Congress.

Consistent with 6 U.S.C. 111(b), this rule promotes the economic security of the United States by ensuring aliens who lack self-sufficiency are not

¹²⁵ *Georgetown Univ. Hosp. v. Bowen*, 488 U.S. 204, 208 (1988).

¹²⁶ *Bowen*, 488 U.S. at 219 (Scalia, J. concurring).

¹²⁷ See *Nat'l Mining Ass'n v. U.S. Dep't of the Interior*, 177 F.3d 1, 8 (D.C. Cir. 1999) (*National Mining I*) (quoting *Ass'n of Accredited Cosmetology Sch. v. Alexander*, 979 F.2d 859, 864 (D.C. Cir. 1992)).

¹²⁸ See *Arkema Inc. v. EPA*, 618 F.3d (D.C. Cir. 2010) (vacating an EPA rule in part on impermissible retroactivity grounds because the rule attached new legal consequences to events completed before its enactment) (quoting *Nat'l Mining Ass'n v. Dep't of Labor*, 292 F.3d 849, 860 (D.C. Cir. 2002)); see also *Mobile Relay Assocs. v. FCC*, 457 F.3d 1, 11 (D.C. Cir. 2006) (explaining “[r]etroactive rules ‘alter[] the past legal consequences of past actions’” (quoting *Bowen*, 488 U.S. at 219 (Scalia, J., concurring))).

¹²⁹ *Bowen*, 488 U.S. at 220 (Scalia, J., concurring)

¹³⁰ Note, however, that applications filed prior to the effective date of the 2022 Final Rule would still be adjudicated under the 1999 Interim Field Guidance.

admitted or granted adjustment of status.

E. Negative Impacts on DHS and Immigration Policy Objectives

1. Concerns About Immigration Officer Discretion

Comment: Numerous commenters opposed the proposed rule due to concerns about officer discretion in the absence of clear guidelines for making public charge determinations, and lack of any discernible framework, raising concerns about “excessive,” “broad,” “unbounded,” “unchecked,” or “too much” discretion. Others expressed concern it would lead to unfair, arbitrary, inconsistent, erroneous, and possibly discriminatory outcomes. Other commenters agreed and wrote that the NPRM failed to consider how “unfettered” discretion will result in inconsistent decisions reflecting adjudicator-level variability including different treatment among field offices, officers, or adjudicatory culture leading to inconsistency and reduced trust in the immigration system. Several commenters remarked while the INA assigns the public charge assessment to the “opinion of the Attorney General,” the degree to which the NPRM centers adjudicative discretion is an inaccurate reading of the statute, suggesting the lack of guidance would create a system “in which applicants face radically different outcomes depending on who reviews their case.” A form letter campaign expressed concern that the expanded criteria would give officers independent discretion, allowing them to make high-stakes immigration decisions based on broad, loosely defined factors. Others wrote that the proposed rule fails to identify why this kind of broad authority for officers is necessary.

Response: DHS disagrees with the premise of these comments. DHS is restoring the decades-old practice of broad officer discretion, which ensures that aliens who, in the opinion of a DHS officer, are likely at any time to become a public charge are refused admission or denied adjustment of status. Similarly, DHS disagrees with the commenter’s suggestion that all standards for public charge inadmissibility determinations have been removed with the rescission of the 2022 Final Rule. 87 FR 55472 (Sept. 9, 2022). Section 212(a)(4)(A) of the INA, 8 U.S.C. 1182(a)(4)(A), states “any alien who, in the opinion of the consular officer at the time of application for a visa, or in the opinion of the [immigration officer] at the time of application for admission or adjustment of status, is likely at any

time to become a public charge is inadmissible.” Section 212(a)(4)(B) of the INA, 8 U.S.C. 1182(a)(4)(B), lists the minimum, non-exhaustive factors the consular officer or immigration officer must consider when making a public charge determination: the alien’s age; health; family status; assets, resources, and financial status; and education and skills. In addition to those five factors, the consular officer or immigration officer may also consider any Form I–864 when making a public charge inadmissibility determination.

Trusting in the judgment of officers to make reasonable adjudicative decisions consistent with the statute and binding precedent will not lead to arbitrary, inconsistent, discriminatory, or erroneous outcomes. With respect to commenters’ related concern about the potential for variability among discretionary decisions, DHS notes the statute explicitly accounts for variability by using the language “in the opinion of” and “at a minimum.” USCIS will issue policy and interpretive tools applicable to USCIS’ adjustment of status adjudications, which will guide officers in making public charge inadmissibility determinations consistent with the law and based on a consideration of all relevant evidence and information. Such subregulatory guidance will be published in advance of or on the effective date of this final rule, will not be a legislative rule, will comply with the APA, and have a reasonable basis generally informed by the comments on this NPRM.

Adjudicative discretion is built into most aspects of the U.S. immigration system. Congress, in passing the INA and other immigration statutes and amending them over the years, explicitly stated in statutory text that many immigration benefits are discretionary.¹³¹ Very few types of immigration benefit requests are not discretionary, though notable examples include applications for naturalization and most types of immigrant visa petitions. Congress has also frequently

included language stating that determinations made in connection with immigration benefit requests or enforcement activity are discretionary. Section 212(a) of the INA, 8 U.S.C. 1182(a), is replete with examples of such explicit language regarding the discretionary nature of certain inadmissibility determinations, for example when assessing involvement in controlled substance trafficking;¹³² aiding, abetting, assisting, or conspiring, or colluding with someone involved in human trafficking;¹³³ money laundering;¹³⁴ or seeking to enter the United States to engage solely, principally, or incidentally in espionage, evasion of export control laws, unlawful activity, or activities intended to oppose, control, or overthrow our government by force, violence, or other unlawful means;¹³⁵ officers make the determination if they know or have reason to believe the alien has engaged in such conduct. The same “knows, or has reasonable ground to believe” discretionary standard appears in relation to determining whether aliens engaging in or likely to engage in terrorist activity after entry are inadmissible.¹³⁶ Other broad discretionary language, “has reasonable ground to believe,” is used to assess whether an alien is inadmissible because his or her entry or proposed activities in the United States would have potentially serious adverse foreign policy consequences.¹³⁷ Additionally, an exception to one of the terrorism-related inadmissibility grounds is available when “the consular officer or Attorney General has reasonable grounds to believe” an alien has renounced a family member’s terrorist activity. INA sec. 212(a)(3)(B)(ii)(II), 8 U.S.C. 1182(a)(3)(B)(ii)(II).

The discretionary “in the opinion of” language used in section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), is not unusual within immigration laws granting broad discretion to the Executive Branch. Congress established that “[a]ny alien who, *in the opinion of* the consular officer at the time of application for a visa, or *in the opinion of* the Attorney General at the time of application for admission or adjustment of status, is likely at any time to become a public charge is inadmissible” (emphasis added). Congress went on to state in making such a determination, “the

¹³¹ See e.g. INA sec. 245(a), 8 U.S.C. 1255(a) (“the Attorney General may adjust the status . . .”); sec. 212(a)(4), 8 U.S.C. 1182(a)(4) (“in the opinion of”); INA sec. 240A, 8 U.S.C. 1229b(b)(1) (“The Attorney General may cancel removal of, and adjust to the status . . .”). Congress also recognized discretionary immigration decisions in the judicial review statute. See 8 U.S.C. 1252(a)(2)(B). With respect to adjustment of status, in particular, the Supreme Court has recognized it as a discretionary form of relief. See generally, *Patel v. Garland*, 596 U.S. 328 (2022) (holding that federal courts lack jurisdiction to review factual findings made by immigration officials found as part of discretionary-relief proceedings under the INA provision allowing for adjustment of status and other provisions enumerated in the INA, for example discretionary relief from removal).

¹³² INA sec. 212(a)(2)(C), 8 U.S.C. 1182(a)(2)(C).

¹³³ INA sec. 212(a)(2)(H), 8 U.S.C. 1182(a)(2)(H).

¹³⁴ INA sec. 212(a)(2)(I), 8 U.S.C. 1182(a)(2)(I).

¹³⁵ INA sec. 212(a)(3)(A), 8 U.S.C. 1182(a)(3)(A).

¹³⁶ INA sec. 212(a)(3)(B)(i)(II), 8 U.S.C. 1182(a)(3)(B)(i)(II).

¹³⁷ INA sec. 212(a)(3)(C)(i), 8 U.S.C. 1182(a)(3)(C)(i).

consular officer or the Attorney General shall *at a minimum* consider” (emphasis added) five statutory factors, and “*may also consider* any affidavit of support” (emphasis added) under section 213A of the INA, 8 U.S.C. 1183a. Congress’s use of “in the opinion of” in the public charge statute is arguably the broadest discretionary language used in connection with an inadmissibility determination under section 212(a) of the INA, 8 U.S.C. 1182(a). While Congress required officers to consider five specific factors, it described these as “minimum” factors to be considered. This language shows Congress clearly intended officers to consider case-specific additional factors and information relevant to the public charge inadmissibility determination.

While broad, the discretion granted by Congress to officers making public charge inadmissibility determinations is not “excessive, unbounded, or unchecked” as stated by various commenters. Officers make public charge inadmissibility determinations within the statutory framework, considering at a minimum the five factors required by Congress, and, consistent with binding precedent, any other factor relevant to assessing an alien’s likelihood at any time of becoming a public charge, including the alien’s receipt of means-tested public benefits. As noted previously, DHS and legacy INS officers successfully and reasonably applied public charge long before DHS codified the public charge ground of inadmissibility in regulation with no trouble applying statute, precedent, and agency guidance.¹³⁸ With this final rule, DHS restores officers’ ability to appropriately consider all pertinent facts and circumstances relevant to an alien’s likelihood at any time of becoming a public charge, rather than forcing them to ignore relevant evidence and information falling outside the narrow parameters of the current regulation. This is consistent with the implicit trust Congress placed in officers’ judgment and discretion in this area of law.

Comment: Another commenter wrote the proposed rule would turn the public charge inadmissibility determination from one governed by “*ex-ante*” determinations, *i.e.* predictive and

forward-looking, to one driven by “*ex-post*” determinations, which focus on events that have already occurred.

Response: DHS disagrees that the public charge inadmissibility determinations under the final rule would be driven by “*ex-post*” determinations. Under the statute, this final rule, and any subsequent subregulatory guidance, public charge inadmissibility determinations will remain forward-looking, prospective determinations based on the totality of the circumstances, just as Congress intended. In making a forward-looking determination, officers must rely on the information available to them at the time of the adjudication. Such information will necessarily reflect both current and past events and circumstances. However, such information is only relevant to the extent it provides a basis for the officer’s forward-looking determination that, in the officer’s opinion, the alien is likely at any time to become a public charge. Having received means-tested public benefits in the past is not outcome-determinative but merely informs the prospective determination in the totality of the circumstances.¹³⁹

Comment: Commenters suggested that the proposed rule would disadvantage officers as they would apply their discretion with a lack of any discernible framework, falling short of the stated goal of creating a precise and accurate process. A commenter wrote that DHS officers are accustomed to adjudicating applications under the 1999 Interim Field Guidance and similar 2022 Final Rule, and that eliminating key elements of that guidance and rule without establishing a detailed framework in their place would result in inconsistency and confusion in the application of the public charge ground of inadmissibility. Another commenter noted that removal of the clear list of factors would, in practice, result in officers, who are not licensed physicians, actuaries, or financial professionals, evaluating complex medical records and prognoses; interpreting insurance and public benefits eligibility rules under Federal and state law; analyzing tax transcripts, assets, liabilities, and income projections to make a predictive determination. The commenter stated the NPRM neither describes a

corresponding requirement that such officers hold any professional licensure or specialized training in medicine, accounting, finance, or actuarial science, nor established an external review mechanism to correct technical errors.

Response: Our immigration laws are replete with examples of Congress placing explicit trust in officers’ opinion and judgment without requiring DHS or DOJ to implement regulations on those topics. DHS has generally not published regulations guiding officers’ implementation of the grounds of inadmissibility.¹⁴⁰ The establishment of detailed regulations regarding public charge inadmissibility determinations in 2019 and 2022 makes this inadmissibility ground an outlier. DHS notes that there are no regulations at all relating to the deportation grounds of section 237(a) of the INA, 8 U.S.C. 1227. A lack of regulations in this or any other area of immigration law will not disadvantage officers or result in less accurate decisions.

DHS disagrees with commenters that officers need expertise in various fields beyond normal adjudication training. DHS provides any time it changes or modifies agency policy. DHS and legacy INS officers successfully and reasonably applied the public charge ground of inadmissibility long before DHS codified the public charge ground of inadmissibility in regulation based on the statute, precedent, and agency guidance. DHS is confident that officers will be able to continue performing these functions with competence and integrity and exercise their best judgment when considering the statutory mandatory factors, the alien’s receipt of means-tested public benefits, and all other evidence relevant to assessing the individual alien’s likelihood at any time of becoming a public charge.

As for officers being familiar with the framework established by the 1999 Interim Field Guidance and generally included in the 2022 Final Rule, and unfamiliar with applying the public charge ground of inadmissibility after the removal of most of the 2022 Final Rule from 8 CFR part 212, this is not unusual. Whenever the agency amends its regulations or policies, or Congress amends a statute, officers must familiarize themselves with adjudicating consistent with the new context. USCIS will provide guidance and training to officers to aid them in

¹³⁸ See *Matter of Harutunian*, 14 I&N Dec. 583, 588 (Reg’l Cmm’r 1974) (“[T]he determination of whether an alien falls into that category [as likely to become a public charge] rests within the discretion of the consular officers or the Commissioner” (citation omitted)); *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421 (BIA 1962; Att’y Gen. 1964) (“[U]nder the statutory language the question for visa purposes seems to depend entirely on the consular officer’s subjective opinion.”).

¹³⁹ See *e.g. Matter of Perez*, 15 I&N Dec. 136, 137 (BIA 1974) (“the statute . . . requires more than a showing of a possibility that the alien will require public support. Some specific circumstance, such as mental or physical disability, advanced age, or other fact reasonably tending to show that the burden of supporting the alien is likely to be cast on the public, must be present.”) (emphasis added).

¹⁴⁰ 8 CFR part 212. Arguably the only regulations concerning the application of section 212(a) of the INA, 8 U.S.C. 1182(a), relate to INA sec. 212(a)(7), 8 U.S.C. 1182(a)(7) (documentation requirements).

the transition, as it generally does in such situations.

Comment: Multiple commenters warned a lack of guidance would create a void resulting in confusion and uncertainty. Conversely, another wrote the prior public charge framework is proven, easier to apply, and avoids unpredictable outcomes, maintaining fairness, transparency, and predictability in immigration decisions. A commenter remarked that existing guidance allowed their organization to provide clients with clear information on what types of programs are safe to access. Another stated the effects of the proposed rule cannot be ascertained, creating difficulty for governments and organizations to advise people who seek assistance.

Response: DHS disagrees with commenters' suggestions that this final rule creates a void or results in confusion or uncertainty, or that the 2022 Final Rule is "proven" (in the sense that it results in outcomes consistent with congressional intent). DHS believes the statute and the relevant precedent decisions that guided public charge determinations for decades, as well as recent circuit case law, provide these organizations with sufficient guidance to advise aliens concerning this ground of inadmissibility. DHS has explained how this final rule is more consistent with congressional intent and noted that the rule ensures officers are able to use good judgment and discretion to make highly individualized, fact-specific, case-by-case public charge inadmissibility decisions based on the totality of each alien's circumstances, rather than being limited by rigid regulatory definitions and standards. 90 FR 52168, 52194 (Nov. 19, 2025). DHS also explained that prior regulatory approaches may have resulted in DHS finding aliens eligible for adjustment of status or admission even when their past receipt of means-tested public benefits would have demonstrated that they were likely at any time to become a public charge, due to officers' inability to consider all benefits relevant to the case-specific factors and information bearing on the inadmissibility determination. 90 FR 52168, 52180 (Nov. 19, 2025).

DHS again notes, with one limited exception relating to elements of section 212(a)(7) of the INA, 8 U.S.C. 1182(a)(7), there are no regulations relating to the application of other grounds of inadmissibility that governments, service providers, attorneys, or community organizations can reference when providing advice to aliens. It is the current rigid and restrictive public charge regulations which are the outlier

in this area of law. As described in other comment responses, USCIS will formulate and publish appropriate policy and interpretive tools that will go into effect on the effective date of this Final Rule to guide officers, and inform the public, about public charge inadmissibility determinations.

Comment: A commenter stated immigration officers do not make sound public charge inadmissibility determinations, citing research that demonstrated between 2015 and 2024, approximately 70.5 percent of public charge inadmissibility determinations were later dismissed.

Response: The commenter referenced an analysis conducted by researchers at George Washington University, based on a table in the Annual Reports of the Visa Office (of DOS, Bureau of Consular Affairs) for Fiscal Year (FY) 2015–2024.¹⁴¹ However, the researchers fundamentally misunderstood DOS processes and how to interpret the data. Even if they understood how to properly interpret the data, DOS consular officers make visa refusal decisions under different regulations and policies than USCIS officers, with significantly different levels of administrative review.

DHS notes an alien can apply for adjustment of status with USCIS, submit all the required initial evidence, and appear for an interview, without establishing eligibility for the benefit. After reviewing the information provided on the application or in the interview, the officer may determine whether he or she needs additional information or evidence. In such situations, USCIS may issue a NOID or RFE. This provides the alien with the opportunity to address USCIS' determination they failed to meet their burden of proof in demonstrating eligibility. The adjustment of status application remains pending and USCIS completes the adjudication based on the response received, if any.

DOS lacks a similar procedural mechanism. If a consular officer finds an alien failed to demonstrate he or she is admissible to the United States as an immigrant under section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), because of a missing piece of evidence or some conflicting information that needs to be resolved, the consular officer cannot leave the immigrant visa application pending and issue the alien a NOID or RFE. Instead, the consular officer refuses the visa which is equivalent to a denial by USCIS. The alien may

attempt to overcome the reason for the refusal by providing DOS with additional information or arguments. DOS may choose to find the alien overcame the reason for the refusal and issue the visa.

It is a critical misunderstanding of DOS procedures to interpret a visa refusal listed in that table of the Annual Report of the Visa Office as a definitive finding that the alien was inadmissible under the specified ground of inadmissibility, and an even greater error to interpret an "ineligibility overcome" as evidence of some definitive finding of inadmissibility that was later dismissed. The equivalent at USCIS would be, as noted, the issuance of an RFE or NOID followed by a satisfactory response and an approval of the adjustment of status application. There is a significant difference between what these data show (generally, an alien failed to fully meet his or her burden—something was missing or needed to be further explained) and what the researchers claim (consular officers, with all applicable information and evidence in front of them and no paperwork errors on the part of the alien, made a finding of inadmissibility).

These were not inadmissibility findings that were "dismissed." These were, generally, situations in which the initial evidence and information provided by the alien was insufficient. After being notified of the deficiency, the alien provided what was previously lacking and DOS issued the visa. DHS directs the commenters' attention to visa refusals under the health-related grounds of inadmissibility in section 212(a)(1) of the INA, 8 U.S.C. 1182(a)(1). In FY 2024, there were 191 refusals for a communicable disease of public health significance, and 228 initial refusals were overcome. It would be equally inaccurate for the commenters to suggest there was a 119 percent "dismissal" rate because of erroneous initial determinations by consular officers under this provision.¹⁴² The figures should instead be interpreted as indicating that aliens who were refused visas because they were sick at the time of the initial medical screening either were re-screened and cleared or received treatment. Just because an alien eventually overcomes the basis for the refusal of the visa due to changed circumstances, the provision of

¹⁴¹ Ku L, Krips M, Silverman H., The George Washington University, Economic and Mortality Analyses of the DHS Proposed Rule: Public Charge Ground of Inadmissibility, Appendix 1 at 3 (Dec. 2025).

¹⁴² DHS shares two notes from the DOS Annual Report of the Visa Office. Aliens may be refused a visa in one fiscal year and overcome it in a subsequent fiscal year, resulting in a higher figure of "ineligibilities overcome" than ineligibility findings. In addition, a visa application can be refused on more than one of the listed bases.

additional evidence, or a persuasive legal argument does not mean that the initial decision of the consular officer was in error or was “dismissed.”

Finally, during the time period covered by the DOS data included in the commenter’s analysis, USCIS issued tens of thousands of RFEs and NOIDs relating to section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4). Almost all of them related to deficiencies with Form I–864. If the alien provided a response to the RFE or NOID demonstrating he or she had a Form I–864 meeting the requirements of section 213A of the INA, 8 U.S.C. 1183a, and the application was otherwise approvable (including that a favorable exercise of discretion was warranted, if applicable), USCIS then approved the application. Otherwise, USCIS denied the adjustment application. It did so, and continues to do so, without engaging in any of the analysis under discussion related to this rule, as failure to provide a sufficient Form I–864, if one is required, is grounds for automatic denial without determining whether an alien “is likely at any time to become a public charge” based on the minimum factors and the totality of the circumstances. See INA sec. 212(a)(4)(C), (D) and 213A(a)(1), 8 U.S.C. 1182(a)(4)(C), (D) and 1183a(a)(1).

Comment: A commenter wrote past experiences with immigration enforcement by local law enforcement officers in Arizona demonstrated allowing too much discretion to officials can be harmful. Some commenters noted expanding officer discretion will disproportionately hurt vulnerable groups, especially Cuban and Haitian parolees who used public benefits legally and exactly as the government instructed.

Response: Regarding concerns relating to past abuses of discretion by local police in Arizona who engaged in racial profiling in traffic stops for immigration enforcement, the relevance to this rulemaking or public charge inadmissibility determinations is unclear. DHS officers make public charge inadmissibility determinations when an alien affirmatively applies for admission or adjustment of status. This inadmissibility ground applies to all aliens applying for admission as immigrants and applying for adjustment of status, regardless of their race or country of origin, and DHS does not have authority to ignore the ground when applicable. Moreover, DHS does not target certain populations on the basis of race when applying any ground of inadmissibility.

DHS notes many Cubans and Haitians present in the United States who have received means-tested public benefits would be exempt from the public charge ground of inadmissibility when applying for certain immigration benefits, minimizing any impact from the consideration of any receipt of means-tested public benefits. For example, eligible aliens applying for adjustment of status under the Cuban Adjustment Act, under section 902 of the Haitian Refugee Immigration Fairness Act of 1998, and under section 202 of the Immigration Reform and Control Act of 1986 (IRCA) are exempt from the public charge ground of inadmissibility.¹⁴³

Comment: A commenter stated the proposal would turn decisions into subjective judgments based on an undefined “totality of the circumstances” while another wrote that the proposed reliance on past precedent and the “totality of the circumstances” approach could introduce a degree of subjectivity leading to inconsistent determinations, further stating that clarity and consistent application of these principles is crucial to ensure fairness and predictability. Another wrote the proposed rule relies on a “totality of the circumstances” test without identifying how immigration officers will weigh household benefit use and guardrails to prevent treating household benefit use as presumptively indicative of future dependence.

Response: Public charge inadmissibility determinations are necessarily subjective because they are prospective and based on the opinion of the officer. As discussed elsewhere in this preamble, DHS is committed to ensuring officers have the necessary resources to timely and efficiently adjudicate applications for immigration benefits. USCIS will provide guidance and training to officers in the transition, as it generally does in such situations, ameliorating commenters’ concerns. Furthermore, to ensure consistency and quality control, USCIS will monitor adjudications and apply its general quality control processes. USCIS will continually assess and improve the adjudication processes, procedures, and training as needed to ensure consistency.

While commenters may object to the totality of the circumstances, this approach to public charge inadmissibility has been recognized as

the proper framework for many decades. DHS suggests that commenters review those portions of the NPRM relating to the history of this framework in public charge determinations. 90 FR 52168, 52174–52175 (Nov. 19, 2025). Regarding receipt of benefits by members of the alien’s household, the public charge inadmissibility determination focuses on the facts and circumstances bearing on the likelihood at any time that the alien applying for a visa, admission, or adjustment of status will become a public charge, not the likelihood of his or her family members becoming a public charge. As explained in other comment responses, the receipt of means-tested public benefits by members of the alien’s household would only be relevant to the public charge inadmissibility determination to the extent either those benefits are the alien’s source of financial support or the household member who is receiving the means-tested public benefits is someone the alien is legally obligated to support. DHS would consider that fact as part of the alien’s assets, resources, and financial status in the totality of the circumstances.¹⁴⁴

Comment: A commenter expressed concern with the discretion provided to immigration officers under the proposed rule, writing that under the 2022 Final Rule officers only considered whether an alien is likely to become primarily dependent on cash-assistance or long-term institutionalization, an approach previously enshrined by INS in the 1999 Interim Field Guidance to simplify the public charge inadmissibility determination. Another commenter stated INS initially developed the 1999 Interim Field Guidance due to widespread concern over confusion surrounding how use of benefits impacted public charge determinations as well as the associated public health consequences.

Response: DHS disagrees with the premise of these comments. Requiring officers be willfully blind to the past, current, or likely future receipt of all other types of means-tested public benefits may be “simple” but inconsistent with both section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), and Congress’s statement of national policy concerning public benefits and immigration in 8 U.S.C. 1601(2). While certain categories of aliens may be

¹⁴³ Public Law 89–732 (Nov. 2, 1966), as amended, 8 U.S.C. 1255 note; Public Law 105–277, 112 Stat. 2681 (Oct. 21, 1998), as amended, 8 U.S.C. 1255 note; Public Law 99–603, 100 Stat. 3359 (Nov. 6, 1986), as amended, 8 U.S.C. 1255a note.

¹⁴⁴ Given the alien is supposed to exclude any income received from means-tested public benefits from income information provided on the Form I–485, the inclusion of amounts received from means-tested public benefits by others in the household as income may lead to an inadmissibility finding under section 212(a)(6)(C)(i) of the INA, 8 U.S.C. 1182(a)(6)(C)(i).

eligible for some public benefits, Congress established immigration consequences for aliens choosing to receive those benefits in sections 212(a)(4) and 237(a)(5) of the INA, 8 U.S.C. 1182(a)(4) and 1227(a)(5). Congress explicitly enumerated the instances where certain aliens receiving public benefits do not have that receipt considered as part of the public charge inadmissibility determination. *See* INA sec. 212(s), 8 U.S.C. 1182(s).

Comment: Another commenter said while they appreciated allowing officers greater discretion in evaluating inadmissibility, they were concerned that removing the existing framework could lead to a less consistent and potentially more restrictive application of the law, inadvertently creating new barriers for deserving individuals. The commenter urged DHS to consider the long-term implications of the proposed change and prioritize clarity, fairness, and a nuanced understanding of individual circumstances in future policies and interpretive tools.

Response: DHS agrees it is critical public charge inadmissibility determinations reflect a nuanced understanding of an alien's individual circumstances *i.e.*, a consideration of all relevant information and evidence in the totality of the circumstances. Faithful implementation of the public charge ground of inadmissibility requires allowing officers to consider all such relevant information and evidence. This may increase the information collection burden for adjustment applicants and may result in more aliens properly being found inadmissible in accordance with the statute. However, it is Congress who established the statutes governing who is, and is not, eligible to receive the important benefit of status as an LPR, and DHS's responsibility, with other agencies that administer this ground, to identify those aliens who fail to meet the criteria. Additionally, DHS notes that USCIS will issue policy and interpretive tools applicable to USCIS' adjustment of status adjudications under this final rule, which will guide officers in making public charge inadmissibility determinations consistent with the law and based on a consideration of all relevant evidence and information.

Comment: A commenter stated while they supported preventing aliens from accessing means-tested public benefits, the proposed rule was excessive in allowing a public charge inadmissibility determination based on "mere conjectures" about future receipt of means-tested public benefits. A commenter wrote it is unlikely

immigration officers are able to make reasonable assessments of the future economic and social trajectory of immigrants, reasoning that research suggests immigrants at first typically have lower than average income, but climb the income ladder and eventually need less public assistance than native-born U.S. citizens.

Response: The public charge ground of inadmissibility is a prospective determination made in the opinion of the officer. In contrast and with limited exceptions,¹⁴⁵ aliens are inadmissible under other grounds because of something that occurred in the past or is true at the time of adjudication. These fundamental differences between inadmissibility grounds, that some are prospective while others are not, and that some are based on belief or opinion while others are not, were established by Congress. For public charge, this has been the case since 1891, when Congress codified the provision that persons likely to become a public charge were excludable from the United States. While commenters may object to an inadmissibility ground based on a prospective determination made in the opinion of DHS officers, this is an objection to the statute, not this final rule. DHS is committed to ensuring that officers are well prepared to consistently implement the public charge ground of inadmissibility under this final rule by, among other things, USCIS issuing subregulatory guidance and providing training to its officers.

Comment: A commenter wrote the content in DHS social media posts advertising job openings for immigration officers, as well as other posts by the Secretary, suggest that DHS is encouraging employees to go beyond the bounds of the INA in looking for pretexts under the guise of discretion to deny applicants for immigration services.

Response: DHS disagrees with any suggestion that it is encouraging or instructing employees to go beyond statutory language. DHS is committed to the faithful implementation of our immigration laws, even those long ignored by previous administrations and systematically violated by categories of aliens. This final rule seeks to restore the use of the full bounds of the statute.

2. Lack of Replacement Language or Framework

Comment: Multiple commenters expressed concerns that rescinding the

2022 Final Rule without offering any replacement language or guidance creates uncertainty, fear, and avoidance of applying for or receiving benefits. Several commenters expressed concern that rolling back the 2022 Final Rule without a full and clear replacement would plunge immigrant communities, legal service providers, State and local agencies, and community organizations into a state of prolonged uncertainty, preventing them from reliably advising aliens on public charge inadmissibility. A commenter wrote that the lack of clear standards will create uncertainty for many of the same groups, and specifically Members of Congress would be unable to provide constituent services and provide actionable information. Another commenter said future guidance affecting immigrant communities must be publicly released so families and advocates understand the rules and in the absence of clear regulations, USCIS should be limited to applying the statute, relevant case law, and long-established practices, not making discretionary judgments. One commenter stated allowing DHS to make substantive policy decisions without public input would undermine transparency, public accountability, and regulatory consistency. The commenter noted policies with such significant implications for immigrant communities and public health should be subject to full public scrutiny and not internal administrative discretion.

Another commenter wrote that rescinding the 2022 Final Rule without replacing it with a clear framework is not a neutral act; rather, it invites arbitrary, inconsistent, and discriminatory decision-making and undermines the fairness of the immigration system.

Response: DHS disagrees that rescinding the 2022 Final Rule without regulatory replacement creates uncertainty, inconsistency, or discrimination. In fact, we believe the opposite is true. The regulations implemented by the 2022 Final Rule were inconsistent with the national policy contained in E.O. 14218 and PRWORA and the spirit of the broad statutory text in section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), by severely and unduly limiting the factors and relevant evidence DHS officers could consider in making public charge inadmissibility determinations, undermining the accuracy of such determinations. DHS agrees that officers should apply the statute, relevant case law, and any subregulatory guidance, however, public charge inadmissibility determinations necessarily rely on an officer's discretion according to the

¹⁴⁵ Exceptions include INA sec. 212(a)(2)(C), 8 U.S.C. 1182(a)(2)(C), INA sec. 212(a)(2)(D), 8 U.S.C. 1182(a)(2)(D), INA sec. 212(a)(3)(A), 8 U.S.C. 1182(a)(3)(A), and INA sec. 212(a)(3)(C), 8 U.S.C. 1182(a)(3)(C).

statute. Thus, DHS completely removed the public charge inadmissibility framework established by the 2022 Final Rule (with exception of the bond provisions) to better align with PRWORA's directive that aliens are self-sufficient and to comply with section 212(a)(4)(A) of the INA, 8 U.S.C. 1182(a)(4)(A), which directs DHS to deny admission and adjustment of status to aliens likely at any time to become a public charge. Indeed, DHS believes the 2022 Final Rule did not faithfully implement PRWORA and section 212(a)(4)(A) of the INA, 8 U.S.C. 1182(a)(4)(A), insofar as they straitjacket DHS officers by limiting what public benefits DHS can consider in the totality of the circumstances and by precluding officers from considering factors beyond the seven factors outlined in the regulations.

DHS notes that while it has removed the public charge inadmissibility regulations in the short-term, in advance of or on the effective date of this final rule USCIS will publish appropriate policy and interpretive tools to guide public charge inadmissibility determinations while empowering officers to consider the mandatory statutory factors in section 212(a)(4)(B) of the INA, 8 U.S.C. 1182(a)(4)(B) and all individualized case-specific factors and circumstances relevant to an alien's application, as Congress intended.¹⁴⁶

¹⁴⁶ See, e.g., *Matter of Harutunian*, 14 I&N Dec. 583, 588 (Reg'l Cmm'r 1974) ("[T]he determination of whether an alien falls into that category [as likely to become a public charge] rests within the discretion of the consular officers or the Commissioner . . . Congress inserted the words 'in the opinion of' (the consul or the Attorney General) with the manifest intention of putting borderline adverse determinations beyond the reach of judicial review." (citation omitted)); *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421–22 (Att'y Gen. 1962) ((in determining whether a person is likely to become a public charge, factors to consider include age, health, and physical condition, physical or mental defects which might affect earning capacity, vocation, past record of employment, current employment, offer of employment, number of dependents, existing conditions in the United States, sufficient funds or assurances of support by relatives or friends in the United States, bond or undertaking, or any specific circumstances reasonably tending to show that the burden of supporting he alien is likely to be case on the public.); see also *Matter of A-*, 19 I&N Dec. 867, 869 (Comm'r 1988) (applying "[t]he traditional test . . . to determine whether an alien is likely to become a public charge . . . 'based on the totality of the alien's circumstances' as presented in the individual case.") (citations omitted); *Matter of Perez*, 15 I&N Dec. 136, 137 (BIA 1974) ("the statute . . . requires more than a showing of a possibility that the alien will require public support. Some specific circumstance, such as mental or physical disability, advanced age, or other fact reasonably tending to show that the burden of supporting the alien is likely to be cast on the public, must be present.") (emphasis added).

3. Immigration System Impacts, Operational Burdens, and Processing Delays

Comment: Commenters expressed concerns the proposed rule is an attack on the lawful immigration system, and that such an attack would undermine, destabilize, and destroy it. Another wrote that the proposed rule would negatively impact first-generation immigrant families who rely heavily on family-based immigration to reunite families because most humanitarian pathways are exempt and because of the diminished weight given to a Form I–864 under this rule. The commenter expressed their concern that public charge inadmissibility determinations under the new approach would focus on an alien's past and current financial status, discounting studies showing that even family-based immigrants thrive economically in the United States after adjustment of status or admission. Other commenters stated that removal of the 2022 Final Rule undermines humanitarian programs.

Response: DHS disagrees. Simply put, removal of the 2022 Final Rule empowers DHS officers to make public charge inadmissibility determinations consistent with the statute, congressional intent expressed in PRWORA, and precedent decisions, and does not prevent aliens who are subject to the public charge ground of inadmissibility from applying for or obtaining any immigration benefit for which they demonstrate eligibility. INA sec. 291, 8 U.S.C. 1361. This rule does not alter eligibility for means-tested benefits or family-based immigration. Aliens who are beneficiaries of approved family-based immigrant petitions will still be able to apply for admission and for adjustment of status, which DHS may grant if they have demonstrated eligibility. DHS does not believe Congress intended for DHS to administer section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), in a manner that fails to account for aliens' receipt of food, medical, and housing benefits to help aliens become self-sufficient. DHS believes that rescission of the 2022 Final Rule will ultimately strengthen the legal immigration system by ensuring that aliens who are likely at any time to become a public charge are refused admission or denied adjustment of status.

As for humanitarian programs,¹⁴⁷ Congress exempted aliens applying for

¹⁴⁷ See, e.g., INA sec. 245(h), 8 U.S.C. 1255(h) (adjustment of status for special immigrant juveniles). INA sec. 207, 8 U.S.C. 1157 (refugee admission); INA sec. 208, 8 U.S.C. 1158 (asylum

many of these humanitarian benefits from the public charge ground of inadmissibility.¹⁴⁸ Therefore, DHS rejects the idea that modifying how DHS officers make public charge inadmissibility determinations will impact, much less undermine, humanitarian programs to which the public charge ground does not even apply.

Comment: One commenter stated removing the 2022 public charge inadmissibility regulations would force USCIS into deeper backlogs hurting immigrants and U.S. citizens alike, while other commenters voiced concern with increased operational burdens, processing delays and longer processing times, and backlogs resulting from the proposed rule. A commenter said this rule is a waste of time, resources, and public money, while others stated the lack of clear guidance and case-by-base public charge inadmissibility decisions would increase administrative burdens on USCIS, adjudications, and legal challenges, reducing efficiency.

Other commenters stated that the increased discretion afforded to immigration officers under the proposed rule would result in longer and less reliable adjudications. Another commenter warned that the expanded evidentiary requirements under the proposed rule could lead to longer processing times, increased case backlogs, and higher operational costs. The commenter said, in turn, these burdens could negatively impact families, employers, and community institutions that depend on predictable and efficient immigration processing.

A commenter requested that DHS implement a new framework that avoids creating new burdens. Some commenters stated that the rule would impose a substantial new workload on USCIS, which is already backlogged in adjudicating applications, the cost analysis in the rule addresses only the costs to the public, not the administrative costs to USCIS of implementing the rule, and that officers would be required to parse through details of public benefits programs,

provisions); INA sec. 244, 8 U.S.C. 1254a (TPS provisions).

¹⁴⁸ See, e.g., INA sec. 212(a)(4)(A), 8 U.S.C. 1182(a)(4)(A) (applying the ground only to aliens who are applicants for visas, admission, or adjustment of status); INA sec. 245(h)(2), 8 U.S.C. 1255(h)(2) (exempting special immigrant juveniles applying for adjustment of status from the public charge inadmissibility ground). INA sec. 209(c), 8 U.S.C. 1159(c) (exempting refugees and asylees adjusting status from the public charge inadmissibility ground). INA sec. 244(c)(2)(A)(ii), 8 U.S.C. 1254a(c)(2)(A)(ii) (exempting aliens applying for or reregistering for TPS, who must demonstrate they are admissible as immigrants, from the public charge ground of inadmissibility).

which is outside of their job description, and analyze more voluminous records, which increases time and resource burdens.

Response: DHS disagrees that removing the regulatory framework and relying on the statute and binding precedent, is more burdensome than the 2022 Final Rule's framework. Now that the 2022 Final Rule has been rescinded and removed, DHS has restored a broad public charge inadmissibility determination in which officers consider the statutorily mandated factors, the alien's receipt of any means-tested public benefits, and any other factor(s) an officer determines, in his or her discretion, is relevant to assessing an alien's likelihood at any time of becoming a public charge. As was the case prior to the rescission, DHS will make public charge inadmissibility determinations based on information collected on the alien's Form I-485, Form I-693, information from DHS's systems, and any other supporting information submitted or obtained during adjudication. DHS acknowledges that it has revised Form I-485 to require additional information that officers will consider in the totality of the circumstances but believes that public charge inadmissibility determinations under this final rule will not result in a significant increase in the information collection burden.

To the extent this rule could initially cause backlogs, DHS believes any resource burdens associated with removal of the 2022 Final Rule are justified. In removing the rigid regulations that straitjacketed USCIS officers' ability to apply the public charge statute as Congress intended, DHS officers will ensure aliens in the United States are truly self-sufficient,¹⁴⁹ not dependent on public resources,¹⁵⁰ and that aliens who are likely at any time to become a public charge are neither admitted nor permitted to adjust their status, as Congress intended. While implementation of the rule may initially increase USCIS processing times, such is the burden of robust enforcement of the laws that Congress set in PRWORA and IIRIRA. DHS is committed to ensuring officers have the necessary resources to timely and efficiently adjudicate applications for immigration benefits. USCIS will provide guidance and training to officers in the transition, as it generally does in such situations, ameliorating commenters' concerns. Furthermore, to ensure consistency and quality control, USCIS will monitor adjudications and

apply its general quality control processes. USCIS will continually assess and improve the adjudication processes, procedures, and training.

Comment: One commenter noted that this rule would be less predictable and therefore lead to more requests for evidence, appeals, and legal challenges. This commenter stated that this rule would lead to more discretionary denials, which results in more follow-up filings and delays, which adds months or years to processing times and to delays. A commenter stated that the rule would significantly increase the paperwork burden on officers and would lead to inconsistent adjudication that could increase litigation, and cause delays in processing, creating larger backlogs in immigration processing. One commenter said the operational burden associated with the removal of the 2022 Final Rule could negatively impact families, employers, and community institutions that depend on predictable and efficient immigration processing.

Response: DHS disagrees that removal of the 2022 Final Rule results in an unpredictable approach to public charge inadmissibility determinations that will lead to the issuance of more requests for evidence or increased "paperwork burden" on officers. As noted in the NPRM, in adjudicating adjustment of status applications, USCIS will consider the statutory minimum factors, the alien's receipt of means-tested public benefits, and all other information relevant to assessing the alien's likelihood at any time of becoming a public charge in the totality of the circumstances, consistent with governing precedent. 90 FR 52168, 52188 (Nov. 19, 2025). INA secs. 212(a)(4)(B) and 212(s), 8 U.S.C. 1182(a)(4)(B) and 1182(s). For example, USCIS will continue to use information from the alien's Form I-693, Report of Immigration Medical Examination and Vaccination Record, and Form I-485, Application to Register Permanent Residence or Adjust Status, as well as any information obtained during an interview to assess the alien's age, health, family status, assets, resources, and financial status, education and skills, receipt of any means-tested public benefits. And as is true in with any immigration benefit USCIS adjudicates, officers may request additional evidence relating to the statutorily mandated factors or any other factor the officer determines is relevant to assessing whether the alien is likely at any time to become a public charge. 90 FR 52168, 52188 (Nov. 19, 2025). *See also* 8 CFR 103.2(b)(8).

Furthermore, DHS believes that the statute and the governing precedent decisions pertaining to public charge inadmissibility determinations provide officers with sufficient guidance. These authorities as well as the relevant information collections similarly provide adequate notice to the aliens applying for adjustment of status about what information USCIS will consider when conducting public charge inadmissibility determinations. Aliens applying for adjustment of status may need to become familiar with these authorities and the information collections and instructions to understand what evidence they need to submit to demonstrate that they are not likely at any time to become a public charge. USCIS will also issue subregulatory guidance, which will go into effect on the effective date of this final rule.

Aliens applying for adjustment of status should expect to fully complete their Form I-485 and provide any required supporting evidence, as well as provide any evidence in their possession that pertains to their self-sufficiency and likelihood of becoming a public charge. So long as aliens provide this information, DHS disagrees with the commenter's characterization that the return to a faithful public charge inadmissibility determination will result in more RFEs or subsequent filings.

With respect to the commenter's claim the rulemaking will result in more appeals or legal challenges, DHS notes a denial of an application for admission or adjustment of status generally cannot be appealed.¹⁵¹ Upon denial of an alien's application for adjustment of status, if removable, USCIS can issue a Notice to Appear (NTA) and place the alien in removal proceedings.¹⁵² In removal proceedings, the alien can challenge the basis for removal and, if found removable, file the application for adjustment with the Immigration Judge. *See* INA secs. 240(c)(3) and (4), 8 U.S.C. 1229a(c)(3) and (4). With respect to litigation, this final rule was carefully developed to reflect a faithful interpretation of section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), PRWORA, and congressional intent. DHS also considered statutes, precedent

¹⁵¹ *See* 8 CFR 245.2(a)(5)(ii) ("No appeal lies from the denial of an application by the director, but the applicant, if not an arriving alien, retains the right to renew his or her application in proceedings under 8 CFR part 240. Also, an applicant who is a parolee and meets the two conditions described in section 245.2(a)(1) may renew a denied application in proceedings under 8 CFR part 240 to determine admissibility.").

¹⁵² *See* 8 CFR 245.2(a)(5)(ii), INA sec. 239, 8 U.S.C. 1229. INA sec. 240, 8 U.S.C. 1229a.

¹⁴⁹ 8 U.S.C. 1601.

¹⁵⁰ 8 U.S.C. 1601(2)(A).

decisions, decades-long agency practices, and legislative materials to ensure the final rule is consistent with congressional objectives. DHS recognizes certain individuals and groups may object to any faithful implementation of our country's immigration laws and may raise their objections in court. However, we expect the rule's reasonable standards will support effective implementation and enforcement, consistent with the statutory framework established by Congress.

As to the commenter's suggestion that this final rule could negatively impact families, employers, and community institutions because it would result in inefficiency in immigration processing, while implementation of the rule may initially increase USCIS processing times, such is the burden of robust enforcement of the laws that Congress established in PRWORA and IIRIRA. DHS is committed to ensuring officers have the necessary resources to timely and efficiently adjudicate applications for immigration benefits. USCIS will provide guidance and training to officers in the transition, as it generally does in such situations, ameliorating commenters' concerns.

Comment: A commenter stated numerous Federal documents frequently cite the regulations in question and updating those documents would waste resources.

Response: DHS recognizes Federal agencies have numerous documents and resources citing to or referencing regulations promulgated in the now-rescinded 2022 Final Rule. DHS further recognizes Federal agencies will need to expend resources to update agency guidance and informational resources for any regulatory change. DHS does not anticipate a substantial expenditure of resources unique to this final rule and will ensure it employs efficient strategies to update its documents and resources to reflect rescission of the 2022 Final Rule. Should DHS, particularly USCIS, be unable to recover the full costs associated with implementing this final rule, the agency will propose to adjust the associated form fees in a subsequent fee rule. USCIS establishes its fees by assigning costs to an adjudication based on its relative adjudication burden and the use of resources. Additionally, DHS will work with other Federal agencies to ensure awareness of the rescission and assist them as needed with updating their materials.

Comment: A commenter wrote that the rule removes language excluding nonimmigrants from the public charge ground of inadmissibility, impacting

international students and scholars. The commenter reasoned that subjecting these individuals to a public charge determination would be a waste of DHS's resources as international students must provide evidence of sufficient funds to support themselves throughout their course of study. Another commenter requested that F and J categories of visas be excluded from the proposed rule since international students and scholars already have to provide proof of financial self-sufficiency. Another commenter said broad officer discretion could lead to negative consequences for international students, including scrutiny of legitimate funding sources like scholarships, stipends, or assistantships, negative impacts on dependents, and uncertainty affecting future benefits for the student such as Optional Practical Training (OPT), H-1B, or adjustment of status.

Response: DHS believes the first commenter misunderstood the scope of the 2022 Final Rule which did not exclude nonimmigrants, including international students and scholars, from the public charge ground of inadmissibility. Under the plain language of the statute, the public charge ground of inadmissibility applies to applicants for visas (immigrant and nonimmigrant), admission, or adjustment of status unless expressly exempt in statute. Categorically excluding individuals seeking admission under the F and J categories would be contrary to the statute.¹⁵³ Therefore, public charge inadmissibility determinations established by this rulemaking necessarily apply to nonimmigrants seeking admission at a port of entry, unless the alien is exempt from this ground of inadmissibility. However, this final rule does not regulate universities nor the eligibility for, or amount of, financial aid awards or the availability of internships or other work experience. The requirement for students to support themselves during studies is evaluated by consular officers at Department of State prior to issuing the nonimmigrant visa and, while possible, it is unlikely a CBP officer would later find the alien inadmissible at a port of entry under section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), barring additional information or changed circumstances.

4. Misalignment With Longstanding Immigration Policies or U.S. Values

Comment: Commenters expressed concerns: the rulemaking is against our values (including fairness and

opportunity), founding principles, and is intended to punish poor immigrants and deter them from entering the United States. Another warned that proposed changes would shift the immigration system toward a model that prioritizes evaluating immigrants on wealth, over other traditional markers of successful assimilation, such as potential, character, and contributions. A commenter said the rule disproportionately burdens low-income individuals, people with disabilities, caregivers, and marginalized communities without a legitimate governmental justification, and wealth-based exclusion mechanisms have consistently been viewed with constitutional skepticism. A commenter stated that the uncertainty and individual discretion in immigration decisions resulting from the proposed rule would run contrary to democratic values.

Response: DHS strongly disagrees this rule is intended to punish anyone, including marginalized communities, or is inconsistent with American values. DHS, in fact, notes this rule is consistent with statutory language and longstanding national policy since the earliest immigration laws that aliens within the United States are self-sufficient and not dependent on public resources to meet their needs. *See* 8 U.S.C. 1601(2)(A) and (5). Congress first created immigration restrictions based on an alien's likelihood of becoming a public charge in the Immigration Act of 1882, which authorized exclusion of "any person unable to take care of himself or herself without becoming a public charge."¹⁵⁴ Congress expanded on this point in 1996 when enacting PRWORA by stating aliens generally should not depend on public resources and the availability of public benefits should not constitute an incentive for immigration to the United States. *See* Public Law 104–193, sec. 400, 110 Stat. 2105, 2260 (codified at 8 U.S.C. 1601). Further, DHS does not believe this final rule is contrary to democratic values. DHS's interpretation and application of the public charge inadmissibility ground in this rulemaking is properly guided by the more than a century-old history of this provision, the current statutory language at section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), relevant case law, and Congress's express statements of national policy with respect to immigration and welfare.

As noted previously, to the extent that public charge inadmissibility determinations disproportionately affect

¹⁵³ *See* INA sec. 212(a)(4), 8 U.S.C. 1182(a)(4).

¹⁵⁴ Immigration Act of 1882, 22 Stat. 214 (Aug. 3, 1882).

aliens with lower incomes, DHS notes it is Congress, not DHS, that mandated consideration of an alien's assets, resources, and financial status in public charge inadmissibility determinations. See INA sec. 212(a)(4)(B)(i)(IV), 8 U.S.C. 1182(a)(4)(B)(i)(IV). Therefore, in following the express language of the statute, DHS will continue to consider an alien's assets, resources, and financial status, the other statutorily-mandated factors, the alien's receipt of means-tested public benefits, as well as any other case-specific factor that is relevant, in the officer's discretion, to assessing whether an alien is likely at any time to become a public charge in the totality of the circumstances.

An officer would not conclude that an alien is inadmissible as likely at any time to become a public charge solely because that alien is low income.¹⁵⁵ Indeed, to deny an alien admission or adjustment of status solely because the alien has lower income would be inconsistent with statutory language and longstanding binding precedent that DHS will continue to follow.¹⁵⁶ Instead, as reflected in the NPRM,¹⁵⁷ officers would make public charge inadmissibility determinations considering all relevant factors, including the statutorily mandated factors, the alien's receipt of means-tested public benefits, and any other relevant factor, in the totality of the circumstances.¹⁵⁸

Comment: Another commenter said this rule is contrary to family unity goals of section 201(b) of the INA, 8 U.S.C. 1151. Another commenter stated that DHS should retain the 2022 Final Rule because unlike the framework DHS proposed in the NPRM, the 2022 Final Rule protects family unity.

Response: DHS strongly disagrees that this rule seeks to undermine opportunity, fairness, or family unity. DHS acknowledges that the INA

provides certain aliens with the opportunity to come to and remain in the United States temporarily and permanently in furtherance of such ideals as family unity.¹⁵⁹ However, DHS must emphasize that this rule does not and cannot alter the process and requirements for obtaining immediate relative, family-sponsored, employment-based, diversity, or nonimmigrant visas, or humanitarian relief as provided for in the statute; aliens will still be able to apply for any benefit for which they are eligible and DHS will continue to grant immigration benefits to aliens who have demonstrated eligibility for such benefits.¹⁶⁰ Importantly, the INA precludes certain aliens from obtaining those family unity and humanitarian benefits. For example, unless an exception applies or a waiver is available, aliens seeking admission and adjustment of status as family-based immigrants are inadmissible and ineligible if they have committed certain criminal offenses, have been diagnosed with a communicable disease of public health significance, and, as important here, are likely at any time to become a public charge.¹⁶¹ These grounds of inadmissibility are valid exercises of congressional authority, notwithstanding that such grounds of inadmissibility may prevent aliens from obtaining these family-based benefits that Congress has made available.

Because Congress has for over a century determined that aliens who are likely to become a public charge should be precluded from obtaining certain immigration benefits, including those intending to promote family unity, DHS is required to enforce this basis for inadmissibility when determining which aliens to admit or adjust their status to that of a lawful permanent resident. Through this rule, DHS is exercising its statutory authority to administer the public charge ground of inadmissibility in the manner that Congress intended. To the extent that commenters are concerned about this rule's impact on aliens' ability to obtain immigration benefits provided under the INA, DHS also notes that the public charge inadmissibility ground does not apply to all aliens who are seeking a visa, admission, or adjustment of status. Congress specifically exempted certain groups, e.g., refugees and asylees at the time of admission and adjustment of status. INA secs. 207(c)(3) and 209(c), 8 U.S.C. 1157(c)(3) and 1159(c).

Comment: Commenters stated it is contrary to the spirit of U.S. immigration law to treat short-term, lawful benefit use as a negative factor in a public charge inadmissibility determination. Others expressed concern that the proposed rule is an abandonment of longstanding immigration policy and severely harms aliens who rely on social safety services to contribute to the country over the course of their lives. Two others wrote that this rule would unravel decades of sound and settled public policy clearly outlining which public benefits may be used without causing negative immigration consequences.

Response: DHS disagrees that considering an alien's receipt of means-tested public benefits in a public charge inadmissibility determination is contrary to the spirit of longstanding immigration policy. An alien's receipt of public benefits has been a consideration in public charge inadmissibility determinations dating back to the earliest immigration laws.¹⁶² Further, DHS considers the factors in the totality of the circumstances, where receipt of any means-tested public benefits by an alien is considered but not outcome determinative.¹⁶³

DHS would not conclude an alien is inadmissible under the public charge ground simply because that alien received a means-tested public benefit. 90 FR 52168, 52188 (Nov. 19, 2025). Instead, as noted in the NPRM and following past precedent, DHS officers would look at the circumstances surrounding the alien's receipt, e.g., nature of the benefit, whether it is the type of benefit that alone or in combination with other benefits meets the alien's basic needs, the recency, duration, and amount of receipt, the reason for the receipt, and whether the

¹⁵⁵ See *Matter of Perez*, 15 I&N Dec. 136, 137 (BIA 1974) ("The fact that an alien has been on welfare does not, by itself, establish that he or she is likely to become a public charge."); *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421 (BIA 1962) ("the statute requires more than a showing of a possibility that the alien will require public support.").

¹⁵⁶ See *Matter of Perez*, 15 I&N Dec. 136, 137 (BIA 1974) ("The fact that an alien has been on welfare does not, by itself, establish that he or she is likely to become a public charge."); *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421 (BIA 1962) ("the statute requires more than a showing of a possibility that the alien will require public support.").

¹⁵⁷ 90 FR 52168, 52180 (Nov. 19, 2025).

¹⁵⁸ See, e.g., *Matter of A-*, 19 I&N Dec. 867 (BIA 1974) (BIA considered that the alien was a mother of a small child and found it legitimate that she may be temporarily out of the workforce to care for her children, they also looked at the fact that there were few jobs in the area where she lived, and that she was now employed despite receiving public benefits previously for 4 years).

¹⁵⁹ See, e.g., INA sec. 203(a), 8 U.S.C. 1153(a).

¹⁶⁰ INA sec. 291, 8 U.S.C. 1361.

¹⁶¹ See, e.g., INA secs. 212(a)(1), (2), and (4), 8 U.S.C. 1182(a)(1), (2), and (4).

¹⁶² See *Matter of A-*, 19 I&N Dec. 867, 869 (BIA 1988) (acknowledging consideration of evidence of receipt of any prior public assistance as a factor in making the public charge inadmissibility determination); *Matter of Vindman*, 16 I&N Dec. 131, 132 (BIA 1977) (finding that aliens who are receiving SSI and public funds from the New York Department of Social Services "fall clearly within the confines of section 212(a)(15) of the [INA] and are excludable as public charges."); *Matter of M-*, 2 I&N Dec. 131, 131 (BIA 1944) (considering alien's receipt of public aid as part of public charge inadmissibility determination).

¹⁶³ See *Matter of A-*, 19 I&N Dec. 867, 869 (BIA 1988) (acknowledging consideration of evidence of receipt of any prior public assistance as a factor in making the public charge inadmissibility determination); *Matter of Vindman*, 16 I&N Dec. 131, 132 (BIA 1977) (finding that aliens who are receiving SSI and public funds from the New York Department of Social Services "fall clearly within the confines of section 212(a)(15) of the [INA] and are excludable as public charges."); *Matter of M-*, 2 I&N Dec. 131, 131 (BIA 1944) (considering alien's receipt of public aid as part of public charge inadmissibility determination).

reason has or is likely to persist, etc. 90 FR 52168, 52188 (Nov. 19, 2025).

Comment: Commenters expressed concern that the proposed rule is a departure from the United States' historic commitment to welcoming immigrants and recognition of immigrant contributions, in that a narrow and punitive interpretation of "public charge" fails to reflect the nation's historical understanding of immigrants as long-term contributors to the economy and society. A commenter expressed concern that the proposed changes would radically reshape the legal immigration system and redefine who is "worthy" of being a U.S. citizen, along with what the country looks like.

Response: DHS disagrees. DHS acknowledges immigrants have made and continue to make critical contributions to the U.S. economy and workforce. Immigrants, taken as a whole, are a net positive for the U.S. economy as well as government budgets, filling critical gaps in the U.S. labor market. However, Congress determined which aliens should be admitted into the United States or granted adjustment of status and which aliens are inadmissible and, therefore, ineligible for admission and adjustment of status. The faithful application of the statutory provisions rendering aliens inadmissible to the United States is critical to ensuring that immigration continues to serve as a positive force for our economy and country as a whole.

Aliens likely at any time to become a public charge are among those categories of aliens whom Congress determined should not be admitted or permitted to adjust their status. Furthermore, it is our longstanding national policy on immigration and welfare that aliens within the United States should not depend on public resources to meet their needs but rather rely on their own capabilities and the resources of their families, their sponsors, and private organizations. The public charge ground of inadmissibility is an important tool established by Congress to minimize the presence in the United States of aliens who lack self-sufficiency and are likely to rely on the government to meet their needs. It is Congress, not DHS, who has established the eligibility criteria determining who is "worthy" to be admitted to the United States or to adjust their status. By faithfully implementing the public charge ground of inadmissibility, DHS helps ensure aliens admitted to the United States or granted adjustment of status are the aliens who would contribute to the economy and workforce.

F. Negative Impacts on Applicants, Petitioners, Beneficiaries, and Support Systems

1. Chilling Effects on Benefit Usage

a. General Concerns About Chilling Effects

Comment: Numerous commenters expressed concern that the proposed rule's perceived ambiguity around which forms of assistance may be considered and whether receiving public benefits on behalf of family members could negatively affect an applicant would lead to a "chilling effect" that would discourage immigrants from accessing essential health, nutrition, and housing services, despite being legally eligible to receive them. Citing studies and research, many commenters asserted that the chilling effect will increase hunger, food insecurity, homelessness and poverty, create uncertainty or fear among immigrants, leading them to forego benefits or programs they help fund through taxes, and discourage families from accessing essential services to avoid risking their immigration status or the status of family members. Another commenter quoted the NPRM, that the "elimination of certain definitions may lead to public confusion or misunderstanding of the proposed rule, which could result in decreased participation in public benefit programs by individuals who are not subject to the public charge ground of inadmissibility."

Response: With respect to the rule's potential "chilling effects", DHS points to our national policy on welfare and immigration as set forth in PRWORA as a sufficient basis to move forward with this final rule. See Public Law 104–193, sec. 400, 110 Stat. 2105, 2260 (codified at 8 U.S.C. 1601).

DHS acknowledges the final rule may indeed produce indirect effects on the receipt of means-tested public benefits. Moreover, individuals who might choose to disenroll from or forego future enrollment in a public benefits program may include aliens as well as U.S. citizen members of mixed-status households. However, as stated in the NPRM, DHS believes the regulations implemented by the 2022 Final Rule are inconsistent with the national policy contained in E.O. 14218, PRWORA, and both the language and spirit of the broad statutory text in section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), because it severely and unduly limited the factors DHS could consider in making a public charge inadmissibility determination. The 2022 Final Rule, at best, discouraged and, at worst, prevented

DHS officers from considering relevant evidence essential to making an accurate and valid public charge inadmissibility determination consistent with the statute, the spirit of PRWORA, and past precedent decisions.

Although individuals may reconsider their receipt of public benefits in light of future immigration consequences, this rule does not prohibit an alien from obtaining any public benefit for which he or she is eligible. To the extent that aliens subject to the public charge ground of inadmissibility decide to forego means-tested public benefits on behalf of their U.S. citizen children or to the extent that aliens' family members disenroll from means-tested public family members for which they are eligible, such choices would be unreasonable where DHS has communicated in this rule, and will communicate in future guidance, that such receipt will not be considered except in limited circumstances. Regardless, DHS declines to limit the effect of the rulemaking to avoid the possibility that aliens subject to this rule may disenroll or choose not to enroll in public benefit programs as confirming self-sufficiency is the rule's ultimate aim. DHS also declines to limit the effect of the rule to avoid the possibility that individuals who are not subject to the public charge ground of inadmissibility will choose not to receive means-tested public benefits, as DHS believes that this risk is outweighed by the benefits of the rule.

However, DHS notes that the subregulatory guidance that USCIS will issue in the USCIS Policy Manual, which will apply to USCIS adjudications of adjustment of status applications, will provide the regulated public with sufficient information to understand whose benefits will and will not be considered in an alien's public charge inadmissibility determination. Sharing this information is intended to help individuals who are not subject to the public charge ground of inadmissibility understand that it does not apply to them, allowing them to make informed decisions. Additionally, DHS encourages nonprofit organizations that assist aliens to also provide information and disseminate the guidance that USCIS will issue to help aliens and their families understand how public charge inadmissibility determinations will be made under this final rule.

Comment: Another commenter reasoned that recent policy shifts eliminated automatic extensions for numerous Employment Authorization Document (EAD) categories, shortened validity periods, led to longer

processing times, and resulted in periods of unemployment, forcing many aliens to depend on public benefits to meet their families' basic needs, despite being ready, willing, and able to legally work. Yet, the commenter said, immigrants may be discouraged from applying for these benefits under the proposed rule, risking food insecurity, housing instability, and other serious harms to protect their immigration status.

Response: DHS acknowledges that aliens with gaps in employment due to difficulties obtaining EADs may experience periods of financial need during which aliens need to rely on resources other than their own to meet their needs. However, consistent with PRWORA, aliens should not depend on public resources to meet their needs, but rather rely on their families, their sponsors, and private organizations during those times. *See* 8 U.S.C. 1601. DHS will consider the alien's receipt of means-tested public benefits in the totality of the circumstances. DHS emphasizes under applicable precedent and as discussed in the NPRM, the fact that an alien received means-tested public benefits is not by itself outcome determinative.¹⁶⁴ DHS will also consider the type of benefit received, the circumstances under which the alien received those benefits, the duration and amount of receipt, as well as the statutory factors and any other factor the officer determines, in his or her discretion, is relevant to assessing the alien's likelihood of at any time becoming a public charge, including prior employment history.

b. Impact on Public Health and Healthcare Access

Comment: Many commenters expressed concern that the rule is counterproductive, cruel, not aligned with public health stewardship, and adversely impacts public health, requested the rule explicitly exclude health and nutrition programs from the public charge inadmissibility determination to protect public health and food security as healthcare is a basic and fundamental need, and

pointed out the need for clarity that existed in the previous regulations to prevent widespread fear, harm, and confusion. Several commenters were concerned about the rule undermining the trust in public healthcare systems. A commenter noted that programs like Medicaid are not signs of dependency but are rather essential supports promoting public health, child development, workforce participation, and community well-being. Commenters listed negative consequences for removing the regulations that they claimed provided clarity and excluded consideration of the receipt of Medicaid from a public charge inadmissibility determination, including a higher prevalence of communicable diseases due to lower vaccination rates and increased spread of preventable illness, lower rates of seeking regular health checks or necessary care, poorer long-term health outcomes, declination of lifesaving services or necessary prescriptions, an increase in the prevalence of obesity and malnutrition, decreased use of or increased barriers to mental health treatment, and increased deaths due to avoidance of emergency treatment. Many commenters stated the rule would also exacerbate food insecurity, housing instability, and poverty, linking those to long-term health conditions like diabetes, obesity, hypertension, chronic kidney disease, and depression that would impact overall U.S. public health. Others noted some aliens pay taxes and should be allowed to access tax-funded healthcare.

Commenters stated that lawfully present families are already losing or avoiding health coverage because of policy uncertainty and cited the Kaiser Family Foundation (KFF)/New York Times 2025 Survey of Immigrants¹⁶⁵ to point to the number of lawfully present immigrants who are now uninsured, or who have said they are delaying needed care because of immigration concerns. Some commenters stated the rule would harm people living with HIV and undermines the Ending the HIV Epidemic in the U.S. federal initiative by deterring people living with and vulnerable to HIV from accessing health insurance and vital public programs designed to allow individuals to stay in care, sustain viral suppression, and be self-sufficient. They stated that these

programs are important to end the HIV epidemic, improve quality of life for people living with HIV, and that the rule would ultimately lead to treatment interruptions, increased transmission rates, preventable deaths, and increased healthcare costs.

Response: DHS disagrees the rule is not aligned with American values or is counterproductive or cruel. As reflected in E.O. 14218, the Trump Administration is taking steps to “uphold the rule of law, defend against the waste of hard-earned taxpayer resources, and protect benefits for American citizens in need, including individuals with disabilities and veterans.” *See* 90 FR 10581, 10581 (Feb. 25, 2025). Through this rule, DHS ensures aliens are self-sufficient and not admitted or granted adjustment if they are likely at any time to become a public charge. 8 U.S.C. 1601.

DHS also disagrees that the rule will undermine the trust in public healthcare systems. This rule in no way restricts access to medical treatment or vaccines for children or adults, and this rule is not intended to discourage individuals from obtaining necessary healthcare to prevent communicable diseases.

Additionally, this rulemaking does not prevent aliens from obtaining any means-tested public benefits for which they are eligible under PRWORA. Although DHS acknowledges that the final rule, once effective, may lead individuals to disenroll or choose to forgo enrollment from public benefits for which they are eligible, the rule does not change eligibility requirements for any public benefits. The rule only clarifies how officers will determine whether an alien seeking admission or adjustment of status is inadmissible, which is a separate determination Congress has authorized DHS to make.

Comment: Some commenters stated the rule undermines the goals of the Make America Healthy Again initiative, and one commenter added it contradicts the U.S. Department of Health and Human Services' (HHS) work to increase access to affordable coverage and attain better health outcomes. One commenter stated the rule reverses progress made on health equity among different populations. Similarly, one commenter was concerned about the rule resulting in increased risk of communicable disease spread in dense urban areas and another raised the risk of detrimental effects on healthcare in rural areas.

Response: DHS disagrees the rule undermines the goals of Make America Healthy Again initiative. E.O. 14212 establishes the Make America Healthy Again Commission to aggressively

¹⁶⁴ *See Matter of Perez*, 15 I&N Dec. 136, 137 (BIA 1974) (“The fact that an alien has been on welfare does not, by itself, establish that he or she is likely to become a public charge.”); *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421 (BIA 1962) (“the statute requires more than a showing of a possibility that the alien will require public support.”); *Matter of A-*, 19 I&N Dec. 867 (BIA 1974) (BIA considered that the alien was a mother of a small child and found it legitimate that she may be temporarily out of the workforce to care for her children. The BIA also looked at the fact that there were few jobs in the area where she lived, and that she was now employed despite receiving public benefits previously for 4 years).

¹⁶⁵ Drishti Pillai, Samantha Artiga, et al., KFF, KFF/New York Times 2025 Survey of Immigrants: Health and Health Care Experiences During the Second Trump Administration (Nov. 18, 2025), <https://www.kff.org/immigrant-health/kff-new-york-times-2025-survey-of-immigrants-health-and-health-care-experiences-during-the-second-trump-administration/>.

combat the critical health challenges facing our citizens in the United States. This rule does not regulate eligibility for, or access to, public benefits. DHS reiterates that this rule does not prevent individuals who are eligible for public benefits from receiving these benefits and therefore does not undermine the public health goals set forth in the Make America Healthy Again initiative, nor does this rule contradict the work of HHS to enact such policy.

This rule is consistent with the Government's interest and congressional intent, as set forth in PRWORA, to: (1) minimize the incentive of aliens to immigrate to the United States due to the availability of public benefits; and (2) promote the self-sufficiency of aliens within the United States. *See* 8 U.S.C. 1601. DHS acknowledges that aliens subject to this rule may decline to enroll in, or may choose to disenroll from, means-tested public benefits for which they may be eligible under PRWORA, in order to avoid negative consequences as a result of this final rule. However, DHS has authority to take past, current, and likely future receipt of means-tested public benefits into account, even where it may ultimately result in discouraging aliens from receiving those benefits.¹⁶⁶ Additionally, DHS disagrees that this rule will cause an increased risk of communicable disease among aliens to whom this rule applies. Aliens applying for adjustment of status are required to obtain an immigration medical examination and establish that they are not inadmissible under section 212(a)(1) of the INA, 8 U.S.C. 1182(a)(1). Therefore, DHS believes that these aliens would still take preventive measures against and/or seek proper treatment of communicable diseases, regardless of means-tested public benefit disenrollment, in order to remain admissible to the United States. For these reasons, DHS declines to limit the effect of the rulemaking to avoid the possibility that individuals subject to this rule may disenroll or choose not to enroll because self-sufficiency is the rule's goal.

c. Impacts on Children and Mixed-Status Families

i. Disenrollment and Fear of Enrolling Impacts on Children

Comment: Many commenters expressed concerns about disenrollment effects on immigrant children, saying that disenrollment from Medicaid

would increase children's rates of hunger, housing insecurity, poor health outcomes, and reduce access to routine check-ups, vision and oral care, and treatment for chronic conditions, while others said disenrollment would harm children's educational attainment, long-term success, overall well-being and development, and vaccination rates. One commenter said that Medicaid coverage is associated with lower rates of asthma among children. Others remarked that Medicaid is critical for providing behavioral health services to children. Some said the chilling effects would increase childhood stressors and trauma, while introducing new behavioral challenges and social deficits, with one commenter stating that fear of seeking assistance and consequent material hardship would raise stress for parents, harming parent-child relationships and, in turn, child development. Many commenters cited studies and expressed concern that health coverage and care avoidance would harm immigrant children, with some stating that disenrollment and care avoidance would decrease the frequency of children's primary and preventive care visits. Commenters remarked that public health insurance coverage has a positive relationship with children's educational attainment and children with health coverage have higher survival rates during emergencies. Commenters expressed concerns that the rule would lead to avoidance of energy assistance programs among immigrant populations and described the importance of those programs for family health outcomes and child development. Commenters cited studies discussing how childhood programs improved early cognitive development, social skills, behavior programs, health, language skills, math and English-language achievements, lifetime educational attainment, and employment outcomes and income in adulthood. Commenters stated that childhood Medicaid enrollment reduces hospitalizations and development of chronic adult health issues, delinquency and crime, and diagnoses of attention disorders and developmental delays. They also cited studies that found an association between Medicaid enrollment and lowered chances of developing high blood pressure, having difficulty walking, and experiencing early mortality as adults.

Response: DHS recognizes that many of the public benefit programs aim to better future economic and health outcomes for children and parents may decide to disenroll their children from these programs to avoid negative

immigration consequences. However, this rule is aimed at ensuring that public charge inadmissibility determinations are consistent with Congress's intent in the INA, IIRIRA, and PRWORA. This rule restores broader discretion to evaluate all relevant facts and circumstances in assessing an alien's likelihood at any time of becoming a public charge and aligns with long-standing policy that aliens should be self-reliant and government benefits should not incentivize immigration. *See* 8 U.S.C. 1601. This rule does not prevent any individual, including a child, who is eligible for health or nutrition programs from applying for or receiving benefits, but rather faithfully implements the statute after rescission of the overly-restrictive 2022 Final Rule. DHS is implementing the above-referenced congressional directive in PRWORA. DHS believes that the 2022 Final Rule did not faithfully implement PRWORA and section 212(a)(4)(A) of the INA, 8 U.S.C. 1182(a)(4)(A), insofar as it straitjacketed officers by limiting which public benefits considered in the totality of the circumstances and by precluding officers from considering factors beyond the seven factors outlined in the regulations.

DHS also notes that the public charge inadmissibility ground does not apply to all applicants who are seeking a visa, admission, or adjustment of status. Congress specifically exempted certain groups from this ground of inadmissibility, *e.g.*, refugees and asylees at the time of admission and adjustment of status, pursuant to sections 207(c)(3) and 209(c) of the INA, 8 U.S.C. 1157(c)(3) and 1159(c). To the extent that these commenters are concerned with the application of the public charge inadmissibility ground to children, DHS notes that Congress did not exclude children from the public charge ground of inadmissibility unless the child is applying for admission or adjustment of status under a category Congress expressly exempted from public charge inadmissibility. Moreover, Congress specifically required that DHS consider an applicant's age in the public charge inadmissibility determination. Additionally, as discussed in other comment responses, DHS notes it will only consider receipt of means-tested public benefits by family members to the extent there is evidence in the record an alien's family member whom the alien is legally obligated to support applied for, was approved or certified to receive, or has received or is currently receiving means-tested public benefits due to the alien's income falling below

¹⁶⁶ Note, however, as explained throughout this final rule, with respect to benefits previously excluded from consideration under the 2022 Final Rule, DHS will not consider them if received before the effective date of this final rule.

a certain threshold.¹⁶⁷ In such cases, DHS would consider the alien's financial status that led to his or her family member needing to apply for or receive those benefits as part of DHS' consideration of the alien's assets, resources, and financial status in the totality of the circumstances.¹⁶⁸

Comment: A few commenters expressed concerns regarding how homelessness and housing instability impacts children and remarked housing stability is a significant predictor of academic achievement, with one commenter reasoning that housing instability interferes with children's ability to attend school, complete homework, and build connections with educators and peers. A few commenters added that children whose families receive housing assistance are more likely to have a healthy weight, improved mental health outcomes, educational gains in math and language arts, and higher earning and educational attainment, along with a lower chance of incarceration in adulthood. Some referenced a study that found that in households where caregivers reported receipt of heat or energy assistance, children had healthier weights and lower rates of acute hospitalization.

Response: To the extent the commenters believe this rule would be responsible for housing instability and homelessness, DHS notes the rule does not instruct aliens to forgo applying for or receiving means-tested public benefits that address housing instability and homelessness for which they are eligible. If an alien received such means-tested public benefits, it is because the alien applied for and was determined eligible for those benefits by the benefit providing agency.

Additionally, as discussed in the NPRM, DHS assessed the rule's effect on children and determined that the rule may negatively impact the health and education opportunities for children, including U.S. citizen children. DHS

believes that some of these potential impacts could be mitigated by clear communication regarding the application of the final rule and how the public charge inadmissibility determinations work in the totality of the circumstances. Ultimately, however, DHS continues to believe that any impact on children is outweighed by the compelling legal and policy reasons associated with this rulemaking, including but not limited to, better ensuring self-sufficiency. DHS's intent is to implement Congress's mandate to assess whether an alien has met his or her burden to demonstrate that he or she is not likely at any time to become a public charge under section 212(a)(4)(A) of the INA, 8 U.S.C. 1182(a)(4)(A), given the congressional policy to ensure those coming to the United States should be self-sufficient and not rely on the government for assistance to meet their needs.

DHS also notes Congress, not DHS, both permitted certain limited categories of aliens to receive means-tested public benefits and subjected the same aliens to the public charge ground of inadmissibility. Although aliens may reconsider receiving means-tested public benefits for which they are eligible due to how it impacts their eligibility for immigration benefits, this rule does not prohibit aliens from receiving any public benefit for which Congress made them eligible.

As noted in the NPRM, in determining whether an alien applying for admission or adjustment of status is likely at any time to become a public charge, DHS considers the statutory minimum factors and all other information relevant to assessing an applicant's likelihood at any time of becoming a public charge in the totality of the circumstances, including the alien's receipt of means-tested public benefits, consistent with governing precedent. 90 FR 52168, 52188 (Nov. 19, 2025). INA secs. 212(a)(4)(B) and 212(s), 8 U.S.C. 1182(a)(4)(B) and 1182(s).

Comment: A few commenters expressed concern that parents would withdraw children from early childhood education programs such as Head Start for fear of jeopardizing immigration status. Others remarked that early education and child care programs support child development and improve school readiness and academic performance while supporting parents who work and pursue education. Further describing the benefits of Head Start, a few commenters remarked Head Start participants have improved educational attainment, are less likely to be incarcerated, and less likely to depend on public assistance as adults.

One commenter described the importance of programs such as the Child Care and Development Block Grant (CCDBG), saying that CCDBG helps parents afford quality child care, and without access to these services, families face difficult decisions about participating in the workforce or leaving children in suboptimal care settings, anticipating that many families would forgo care through the CCDBG, despite their U.S. citizen children being eligible. One organization commented the rule would be detrimental because poverty-related conditions, including untreated health and mental health needs, may be mischaracterized as neglect by child welfare agencies.

A few commenters expressed concerns the rule would reduce families' willingness and ability to use early intervention (EI) programs because it was unclear if enrollment in EI services would be included in the scope of a public charge inadmissibility determination. Others expressed concerns of confusion regarding whether State-based financial aid could be considered in the scope of a public charge inadmissibility determination, warning that this would deter immigrants or U.S. citizen children from pursuing higher education.

A professional healthcare organization expressed concern that the proposed rule would lead to uncertainty and confusion, deterring families from accessing critical medical care needed for children with kidney disease.

Multiple commenters described the long-term economic and health benefits of programs supporting children. A form letter campaign and a commenter stated nutrition programs are an investment in the health, well-being, and development of communities, with every \$1 spent on Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) generating an estimated \$2.48 in medical, educational, and productivity savings, concluding "the proposed rule would reverse decades of progress in reducing hunger and poverty, leading to a hungrier, sicker, and poorer nation."

Commenters cited research showing children's access to public health insurance and Medicaid improved health outcomes and reduced government costs, including a study showing that access to food stamps in early childhood produced significant improvements in education, income, home ownership, neighborhood quality, and life expectancy, with every dollar invested generating \$62 in societal benefits. A different commenter explained that early education programs such as Head Start result in reduced

¹⁶⁷ See generally, <https://www.regulations.gov/document/USCIS-2025-0304-0003> (Form I-485 Instructions—proposed revision) (last visited Feb. 13, 2026). ("For Part 9., Item Number 58., please select the appropriate box for your household's annual income. You may include income provided to your household from sources who are not members of your household, including but not limited to alimony or child support. You must exclude any income from means-tested public benefits. You must also exclude any income from illegal activities or sources such as proceeds from illegal gambling or drug sales.")

¹⁶⁸ See, e.g., *Matter of A—*, 19 I&N Dec. 867 (BIA 1974) (BIA considered that the alien was a mother of a small child and found it legitimate that she may be temporarily out of the workforce to care for her children, they also looked at the fact that there were few jobs in the area where she lived, and that she was now employed despite receiving public benefits previously for 4 years).

delinquency and crime. Another wrote that with fewer students enrolled in Medicaid, the amount of funding schools receive to pay for health services and staff decreases. One commenter stated that State expenditures would increase due to the need to provide services to children without medical care or access to food assistance, and more spending on special education services and school nurses.

Commenters remarked that early education programs operate on thin margins and rely on enrollment to stay open, retain staff, and maintain quality, with one suggesting the rule would discourage families from accessing these resources, reduce enrollment, destabilize funding, and accelerate program closures. Others wrote that the rule would negatively impact children's ability to learn in the classroom. Different commenters stated that higher participation in school food programs strengthens program finances by increasing Federal revenues, generating economies of scale that reduce the cost of preparing and serving meals. Others stated the use of direct certification for eligibility in nutrition support programs in schools reduce individual family paperwork, unpaid meal debt, and the need to count and document each meal served to determine what tier of reimbursement they qualify for and in turn saves local and Federal resources.

Response: This rule restores broad discretion to evaluate all pertinent facts and aligns with long-standing policy that aliens in the United States should be self-reliant and government benefits should not incentivize immigration. It does not prevent any alien eligible for means-tested public benefits from applying for or receiving benefits. DHS is implementing the congressional directive in PRWORA that aliens in the United States should not depend on public resources to meet their needs. DHS believes the 2022 Final Rule did not faithfully implement PRWORA and section 212(a)(4)(A) of the INA, 8 U.S.C. 1182(a)(4)(A), insofar as they straitjacketed DHS officers by limiting what public benefits DHS can consider in the totality of the circumstances and by precluding officers from considering factors beyond the seven outlined in the rule. Through this final rule, DHS seeks to better ensure applicants are self-sufficient. DHS also notes that the public charge inadmissibility ground does not apply to all applicants who are seeking a visa, admission, or adjustment of status. Congress specifically exempted certain groups, e.g., refugees and asylees at the time of admission and adjustment of status, pursuant to

sections 207(c)(3) and 209(c) of the INA, 8 U.S.C. 1157(c)(3), 1159(c).

ii. Impacts on Mixed Status Families

Comment: Commenters described general impacts the proposed rule's disenrollment effect would have on immigrant communities, including increased rates of poverty, housing instability, hunger, and poor health outcomes. Others stated that the rule would foster fear, confusion, or uncertainty in mixed-status households and deter access to benefits among eligible U.S. citizens and LPRs. Another noted that exempt populations may live with non-exempt immigrants and avoid public services out of fear of jeopardizing others' immigration status. Numerous commenters, stated the proposed rule would cause families to worry that services and benefits received by family members, including U.S. citizen children, would be held against them in a public charge assessment, leading families to forgo benefits and care. A few commenters reasoned that the chilling effect of the proposed rule would fall hardest on U.S. citizen children, since, as citizens, they are currently eligible for the widest range of public services.

Commenters stated removing the explicit clarification that benefits on behalf of family members was not considered "receipt," leaves immigrants unable to determine whether the use of benefits by family members would harm them when seeking LPR status, and providers are less able to offer them meaningful advice or reassurance. They referenced participation in programs like SNAP, Medicaid, CHIP, and WIC, which declined at much higher rates for citizen children with aliens parents than for households with only U.S. citizens in 2019. Citing survey results from the Urban Institute, commenters remarked that during that time, nearly three quarters of adults in immigrant families with children did not understand that their children's participation in public benefits programs would not be considered in parents' public charge inadmissibility determinations.

While discussing concerns with the removal of the definition of "receipt," many commenters cited research, studies, or anecdotal evidence describing potential chilling effects associated with the removal. Commenters shared evidence of chilling effects after the publication of the 2019 Final Rule on healthcare, SNAP, Medicaid, CHIP, and WIC receipt among eligible individuals, including U.S. citizen children with disabilities. Commenters also articulated concerns on chilling impacts for individuals with

chronic diseases, people with disabilities, older adults, caregivers, and care workers, with outcomes running counter to public health goals. They stated that immigrant caregivers may be concerned their eligible family member's use of Medicaid home and community based services (HCBS) would be considered receipt of public benefits for the caregiver themselves. Commenters cautioned removing the definition of "receipt" would create a level of ambiguity that would lead families with mixed immigration status to self-evict from federally subsidized homes, leading to increased instability and poor outcomes in health, education, and employment. Commenters requested DHS provide explicit assurances in the regulations and guidance use of public benefits by a family member will not be held against applicants in a public charge inadmissibility determination or receipt of such benefits carry less weight than if the applicant received them.

Response: DHS thanks the commenters for expressing concerns about how the elimination of the definition of "receipt (of public benefits)" may increase disenrollment or foregone enrollment by individuals eligible to receive public benefits. This rule does not apply to U.S. citizens and aliens exempt from the public charge ground of inadmissibility. DHS acknowledges aliens subject to the public charge ground of inadmissibility who have U.S. citizen children may decline to enroll their children in means-tested public benefit programs for which their children are eligible in order to avoid negative consequences as a result of this final rule. However, DHS declines to retain this or any other definition from the 2022 Final Rule. DHS also acknowledges the chilling effects of the 2019 Final Rule but, while closer to congressional intent behind section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), and PRWORA, that rule also prescribed a rigid and complex regulatory scheme that unnecessarily constrained officer discretion. DHS is publishing a clean rescission of all elements of the 2022 Final Rule other than the public charge bond provisions, which it is amending in this rule.

This rule neither alters eligibility to receive means-tested public benefits, nor states that an individual who is eligible for those benefits should not receive those benefits. If an alien has received means-tested public benefits, it is because the alien applied for and was determined eligible for those benefits by the benefit providing agency. Congress, not DHS, created a framework where certain aliens are both eligible for

means-tested public benefits and subject to the public charge ground of inadmissibility.

As noted in the NPRM, in determining whether an alien is likely at any time to become a public charge, DHS will consider the statutory minimum factors and all other information relevant to assessing an applicant's likelihood at any time of becoming a public charge in the totality of the circumstances, including any receipt of means-tested public benefits, consistent with governing precedent. 90 FR 52168, 52188 (Nov. 19, 2025). INA secs. 212(a)(4)(B) and 212(s), 8 U.S.C. 1182(a)(4)(B) and 1182(s).

As discussed in other comment responses, a public charge inadmissibility determination is made on an individualized, fact-specific, and case-by-case basis, focused on the alien applying for a visa, admission, or adjustment of status, not his or her family members. DHS notes that it will consider receipt of these benefits by family members, including children, to the extent there is evidence in the record that an alien's family member whom the alien is legally obligated to support applied for, was approved or certified to receive, or has received or is currently receiving means-tested public benefits due to the alien's income falling below a certain threshold.¹⁶⁹ In such cases, DHS would consider the alien's financial status that led to his or her family member needing to apply for or receive those benefits as part of DHS' consideration of the alien's assets, resources, and financial status in the totality of the circumstances.¹⁷⁰

Comment: Several commenters said SNAP disenrollment would harm immigrant children, citing research showing SNAP participation reduces food insecurity in children by one third and access to SNAP for the first 5 years of a child's life is associated with improvements in lifelong educational attainment, income, and life expectancy.

Several commenters referenced studies showing immigrant children who participate in SNAP are more likely to be in good health, food secure, and reside in stable housing. Commenters expressed concern about the effects that food and nutrition benefit avoidance would have on children, including increased rates of hunger/malnutrition, harm to long-term health outcomes, increased childhood obesity, harm to long-term development, including educational attainment; and increased number of children left unattended due to parents having to take on additional work to financially compensate for the loss of food aid. Several commenters remarked that reduced childhood nutrition is associated with lower concentration, ability to retain knowledge, participation in school, while another mentioned how malnutrition affects emotional regulation. Commenters cited the effects of past policy changes, noting that following the passage of the PRWORA, more than half of U.S. citizen children in mixed-status households dropped SNAP benefits and, following the 2019 Final Rule, SNAP enrollment for U.S. citizen children living in mixed status households dropped 37 percent.

Response: This rule restores broad discretion to evaluate all facts and circumstances relevant to assessing an alien's likelihood at any time of becoming a public charge and align with long-standing policy that aliens in the United States should be self-reliant and that the availability of public benefits should not incentivize immigration. 8 U.S.C. 1601. This rule does not prevent any individual who is eligible for health or nutrition programs from applying for or receiving these benefits, but rather faithfully implements the statute regarding the inadmissibility of aliens who are likely at any time to become a public charge, as Congress intended in PRWORA, as well as in section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4). DHS is implementing the congressional directive in PRWORA that aliens not depend on public resources to meet their needs.

Comment: Commenters expressed concern that infants in immigrant households would lose access to specialized formulas currently covered by WIC potentially causing severe malnutrition and even death, particularly for infants already facing health problems.

Several commenters expressed concerns the proposed rule would lead to decreased utilization of school meal programs, with one referencing a study from the Urban Institute wherein 13 percent of immigrant families reported

avoiding free and reduced school meals programs out of fear of jeopardizing their immigration status. Commenters remarked that decreased school meal participation would compromise immigrant children's development and overall health.

Commenters expressed concerns regarding how avoidance of health care and coverage would specifically impact U.S. citizen children living in mixed-status households. A few commenters wrote that when the public charge rule was expanded in 2019, Medicaid and CHIP enrollment fell over twice as fast for children with an immigrant parent than it did for other children. Citing a KFF study,¹⁷¹ a few commenters said that Medicaid and CHIP disenrollment for U.S. citizen children could be much higher than the proposed rule projects, ranging from 600,000 to 1.8 million cases of foregone enrollment.

Response: The public charge inadmissibility determination is squarely focused on aliens applying for admission or adjustment of status and the likelihood such an alien will at any time become a public charge. Therefore, DHS officers will not consider the receipt of means-tested public benefits by the alien's household members when making a public charge inadmissibility determination. However, as discussed in previous comment responses, because DHS considers the alien's assets, resources, and financial status, to the extent that there is evidence in the record that an alien's family member whom the alien is legally obligated to support applied for, was approved or certified to receive, or has received or is currently receiving means-tested public benefits due to the alien's income falling below a certain threshold, DHS will consider the alien's financial status that lead to his or her family member needing to apply for or receive those benefits as part the alien's assets, resources, and financial status in the totality of the circumstances. USCIS subregulatory guidance will clarify that officers who adjudicate adjustment of status applications should only consider the receipt of means-tested public benefits by the alien as outlined above.

DHS recognizes this final rule may have indirect impacts on public health. However, the benefits of this policy outweigh the costs of this rule by ensuring that DHS faithfully applies the

¹⁶⁹ See generally, <https://www.regulations.gov/document/USCIS-2025-0304-0003> (Form I-485 Instructions—proposed revision) (last visited Feb. 13, 2026). (“For Part 9., Item Number 58., please select the appropriate box for your household's annual income. You may include income provided to your household from sources who are not members of your household, including but not limited to alimony or child support. You must exclude any income from means-tested public benefits. You must also exclude any income from illegal activities or sources such as proceeds from illegal gambling or drug sales.”)

¹⁷⁰ See, e.g., *Matter of A—*, 19 I&N Dec. 867 (BIA 1974) (BIA considered that the alien was a mother of a small child and found it legitimate that she may be temporarily out of the workforce to care for her children, they also looked at the fact that there were few jobs in the area where she lived, and that she was now employed despite receiving public benefits previously for 4 years).

¹⁷¹ Drishti Pillai, Samantha Artiga, et al., KFF, KFF/New York Times 2025 Survey of Immigrants: Health and Health Care Experiences During the Second Trump Administration (Nov. 18, 2025), <https://www.kff.org/immigrant-health/kff-new-york-times-2025-survey-of-immigrants-health-and-health-care-experiences-during-the-second-trump-administration/>.

public charge ground of inadmissibility in a manner that is consistent with Congress's intent that aliens are self-sufficient and are relying on their own capabilities and resources of their family, sponsor, and private organizations, rather than depending on public resources. 8 U.S.C. 1601.

d. Impact on Pregnant Women

Comment: Many commenters expressed concern about the impact of chilling effects on pregnant women, stating pregnant and post-partum mothers may be less likely to claim benefits under the proposed changes, leading to adverse birth outcomes. Commenters said that expanded Medicaid coverage for pregnant immigrant populations increases the use of prenatal care and, in turn, improves birth outcomes. They stated that disenrollment from public benefits programs is associated with increased prevalence of malnutrition and obesity among pregnant or breastfeeding women.

Many commenters highlighted public policy concerns and stated that the rule would result in decreased access to prenatal programs, leading to worsened infant and maternal health outcomes and higher maternal and infant mortality rates. One commenter cited reports of women returning breast pumps out of fear of jeopardizing their immigration status. Commenters said that WIC offers vital services for low-income communities, including food assistance, support with breastfeeding, and improved access to prenatal care, and that WIC participation reduces infant mortality by one third.

Commenters discussed the negative health outcomes that disenrollment from health insurance and, in turn, decreased access to prenatal care results in upticks in gestational diabetes, increased kidney infections, higher blood pressure, worsened birth outcomes, increased number of preterm births, lowered birth weights, increased instances of hypoglycemia at birth, increased rates of infant neurodevelopmental disorders, and increased cases of anemia in newborns. One commenter anticipated additional spending in State budgets to address higher rates of emergency room use, increased infectious diseases, and costly illness and injury caused by Medicaid disenrollment and decreased access to prenatal care, as well as additional spending to provide formula. Referencing multiple studies, commenters wrote that, following the initial leak of the public charge rule in 2017, Medicaid saw significant drops in prenatal Medicaid enrollment from

immigrant women, resulting in drops in birth weights among newborn immigrant babies.

A few commenters expressed concern that under the proposed rule, immigrant women would avoid contraceptive services. Commenters remarked that access to contraception is critical for women's health outcomes, adding that immigrant women in the United States are already less likely to have coverage for and use sexual and reproductive health services than U.S.-born women.

Response: DHS agrees prenatal care, including through Medicaid as well as other means-tested healthcare programs, provides important benefits to expectant mothers (and gestating children) who receive it and has positive impacts on both individual and public health. However, Congress instructed DHS to minimize the incentive for aliens who attempt to immigrate or adjust status in the United States due to the availability of public benefits and promote the self-sufficiency of aliens within the United States, in accordance with PRWORA. See 8 U.S.C. 1601. As discussed in other comment responses, this rule neither changes the eligibility requirements for means-tested public benefits nor precludes individuals from applying for or receiving any means-tested public benefit for which they are eligible. While DHS recognizes that this final rule may have indirect impacts on pregnant women, DHS believes that the benefits of this policy outweigh any such indirect impacts on certain populations because this rule, consistent with congressional intent, ensures that aliens applying for admission or adjustment of status who are subject to the public charge ground of inadmissibility, are denied if they fail to demonstrate that they are relying on their own capabilities and resources of their family, sponsor, and private organizations, rather than depending on public resources to meet their needs. DHS does not agree receipt of means-tested public benefits by pregnant women should not be considered in a public charge determination. Similar to children, Congress did not exclude pregnant women from the public charge ground of inadmissibility and DHS must apply the ground unless the alien is seeking admission or adjustment of status in an exempt classification.

Therefore, when determining whether an alien is inadmissible, DHS will consider the alien's receipt of any means-tested public benefits that provide prenatal care, including through Medicaid, as well as other means-tested healthcare programs for expectant mothers and gestating children as

outlined throughout this rule.¹⁷²

However, DHS will consider the fact that these benefits are related to a temporary condition—pregnancy—when considering the alien's receipt in the totality of the circumstances. DHS will also consider amount and recency of receipt of these benefits, including whether participation in the program was isolated, along with all other information relevant to the aliens' specific circumstances in the totality of the circumstances, including the statutory minimum factors.

To the extent that these commenters suggest this final rule will result in women not accessing certain benefits related to their health due to the impact on their alien family members' applications for immigration benefits, DHS notes that it will only consider receipt of these benefits by family members to the extent that there is evidence in the record that an alien's family member whom the alien is legally obligated to support applied for, was approved or certified to receive, or has received or is currently receiving means-tested public benefits due to the alien's income falling below a certain threshold. As discussed in previous comment responses, DHS will consider the alien's financial status that led to his or her family member needing to apply for or receive those benefits as part of DHS' consideration of the alien's assets, resources, and financial status in the totality of the circumstances.¹⁷³

e. Impact on People With Disabilities

Comment: Commenters expressed concern about the effects of the rule on caregivers of family members with a disability or chronic condition, citing the unnecessary fear the rule would create for immigrants applying for disability benefits for family members, even when those family members are U.S. citizens. One commenter pointed out that parents of children with disabilities, even those with medical insurance who earn middle class incomes, may rely on public benefits for medical, educational, and therapeutic supports for health and wellbeing for children with a disability due to the high cost of services such as In-Home

¹⁷² As explained throughout this final rule, with respect to these benefits, which were previously excluded from consideration under the 2022 Final Rule, DHS will not consider them if received before the effective date of this final rule.

¹⁷³ See, e.g., *Matter of A-*, 19 I&N Dec. 867 (BIA 1974) (BIA considered that the alien was a mother of a small child and found it legitimate that she may be temporarily out of the workforce to care for her children, they also looked at the fact that there were few jobs in the area where she lived, and that she was now employed despite receiving public benefits previously for 4 years).

Supportive Services and Independent Living Services. Others said some caregivers must leave the workforce to care for their family member and that these families should not have to also decline necessary disability services. Commenters raised possible caregiver burnout due to the additional stresses resulting from the rule. One of these commenters said that when disabled family members lose access to services they need, or withdraw from programs out of fear, the burden shifts to unpaid caregivers who are often parents, spouses, or extended family members. The commenter emphasized the impact on specific communities, adding caregivers are disproportionately women of color and would be most affected.

One commenter identified the lack of clarity in the rule or exceptions for benefits received by individuals with a disability or chronic condition would force families to choose between staying together and accessing vital services due to immigration consequences. Another said the rule would result in reduced access to personal care and home and community-based services, which is essential for individuals with a disability and the well-being of entire family systems.

Response: This rule returns DHS to faithfully applying the statute and intent of Congress regarding public charge inadmissibility determinations and does not prevent individuals from applying for or obtaining benefits for which they are eligible. DHS disagrees this rule prevents U.S. citizens from obtaining benefits for which they are eligible. As discussed in other comment responses, DHS acknowledges aliens subject to this rule may decline to enroll their children in, or may choose to disenroll their children from, means-tested public benefits for which their children are eligible under PRWORA, in order to avoid negative consequences as a result of this final rule. DHS will only take into consideration the receipt of means-tested public benefits by U.S. citizens who are part of the alien's household to the extent that there is evidence in the record that an alien's family member whom the alien is legally obligated to support applied for, was approved or certified to receive, or has received or is currently receiving means-tested public benefits due to the alien's income falling below a certain threshold. In such cases, DHS would consider the alien's financial status that led to his or her family member needing to apply for or receive those benefits as part of DHS' consideration of the alien's assets,

resources, and financial status in the totality of the circumstances.¹⁷⁴

DHS believes it would be unwarranted for U.S. citizens and aliens exempt from public charge inadmissibility to disenroll from a public benefit program or forgo enrollment in response to this rule when such individuals are not subject to this rule. DHS is responsible for faithfully applying the and the public charge ground of inadmissibility in a manner consistent with Congress's intent that aliens are self-sufficient and rely on their own capabilities and the resources of their families, their sponsors, and private organizations. 8 U.S.C. 1601(2)(A). DHS is prohibited under section 504 of the Rehabilitation Act from discrimination against a qualified individual with a disability solely on the basis of that disability under any program or activity receiving Federal financial assistance or under any federally conducted program or activity. As noted in the NPRM, in the context of any disability, officers will comply with existing law and consider whether or to what extent an alien's disability is likely to impact his or her ability to be self-sufficient, ensuring that disability is not used as the sole determinant of an alien's likelihood at any time of becoming a public charge. See 90 FR 52168, 52188 (Nov. 19, 2025).

DHS appreciates the commenters' concern about access to home and community-based services. DHS notes that in considering an alien's application for, approval or certification for receipt, or current and/or past receipt of any means-tested public benefits, DHS considers the nature of the benefit along with the surrounding circumstances for receipt, such as the recency, duration, amount of receipt, reason for receipt, and whether the reason has likelihood to persist. When considering the receipt of home and community-based services intended to meet the needs of beneficiaries at a fraction of the cost of long-term institutional care,¹⁷⁵ DHS also considers

¹⁷⁴ See, e.g., *Matter of A-*, 19 I&N Dec. 867 (BIA 1974) (BIA considered that the alien was a mother of a small child and found it legitimate that she may be temporarily out of the workforce to care for her children, they also looked at the fact that there were few jobs in the area where she lived, and that she was now employed despite receiving public benefits previously for 4 years).

¹⁷⁵ See, e.g., HHS, Report to the President and Congress: The Money Follows the Person Rebalancing Demonstration (June 2017), <https://www.medicaid.gov/sites/default/files/2019-12/mfp-rtc.pdf> ("On average, per beneficiary per-month expenditures . . . declined by \$1,840 (23 percent) among older adults transitioning from nursing homes . . . which translates to average cost savings for Medicaid and Medicare programs of \$22,080

the fact that such services are less costly in the totality of the circumstances.

DHS reiterates, however, that this rule is intended to follow PRWORA's directive that aliens should be self-sufficient and not be dependent on public resources and therefore, DHS declines to limit the effect of the rulemaking to avoid the possibility that individuals subject to this rule may disenroll or choose not to enroll in means-tested public benefits. DHS will make public charge inadmissibility determinations on an individualized basis and cannot ensure an alien will not be found inadmissible under the public charge ground if he or she applied for, has been approved or certified to receive, or has received or is currently receiving any means-tested public benefits.

DHS also appreciates the potential effects of confusion regarding the rule's scope and effect. While DHS cannot completely eliminate the possibility that public charge inadmissibility determinations under this final rule will, in practice, negatively impact some groups more than others, USCIS will provide training to officers and issue guidance on all aspects of public charge inadmissibility determinations made under this final rule, to support accuracy, consistency, and reliability in individual determinations. As to the comment regarding racial and gender disparities, DHS addresses concerns about bias and discrimination more fully elsewhere in this rule.

Comment: Many commenters were concerned about the effects of the rule on children with disabilities who rely on medical, education, and therapeutic supports for their health and well-being and that parents are already declining these supports for fear of immigration consequences. Commenters stated children will miss early identification and intervention windows for autism and developmental delays. One commenter pointed out that special education services under the Individuals with Disabilities Education Act are available to any child with a disability who qualifies, regardless of income.

Response: DHS believes it must minimize the incentive for aliens to seek to immigrate to, or adjust status in, the United States due to the availability of public benefits and promote the self-sufficiency of aliens within the United States, in accordance with PRWORA. See 8 U.S.C. 1601. DHS acknowledges that aliens subject to this rule may decline to enroll in, or may choose to

during the first year after the transition to home and community-based LTSS.").

disenroll from, public benefits for which they may be eligible under PRWORA, in order to avoid negative consequences as a result of this final rule. However, DHS has authority to consider applications for, approval or certification for receipt, and current and/or past receipt of means-tested public benefits when assessing an alien's likelihood at any time of becoming a public charge, even where such actions may ultimately result in discouraging aliens from receiving means-tested public benefits for which they are eligible, and DHS believes the benefits of doing so, as described throughout this rule, outweigh any negative indirect effects to children if parents choose to decline available supports. Although individuals may reconsider their receipt of means-tested public benefits in light of future immigration consequences, this rule does not prohibit an alien from obtaining any means-tested public benefit for which he or she is eligible.

To address the concerns about receipt of public benefits whose eligibility is not based on an alien's income or assets and instead are available to every individual regardless of their income, as stated elsewhere in this final rule, those benefits would not be considered because they are not means-tested.

Comment: One commenter stated that the exclusion of people with disabilities from non-cash assistance programs such as Low Income Home Energy Assistance Program would directly target people who require electricity to support medical equipment, such as ventilators and power wheelchairs, pointing out that many such households include members with serious medical conditions.

Response: DHS disagrees the rule directly targets individuals who receive non-cash benefits related to their health or medical conditions. DHS determined considering applications for, approval or certification for receipt, or any current or past receipt of means-tested public benefits is consistent with Congress's intent that aliens inside the United States are self-sufficient and rely on their own capabilities and the resources of their families, sponsors, and private organizations. See 8 U.S.C. 1601. As discussed previously, when considering an alien's applications for, approval or certification for receipt, or any current or past receipt of means-tested public benefits, DHS will consider the nature of the benefit as well as the circumstances surrounding receipt, such as the recency, duration, amount of receipt, reason for receipt, and whether the reason has likelihood to persist. However, nothing in this rule

directs aliens to disenroll from any means-tested public benefit.

Comment: One organization commented that institutionalization should not be considered as a potential negative factor given longstanding institutional bias and expressed concern that the rule would increase the risk of hospitalization or institutional placement for individuals with a disability or chronic condition.

This organization added that Medicaid and disability service systems have historically made institutional care easier to access and more consistently funded than home- and community-based services, so placement in institutions is often driven by system constraints rather than individual choice or need. Fear of immigration consequences may result in individuals avoiding community-based services and increases in the likelihood that preventable health supports or gaps escalate into crises that result in institutional placement, and undermines autonomy, safety, and quality of life. They pointed out that institutionalization would result in higher costs for States if individuals avoid or are not able to take advantage of community-based supports due to fear.

Response: DHS acknowledges that when patients lose medical coverage, overall costs to State or local governments may increase, and there may be long-term consequences for patients and their families and communities. However, DHS has determined that, like other means-tested public benefits, long-term institutionalization at government expense is indicative of an alien's lack of self-sufficiency and dependence on the government to meet his or her needs. DHS does not have data to assess how many aliens are both subject to the public charge ground of inadmissibility and are institutionalized on a long-term basis at government expense, including when such services are covered by Medicaid, and as a result, is unable to quantify the impact of retaining this long-standing policy in the final rule. However, DHS believes the impact is small. DHS notes that in considering an alien's receipt of means-tested public benefits, DHS considers the nature of the benefit along with the circumstances surrounding the alien's receipt, such as the recency, duration, amount of receipt, reason for receipt, and whether the reason has likelihood to persist.

As to the comments about home and community-based services, DHS acknowledges that these services meet the needs of beneficiaries at a fraction of the cost of long-term institutional

care.¹⁷⁶ When considering the receipt of home and community-based services, DHS considers the purpose of these benefits as well as the fact that these benefits are less costly than long-term institutionalization. However, DHS reiterates that Congress's intent has consistently been that aliens are self-sufficient, and DHS declines to make changes to the rule based on this comment in order to faithfully apply the law.

f. Impact on Survivors of Violence and Trafficking

Comment: Commenters stated the rule would risk the safety and stability of survivors of violence, causing survivors to withdraw from shelters and crisis programs or seek other help due to fear of immigration consequences and increasing the risk of survivors of violence returning to their abusers for financial security. One commenter emphasized even U.S. citizen survivors may be afraid of seeking assistance if they have a family member who may seek admission or another immigration benefit in the future.

Several commenters stated the rule reinforces structural conditions abusers use to isolate and control survivors of violence, and empowers those abusers while trapping survivors in dangerous situations, putting their lives at risk, and deterring them from reporting crimes or seeking help. Two commenters provided the example that the rule would permit DHS to deny LPR status to a survivor of domestic violence because she reported her abuser to the police and received victim services through the local police department to ensure her safety and that of her children.

Response: DHS strongly disagrees that the rule risks safety and stability of survivors of violence, reinforces structural conditions that benefit abusers, or empowers abusers. As mandated by Congress under section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), any alien applying for admission to the United States is inadmissible if he or she is likely at any time to become a public charge. Survivors of domestic violence adjusting status as self-

¹⁷⁶ See, e.g., HHS, Report to the President and Congress: The Money Follows the Person Rebalancing Demonstration (June 2017), <https://www.medicaid.gov/sites/default/files/2019-12/mfp-rtc.pdf> ("On average, per beneficiary per-month expenditures . . . declined by \$1,840 (23 percent) among older adults transitioning from nursing homes . . . which translates to average cost savings for Medicaid and Medicare programs of \$22,080 during the first year after the transition to home and community-based LTSS.").

petitioners under VAWA¹⁷⁷ are exempt from the public charge ground of inadmissibility. Therefore, any receipt of means-tested public benefits or other victim services will not be considered when adjudicating their application for adjustment of status. Survivors of domestic violence adjusting status under a category that is subject to the public charge ground of inadmissibility are not prevented from receiving means-tested public benefits or other services under this rule. But, DHS will consider receipt of any means-tested public benefits, as well as any evidence in the record that the alien applied for or has been approved or certified to receive any means-tested public benefits, in the totality of alien's circumstances, including the nature of the benefit, the recency, duration, and amount of receipt, the reason for the receipt, and whether the reason has or is likely to persist. 90 FR 52168, 52188 (Nov. 19, 2025).

Comment: A commenter said the rule deters survivors seeking U and T nonimmigrant visas from seeking help and undermines the purpose of the statutes, risks being declared unlawful under the APA and established principles of statutory interpretation, and urged DHS to preserve protections for survivors of violence and trafficking. Another commenter requested DHS withdraw the rule for similar reasons.

Response: DHS strongly disagrees that the Final Rule deters survivors of crime or trafficking from seeking help or undermines the statute. Aliens seeking T and U nonimmigrant status are exempt from the public charge ground of inadmissibility. Similarly, aliens with prima facie applications for T or U nonimmigrant status, or who were granted T or U nonimmigrant status who are applying to adjust status under sections 245(a), (l), or (m) of the INA, 8 U.S.C. 1255(a), (l), or (m), are exempt from the public charge ground of inadmissibility.¹⁷⁸ Finally, certain battered aliens who are “qualified aliens” under PRWORA are similarly exempt from the public charge ground of inadmissibility.¹⁷⁹ Because these aliens are not subject to the public

charge ground of inadmissibility, their receipt of means-tested public benefits will not be considered when adjudicating their applications for adjustment.

g. Impact on Child Care Workers

Comment: Commenters voiced concern about the proposed rule's potential impact on child care workers. Given 22 percent of child care workers are immigrants, one commenter suggested that ambiguity in the proposed rule would discourage early education immigrant workers, some of whom rely on public benefits due to low wages, from utilizing public benefits, exacerbating staffing shortages, noting in part due to recent U.S. Immigration and Customs Enforcement (ICE) arrests, since January 2025, there are 39,000 fewer immigrant women in the child care workforce and 77,000 fewer American mothers of preschool-age children in the workforce.

Response: DHS disagrees the final rule is ambiguous or that the removal of the 2022 Final Rule will cause child care workers to drop out of the workforce. As noted in other comment responses, DHS was clear in the NPRM and is clear in this final rule, after rescission of the 2022 Final Rule officers will be able to consider the receipt of all means-tested public benefits received by aliens subject to the public charge ground of inadmissibility. DHS is clarifying that previously excluded means-tested public benefits will not be considered if received before the effective date of this final rule and that means-tested public benefits received by the alien's family members are only considered in certain circumstances related to the alien's assets, resources, and financial status. Finally, the receipt of means-tested public benefits by child care workers is one consideration in the totality of the circumstances and officers have full discretion to consider all other information and evidence relevant to public charge inadmissibility determinations. DHS neither disputes the argument that low wage child care workers receive means-tested public benefits, nor that child care workers serve an important role in the labor force. However, while this rule may cause certain aliens to forgo receiving means-tested public benefits, DHS disagrees that this rule will cause alien child care workers to drop out of the workforce; if these aliens remain in the United States, they will need to continue working in order to support themselves and their families. In addition, rather than relying on government programs to meet their needs, these aliens should rely on their

own resources as well as those of their relatives, friends, or private organizations to help supplement their income. See 8 U.S.C. 1601(2)(A). Finally, DHS notes that the studies cited by the commenter concerning the child care workforce, while suggestive, do not directly support the claims made by the commenter. Specifically, the study on the percentage of immigrants in the early care and education workforce, based on American Community Survey (ACS) data, cannot distinguish between aliens who are LPRs (and therefore not subject to the public charge ground of inadmissibility) and aliens who are not LPRs and may in the future seek to adjust status or be admitted to the United States (who are affected by this rule).¹⁸⁰ The study cited by the commenter for the claim that “43 percent of child care workers used public assistance” included assistance received by family or household members (“public safety net household participation”), not just the child care workers themselves, and did not distinguish between U.S. citizens and aliens in the workforce.¹⁸¹ Since aliens who are not LPRs are generally ineligible for the means-tested public benefit programs included in the survey, it is reasonable to assume that even if the child care workers responding to the survey received those benefits themselves, they were either U.S. citizens or, less likely, LPRs. The studies show that there are many aliens in the child care workforce and that many households containing child care workers receive at least one means-tested public benefit. The studies do not show that alien child care workers subject to the public charge ground of inadmissibility receive those benefits and would choose to disenroll or forego enrollment. Regarding ICE arrests of unauthorized aliens, this is outside the scope of this rulemaking.

2. Concerns About Clarity and Discrimination

a. Lack of Clear Definitions and Standards

Comment: A commenter asked whether any interim standard would govern decisions made by DHS between

¹⁷⁷ See the Violence Against Women Reauthorization Act of 2013, Public Law 113–4 (Mar. 7, 2013). See Public Law 104–193 (Aug. 22, 1996).

¹⁷⁸ INA sec. 101(a)(15)(U), 8 U.S.C. 1101(a)(15)(U). INA sec. 212(a)(4)(E)(ii), 8 U.S.C. 1182(a)(4)(E)(ii).

¹⁷⁹ See INA sec. 212(a)(4)(E)(iii), 8 U.S.C. 1182(a)(4)(E)(iii). See Section 804 of the Violence Against Women Reauthorization Act of 2013, Public Law 113–4 (PDF), 127 Stat. 54, 111 (March 7, 2013). See Section 431(c) of Public Law 104–193 (PDF), 110 Stat. 2105, 2274 (August 22, 1996). See 8 U.S.C. 1641(c).

¹⁸⁰ Anna Powell, “Nearly Half a Million Early Childhood Educators Are Immigrants,” Center for the Study of Child Care Employment, July 15, 2025. <https://csce.berkeley.edu/publications/blog/nearly-half-a-million-early-childhood-educators-are-immigrants/> (last visited May 1, 2026).

¹⁸¹ McLean, C., Austin, L.J.E., Powell, A., Jaggi, S., Kim, Y., Knight, J., Muñoz, S., & Schlieber, M. (2024). Early Childhood Workforce Index—2024. Center for the Study of Child Care Employment, University of California, Berkeley. <https://csce.berkeley.edu/workforce-index-2024/> (last visited May 1, 2026).

rescission of the 2022 Final Rule and implementation of any new policy.

Response: No, DHS is not implementing an interim standard. The statute requires DHS to consider an applicant's age, health, family status, assets, resources and financial status, and education and skills. DHS also believes Congress intended officers to consider any receipt of means-tested public benefits by the alien applying for admission or adjustment of status. Precedent decisions that have guided public charge inadmissibility determinations for decades and remain good law today dictate that DHS officers consider as well as any other factors and information they find relevant to determining whether the alien is likely at any time to become a public charge in the totality of the circumstances, as Congress intended.¹⁸² Therefore, aliens seeking admission as immigrants and nonimmigrants and aliens applying for adjustment of status should expect any fact or circumstance present in their case that is relevant to their likelihood of becoming a public charge will be considered by DHS.

Comment: One commenter recommended DHS provide more details on characteristics that would lead one to be considered "likely at any time to become a public charge," and outline those treated as weaker or contextual factors.

Response: DHS declines to attach specific weight to any particular factor

because the public charge inadmissibility determination is a subjective, discretionary, and case-specific determination. In every case, DHS will make a determination based on assessing the alien's age, health, family status, assets, resources, and financial status, and education and skills, the alien's receipt of any means-tested public benefits, and any other factors the DHS officer determines are relevant to assessing that individual alien's likelihood at any time of becoming a public charge. DHS believes it would be inconsistent with precedent decisions to provide a narrow outline detailing what makes an alien likely at any time to become a public charge given it varies depending on the facts of an individual alien's case.¹⁸³ DHS declines to prescribe value or attribute weight to any factors or circumstances relevant to public charge inadmissibility determinations given DHS's interest in preserving officer discretion and the highly fact-specific nature of such determinations.

If the commenter's concern is about an alien's ability to provide the information needed for adjudication, DHS notes that aliens may provide any information they believe relevant in demonstrating they are not likely at any time to become a public charge. Furthermore, officers may issue an RFE or NOID when appropriate.

Comment: Commenters stated DHS is replacing transparent regulations with vague language and standards, with one suggesting DHS expand the factors officers can consider under 8 CFR 212.22(a) to address the concerns identified in the NPRM, rather than leaving the application of the statute vague and undefined for officers while others stated there would be a lack of clear definitions and standards.

Response: DHS is not replacing the 2022 Final Rule. Rather, DHS rescinded and removed the problematic 2022 Final Rule, which ensures DHS officers make public charge inadmissibility

determinations consistent with section 212(a)(4) of the INA, 8 U.S.C. 1182 (a)(4), PRWORA, and past precedent decisions that have guided public charge inadmissibility determinations for decades. 90 FR 52168, 52184 (Nov. 19, 2025). Removing regulations enables DHS officers to make accurate and precise public charge inadmissibility determinations, consistent with congressional intent. 90 FR 52168, 52168 (Nov. 19, 2025). Under this rule, DHS officers will be empowered to consider not only mandatory statutory factors, receipt of means-tested public benefits, and any evidence in the record the alien applied for or has been approved or certified to receive any means-tested public benefits, but also any other case-specific evidence that the officer determines is relevant to assessing an individual alien's likelihood at any time of becoming a public charge. This restores a public charge inadmissibility determination that trusts in and relies on DHS officers' sound judgment and discretion, as envisioned by Congress when it enacted section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4).

DHS notes aliens applying for adjustment of status may submit any evidence they feel is relevant to assessing their self-sufficiency and likelihood at any time of becoming a public charge. As such, aliens will have ample opportunity to provide USCIS with the full context surrounding their likelihood at any time of becoming a public charge.

DHS does not believe that following congressional intent, as set forth in section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), and PRWORA, leads to a vague public charge inadmissibility policy because the statute and decades of precedent are clear that officers must apply the totality of the circumstances approach. To the extent that the statute includes a requirement to consider a non-exhaustive list of factors in public charge inadmissibility determinations, DHS believes that this is evidence that Congress intended to leave room for officer discretion in each individual determination. INA sec. 212(a)(4)(B), 8 U.S.C. 1182(a)(4)(B).

b. Concerns About Bias and Discrimination

Comment: Commenters stated that rescinding the 2022 Final Rule and restoring broad undefined public charge inadmissibility determinations increases the risk of bias or discrimination influencing decisions about immigration benefits. Another commenter stated that discretionary standards frequently result in unequal treatment and

¹⁸² See, e.g., *Matter of Harutunian*, 14 I&N Dec. 583, 588 (Reg'l Cmm'r 1974) ("[T]he determination of whether an alien falls into that category [as likely to become a public charge] rests within the discretion of the consular officers or the Commissioner . . . Congress inserted the words 'in the opinion of' (the consul or the Attorney General) with the manifest intention of putting borderline adverse determinations beyond the reach of judicial review." (citation omitted)); *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421–22 (Att'y Gen. 1962) (in determining whether a person is likely to become a public charge, factors to consider include age, health, and physical condition, physical or mental defects which might affect earning capacity, vocation, past record of employment, current employment, offer of employment, number of dependents, existing conditions in the United States, sufficient funds or assurances of support by relatives or friends in the United States, bond or undertaking, or any specific circumstances reasonably tending to show that the burden of supporting he alien is likely to be case on the public.); see also *Matter of A-*, 19 I&N Dec. 867, 869 (Comm'r 1988) (applying "[t]he traditional test . . . to determine whether an alien is likely to become a public charge . . . 'based on the totality of the alien's circumstances' as presented in the individual case.") (citations omitted); *Matter of Perez*, 15 I&N Dec. 136, 137 (BIA 1974) ("the statute . . . requires more than a showing of a possibility that the alien will require public support. Some specific circumstance, such as mental or physical disability, advanced age, or other fact reasonably tending to show that the burden of supporting the alien is likely to be cast on the public, must be present.") (emphasis added).

¹⁸³ See, e.g., *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421–22 (Att'y Gen. 1962) (in determining whether a person is likely to become a public charge, factors to consider include age, health, and physical condition, physical or mental defects which might affect earning capacity, vocation, past record of employment, current employment, offer of employment, number of dependents, existing conditions in the United States, sufficient funds or assurances of support by relatives or friends in the United States, bond or undertaking, or any specific circumstances reasonably tending to show that the burden of supporting he alien is likely to be case on the public.); see also *Matter of A-*, 19 I&N Dec. 867, 869 (Comm'r 1988) (applying "[t]he traditional test . . . to determine whether an alien is likely to become a public charge . . . 'based on the totality of the alien's circumstances' as presented in the individual case.") (citations omitted).

discrimination. A commenter expressed concern that public charge inadmissibility determinations are “necessarily subjective,” writing such an approach is untenable as it opens the door to bias and abuse.

Response: These commenters failed to explain how public charge inadmissibility determinations under this final rule will result in discriminatory or unequal application. Regardless, DHS disagrees that the final rule increases the risk that bias or discrimination will influence public charge inadmissibility determinations. Additionally, as noted in previous comment responses, DHS strongly disagrees that the rule is vague or will result in discrimination or unequal treatment to any specific group.

The public charge inadmissibility determination has always been inherently discretionary and necessarily subjective due to its prospective nature. DHS believes that the precedent decisions that have guided public charge inadmissibility determinations for decades, as well as applicable recent circuit case law, provide officers with sufficient guidance to make individualized, case-specific public charge inadmissibility determinations that are not biased or discriminatory. Under this rulemaking, DHS officers will consider the statutorily-mandated factors as well as any other factors relevant to determining whether any individual alien is likely at any time to become a public charge, including the alien’s applications, approvals or certifications to receive, or receipt of means-tested public benefits, in the totality of the circumstances as Congress intended. While officers will be able to consider any individualized, case-specific factors, circumstances, and empirical data rather than being forced to ignore evidence that falls outside of the narrow regulatory requirements, such factors, circumstances, and data must be *relevant* to the prospective public charge inadmissibility determination. The evidence considered by USCIS may be different from that which is considered by CBP, due to operational limitations at and between ports of entry. Factors and information that are irrelevant to the determination or that relate to protected classes are not to be considered by officers. Explicit regulatory language is not required to prevent officers from considering these factors and such language was never a part of public charge regulations.

As to the research one commenter points to suggesting that discretion in public benefits programs frequently results in unequal treatment and discrimination, this commenter did not

cite any authorities or studies in support of the contention. Separately, DHS notes the commenter did not include examples of public charge inadmissibility being applied unequally or in a discriminatory fashion.

Comment: Many commenters stated that the proposed rule is broad and vague, which will risk or result in a discriminatory and biased application of the ground of inadmissibility. Another commenter wrote that the removal of existing regulatory content relating to the statutory minimum factors found in 8 CFR 212.22(a)(1) would lead to discriminatory, arbitrary, and capricious results. Other commenters noted that expanding discretion without clear standards invites implicit bias by officers making racialized assumptions about self-sufficiency, resulting in unequal treatment. Another commenter noted that the NPRM’s broad discretionary model effectively resurrects policy tools historically used to exclude, stigmatize, and marginalize immigrant communities, which is out of step with USCIS’ obligations to administer immigration law fairly, equitably, and without discrimination. A commenter stated that research on the implementation of other public programs demonstrates that discretionary standards frequently result in unequal treatment and discrimination. One commenter wrote that in the requirement for officers to conduct a “totality of the circumstances” test, weighing factors such as age, health, and financial status, grants broad discretion could lead to subjective and potentially discriminatory outcomes, thereby undermining the principle of fair and uniform application of immigration law.

Response: It is unclear how these commenters believe public charge inadmissibility determinations under this rule will result in discriminatory or unequal application, to whom this rule will be biased against, and what assumptions will be made about self-sufficiency. However, DHS strongly disagrees that this rule is vague or will result in discrimination or unequal treatment to any specific group. The Federal Government is responsible for “regulating the relationship between the United States and our alien visitors,” which includes regulating the manner and conditions of entry, as well as the residence of aliens.¹⁸⁴ DHS is the Federal agency with the authority to establish regulations regarding the admission, and therefore, admissibility

of aliens.¹⁸⁵ Section 212(a) of the INA, 8 U.S.C. 1182(a), sets forth the aliens who are inadmissible and therefore ineligible for visas, admission, or adjustment of status. Section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), sets forth the aliens who are inadmissible under the public charge ground of inadmissibility and the minimum factors DHS is required to consider in the public charge inadmissibility analysis. DHS must consider an applicant’s age, health, family status, assets, resources and financial status, and education and skills. Under this rulemaking, DHS officers will consider any other factors they determine are relevant to determining whether any individual alien is self-sufficient, as Congress intended,¹⁸⁶ and whether the alien is likely at any time to become a public charge in the totality of the circumstances.

DHS also notes that to the extent these commenters are concerned that the focus on self-sufficiency will disproportionately impact low-income aliens, DHS notes that an alien’s income is not outcome-determinative. As dictated by the statute and binding precedent decisions that have guided these determinations for decades, DHS will consider all relevant factors in the totality of the circumstances. Under this determination, aliens seeking admission as immigrants and nonimmigrants and aliens applying for adjustment of status should expect that any fact present in their case that is relevant to their self-sufficiency and likelihood of becoming a public charge will be considered by DHS.

While DHS cannot completely eliminate the possibility of officer bias or racialized assumptions about self-sufficiency, USCIS will provide training to officers and will issue guidance on all aspects of these determinations, which should help ameliorate any concerns that the public charge inadmissibility ground would be unequally applied to different groups of aliens. Additionally, with respect to adjustment of status applications adjudicated by USCIS, in order to ensure that USCIS officers are making clear, fair, and consistent public charge inadmissibility determinations, as required in existing regulations, USCIS officers will issue written decisions that reflect every factor considered and articulate the reasons for the officer’s determination. 8 CFR 103.3(a)(1)(i).

Comment: Some commenters stated that this rule is being used to push a

¹⁸⁵ See Homeland Security Act of 2002 section 102, 6 U.S.C. 112; INA sec. 103, 8 U.S.C. 1103.

¹⁸⁶ 8 U.S.C. 1601(1).

¹⁸⁴ *Mathews v. Diaz*, 426 U.S. 67, 81–82, (1976).

racist, xenophobic, and anti-immigration agenda with one commenter stating it is part of a “racist, xenophobic, [w]hite supremacist” plan to eliminate all immigration, legal and otherwise, to the United States. The commenter stated that the United States needs more immigrants, not fewer, and urged DHS to keep the 1999 Interim Field Guidance and reject the proposed change in its entirety.

Response: DHS disagrees that public charge inadmissibility determinations that will be made under this final rule are discriminatory, anti-immigration, or racially motivated. The purpose of the public charge ground of inadmissibility is not to ensure that more aliens are able to be admitted to the United States or adjust status to that of an LPR, but rather, like all grounds of inadmissibility, to prevent certain aliens from entering or remaining in the United States.¹⁸⁷

To the extent that public charge inadmissibility determinations under this final rule may result in more aliens being found inadmissible, this is a natural byproduct of robust enforcement of immigration laws that are meant to minimize the incentive of aliens to immigrate to the United States due to the availability of public benefits and to promote the self-sufficiency of aliens within the United States. 8 U.S.C. 1601(1) and (2). However, if rescission of the 2022 Final Rule impacts certain groups more than others, that simply is not DHS’s intent. Rather, this rule is intended to ensure that DHS officers make highly individualized, fact-specific, case-by-case public charge inadmissibility decisions based on the totality of each alien’s individual circumstances, as intended by Congress. USCIS will ensure that it provides specialized training to its officers to minimize any impacts that might result from implementing this rule.

Comment: A commenter wrote that research suggests there are significant disparities in naturalization approvals based on the applicant’s race, gender, and religion, and this is likely to be reflected in the proposed rule’s public charge inadmissibility adjudication process. One commenter noted that the proposed rule would result in bias in visa and green card denials. Another commenter, citing multiple studies, discussed historic evidence of inconsistent, discriminatory outcomes in immigration decisions such as differences in approval rates among applicants from Mexico, El Salvador,

Honduras, and the Dominican Republic, and evidence that naturalization outcomes closely tracked English fluency and educational attainment.

Response: DHS is familiar with the study that concluded that disparities in approval of naturalization approvals are rooted in discrimination. However, DHS strongly disagrees with the conclusions drawn from the study. The authors only had access to information requested under the Freedom of Information Act (FOIA), 5 U.S.C. 552, and failed to frame their request in a way that would generate the most relevant and useful information. Further, the authors’ conclusions rested on significant assumptions that they made either because of the flaws in their FOIA requests or because DHS systems simply lacked the data necessary to complete their analysis in the way that they had hoped, e.g. the specific reason(s) for the denial of the naturalization applications was unavailable. At best, the study only has utility as evidence of a correlation between certain characteristics available in DHS data and denial rates for naturalization.

As for the fact that naturalization outcomes closely track English fluency and educational attainment, DHS notes that this is a necessary by-product of the laws established by Congress, which tend to favor those with higher levels of educational attainment. Congress requires applicants for naturalization to demonstrate an understanding of the English language, and a knowledge and understanding of the fundamentals of the history, and of the principles and form of government of the United States. The fact that those with stronger English language skills and more knowledge of our country’s history and form of government are more likely to be approved for naturalization is to be expected. This is not evidence of discrimination in the application of the immigration laws but rather a reflection of the criteria established by Congress for naturalization.

DHS cannot address the commenter’s claim that “USCIS’s 2025 *Annual Immigration Statistics Yearbook* documented sharp differences in approval and denial patterns among applicants from Mexico, El Salvador, Honduras, and the Dominican Republic” in the context of family-based adjustment of status applications. There is no such document as the “USCIS 2025 *Annual Immigration Statistics Yearbook*.” USCIS only published data through the third quarter of FY 2025,¹⁸⁸ and publicly available USCIS data does

not contain denial rates for adjustment of status applications by country of birth or nationality/citizenship. There is a DHS *Yearbook of Immigration Statistics* (Yearbook) published by the Office of Homeland Security Statistics (OHSS), but only certain data tables relating to refugees were published for FY 2024.¹⁸⁹ No portion of the FY 2025 Yearbook has been published. While the data tables in the Yearbook¹⁹⁰ for LPRs include some data broken out by country of birth, e.g., for example, Tables 3 and 10, the tables do not include any information about USCIS denials of adjustment of status applications. While the commenter provided a list of works cited, following the link provided by the commenter shows no document or report labeled the “Annual Immigration Statistics Yearbook” or any report or study documenting adjustment of status approval and denial rates by country.

Regarding bias in visa and green card denials, DHS notes this final rule only applies to aliens seeking admission into the United States as immigrants and nonimmigrants at or between ports of entry and aliens who apply for adjustment of status who are subject to the public charge ground of inadmissibility. Even if inadmissibility determinations made under this final rule will result in more denials of admission or adjustment of status, the purpose of all grounds of inadmissibility—including public charge—is to prevent certain aliens from entering or remaining in the United States. This rule does not apply to visa determinations made by the Department of State and therefore DHS will not address that part of the comment.

G. Negative Impacts on U.S. Economy, Businesses, and Communities

1. Workforce Impacts

Comment: Many commenters, including a form letter campaign, remarked on the economic contributions of immigrants to the U.S. economy and workforce and expressed concern about negative impacts on the U.S. workforce in key industries including: agriculture; caregiving services; construction; technology; manufacturing; transportation, and healthcare. One commenter referenced the Congressional Budget Office (CBO) and other Federal agencies that conclude immigrants provide a net economic

¹⁸⁷ See INA sec. 212(a), 8 U.S.C. 1182(a) (listing classes of aliens who are “ineligible to receive visas and ineligible to be admitted to the United States”).

¹⁸⁸ As of February 4, 2026, well after this comment was submitted.

¹⁸⁹ See <https://ohss.dhs.gov/topics/immigration/yearbook#A-available-yearbooks> (last visited Feb. 28, 2026).

¹⁹⁰ The most recently published Yearbook is for FY 2023, and is available at <https://ohss.dhs.gov/topics/immigration/yearbook/2023> (last visited Feb. 4, 2025).

benefit and are essential to industries. Another elaborated by referencing research showing that immigrants' share of total U.S. economic output was 18 percent in 2023, amounting to \$2.1 trillion in 2024 dollars, which is larger than their proportion of the total population. A few commenters stated that immigrants have high business ownership and entrepreneurship rates compared to nonimmigrants.

Response: DHS acknowledges immigrants make critical contributions to the U.S. economy and workforce. They have high rates of business ownership and entrepreneurship compared to persons born in the United States, and DHS acknowledges that the CBO found that immigrants, as a whole, reduce the Federal deficit because they contribute more in revenue than they consume in Federal public benefits or other Federal expenditures. DHS also acknowledges the research showing that immigrants' share of total U.S. economic output is greater than their proportion of the total population.

Immigrants, taken as a whole, are a net positive for the U.S. economy as well as government budgets. Many immigrants fill critical gaps in the U.S. labor market, and our great country is strengthened by them residing and working here. However, Congress determined which aliens should be welcomed to the United States and which aliens are unwelcome. The faithful application of these statutes is critical to ensuring that immigration continues to serve as a positive force for our economy and our country as a whole. Aliens likely at any time to become a public charge are among those categories of aliens whom Congress has determined should not be admitted or granted adjustment of status. It is our national policy that aliens within the United States should not depend on public resources to meet their needs but rather rely on their own capabilities and the resources of their families, their sponsors, and private organizations. See 8 U.S.C. 1601.

Due to the challenges inherent in immigrating to another country and the other laws Congress has enacted to help narrow the flow of immigrants to those who will strengthen rather than harm our country, most immigrants otherwise eligible for adjustment of status or admission are unlikely to become a public charge. However, the public charge ground of inadmissibility is a critical tool established by Congress to help winnow out aliens who are unlikely to be self-sufficient. By faithfully implementing this statutory provision, DHS helps ensure that

current and future immigrants continue to make the many contributions noted.

Comment: Commenters stated the proposed rule would cause uncertainty for American businesses employing temporary workers by increasing the frequency of RFEs and causing processing delays in time-sensitive adjudications which destabilizes local labor markets.

Response: This rule has no direct effect on the employment-based nonimmigrant petition process, as the grounds of inadmissibility do not apply at that stage. Moreover, this rule does not apply to nonimmigrant visa application decisions by DOS. Therefore, employers should not expect delays for processing nonimmigrant visa petitions as a result of this final rule. DHS also notes public charge inadmissibility does not apply to applications for change of status or extension of stay for nonimmigrants within the United States.¹⁹¹

This final rule, however, will affect the processing of most employment-based adjustment of status applications insofar as these aliens will be subject to the public charge ground of inadmissibility unless Congress exempted them. Therefore, under this rule, DHS will consider the mandatory statutory factors, the alien's applications for, approval or certification to receive, or receipt of any means-tested public benefits, as well as any other factor relevant to the public charge inadmissibility determination. However, DHS notes that under longstanding precedent decision, a healthy person in the prime of life who is already employed in the United States or who has prospective employment generally would not be found likely at any time to become a public charge.¹⁹² DHS anticipates that most employment-based adjustment of status applicants would see little change in the processing of their applications under this final rule, apart from the minor revisions to information collection on Form I-485.

Comment: Commenters noted that evidence from the International Monetary Fund (IMF) shows that social support provisions led to higher

workforce engagement and societal contributions while restrictions led to reduced economic productivity. Similarly, another commenter, referencing economic and public health studies, remarked that the proposed rule ignores evidence demonstrating the positive impacts of access to preventive care and nutritional assistance such as improved labor participation and long-term tax contributions.

Response: The commenter referencing the IMF report failed to cite a report or study to support the claims. The other commenter references National Academies of Sciences, Engineering, and Medicine and the year 2017, but also fails to cite a particular report or study. DHS could not identify either publication from the limited information provided by commenters and, therefore, is unable to address the comments. Even accepting that access to means-tested public benefits improves workforce engagement and long-term tax contributions, this would not change DHS's obligation to apply the public charge ground of inadmissibility in a manner that is faithful to the statute and Congress's intent in PRWORA.

Comment: A commenter referenced an analysis, stating that restricting access to benefits or legal status could reduce labor income by more than \$90 billion a year. Another commenter estimated the NPRM would destabilize major industries and provided Michigan-specific data: 8.2 percent of natural resources and mining workers (~6,526 people), 1.0 percent in manufacturing (~8,494), and 0.5 percent in construction (~1,508) would be affected and added that Michigan's \$90+ billion agriculture industry already faces severe labor shortages.

Response: The first commenter cited the "2025 New American Economy analysis published by the American Immigration Council" but failed to provide sufficient information for DHS to identify the analysis, and a search of the organization's website using that title and various key words or concepts from the comment failed to produce a relevant result. DHS further notes that nothing in this final rule restricts the eligibility of aliens or other persons for means-tested public benefits or the eligibility of aliens to engage in employment in the United States.

The commenter focused on the Michigan economy documents the importance of immigrants within the overall labor force and within certain major industries, asserting if finalized, the NPRM would encourage or force "workers to leave or go underground." Nothing in this final rule encourages or forces workers to "leave or go

¹⁹¹ It is limited to aliens applying for a visa, admission, or adjustment of status. Aliens applying for change of status or extension of stay were not included by Congress in sec. 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4).

¹⁹² See *Matter of Perez*, 15 I&N Dec. 136, 137 (BIA 1974) ("A healthy person in the prime of life cannot ordinarily be considered likely to become a public charge, especially where he has friends or relatives in the United States who have indicated their ability and willingness to come to his assistance in case of emergency.") (citing *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421-22 (BIA 1962; A.G.1964)).

underground.” Aliens gainfully employed in Michigan or anywhere in the United States who are already relying on their own capabilities rather than public resources to meet their needs are exactly those aliens Congress favorably identified in its statement of national policy concerning welfare and immigration, found in 8 U.S.C. 1601(2). If such an alien were to apply for admission or adjustment of status, their current employment and income would be a favorable consideration in the totality. Nothing in this final rule affects the eligibility of aliens already employed in the United States to continue employment, nor does DHS believe this rule will encourage such aliens to depart the workforce.

Comment: A commenter stated that while foreign labor sustains their industry, migrant workers cannot pay taxes or contribute to the economy without access to basic resources like food and clothing, and concluded that without migrant workers, the United States cannot economically outpace China.

Response: The commenter appears to be confused about the contents of this final rule. Nothing in this final rule affects an alien’s eligibility to receive means-tested public benefits. Congress sets the eligibility requirements for Federal means-tested public benefits, just as States, territories, Tribes, and localities do for their programs.

Comment: Commenters remarked that in some places, immigrant labor force participation exceeds participation from U.S.-born workers with one citing research finding that an average recent immigrant without a high school degree has a lifetime positive net fiscal balance of \$128,000, and when including the expected children and grandchildren, the lifetime positive net fiscal effect is \$326,000. Another commenter referenced a paper by the Cato Institute, writing that “the net fiscal impact of immigrants is more positive than it is for native-born Americans.”

Response: DHS agrees immigrants, as a whole, are more likely to participate in the labor force than their native-born counterparts.¹⁹³ Similarly, as stated previously, DHS notes there are studies and analyses finding that the average immigrant, or immigrants as a whole, make a positive net fiscal impact in the United States. There are also other studies which find that immigrants have

a negative fiscal impact. However, the public charge ground of inadmissibility and this final rule are not focused on the average immigrant or the net impact of all immigrants. Congress is focused precisely on immigrants who bring down the average because they end up reliant on public benefits and consuming significantly more public resources than they provide in taxes. Most immigrants who are otherwise eligible for admission or adjustment of status are not likely to become public charges. Congress and DHS welcome such self-sufficient immigrants, and the public charge ground of inadmissibility should not prevent their admission or adjustment of status. However, our country has had statutes excluding, or finding inadmissible, aliens likely to become a public charge and not be self-sufficient for most of its history.

Comment: Two commenters stated that the proposed rule would impact the ability of farmworkers to participate in training or development programs, as many aliens with lawful status rely on public benefits to support themselves and their families while participating in these programs. One of these commenters remarked that this would undermine State and local government policies, stating that more than 40 States have established goals for postsecondary credential attainment and may not be able to reach this goal without immigrant participation.

Response: It is unclear how nonimmigrant farm workers accessing services to improve their skills and transition into more stable employment are eligible to receive means-tested public benefits while engaged in such programs, as they would generally be ineligible for Federal benefits. If such aliens were eligible to receive State, local, Tribal, or territorial means-tested benefits and chose to do so in order to support themselves, DHS would consider that past or present receipt of benefits in making a public charge inadmissibility determination. However, the DHS officer would also consider the type of benefits received as well as the circumstances surrounding the receipt, such as the nature of the benefit, whether it is the type of benefit that alone or in combination with other benefits meets the alien’s basic needs, the recency, duration, and amount of receipt, the reason for the receipt, and whether the reason has or is likely to persist.¹⁹⁴ For states that have

established goals for the percentage of residents who have earned a college degree or other post-secondary credential, the best way for the immigration system to contribute to those goals is to facilitate the immigration of highly skilled and highly educated aliens.

Comment: A commenter expressed concern about damage to children and families, reasoning that the preparation of the next generation into skilled participants in society relies on childhood conditions conducive to learning and development. They argue that the “chilling effects” on benefit use by persons not directly affected by the rule would undermine healthy learning and development.

Response: DHS acknowledges that some individuals who are not subject to the public charge ground of inadmissibility, including U.S. citizens and children, may choose to disenroll or forgo enrollment in public benefits because they believe that their receipt of benefits might affect a family or household member’s immigration status. This would weaken the intended effects of public benefit programs utilized by children and potentially undermine healthy learning and development. DHS has estimated the disenrollment or foregone enrollment effects of this final rule and determined that the rule’s overriding consideration—the Government’s interest as set forth in 8 U.S.C. 1601(2)—is a sufficient basis to move forward. This rule is rationally related to that PRWORA interest to: (1) minimize the incentive for aliens to immigrate to United States due to the availability of public benefits; and (2) promote the self-sufficiency of aliens within the United States. See 8 U.S.C. 1601.

However, as noted previously, the subregulatory guidance that USCIS will issue in the USCIS Policy Manual, which will apply to USCIS adjudications of adjustment of status applications, will provide the regulated public with sufficient information to understand whose benefits will and will not be considered in an alien’s public charge inadmissibility determination. This should address any disenrollment impacts on individuals who are not subject to the public charge ground of inadmissibility. Additionally, DHS encourages nonprofit organizations that assist aliens to also provide information and disseminate the guidance that USCIS will issue to assist individuals to understand how public charge

was then employed despite receiving public benefits for the prior 4 years.)

¹⁹³ See, e.g., Bureau of Labor Statistics, Foreign-Born Workers: Labor Force Characteristics—2024, [https://www.bls.gov/news.release/pdf/forbrn.pdf#:~:text=Foreign%2Dborn%20men%20continued%20to%20participate%20in%20the,percent%20for%20native%2Dborn%20women.%20\(See%20table%201](https://www.bls.gov/news.release/pdf/forbrn.pdf#:~:text=Foreign%2Dborn%20men%20continued%20to%20participate%20in%20the,percent%20for%20native%2Dborn%20women.%20(See%20table%201) (last visited Feb. 5, 2026).

¹⁹⁴ See, e.g., *Matter of A-*, 19 I&N Dec. 867 (BIA 1974) (BIA considered that the alien was a mother of a small child and found it legitimate that she may be temporarily out of the workforce to care for her children; they also looked at the fact that there were few jobs in the area where she lived, and that she

inadmissibility determinations are made under this final rule.

Comment: Children's health organizations stated that the rule would negatively impact children because it will make it more difficult for children's hospitals to attract international students to study, train, and conduct research in pediatrics due to fear of additional scrutiny on themselves due to the new policy. They also state that the rule would deter international professionals from coming to or remaining in the United States to fill critical pediatric workforce gaps. This in turn would compromise children's health and overall well-being, as well as delay new therapies and cures for children, slow the pace of innovation, and weaken the nation's longstanding leadership in biomedical research.

Response: DHS disagrees with the suggestions by commenters that this rule will harm the United States' leadership in biomedical research or compromise children's health due to a shortage of skilled pediatric medical professionals. With regard to nonimmigrant students or fellowship participants in medicine or biology, this final rule does not affect the adjudication of F and J nonimmigrant visa applications by the Department of State. Consular officers will evaluate the aliens' ability to support themselves during their studies or exchange program as a part of that process. While possible, it is unlikely a CBP officer would later find the alien inadmissible at a port of entry under section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), barring additional information or changed circumstances. The same is true for adjudication of H-1B nonimmigrant visa applications and subsequent applications for admission for medical professionals and researchers. Further, this rule does not apply to the adjudication of H-1B nonimmigrant visa petitions by USCIS.

F, J, and H nonimmigrants are generally ineligible for Federal means-tested public benefits and only visiting the United States for a specific purpose, or period of time, which is a favorable consideration in the totality of the circumstances analysis. DHS expects hospitals and research institutions, or the overseas sending institution, will adequately support those international medical graduates participating in fellowships. Similarly, given the statutory and regulatory requirements of the H-1B program DHS expects that such employers would compensate medical professionals and researchers at a level sufficient to allay any concerns that their prospective employees would become a public charge after admission.

When considering adjustment of status and immigrant visa applications filed by international medical professionals based on petitions from hospitals and research institutions, DHS again expects that such aliens should generally be offered sufficient compensation to allay concerns about becoming a public charge when considered in the totality of the circumstances.

2. Impacts of Reduced Consumer Spending

Comment: Multiple commenters said that reduced enrollment and participation in benefits programs such as SNAP, WIC, SSI, TANF, CHIP, etc., would lead to decreased spending in the economy. Some remarked that such reduced spending would diminish local business revenue, decrease Federal funding to State programs, reduce jobs, and weaken small businesses. Commenters suggested that spending in the economy has direct impacts and multiplier effects ripple throughout the economy.

Response: DHS agrees that disenrollment or foregone enrollment could lead to decreased spending in the economy, with effects on State and local budgets and businesses. As noted in Office of Management and Budget (OMB) Circular A-4, "[b]enefit and cost estimates should reflect real resource use. Transfer payments are monetary payments from one group to another that do not affect total resources available to society."¹⁹⁵ The transfer payments described in the economic analysis and discussed in more detail in section III.O.1.ii.a. of this final rule result from individuals who choose to disenroll or forgo enrollment in public benefit programs and represent reduced payments from Federal and State governments to certain individuals who would otherwise receive public benefits, which is not a loss of Federal funding to State and local governments.

As stated in previous responses, to the extent practicable, DHS estimated the disenrollment or foregone enrollment effects of this final rule and determined that the rule's overriding consideration—the Government's interest as set forth in 8 U.S.C. 1601(2)—is a sufficient basis to move forward. This rule is rationally related to PRWORA. See 8 U.S.C. 1601.

Comment: A commenter stated that decreased spending in grocery stores would increase costs for food and could lead to the closure of grocery stores.

Response: The article cited by this commenter is related to potential impacts to SNAP benefits caused by a government shutdown and decisions about how to fund SNAP during shutdown and, therefore, is unrelated to this rule. The potential effects cited in the article differed in both scope and duration such that it does not clearly support the commenter's concerns. DHS acknowledges this rule could have indirect effects on small businesses and nonprofits in the form of decreased sales for grocery retailers participating in SNAP. However, DHS is unable to quantify these effects.

3. Concerns About U.S. Demographics

Comment: Commenters stated the importance of immigrants in sustaining population growth because Social Security and Medicare benefits are funded by taxes, the burden of supporting these programs will be carried by the working population and most immigrants and their descendants are of working age and will be important in helping to offset the United States' general shift toward an older non-working population. A few other commenters raised the issue of the aging U.S. population, stating that immigrant workers represent a large portion of the elderly care workforce.

Response: DHS acknowledges that, according to government estimates, population growth in the United States is predominantly due to immigration and as soon as 2030, the CBO estimates that all population growth will come from immigration. Even for FY 2026, CBO estimates that two thirds of the projected 0.3 percent increase in our population will come from net immigration.¹⁹⁶ DHS agrees that a decline in the working age population and increase in the older, non-working population is a significant threat to the continued viability of critical programs. DHS acknowledges the important role immigrants play in the caregiving population, including home health aides, personal care aides, and nursing assistants. However, none of this is relevant to the final rule, as the public charge ground of inadmissibility implemented in this final rule will not have a significant effect on the population of aliens in the United States. For the purpose of comparison, during a year (1920) when the public charge ground of exclusion was by far the most frequent reason for rejecting a potential immigrant, only 0.08 percent of aliens applying for admission were

¹⁹⁵ OMB, "Circular A-4", p. 38, (Sept. 17, 2003) <https://www.whitehouse.gov/wp-content/uploads/2025/08/CircularA-4.pdf>.

¹⁹⁶ See Congressional Budget Office, The Demographic Outlook: 2026 to 2056 (Jan. 7, 2026), <https://www.cbo.gov/publication/61879>.

rejected on that basis.¹⁹⁷ As DHS noted elsewhere in response to public comments, under longstanding precedent, a healthy person in the prime of life who is already employed in the United States or who has prospective employment cannot ordinarily be considered likely to become a public charge.¹⁹⁸ At its core, the public charge ground of inadmissibility is not intended as a barrier to the immigration of healthy, working age aliens who are or will be employed and will be self-sufficient.

Comment: A commenter raised concerns that the proposed rule poses a serious threat to the accuracy and integrity of the census and other government surveys, because aliens and their households would be afraid to respond to the Census and because the Census Bureau utilizes public benefits data to count nonresponsive households.

Response: Under 13 U.S.C. 9, the Census Bureau is prohibited from using census data for law enforcement or immigration enforcement purposes or to determine eligibility for government benefits, among other things. Census data is only used to produce statistics. While DHS can understand why aliens, particularly those amenable to removal, and their household members would be hesitant to provide information to the government in light of potential immigration consequences, there is no reason for them to avoid responding to the Census given the express statutory limitations on use of Census data.

The Census Bureau used this administrative data in the 2020 Census to enumerate some people and households when the Census Bureau received neither a self-response nor a response collected by an interview during the census field operation.¹⁹⁹ Using the administrative data allowed the Census Bureau to reduce its “imputation rate” for such households in the 2020 Census.²⁰⁰ However, utilizing administrative records in this way does not necessarily make a

significant difference for enumeration. It is better to think of it as a new and potentially more accurate tool used by the Census Bureau both to correct overall counts and to fill in certain characteristics before the Census Bureau uses its imputation methodology. It is highly likely that even without the use of administrative data, the household would still be enumerated for the purpose of apportionment and the distribution of resources.

4. Impacts on Housing

Comment: Multiple commenters suggested the proposed rule would negatively impact housing market dynamics with one stating that housing market disruption is particularly relevant in communities recovering from disasters, because reluctance on the part of aliens to access assistance will result in fewer homes being repaired, straining the available housing stock.

Response: As discussed in other responses, DHS acknowledges that aliens subject to this final rule, particularly those in mixed-status households, as well as aliens and U.S. citizens not subject to this final rule, may face increased poverty and housing instability due to their decisions to disenroll from or forgo receiving Federal housing benefits for which they are eligible to avoid immigration consequences. Disenrollment or foregone enrollment in Federal housing programs may lead to financial challenges for landlords in those programs. Additionally, it is possible that individuals may avoid accessing programs to assist them with rebuilding or repairing their homes after disasters, which might result in a reduction in housing supply and an increase in cost.

DHS has estimated the disenrollment or foregone enrollment effects of this final rule and determined the rule’s overriding consideration—the Government’s congressionally mandated interest in promoting the self-sufficiency of aliens within the United States and disincentivizing immigration due to the availability of public benefits—is a sufficient basis to move forward. *See* 8 U.S.C. 1601.

Comment: A commenter stated that mixed status families in public housing pay much higher rents since the ineligible household member does not qualify for Federal assistance and that those higher rents subsidize operations and maintenance, ensuring low-income units remain occupied. A commenter expressed concern about the impacts on Public Housing Authorities such as destabilized program participation and challenges in administrative operations.

Response: DHS acknowledges that under current regulations and policies ineligible aliens may live in mixed-status households with eligible people receiving Federal housing assistance or live in public housing, so long as the ineligible aliens receive no assistance and the family pays a greater portion of the rent. *See generally* 24 CFR part 5.²⁰¹ DHS notes that President Trump has directed agencies to “adopt policies to ensure that only eligible persons receive benefits and enforce all relevant laws providing that aliens who are not otherwise qualified and eligible may not receive benefits.”²⁰² The President also ordered agencies to enhance eligibility verification systems to ensure that taxpayer-funded benefits exclude any ineligible alien.²⁰³ The fact that ineligible aliens living with eligible family members in public housing pay much higher rents is unrelated to this rule and is outside of DHS’ purview.

To the extent these commenters are concerned that DHS will consider an alien’s residence in a household with family members who receive Federal housing assistance as part of the alien’s public charge inadmissibility determination, as is the case with any means-tested public benefit received by family members whom the alien is legally obligated to support, if such family members receive Federal housing assistance based on the alien’s income falling below the designated threshold, DHS would consider the fact that the alien’s income falls below that threshold as part of the alien’s assets, resources, and financial status in the totality of the circumstances.

Comment: A commenter stated that programs pairing affordable housing and supportive services may reduce costs by shortening stays in hospitals, residential substance abuse programs, nursing homes, and prisons, noting States using Medicaid’s housing-related services show significant savings 1 year after moving people into affordable housing with supportive services.

Response: DHS agrees that housing is foundational for wellbeing and families in a stable housing situation are less likely to utilize public benefits and, generally, experience better outcomes. By contrast, homelessness or housing instability results in worse health

¹⁹⁷ Annual Report, 1920, Bureau of Immigration.

¹⁹⁸ *Matter of Perez*, 15 I&N Dec. 136, 137 (BIA 1974)) (“A healthy person in the prime of life cannot ordinarily be considered likely to become a public charge, especially where he has friends or relatives in the United States who have indicated their ability and willingness to come to his assistance in case of emergency.”) (citing *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421–22 (BIA 1962; A.G.1964)).

¹⁹⁹ *See* Mulry, Mule, Keller, and Konicki, Using Administrative Records for Enumeration in the 2020 U.S. Census, U.S. Census Bureau (April 18, 2025), <https://www2.census.gov/library/working-papers/2025/adrm/csrn/RRS2025-02.pdf>.

²⁰⁰ A record is imputed if missing information is inserted when not available from self-responses, in person interviews, or administrative records.

²⁰¹ HUD published a Notice of Proposed Rulemaking on February 20, 2026, *Housing and Community Development Act of 1980: Verification of Eligible Status*, that would change this policy. *See* 91 FR 8151 (Feb. 20, 2026).

²⁰² *See* E.O. 13828, *Reducing Poverty in America by Promoting Opportunity and Economic Mobility*, (Apr. 10, 2018, as reinstated on Jan. 20, 2025, by the revocation of E.O. 14018).

²⁰³ *See* E.O. 14218, *Ending Taxpayer Subsidization of Open Borders*, (Feb. 19, 2025).

outcomes, interferes with employment, and disrupts the education and development of children. DHS considered the effects of the disenrollment or foregone enrollment that are likely to result from this final rule and determined that the rule's overriding consideration—the Government's congressionally-mandated interest in promoting the self-sufficiency of aliens within the United States and disincentivizing immigration due to the availability of public benefits—is a sufficient basis to move forward. See 8 U.S.C. 1601.

5. Impacts to Innovation

Comment: Commenters stated that the proposed rule would discourage international students from studying in the United States, leading to brain drain and preventing international students from contributing to U.S. innovation.

Response: As a general matter, under PRWORA, F, J, and M nonimmigrants students are ineligible for Federal means-tested public benefits.²⁰⁴ If these students truly are the “best and the brightest from around the world” and critical to innovation at our colleges and universities, the institutions inviting them to study and conduct research should financially support them, rather than allowing the students to rely on taxpayer-funded public benefits programs to meet their needs. To the extent States, territories, Tribes, or localities make means-tested public benefits available to such students and those students choose to receive those benefits, DHS will consider this receipt in the totality of the circumstances when those nonimmigrants apply for admission or adjustment of status, along with the statutorily mandated factors, and any other factor relevant to assessing their likelihood at any time of becoming a public charge, such as their unique talents and abilities.

DHS believes the best and brightest from around the world will be drawn to the United States and its dynamic economy notwithstanding the manner in which DHS makes public charge inadmissibility determinations under this rule.

Comment: A different commenter remarked that the chilling effects of the proposed rule would decrease the number of young people (U.S. citizens in mixed-status families, LPRs, and illegal immigrants) who are able to complete college degrees, which undermines U.S. global competitiveness because a highly educated workforce spurs economic growth and strengthens State and local economies.

Response: Nothing in this rule prevents U.S. citizens or eligible aliens from receiving any means-tested public benefits related to higher education for which they are eligible. Further, the receipt of means-tested public benefits by an alien's family member is not considered during the public charge inadmissibility determination. However, because DHS considers the alien's income as part of the mandatory assets, resources, and financial status factor in a public charge inadmissibility determination, to the extent the alien's family members whom the alien is legally obligated to support receive means-tested public benefits based on the alien's income falling below the designated threshold, DHS would consider the fact that the alien's income falls below that threshold as part of the alien's assets, resources, and financial status in the totality of the circumstances. Even in such a situation, consideration of the alien's income falling below a certain threshold such that a family member must receive means-tested public benefits to meet their needs is not outcome determinative.

If the alien applying for admission or adjustment of status received State, local, or Tribal means-tested public benefits related to higher education, DHS will consider that receipt, including the nature of the benefit and whether it is the type of benefit that alone or in combination with other benefits meets the alien's basic needs, the recency, duration, and amount of receipt, the reason for the receipt, whether the reason has or is likely to persist, in the totality of the circumstances. If the receipt of means-tested public benefits was tied to the need for support while completing an academic program, and the alien has since completed that program and is no longer relying on support, the officer would consider these facts in the totality of the circumstances.

Comment: Another commenter stated that international artists would be discouraged from coming to the United States due to inconsistent adjudications by officers during the O–1, O–2, and P nonimmigrant visa processes, and that “the rule will likely result in [DOS] more frequently denying visas to artists who are unable to prove that they personally have sufficient wealth.”

Response: DHS disagrees. Addressing the latter concern first, this rule applies only to aliens applying for admission and adjustment of status with DHS. It has no effect on adjudications of nonimmigrant or immigrant visa applications by DOS consular officers. Regarding concerns about inconsistent

adjudications by DHS in the nonimmigrant visa process for these visas, the public charge ground of inadmissibility does not apply to nonimmigrant visa petitions (or immigrant visa petitions, for that matter). DHS officers do not consider inadmissibility grounds when making decisions on nonimmigrant visa petitions for performers because Congress has not tied eligibility for approval of such petitions to admissibility.

6. Other Economic Effects

Comment: A commenter expressed concern that the U.S. economy would suffer as potential tourists would be unable to visit due to discrimination on the basis of health or race, requesting the budgetary and economic implications of this rule be studied.

Response: DHS notes that the very purpose of the public charge ground of inadmissibility, as enacted by Congress, is to prevent the admission and adjustment of status of aliens who are determined by an officer to be likely at any time to become a public charge. With respect to commenters' concerns that this final rule will impede temporary visits and tourism, DHS notes that after the effective date of this final rule, officers will have more and not less discretion to consider all relevant factors when determining whether an alien is likely at any time to become a public charge. This would include considering the purpose and duration of the alien's proposed stay in the United States. As to these commenters' concerns with the factors considered by DHS in this final rule, DHS further notes that nothing in this final rule, when compared to the 2022 Final Rule, invites discrimination on the basis of health, race, or any other factors. DHS officers must consider an alien's health in making a public charge determination due to the express language in section 212(a)(4)(B) of the INA, 8 U.S.C. 1182(a)(4)(B), but an alien's race is entirely irrelevant to whether an alien is likely at any time to become a public charge and will never be considered. The NPRM, and this final rule, include an assessment of the financial impacts of this rulemaking.

7. Impacts on the Military and Veterans

Comment: Commenters expressed concern that increased burdens on military families would impact military readiness and economic and civic strength, including within the military. One commenter wrote that foreign-born service members and their families should not be threatened with immigration consequences for applying

²⁰⁴ See 8 U.S.C. 1611, 1612, and 1641.

for government aid. They noted that some military spouses cannot work because the service members must relocate frequently or because the spouses handle household responsibilities without support, concluding that public benefits should be plentiful and unencumbered for service members and their families.

Multiple commenters requested DHS add explicit exemptions in the regulatory language for military and veteran families, for active duty members, Guard and Reserve members, and immediate family members, as well as veterans and their immediate family members. A commenter requested that DHS exclude military-related and family-support programs from consideration, and another wrote that the NPRM should be heavily revised or scrapped given the lack of an exemption for military families. A commenter reasoned that extending exemptions to veterans and their immediate family members would be consistent with the PRWORA exemption at 8 U.S.C. 1613(b)(2). A different commenter suggested that the availability of parole in place for parents of military members demonstrate the need for exemptions for military members, veterans, and their parents. Another commenter recommended exemptions for military families receiving subsidies.

Response: DHS shares these concerns for military families, veterans, and military readiness. In regard to military readiness, DHS notes that aliens must generally be LPRs²⁰⁵ in order to join the United States military and LPRs only are subject to the public charge ground of inadmissibility in limited circumstances.²⁰⁶ Further, under section 329 of the INA, 8 U.S.C. 1440, all aliens honorably serving in the U.S. military during a designated period of hostilities may be eligible to naturalize without first spending a specific period of time as an LPR or having been lawfully admitted for permanent residence if

they meet the other eligibility requirements.²⁰⁷

DHS notes that Congress neither exempted current or former servicemembers from the public charge ground of inadmissibility, nor exempted families of servicemembers except for the limited exemption for qualifying surviving family members.²⁰⁸ DHS lacks authority to create exemptions to any ground of inadmissibility. However, DHS will address concerns about the impact of public benefit use by members of the military and their families, in subsequent guidance issued in conjunction with this final rule.

H. DHS's Rationale and Justification for the Rule

1. Insufficient Evidence or Reasoned Justification To Change Policy

Comment: Many commenters wrote that DHS failed to provide evidence or a reasoned justification for the elimination of the current public charge inadmissibility policy, leading some to urge DHS to withdraw the NPRM. One expressed concern with dismantling what was a functioning, clear, and trusted framework without compelling evidence. Commenters wrote that DHS did not cite research or other evidence in the NPRM showing the 2022 Final Rule incentivized immigration due to the availability of benefits, and claimed that DHS did not cite any evidence to support its claims regarding congressional intent.

Response: DHS did not fail to provide a compelling justification for this rule. As noted in the NPRM and throughout this preamble, the purpose of this rule is to remove the overly-restrictive framework established by the 2022 Final Rule and ensure that DHS's implementation of the public charge ground of inadmissibility is consistent with administration policy and congressional intent. This final rule establishes a policy better implementing the public charge ground of inadmissibility and the broader policy that aliens should be self-sufficient, *i.e.*, rely on their own capabilities and resources of their family, sponsors, and private organizations, rather than depending on public resources. See 8 U.S.C. 1601. DHS provided both quantitative and qualitative analysis

discussing the rule's impacts, consistent with E.O. 12866 and Circular A-4, which require quantification where possible and qualitative analysis where quantification is not feasible.

The Secretary determined that removal of the 2022 Final Rule is necessary to ensure DHS officers make public charge inadmissibility determinations that align with the statute, relevant circuit precedent, and established precedent decisions. 90 FR 52168, 52186-87 (Nov. 19, 2025). Public charge inadmissibility determinations made under this rule better implement the statute enacted by Congress. See INA sec. 212(a)(4), 8 U.S.C. 1182(a)(4). DHS finds that the express language of section 212(a)(4)(A) and (B) of the INA, 8 U.S.C. 1182(a)(4)(A) and (B), the longstanding national policy on immigration and welfare, as set forth in 8 U.S.C. 1601, and precedent decisions that guided such determinations for decades provide sufficient guidance for officers to make public charge inadmissibility determinations.

Furthermore, DHS disagrees that this rule ignores or contradicts congressional intent. In fact, Congress made clear in PRWORA that aliens within the nation's borders should be self-sufficient and not dependent on public resources to meet their needs, and further made clear in section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), that aliens who are likely at any time to become a public charge are not admitted or granted adjustment of status unless a statutory exception applies.

DHS believes that the statute, PRWORA, and the governing precedent provide sufficient guidance to officers to consider all relevant case-specific circumstances in their discretion while USCIS formulates appropriate policy and interpretive tools that will guide officers in making individualized, fact-specific public charge inadmissibility determinations, based on a totality of the alien's circumstances, that are consistent with the statute and congressional intent and comply with past precedent.²⁰⁹ As described in other comment responses, USCIS will issue subregulatory guidance in advance of or

²⁰⁵ See *USA.gov*, Requirements to Join the U.S. Military, <https://www.usa.gov/join-military> (last updated Aug. 27, 2025). However, under the Military Accessions Vital to National Interest (MAVNI) program, certain aliens who were asylees, refugees, TPS beneficiaries, deferred action beneficiaries, or nonimmigrants in certain categories could enlist. The recruitment of service members through the MAVNI program ceased in 2016.

²⁰⁶ LPRs are generally not considered to be applicants for admission when they return from a trip abroad. However, in certain limited circumstances, an LPR will be considered an applicant for admission and subject to an inadmissibility determination upon their return to the United States. See INA sec. 101(a)(13)(C), 8 U.S.C. 1101(a)(13)(C).

²⁰⁷ See USCIS Policy Manual, Vol. 12, Citizenship and Naturalization, Part I, Military Members and Their Families, Ch. 3, Military Service during Hostilities (INA 329), <https://www.uscis.gov/policy-manual/volume-12-part-i-chapter-3> (last updated Feb. 3, 2026).

²⁰⁸ See Section 1703 of the National Defense Authorization Act, Public Law 108-136, 117 Stat. 1392 (November 24, 2003) (posthumous benefits to surviving spouses, children, and parents).

²⁰⁹ See *Matter of Harutunian*, 14 I&N Dec. 583, 588 (Reg'l Cmm'r 1974) ("[T]he determination of whether an alien falls into that category [as likely to become a public charge] rests within the discretion of the consular officers or the Commissioner . . . Congress inserted the words 'in the opinion of' (the consul or the Attorney General) with the manifest intention of putting borderline adverse determinations beyond the reach of judicial review." (citation omitted)); *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421 (BIA 1962; Att'y Gen. 1964) ("[U]nder the statutory language the question for visa purposes seems to depend entirely on the consular officer's subjective opinion.").

on the effective date of this Final Rule that will inform, but not dictate the outcome of, the totality of the circumstances determinations.

2. Insufficient Connection Between Benefit Receipt and Dependency on the Government

Comment: Many commenters expressed concerns that the proposed rule asserts that the receipt of public benefits is relevant to a public charge assessment without support, including that the proposed rule neither provides a logical argument nor offers data to support such a claim and that the proposed rule fails to demonstrate how expanding the public charge inadmissibility determination advances self-sufficiency. Another wrote that public benefits are received by a wide range of families and individuals, further citing research finding that non-native households used benefits at rates lower than native households. Finally, a commenter wrote that since the implementation of the 2022 Final Rule, DHS has collected detailed data on public benefit use by adjustment of status applicants and such data is readily available in USCIS case management systems. The commenter goes on to state that the USCIS website says that few aliens are both subject to the public charge ground of inadmissibility and eligible to receive public benefits and speculated that DHS withholds the data to conceal low public benefit use among those subject to this inadmissibility ground.

Further, multiple commenters provided analysis of public benefits as supports for self-sufficiency rather than indicators of future dependency, referencing a study finding that more than half of all U.S.-born citizens could be considered a public charge under the 2019 Final Rule definitions. A commenter stated that access to and use of critical services often strengthen long-term self-sufficiency. Another commenter discussed benefits, other than cash assistance for income maintenance and long-term institutionalization, as supplemental supports, stating that public benefit programs are used by millions of families with incomes well above the poverty level. One commenter referenced studies on housing benefits and remarked that many self-sufficient immigrants receive housing assistance to provide needed stability, particularly in urban areas because wages have not kept pace with housing costs, making housing affordability increasingly unattainable for many Americans regardless of immigration status.

Commenters stated that DHS acknowledged that public benefits are significant aids for individuals to work, attend school, and remain healthy, with a community organization elaborating that disenrollment from benefits due to fear undermines these outcomes. A commenter stated that the rule runs directly counter to evidence regarding the relationship between public benefits and workforce participation. Specifically, they allege that while DHS claims to be concerned about workforce participation (*i.e.* self-sufficiency) of aliens, the public benefits targeted by this rule (*e.g.*, Medicaid) support workforce participation, claiming that most recipients of Medicaid are employed.

Response: DHS disagrees that receipt of means-tested public benefits is not relevant to a public charge inadmissibility determination. The receipt of public benefits has been a part of public charge inadmissibility determinations since the earliest immigration laws. It was addressed in the NPRM and precedent decisions that preceded the 1999 Interim Field Guidance and subsequent DHS regulations codified in 2019 and 2022.²¹⁰ DHS does not assume that aliens rely disproportionately on means-tested public benefits. As outlined in the NPRM and this final rule, Congress clearly declared in its statement of national policy in PRWORA that self-sufficiency has been a basic principle of United States immigration law since this country's earliest immigration statutes and it should continue to be a governing principle in the United

States. *See* 8 U.S.C. 1601. Congress maintained the public charge ground of inadmissibility in law since 1882. DHS believes that aliens who apply for admission and adjustment of status who are subject to the public charge ground of inadmissibility should be self-sufficient and not depend on the government to meet their needs. DHS firmly believes this was Congress's intent in enacting section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), amending it as recently as 1996.²¹¹

Furthermore, DHS recognizes that means-tested public benefits programs provide food and nutrition, housing, and healthcare, and other benefits meeting individual needs, serving the public interest, and helping people become productive members of society. The relevant inquiry this final rule aims to address, however, is whether an alien subject to the public charge ground of inadmissibility is likely at any time to become a public charge. When considering all relevant factors and information in the totality of circumstances to determine if an alien will be likely at any time to become a public charge, it is reasonable for an officer to consider whether an alien has applied for, been approved or certified for, received, or will likely receive means-tested public benefits. Such information is clearly relevant to whether an alien may lack self-sufficiency by being unable to meet basic living needs. DHS is also aware that individuals, even those who are not subject to this rule, may reconsider receipt of means-tested public benefits in light of future immigration consequences; despite the rule not preventing eligible individuals from applying for or receiving any means-tested public benefits.

Moreover, even if DHS were to accept that access to means-tested public benefits improves a person's workforce engagement and long-term tax contributions, this does not change the fact that Congress was clear that aliens should be self-sufficient and that aliens likely at any time to become a public charge will be denied admission or adjustment of status.

3. Would Not Accomplish Stated Goal To Reduce Public Expenditures

Comment: A commenter expressed concern regarding DHS cutting access to

²¹⁰ 90 FR 52168, 52187 (Nov. 19, 2025). *See also Matter of A-*, 19 I&N Dec. 867, 869 (BIA 1988) (acknowledging consideration of evidence of receipt of any prior public assistance as a factor in making the public charge inadmissibility determination); *Matter of Vindman*, 16 I&N Dec. 131, 132 (BIA 1977) (finding that aliens who are receiving SSI and public funds from the New York Department of Social Services "fall clearly within the confines of section 212(a)(15) of the [INA] and are excludable as public charges."); *Matter of Perez*, 15 I&N Dec. 136, 137 (BIA 1974) ("the statute . . . requires more than a showing of a possibility that the alien will require public support. Some specific circumstance, such as mental or physical disability, advanced age, or other fact reasonably tending to show that the burden of supporting the alien is likely to be cast on the public, must be present.") (emphasis added); *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421 (BIA 1962) ("the statute requires more than a showing of a possibility that the alien will require public support.");

Matter of M-, 2 I&N Dec. 131, 131 (BIA 1944) (considering alien's receipt of public aid as part of public charge inadmissibility determination). Note that Congress implicitly recognized that past receipt of any public benefit can be considered in determining the alien's likelihood of becoming a public charge when it prohibited consideration of the receipt of any public benefit that is authorized under 8 U.S.C. 1641(c) for certain battered aliens. *See* INA sec. 212(s), 8 U.S.C. 1182(s).

²¹¹ *See* IIRIRA, Public Law 104–208, div. C, sec. 531, 110 Stat. 3009–546, 3009–674 (Sept. 30, 1996) (amending INA sec. 212(a)(4), 8 U.S.C. 1182(a)(4)); H.R. Rep. No. 104–828 at 240–41 (1996) (Conf. Rep.) ("This section amends INA sec. 212(a)(4) to expand the public charge ground of inadmissibility. . . . Self-reliance is one of the most fundamental principles of immigration law.").

benefit programs to reduce public expenditures, writing the proposed rule would discourage families from accessing basic supports essential for economic stability. Highlighting reducing public expenditures, another commenter said the proposed rule would not accomplish its goal and shift costs to emergency systems undermining long-term economic stability and community integration.

Response: DHS recognizes this final rule may have impacts on public health, including increased use of emergency rooms for primary care. DHS disagrees that the rule does not show benefits outweighing costs and that it would reduce public expenditures. As noted in the NPRM, the rule removes overly restrictive language established by the 2022 Final Rule, to ensure that DHS is faithfully implementing the public charge ground of inadmissibility consistent with statutory language and congressional intent. DHS assesses that the benefits of this policy outweigh the costs of this rule by ensuring that applicants for adjustment of status to lawful permanent resident who are subject to the public charge ground of inadmissibility, are self-sufficient, *i.e.*, relying on their own capabilities and resources of their family, sponsor, and private organizations, rather than depending on public resources.

DHS provided both quantitative and qualitative analysis in the NPRM and this final rule, discussing the impacts of this rule, consistent with E.O. 12866 and Circular A–4, requiring quantification where possible and qualitative analysis where quantification is not feasible. As noted in Office of Management and Budget (OMB) Circular A–4, “[b]enefit and cost estimates should reflect real resource use. Transfer payments are monetary payments from one group to another that do not affect total resources available to society.”²¹² The transfer payments described in the economic analysis result from individuals who choose to disenroll or forgo enrollment in public benefit programs and represent reduced payments from Federal and State governments to certain individuals who would otherwise receive public benefits, which is not a loss of Federal funding to State and local governments. The reduction in transfer payments is quantified in the transfer payments section of the economic analysis, not in the cost-

saving section as the commenter asserted.

4. Agreement With Stated Need for Proposed Rule

Comment: Without providing further discussion, one commenter stated that the proposed changes are needed and cover the issues addressed, while another supported DHS’s stated justification, referencing research on recent increases in immigration, welfare enrollment, food stamp spending, as well as high rates of welfare and other means-tested usage in immigrant households, particularly those with young children, and concluding receipt of government benefits is a strong indicator of potential future reliance on public support.

Response: DHS agrees with the commenters expressing support for the justification underlying this rule. As stated in both the NPRM and throughout this final rule, aliens applying for admission and adjustment of status who are subject to the public charge ground of inadmissibility should be self-sufficient and not depend on the government to meet their needs. DHS firmly believes this was Congress’s intent in enacting section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), and this rule will faithfully implement that intent.

This final rule restores a public charge inadmissibility determination that trusts in and relies on officers’ good judgment and sound discretion as envisioned by Congress. DHS also agrees the availability of public benefits should not constitute an incentive for immigration to the United States, as Congress stated in PRWORA. *See* 8 U.S.C. 1601.

I. Amendments to Cancellation and Breach of Public Charge Bond Provisions

Comment: A commenter appreciated that public charge bonds submitted and accepted prior to the enactment of the proposed rule would be held to the 2022 Final Rule regulatory standards and recommended the effective date of this rule be at least 90 days after publication.

Response: DHS appreciates the comment and reiterates that the regulatory standards in the 2022 Final Rule will be applied to an alien who submitted his or her public charge bond before the effective date of this final rule, and whose bond is accepted by USCIS. In addition, cancellation of a public charge bond submitted and accepted prior to the effective date of this final rule would be decided under the version of 8 CFR 103.6 established by the 2022 Final Rule.

DHS considered the request for the effective date of this final rule to be at least 90 days after publication of the rule and determined the final rule will be effective 60 days after publication in the **Federal Register**. While the standard effective date for most final rules is 30 days from publication, DHS determined that a 60-day effective date is appropriate for this final rule, as is the standard for major rules.

Comment: Numerous commenters expressed concerns about the proposed revisions to public charge bond provisions. Several questioned the rationale or necessity of the proposed public charge bond provisions, while a few stated that the proposed public charge bond provisions would exacerbate or reinforce the harms of the rule. Others specifically opposed the proposed provisions in 8 CFR 103.6(c)(1)(ii) related to breach of public charge bonds after receipt of any means-tested public benefits. One commenter stated the significant changes to the administration of public charge bonds would create uncertainty in the immigration system, invite arbitrary enforcement, and impose substantial financial burden on States. That commenter stated DHS now proposes to dramatically loosen the constraints on bond cancellation and breach by explicitly stating that receipt of “any means-tested benefit” by an alien, without regard to duration, severity, or causation, will constitute a breach of the bond, regardless of whether the benefit bears any actual relation to long-term dependence or financial self-sufficiency. They also asserted that “single benefit use = breach” proposal means that accessing short-term Medicaid, enrolling a child in CHIP, or using temporary food assistance during a period of unemployment would breach a bond, adding that the rule does not specify for which benefits receipt will constitute breach, the proposed bond structure is arbitrary, and could vary from State to State because States differ in how they structure, fund, and classify public benefit programs. A different commenter described the proposed bond provisions as a “radical expansion” of benefits that could result in bond breach and urged DHS to withdraw the rule. Additionally, commenters expressed concerns that the proposed provisions are retroactive and/or punitive.

Response: DHS disagrees. DHS determined it must revise the bond provisions codified in the 2022 Final Rule to conform with the manner in which public charge inadmissibility determinations will be made now that the 2022 Final Rule has been rescinded.

²¹² OMB, “Circular A–4”, p. 38, (Sept. 17, 2003) <https://www.whitehouse.gov/wp-content/uploads/2025/08/CircularA-4.pdf>.

Not making these changes would result in material inconsistencies between public charge inadmissibility determinations under the final rule and the public charge bond provisions. The changes to the regulatory text for public charge bonds clearly and transparently communicates to the regulated public when public charge bonds will be breached or cancelled. DHS disagrees with commenters stating otherwise. There is no ambiguity in the bond provisions. DHS is replacing the language prohibiting cancellation of a public charge bond if the bonded alien received public cash assistance for income maintenance or long-term institutionalization at government expense with clear language prohibiting cancellation if the bonded alien breached the bond by receiving any means-tested public benefits or is otherwise noncompliant with any conditions of the bond. This amendment is intended to ensure that the government²¹³ is held harmless if a bonded alien breaches his or her public charge bond, as required by the statute. See INA sec. 213, 8 U.S.C. 1183.

DHS disagrees that forfeiture of the full bond amount in the event of breach by receipt of any means tested public benefit is unfair, unjust, or unlawful. The face value of the bond constitutes liquidated damages for a breach of the bond conditions. Liquidated damages are an appropriate remedy in situations such as the public charge bond, where the total damages to the government are difficult, if not impossible to calculate. Additionally, these damages go beyond the simple amount of the benefits received, encompassing not only the monetary value of the benefits received but also the overhead of the benefit agency in administering the benefit.

A public charge bond is offered to allow aliens who are otherwise inadmissible due to being found likely at any time to become a public charge to nonetheless be admitted. The conditions that constitute breach of a public charge bond are delineated fully in 8 CFR 103.6(c) and on the public charge bond itself, and any alien offered a public charge bond has ample opportunity to review them before agreeing to the terms. Whether the public charge bond is punitive is a matter for Congress; however, under the express language of the statute, the public charge bond's purpose is to hold the United States, and all States, territories, counties, towns and

municipalities and districts harmless against bonded aliens becoming public charges. See INA sec. 213, 8 U.S.C. 1183.

As discussed in previous comment responses, an alien who submitted his or her public charge bond before the effective date of this final rule, and whose bond is accepted by USCIS, would be held to the regulatory standards from the 2022 Final Rule, a standard that is also reflected on the bond form, which is a contract with the United States. In addition, cancellation of that bond submitted and accepted by USCIS prior to the effective date of this rule would be based on the version of 8 CFR 103.6 established by the 2022 Final Rule.

Further, the changes to this provision make explicit that final bond breach determinations are appealable by sureties under 8 CFR 103.6(f), and by aliens under 8 CFR 103.3, which are safeguards built into the regulations. The public charge bond cannot be compared to criminal bonds as they are different kinds of bonds. The public charge bond is an agreement guaranteeing the alien will not become a public charge. It is a financial contract ensuring the government is reimbursed if the alien receives means-tested public benefits. A criminal bond is a bond guaranteeing an individual's personal appearance in court if released from custody. The bonds differ significantly in terms of purpose and legal context. This is neither punitive nor retroactive. This change complies with the congressional mandate to hold the government harmless against the alien becoming a public charge as set forth in section 213 of the INA, 8 U.S.C. 1183.

Comment: A commenter stated public charge bonds are a remnant of immigration laws from the early 20th century, before intending immigrants were required to be sponsored by a close family member or employer, has been deemed generally unnecessary, and that even DHS acknowledges these facts in its assumptions about the proposed rule's information collection. Other commenters stated because public charge bond decisions are discretionary, some applicants would not have the chance to post a bond. Another commenter wrote public charge bonds would allow families with resources to move forward while disproportionately harming those without. A commenter wrote that removal of 8 CFR 103.6(c)(1) permitting public charge bond cancellation at any time was unnecessary because "DHS retains full authority to maintain such bond and is under no obligation to cancel a bond other than as regards the enumerated

reasons." Additionally, a commenter questioned how the proposed amendments to public charge bonds would impact the integrity of the immigration system and the responsible allocation of public resources. Another stated public charge bonds replicate the problems seen in criminal cash bail and cited an article from the U.S. Commission of Civil Rights that cash bail has resulted in stark racial and gender disparities.

Response: DHS disagrees with commenters' assertion that the public bond provisions are a relic of the past, not necessary after the existence of the Form I-864, and are unfair. Congress gave DHS authority under section 213 of the INA, 8 U.S.C. 1183, to consider whether to exercise discretion on a case-by-case basis to admit aliens who are inadmissible only under section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), upon the submission of a suitable and proper public charge bond. Congress acknowledged the existence of the Form I-864 in the plain language of the public charge bond statute, making clear the availability of public charge bonds continues notwithstanding the requirement to submit a Form I-864.²¹⁴

DHS disagrees with the assertion that the changes to the public charge bond provisions are unnecessary or overly burdensome. DHS is modifying the provisions relating to public charge bonds to align with the removal of the other provisions and for clarity. Under 8 CFR 103.6(c)(1)(i), a public charge bond posted for an alien will continue to be cancelled when the alien dies, departs permanently from the United States, or is naturalized, provided the alien did not breach the bond as described in proposed 8 CFR 103.6(c)(1)(ii). However, under 8 CFR 103.6(c)(1)(ii), a public charge bond submitted on or after the effective date of this rule would be breached if the bonded alien were to receive any means-tested public benefits prior to death, permanent departure, or naturalization, or otherwise violate a condition of the bond.

²¹⁴ INA 213, 8 U.S.C. 1183 ("which states that '[a]n alien inadmissible under [section 212(a)(4) of the INA] may, if otherwise admissible, be admitted in the discretion of [the Secretary of DHS] (subject to the affidavit of support requirement and attribution of sponsor's income and resources under section [213A] of the INA) upon the giving of a suitable and proper bond undertaking approved by [the Secretary of DHS] in such amount and containing such conditions as he may prescribe, to the United States, and to all States, territories, counties, towns, municipalities, and districts thereof holding the United States and all States, territories, counties, towns, municipalities, and districts thereof harmless against such alien becoming a public charge").

²¹³ Under section 213 of the INA, 8 U.S.C. 1183, "the United States and all States, territories, counties, towns, municipalities, and districts thereof."

As discussed in another response, the changes are necessary to conform the bond regulations with the removal of the overly-restrictive 2022 Final Rule. This amendment is intended to ensure that the government²¹⁵ is held harmless if a bonded alien breaches his or her public charge bond, as required by the statute. See INA sec. 213, 8 U.S.C. 1183.

DHS disagrees that the bond provisions disproportionately harm those without financial resources or result in racial or gender disparities. Bond provisions allow aliens found to be inadmissible under the public charge ground of inadmissibility, when invited at the discretion of DHS, to post a bond and be admitted as an LPR. The public charge bond affords an opportunity for aliens who are likely at any time to become a public charge to nonetheless obtain LPR status, when invited to do so at the discretion of DHS. USCIS will provide officers with guidance and training to ensure this discretionary authority is exercised in a fair, efficient, and consistent manner.

DHS also disagrees that the removal of 8 CFR 103.6(c)(1) is unnecessary. The existing regulatory language is misleading and unfeasible. In stating that DHS may cancel a public charge bond at any time it determines “that the alien is not likely to become a public charge,” the regulatory language suggested USCIS periodically reviews and reconsiders its previous public charge inadmissibility determinations and may cancel the public charge bond, or that aliens who submitted a public charge bond may request such a review. However, neither of these suggestions are accurate.²¹⁶ Once USCIS determines an alien is inadmissible under the public charge ground but adjusts the alien’s status after a suitable and proper bond is accepted, DHS would not cancel the bond except as otherwise noted in proposed 8 CFR 103.6(c). The removal of 8 CFR 103.6(c)(1) clearly and transparently communicates to the

regulated public about circumstances under which a public charge bond may be cancelled.

Comment: Commenters stated there is no evidence public charge bonds prevent people from becoming dependent on government assistance and the bonds may have the opposite effect—depleting families of resources. A commenter said widening the scope of what is considered a bond violation heightens the risk families will avoid essential programs to avoid triggering a breach. Another commenter stated these provisions and expanded discretion would intensify health disparities, worsen preventable illness, and destabilize mixed-status families and urged DHS to instead maintain a clear, narrow, and humane public charge standard that protects access to essential services for the most vulnerable patients. Joint commenters wrote: the proposed rule offers no explanation for the removal of “depending on the government for subsistence” (as included in the 1999 Interim Field Guidance and the 2022 Final Rule) in favor of enforcement triggered by *de minimis* welfare use, did not offer procedural protection for individuals subject to bond breach or a basis for recipients to learn in advance which public benefits might affect an alien’s status, or how DHS will interpret household benefit use in the context of bonds. While stating that the proposed provisions are arbitrary, the commenter noted that because States differ in how they structure, fund, and classify public benefit programs, households with identical income, family size, and immigration status may be treated differently for bond purposes depending solely on State of residence. Finally, the commenters noted that DHS asserts that it does not anticipate an increase in bonds cancelled or breached while making breach automatic and removing all mitigating factors.

Response: Congress created discretionary public charge bonds, and DHS therefore must consider whether to exercise its discretion on a case-by-case basis to admit aliens who are inadmissible only under section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), upon the submission of a suitable and proper public charge bond. This rule leaves intact the public charge bond regulations with modification of certain provisions as necessary to conform with removal of the overly-restrictive 2022 Final Rule. The regulations promulgated concerning public charge bonds previously, and in this rule, ensure the regulated public is aware of how DHS will exercise discretion.

Contrary to commenter assertions, public charge bond provisions at section 213 of the INA, 8 U.S.C. 1183, do not state they are intended to prevent people from becoming dependent on government for assistance, but rather to hold the United States and all States, territories, counties, towns, municipalities, and districts thereof harmless against the alien becoming a public charge. The statute states “suit may be brought thereon in the name and by the proper law officers of the United States for the use of the United States, or of any State, territory, district, county, town, or municipality in which such alien becomes a public charge, irrespective of whether a demand for payment of public expenses has been made.”

This rule also provides DHS with greater flexibility to adapt to changing circumstances, such as Federal and State changes to aliens’ eligibility for means-tested public benefits and to the value of those benefits, as occurred with the enactment of H.R.1, Public Law 119–21, 139 Stat. 72 (“HR–1”). The amendments to the cancellation and breach of public charge bonds also establish a policy that aligns more closely with the broader policy of the United States that aliens be self-sufficient and not reliant on public resources. See 8 U.S.C. 1601.

Comment: One commenter recommended clarifying public charge bond provisions with precise definitions, disclosure requirements, due process rights, and opportunities for appeal.

Response: DHS agrees with the commenter that public charge bond regulations are important to inform the regulated public about the various stages of the public charge bond process. DHS notes that public charge bond regulations together with general regulations concerning immigration in 8 CFR include explanations of the procedural rights of applicants and obligors. Specifically, appeal rights are included in the regulations at 8 CFR 103.3 and apply to breach determinations made by DHS.

Comment: A commenter stated that the proposed rule’s reliance on public charge bonds raises concerns previously identified in litigation by Oregon and other U.S. States.

Response: DHS is not certain what the commenter refers to in regard to “reliance” on public charge bonds. The commenter referenced previous concerns raised in litigation by the State of Oregon and other States, but did not cite litigation or reference what that litigation concerned. DHS is unable to respond to the commenter’s other

²¹⁵ Under INA sec. 213, 8 U.S.C. 1183, “the United States and all States, territories, counties, towns, municipalities, and districts thereof.”

²¹⁶ DHS notes that in general, once it makes an inadmissibility determination and grants admission as an LPR at a POE or approves an alien’s application to adjust status to that of an LPR, it does not reevaluate inadmissibility. The exception to this general rule is if the LPR becomes an applicant for admission through the operation of INA 101(a)(13)(C), 8 U.S.C. 1101(a)(13)(C), for example, if the LPR abandoned his or her LPR status, has been absent from the United States for more than 180 days, etc. However, in the context of naturalization, for example, USCIS may, in assessing whether an applicant was lawfully admitted for permanent residence, evaluate whether the alien was admissible at the time of admission or adjustment of status. See INA sec. 316, 8 U.S.C. 1427; INA sec. 245(a)(2), 8 U.S.C. 1255(a)(2).

arguments as they lack specificity and context.

Comment: A commenter said DHS should maintain a workable bond process only to be used in rare situations involving immigrants who are subject to public charge, are not employment-based immigrants, or for whom a Form I-864 is not required. The commenter opposed the bond provision changes related to clarification of receipt of means-tested benefits resulting in breaches of bonds and cancellation of bonds, declaring these changes unnecessary and overly burdensome, and not that processes exist for government agencies to follow to avoid harm if an LPR receives a public benefit. Another suggested DHS avoid or strictly target bonds to rare, well-justified cases.

Response: DHS disagrees that it should limit the bond process to aliens whose application for adjustment of status is not employment-based and for whom a Form I-864 is not required. Congress created section 213 of the INA, 8 U.S.C. 1183, to permit DHS to admit aliens who are inadmissible only under the public charge ground without limiting the availability of bonds to certain classifications, and DHS must consider whether to exercise its discretion on a case-by-case basis to admit any alien found inadmissible only under section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), upon the submission of a suitable and proper public charge bond. While one commenter suggested avoiding bonds or strictly targeting bonds to rare, well-justified cases as a proposed “reasonable alternative” to “reduce . . . administrative burden while achieving policy goals,” this is not a regulatory alternative as drafted. If the commenter intended to suggest that DHS should discourage officers from providing aliens the opportunity to submit public charge bonds or establish regulatory criteria significantly restricting the discretion of officers, DHS declines to do so, as this would not be a reasonable interpretation of the statute.

DHS also disagrees that the changes to 8 CFR 103.6 are unnecessary or overly burdensome. As stated above, DHS believes the changes to 8 CFR 103.6 are in fact necessary because the bond regulations must conform to removal of the overly restrictive 2022 Final Rule. Since DHS proposes to remove references to public cash assistance for income maintenance or long-term institutionalization at government expense from the public charge inadmissibility regulations, DHS relatedly must amend that same language prohibiting the cancellation of

a public charge bond if the bonded alien has received public cash assistance for income maintenance or long-term institutionalization at government expense. This amendment is intended to ensure that the government²¹⁷ is held harmless if a bonded alien breaches his or her public charge bond, as required by the statute. See INA sec. 213, 8 U.S.C. 1183. Furthermore, this provision is not superfluous to other provisions created by Congress concerning processes for the government to avoid harm if a sponsored alien receives a public benefit, such as section 213A of the INA, 8 U.S.C. 1183a.

Comment: Regarding bonds posted after rule finalization, the commenter questioned if “any means-tested public benefit” would include time-limited, crisis-driven, or medically necessary assistance and if DHS would include exceptions to minimize perverse incentives to avoid care.

Response: Under this final rule, pursuant to 8 CFR 103.6(c)(1)(ii), a public charge bond submitted on or after the effective date of the rule would be breached if the bonded alien were to receive any means-tested public benefits prior to death, permanent departure, or naturalization, or otherwise violate a condition of the bond. Similarly, under this final rule, pursuant to 8 CFR 103.6(c)(1) if an alien files a Form I-356, Request for Cancellation of Public Charge Bond, USCIS may cancel the bond if USCIS determines the alien did not breach the bond by receiving any means-tested public benefit or otherwise being noncompliant with the conditions of the bond. As stated in the NPRM, DHS believes that it is any receipt of a means-tested public benefit to meet the alien’s needs that Congress intended to address with the public charge ground of inadmissibility as it has existed since IIRIRA.

J. Removal of 8 CFR 212.20, “Applicability of Public Charge Inadmissibility”

Comment: One commenter disagreed with DHS’s statement that “retaining 8 CFR 212.20 in its current, or even an amended form, would serve no purpose.”

Response: DHS disagrees and notes the commenter failed to explain why they disagreed with the proposal. 8 CFR 212.20 is an introductory regulatory provision. Retaining it when the subsequent three sections which it introduces are eliminated, would serve no purpose.

²¹⁷ Under INA sec. 213, 8 U.S.C. 1183, “the United States and all States, territories, counties, towns, municipalities, and districts thereof.”

K. Removal of the Public Charge Regulatory Definitions

1. General Comments

Comment: Numerous commenters expressed concern about removal of specific definitions or failure to define key terms, with many concluding it would lead to uncertainty and confusion for immigrants, benefit-granting agencies, service providers, and USCIS officers. Commenters expressed several concerns: that DHS proposes to remove the framework and definitions operationalizing public charge inadmissibility determinations, restoring broad discretion to USCIS officers; the absence of defined terms may complicate decision-making for families, leading to avoidance of essential benefits and care; and that removing the definitions creates significant risk that officers would rely on factors Congress has not authorized, contrary to both section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4) and long-established precedent underscoring DHS’s intent to expand officer discretion beyond statutory language.

Another commenter stated that the clearly defined factors in the 2022 Final Rule provided the public with a consistent national standard whereas in the totality of the circumstances test and the weight of each factor can vary depending on the officer’s determination and the court to which a case is appealed. Another commenter wrote that the clear adjudicatory standards and definitions being erased are necessary to fair, transparent, and consistent application of law that is not arbitrary or capricious and that DHS should withdraw the rule since common understandings of law and policy are necessary for clear guidance and government accountability. Another commenter criticized DHS’s justification, reasoning that the 2022 Final Rule already allows officers to consider the totality of the circumstances without restricting their discretion and the existing, clearly defined factors offer sufficient flexibility while ensuring a consistent national standard, rather than leaving determinations to the subjective judgment of individual officers.

Multiple commenters provided general recommendations for defining key terms related to public charge inadmissibility determinations. A few commenters endorsed clear, objective, publicly available definitions in line with longstanding statutory interpretation and established practices. Another commenter said the removal of specific definitions should be balanced with the potential for confusion about

which benefits would be considered under the final rule. Similarly, a commenter wrote that the Department must establish standardized definitions to ensure transparency, protect vulnerable populations, and promote consistent implementation across agencies, reasoning that failure to do so would not only undermine the practical application of the rule but would also run counter to basic principles of administrative law, which require that regulations provide clear notice and avoid arbitrary enforcement. Another suggested that any new framework should remain less restrictive, uphold self-sufficiency, and avoid creating new burdens.

Response: DHS disagrees removing the regulatory definitions from the 2022 Final Rule without replacement will create uncertainty, inconsistency, or discrimination.²¹⁸ In fact, we believe the opposite is true. The regulatory definitions implemented by the 2022 Final Rule are inconsistent with the national policy contained E.O. 14218 and PRWORA and the spirit of the broad statutory text in section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), in that the definitions severely and unduly limited the factors that officers consider in making public charge inadmissibility determinations. This, at minimum, discouraged officers from considering relevant evidence essential to making an accurate public charge inadmissibility determination consistent with the statute, the spirit of PRWORA, and past precedent decisions that have governed these determinations for decades. Thus, DHS believes it must completely remove the regulatory definitions established by the 2022 Final Rule in order to be more consistent with PRWORA's directive that aliens not depend on public resources to meet their needs as well as with section 212(a)(4)(A) of the INA, 8 U.S.C. 1182(a)(4)(A), which directs DHS to deny admission and adjustment of status to aliens who are likely at any time to become a public charge.

As discussed earlier in this preamble, DHS's very purpose in rescinding the 2022 Final Rule is to restore the case-by-case and inherently discretionary nature of the determination intended by

Congress without constraining officers from considering information and evidence relevant to assessing an alien's likelihood at any time of becoming a public charge. DHS believes relevant precedent decisions and recent circuit case law provide officers with sufficient guidance to conduct subjective individualized determinations based on the specific facts and circumstances of each alien's case. DHS believes this approach falls within the explicit discretionary authority Congress delegated to the Secretary regarding public charge inadmissibility determinations.²¹⁹

Additionally, while DHS is removing the regulatory definitions, DHS will publish appropriate policy and interpretive tools in advance of or on the effective date of this final rule to guide public charge inadmissibility determinations, empowering officers to consider the mandatory statutory factors in section 212(a)(4)(B) of the INA, 8 U.S.C. 1182(a)(4)(B), any applications, approval and certification to receive, and receipt of means-tested public benefits, and any other case-specific factors and circumstances the officer determines is relevant to an alien's likelihood at any time of becoming a public charge.²²⁰

²¹⁹ See *Loper Bright Enters. v. Raimondo*, 144 S. Ct. 2244, 2263 (2024) ("In a case involving an agency, of course, the statute's meaning may well be that the agency is authorized to exercise a degree of discretion. Congress has often enacted such statutes. For example, some statutes expressly delegate to an agency the authority to give meaning to a particular statutory term. Others empower an agency to prescribe rules to fill up the details of a statutory scheme, or to regulate subject to the limits imposed by a term or phrase that leaves agencies with flexibility, such as 'appropriate' or 'reasonable.'" (cleaned up)).

²²⁰ See, e.g., *Matter of Harutunian*, 14 I&N Dec. 583, 588 (Reg'l Comm'r 1974) ("[T]he determination of whether an alien falls into that category [as likely to become a public charge] rests within the discretion of the consular officers or the Commissioner . . . Congress inserted the words 'in the opinion of' (the consul or the Attorney General) with the manifest intention of putting borderline adverse determinations beyond the reach of judicial review." (citation omitted)); *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421–22 (Att'y Gen. 1962) ((in determining whether a person is likely to become a public charge, factors to consider include age, health, and physical condition, physical or mental defects which might affect earning capacity, vocation, past record of employment, current employment, offer of employment, number of dependents, existing conditions in the United States, sufficient funds or assurances of support by relatives or friends in the United States, bond or undertaking, or any specific circumstances reasonably tending to show that the burden of supporting he alien is likely to be case on the public.); see also *Matter of A-*, 19 I&N Dec. 867, 869 (Comm'r 1988) (applying "[t]he traditional test . . . to determine whether an alien is likely to become a public charge . . . based on the totality of the alien's circumstances" as presented in the individual case.") (citations omitted); *Matter of Perez*, 15 I&N Dec. 136, 137 (BIA 1974) ("the statute

Comment: Several commenters oppose expanding the types of benefits considered in public charge inadmissibility determinations through the removal of definitions. One recommended defining clearer limits to the benefits considered in public charge inadmissibility determinations. Another expressed concern that DHS is rescinding the 2022 regulations without implementing a new definition of "public charge," stating that by refusing to define public charge DHS is shifting its "public charge" policy beyond the rulemaking process's reach and denying the public an opportunity to comment on what its policy would actually be. Another commenter said DHS must retain a clear, easy to understand definition for public charge, reasoning the long-standing definition provided by INS and codified by the 2022 Final Rule offers clarity for officers and civilians alike, and ensures low-income, lawfully present immigrants can access programs that support their health and economic well-being.

Response: DHS disagrees that a regulatory definition for "public charge" is necessary for officers to make a public charge inadmissibility determination. Section 212(a)(4)(B) of the INA, 8 U.S.C. 1182(a)(4)(B), states officers "shall at a minimum" consider these five factors, so Congress clearly intended officers to consider case-specific additional factors and information relevant to the public charge inadmissibility determination, including the alien's receipt of means-tested public benefits as explained more fully elsewhere in this final rule. See INA sec. 212(s), 8 U.S.C. 1182(s). Thus, there is simply no need to spell out which means-tested public benefits DHS will consider when DHS will consider all public benefits funded by the government for which eligibility is determined by assessing whether the alien's means are below the specified level, in the totality of the circumstances.

2. Definition of "Likely At Any Time To Become a Public Charge"

a. General Opposition to Removal

Comment: Commenters opposed the removal of the definition "likely at any time to become a public charge." A commenter noted the definition in the 2022 Final Rule, provided clarity and consistency in public charge inadmissibility determinations and that

. . . requires more than a showing of a possibility that the alien will require public support. Some specific circumstance, such as mental or physical disability, advanced age, or other fact reasonably tending to show that the burden of supporting the alien is likely to be cast on the public, must be present." (emphasis added).

²¹⁸ Note however that DHS acknowledged in the regulatory impact analysis in the NPRM and this final rule that while the intent of this proposed rule is to allow DHS to better apply the public charge ground of inadmissibility consistent with congressional intent which as indicated above this rule does, the elimination of certain definitions may nonetheless cause misunderstanding and confusion for some members of the regulated public, which could result in decreased participation in public benefit programs by individuals who are not subject to the public charge ground of inadmissibility. See 90 FR at 52208, and sections III.O.1. d.vii. and IV.A.

removing the definition without guidance, accountability, or uniformity would lead to arbitrary denials and permit officers to issue *ex post facto* rationales for decisions that do not comply with the law. Another commenter opposed replacing the definition with the “gauziest of generalities”.

Response: As discussed throughout this final rule, DHS agrees the 2022 Final Rule provided an administrable standard but believes removal is necessary because it constrained officers and failed to give full effect to congressional intent given the overall statutory scheme and purpose, in that it prevented officers from assessing whether an alien is self-sufficient and likely to depend on his or her own capabilities and the resources of his or her families, sponsors, and private organizations to meet their needs. DHS disagrees its officers will be left without an implementable standard or guidance to make public charge inadmissibility determinations or that the absence of definitions will lead to arbitrary or unlawful decisions. In the NPRM and final rule, DHS repeatedly emphasized USCIS officers will apply the statute, governing precedent, and any subregulatory guidance USCIS issues to help guide, but not prescribe, public charge inadmissibility determinations made in the context of adjustment of status applications. *See* 8 U.S.C. 1601(2)(A), 90 FR 52168, 52185 (Nov. 19, 2025). DHS notes prior to the 2019 Final Rule, the public charge ground of inadmissibility was administered without regulations or binding definitions, and officers were able to successfully and reasonably apply guidance and precedent decisions and issue lawful and reasoned decisions. They will continue to do so now under this final rule.

With respect to reasoning behind individual decisions, the APA and DHS regulations require officers to issue written denial decisions and explain the specific reasons for denial. 5 U.S.C. 555(e); 8 CFR 103.3(a)(1)(i).

Comment: A commenter said removing the definition for public charge without proposing a formal replacement would create widespread uncertainty, prevent lawfully present aliens from accessing life-saving Federal benefits, and introduce bias leading to arbitrary variation in public charge determinations.

Response: DHS disagrees that removal of the definition for likely at any time to become a public charge will lead to confusion or uncertainty. As noted previously in this final rule, DHS believes the statute and the relevant

precedent decisions that have guided public charge inadmissibility determinations for decades, as well as recent circuit case law, provide officers with sufficient guidance to make public charge inadmissibility determinations. DHS has specifically articulated how this final rule is more consistent with congressional intent and noted that the rule ensures officers are able to use their good judgment and discretion to make highly individualized, fact-specific, case-by-case public charge inadmissibility decisions based on the totality of each alien’s circumstances.

b. Primarily Dependent Standard

Comment: Commenters encouraged DHS to retain the definition of public charge, and expressed concern at departing from the primarily dependent standard in the 2022 Final Rule which defines likely at any time to become a public charge to mean “significantly more likely than not” to become a public charge, noting existing restrictions on benefits’ use by certain aliens is a better way to limit aliens’ impact on government finances, rather than imposing an “arbitrary and capricious” regulatory scheme on the public. One commenter reasoned the primarily dependent standard distinguishes supplemental benefit use from true dependence on the government and the proposed rule allows for even broader benefit use considerations than the 2019 Final Rule, despite such use not actually indicating dependence. Another commenter expressed concern that in overturning the definition of public charge, the rule would apply to any use of public benefits and cited studies and suggested examples that found focusing on primary dependence is the only reasonable standard, particularly for working families relying on public benefits to supplement earned incomes. Another commenter elaborated, stating that benefits—including means-tested—were historically recognized as supplemental, as they are designed to support working families with low and moderate incomes to meet crucial needs such as health care, stable housing, or child care; however, under the proposed rule, supplemental benefits are no longer clearly acceptable.

Response: DHS disagrees that the primary dependent standard is the only reasonable standard applicable to public charge inadmissibility determinations. As discussed in previous comment responses, DHS acknowledges the primarily dependent standard articulated in the 1999 Interim Field Guidance and subsequently in the 2022 Final Rule is administrable because it

provides a bright line, eliminating the standard in favor of a more comprehensive examination of dependence on the government is more reasonable and more consistent with congressional intent and the overall statutory scheme. DHS disagrees that administering the public charge ground of inadmissibility under the 2022 Final Rule (where officers were prohibited from considering an entire universe of public benefits and the fiscal impact of aliens receiving such benefits) is better than removing these unnecessary restrictions and permitting officers to make reasonable determinations taking into account all relevant information and evidence and the congressional intent and purpose. DHS especially believes that assessing self-sufficiency without looking at likelihood the alien may receive benefits outside of public cash assistance for income maintenance and long-term institutionalization at government’s expense ignores the fact Congress did not intend the availability of public benefits to become an incentive for immigration. Given that the number of immigrant visas is limited, the United States can reasonably exclude aliens who need government assistance for full or partial support and prioritize admitting and granting adjustment to aliens who do not need such support. As explained in the NPRM, neither the statute nor case law prescribe the degree to which an alien must receive public benefits to be considered likely at any time to become a public charge. As concluded in past precedent, an alien who is incapable of earning a livelihood, who does not have sufficient funds in the United States for support, who has no person in the United States willing and able to ensure the alien will not need public support, and who, in fact, receives such public support generally is inadmissible as likely to become a public charge.²²¹ By

²²¹ *See, e.g., Matter of Vindman*, 16 I&N Dec. 131, 132 (Reg’l Comm’r 1977) (Congress intends that an applicant for a visa be excluded who is without sufficient funds to support himself, who has no one under any obligation to support him, and whose chances of becoming self-supporting decrease as time passes.”); *Matter of Harutunian*, 14 I&N Dec. 583, 589 (Reg’l Comm’r 1974) (“Congress intends that an applicant for a visa be excluded who is without sufficient funds to support himself, who has no one under any obligation to support him and who, being older, has an increasing chance of becoming dependent, disabled and sick.”) (emphasis added); *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421–22 (BIA 1962; Att’y Gen. 1964) (“the general tenor of the holdings is that the statute requires more than a showing of a possibility that the alien will require public support. Some specific circumstance, such as mental or physical disability, advanced age, or other fact reasonably tending to show that the burden of supporting the alien is likely to be cast on the public, must be present. A healthy person in the prime of life cannot ordinarily

removing unnecessarily restrictive definitions from the regulations, DHS officers will be able to make public charge inadmissibility determinations consistent with the self-sufficiency goals of PRWORA and the totality of the circumstances framework established in IIRIRA in section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4).

3. Definition of “Public Benefits”

Comment: Multiple commenters expressed concern that the public and officers would be disadvantaged with the removal of definitions for what public benefits are considered in public charge inadmissibility determinations. Commenters opined that DHS has created confusion by using a variety of terms to describe programs that will be considered. These commenters also expressed concern that officers lack expertise in public benefit programs, cannot be expected to understand thousands of programs, and do not have adequate time, training, or resources to parse through details of public benefits programs for each adjudication. Other commenters opposed expanding the types of benefits that are considered in public charge inadmissibility determinations, and urged DHS not to consider all means-tested public benefits. These commenters further urged DHS to reject any definition that includes non-cash or short-term benefits, including Medicaid, SNAP, CHIP, Head Start, child care subsidies, including Military Child Care Subsidy Programs, State-facilitated universal pre-K programs, housing assistance, future means-tested benefits and disaster and non-disaster emergency shelter, housing, and food or temporary benefits offered to ameliorate the Coronavirus Disease 2019 (COVID-19) pandemic.

One commenter expressed concern that DHS is removing limitations on the types of public benefits considered in public charge inadmissibility determinations and recommended defining clearer limits. Another commenter acknowledged that while DHS’s proposed rule is intended to align with congressional intent and previous procedures, removal of key definitions should be balanced with the potential for confusion. A commenter questioned whether DHS actually intended to include all benefits. Another commenter claimed not specifying which non-cash public benefits will be considered gave DHS the authority to create internal

policies later without public comment or transparency, creating inconsistency and bias.

Response: DHS disagrees that it needed to provide a comprehensive list of the means-tested public benefits that will be considered in public charge inadmissibility determinations or a definition for means-tested public because under this final rule, DHS considers any and all public benefits funded by the government for which eligibility is determined by assessing whether the alien’s means are below a specified level. Public benefits that do not have such a means test, or earned benefits such as Title II Social Security benefits, government pension benefits, unemployment insurance payments, and veterans’ benefits, are not considered. In the context of adjustment of status, USCIS revised the Form I-485 to make it clear aliens must include receipt of any and all means-tested public benefits if received after the effective date of this final rule. If an alien applying for adjustment of status has ever received any means-tested public benefit, they must include that information on Form I-485 and USCIS will consider that receipt. DHS clarified that it will consider the application for, approval or certification to receive, and receipt of any means-tested public benefit by the alien applying for admission or adjustment of status, and aliens should expect any such receipt on their part will be considered as part of the public charge inadmissibility determination.

DHS’s officers do not need to become experts on every specific means-tested public benefit programs to determine whether an alien’s application for, approval or certification to receive, or receipt of a means-tested public benefit would be considered in the totality of the circumstances. DHS officers undergo an extensive training program that provides them with the skills and knowledge to perform their jobs. While they may not have specific knowledge regarding every means-tested public benefit, they have resources to obtain information about unfamiliar public benefit programs and experience to consider all evidence relevant to assessing the alien’s likelihood at any time of becoming a public charge, including the circumstances surrounding benefit receipt.

When an alien is seeking admission or adjustment, it is always the alien’s burden to demonstrate he or she is admissible and, when subject to the public charge ground of inadmissibility, that he or she is not likely at any time to become a public charge. See INA sec. 291 and 212(a)(4)(A), 8 U.S.C. 1361 and

1182(a)(4)(A). If an alien has applied for, been approved or certified to receive, or has received any means-tested public benefits, the alien is required, under this final rule, to provide that information to DHS. Given that any application for, approval or certification to receive, or receipt of means-tested public benefits by the alien applying for admission or adjustment will be identified by the alien, an officer need only consider those specific means-tested public benefits in making the public charge inadmissibility determination. As discussed previously, in the context of adjustment of status applications, USCIS will provide officers with training, internal guidance, and reference materials ensuring officers consider all relevant factors including the benefit the alien received, the circumstances surrounding the receipt, the nature of the benefit and whether it is the type of benefit that alone or in combination with other benefits meets the alien’s basic needs, and the recency, duration, and amount of receipt, and whether the reason has or is likely to persist, in the totality of the circumstances.²²²

To the extent that commenters are concerned that DHS would conclude an alien is inadmissible as likely at any time to become a public charge simply because that alien applied for, was approved or certified to receive, or received any means-tested public benefits, that is neither the case under the plain language of the statute nor under binding precedent DHS will continue to follow.²²³ As reflected in the NPRM, DHS officers would make public charge inadmissibility determinations considering all relevant factors, including the statutorily mandated factors and the alien’s application for, approval or certification to receive, or receipt of means-tested public benefits, in the totality of the circumstances. And as the ground of inadmissibility operates prospectively, the alien’s application for, approval or certification to receive, or receipt of previously-excluded means-tested public benefits will only be considered

²²² See, e.g., *Matter of A-*, 19 I&N Dec. 867 (BIA 1974) (BIA considered that the alien was a mother of a small child and found it legitimate that she may be temporarily out of the workforce to care for her children; they also looked at the fact that there were few jobs in the area where she lived, and that she was then employed despite receiving public benefits for the prior 4 years.)

²²³ See *Matter of Perez*, 15 I&N Dec. 136, 137 (BIA 1974) (“The fact that an alien has been on welfare does not, by itself, establish that he or she is likely to become a public charge.”); *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421 (BIA 1962) (“the statute requires more than a showing of a possibility that the alien will require public support.”).

be considered likely to become a public charge, especially where he has friends or relatives in the United States who have indicated their ability and willingness to come to his assistance in case of emergency.”).

or given weight in the totality of the circumstances if received on or after the effective date of this final rule.

Regarding requests to completely exclude from consideration the receipt of means-tested public benefits or exclude non-cash or short-term benefits from consideration, DHS strongly disagrees as outlined throughout this rule and will not implement this suggestion. Had Congress intended for DHS to exclude consideration of the receipt of public benefits or to only consider a certain subset of public benefits, Congress would have expressly done so in section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4). Congress did not do so, and instead, implicitly recognized that an alien's past receipt of *any* means-tested public benefits can be considered in determining his or her likelihood at any time of becoming a public charge when Congress prohibited consideration of benefits that were authorized under 8 U.S.C. 1641(c) for "certain battered aliens."²²⁴ Not considering an alien's receipt of publicly-funded benefits available to aliens with income under a certain threshold would be contrary to PRWORA's requirement that aliens be self-sufficient and not depend on public resources and that availability of public benefits not constitute an incentive for immigration to the United States. Ignoring an alien's receipt of means-tested public benefits would be inconsistent with the public charge inadmissibility ground and PRWORA, as well as with provisions in the INA that suggest receipt of means-tested public benefits is a proper consideration except where Congress expressly precludes it.²²⁵

Comment: A commenter stated that DHS should exclude consideration of public benefits related to public health functions such as emergency response and immunization and State-funded programs and food banks as was done in the 2019 Final Rule, as inclusion could result considering treatment for infectious diseases, screening for chronic conditions, prenatal care, oral health care, behavioral health care, using an ambulance in an emergency, and receiving a free vaccine as part of a public health initiative to stop the spread of infection during the COVID

pandemic. Commenters noted that under this rule, officers would consider benefits that are widely available, including means-tested cash emergency assistance from fire departments, public playgrounds, or community centers. A commenter wrote that under the proposed rule, DHS officers could conceivably consider educational and financial aid programs in public charge inadmissibility determinations. Another commenter expressed concern that expanding benefits considered might lead DHS to consider an alien's participation in the National Farmworker Jobs Program even though the program is designed to reduce long-term reliance on public benefits by helping with skill development, workforce advancement, and economic stability.

Response: DHS will not exclude from consideration any means-tested public benefits related to public health, prenatal care, other health-related issues, or workforce development. While DHS recognizes that these programs are intended to improve public health and economic outcomes, Congress mandated aliens be self-sufficient and not depend on public resources to meet their needs, and further mandated DHS deny admission and adjustment of status to aliens who are likely at any time to become a public charge. DHS does not believe it can ignore the longstanding self-sufficiency goals set forth by Congress or admit or grant adjustment of status to aliens who are likely at any time to become a public charge. DHS further cannot administer section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), in a manner that fails to consider for aliens' receipt of means-tested public benefits when assessing their likelihood at any time of becoming public charges.

Importantly, as explained in more detail in other parts of this preamble and in the NPRM, the fact Congress expressly precluded the consideration of receipt of public benefits by certain victims of violence and trafficking in section 212(s) of the INA, 8 U.S.C. 1182(s), strongly suggests, absent such an exception, Congress intended DHS to consider the receipt of all means-tested public benefits when other aliens applied for immigrants visas and adjustment of status.²²⁶ Congress's use of the term benefits in section 212(s) of the INA, 8 U.S.C. 1182(s), is properly

interpreted as including both cash means-tested public benefits and non-cash means-tested public benefits, because Congress does not limit "public benefits" to cash assistance; it uses the broad term "public benefits." Additionally, and as described in other comment responses, in this provision, Congress cross-referenced 8 U.S.C. 1641(c) which refers to Federal public benefits and provides a specific definition²²⁷ clearly including both cash and non-cash benefits. DHS believes the absence of limiting language, combined with Congress's intent to provide comprehensive support to victims, demonstrates that exemption applies to all forms of public assistance, not just cash benefits. As Congress's prohibition on consideration of public benefits for certain victims of violence and trafficking is properly interpreted to include both cash and non-cash means-tested public benefits, DHS believes it is proper to consider the receipt of both cash and non-cash means-tested public benefits for all other cases. DHS notes that relevant precedent decisions do not prescribe dependence based on a narrow and specific list of public benefits either.²²⁸

DHS will therefore consider the alien's receipt of public benefits related to public health, prenatal care, other health-related issues, and workforce development if these benefits are means-tested. However, DHS officers will consider the circumstances surrounding the receipt, the nature of the benefit and whether it is the type of benefit that alone or in combination with other benefits meets the alien's basic needs, the recency, duration, and amount of receipt, the reason for the receipt and whether that reason has or is likely to persist, in the totality of the circumstances.²²⁹

²²⁷ 8 U.S.C. 1611 and 1641(c).

²²⁸ See *Matter of A-*, 19 I&N Dec. 867, 869 (BIA 1988) (acknowledging consideration of evidence of receipt of any prior public assistance as a factor in making the public charge inadmissibility determination); *Matter of Vindman*, 16 I&N Dec. 131, 132 (BIA 1977) (finding that aliens who are receiving SSI and public funds from the New York Department of Social Services "fall clearly within the confines of section 212(a)(15) of the [INA] and are excludable as public charges."). Note that Congress implicitly recognized that past receipt of any public benefit can be considered in determining the alien's likelihood of becoming a public charge when it prohibited consideration of the receipt of any public benefit that is authorized under 8 U.S.C. 1641(c) for certain battered aliens. See INA sec. 212(s), 8 U.S.C. 1182(s).

²²⁹ See, e.g., *Matter of A-*, 19 I&N Dec. 867 (BIA 1974) (BIA considered that the alien was a mother of a small child and found it legitimate that she may be temporarily out of the workforce to care for her children; they also looked at the fact that there were few jobs in the area where she lived, and that she was then employed despite receiving public benefits for the prior 4 years.)

²²⁴ INA sec. 212(s), 8 U.S.C. 1182(s).

²²⁵ INA sec. 212(s), 8 U.S.C. 1182(s) ("In determining whether an alien described in subsection (a)(4)(C)(i) is inadmissible under subsection (a)(4) or ineligible to receive an immigrant visa or otherwise to adjust to the status of permanent resident by reason of subsection (a)(4), the consular officer or the Attorney General shall not consider any benefits the alien may have received that were authorized under section 1641(c) of this title.").

²²⁶ *Russello v. United States*, 464 U.S. 16, 23 (1983). See *TRW Inc. v. Andrews*, 534 U.S. 19, 28 (2001) ("Where Congress explicitly enumerates certain exceptions to a general prohibition, additional exceptions are not to be implied, in the absence of evidence of a contrary legislative intent.") (internal citations omitted).

As to the commenters' concerns that DHS will consider an alien's receipt of a free vaccine or fire department services, or the alien's use of public playgrounds and community centers under this rule, DHS notes that it will not consider such benefits unless they are means-tested. If the alien receives or uses benefits funded by the government that are available to any individual regardless of income, such receipt would not be considered in the public charge inadmissibility determination under this final rule.

4. Definition of "Receipt (of Public Benefits)"

a. Removal of the Definition and Consideration of Receipt of Public Benefits by Family Members

Comment: While some commenters suggested that DHS should consider the receipt of means-tested public benefits by the alien's family members, reasoning this is relevant to the public charge inadmissibility determination, other commenters suggested that if DHS is considering the receipt of benefits by an alien's family member, then DHS should afford less weight to that receipt.²³⁰ Numerous other commenters, including form letter campaigns, expressed concern that removing the definition receipt of public benefits, will result in officers considering receipt of means-tested public benefits by family members who are not subject to this rule. Many of these commenters expressed particular concern that the removal appears to expand public charge inadmissibility determinations to include consideration of the receipt of means-tested benefits by family members who are not seeking to adjust their status, even years after such benefits were received. Commenters wrote the change departs from historic public charge policy. Specifically, commenters noted that in removing this definition, DHS fails to address that DHS will not consider receipt of means-tested public benefits by family members in public charge inadmissibility determinations, unlike the 2019 Final Rule and 2022 Final Rule, which will cause undue fear and confusion among mixed status families and service providers, and disenrollment by family members not subject to the rule. Commenters expressed concern that in removing the explicit clarification that applying for or receiving benefits on behalf of family members is not considered "receipt," immigrants would not be able to determine whether the receipt of benefits by family members would harm them when they seek to obtain LPR

status, or for service providers to offer them meaningful advice or reassurance.

Many commenters, including a form letter campaign, wrote that DHS's removal of clarifying language from the regulations "sends a message that is far stronger than if such exclusion had never been part of the regulations." Commenters added that DHS provided no justification for the removal. Another commenter remarked the NPRM "sub silentio" appears to permit officers to consider benefits used by family members who are not seeking to adjust their status, without explanation, justification, addressing the ramifications, or providing assurance that benefits received by family members would not be considered.

Response: DHS disagrees that rescission of the 2022 Final Rule's definition for receipt (of public benefits) creates a public charge inadmissibility determination that moves away from individualized determinations. As stated in the NPRM and this final rule, the rescission of the 2022 Final Rule does the opposite—restoring broader officer discretion in case-by-case public charge inadmissibility determinations. As discussed throughout this final rule, DHS will determine whether an alien is inadmissible under the public charge ground in the totality of the circumstances based on consideration of the statutorily mandated factors, any application for, approval or certification to receive, or receipt of means-tested public benefits by the alien applying for admission or adjustment of status, and any other factors that an officer, in his or her discretion, determines are relevant to assessing the individual alien's likelihood at any time of becoming a public charge. See INA sec. 212(a)(4), 8 U.S.C. 1182(a)(4).

DHS also disagrees that it failed to explain how the receipt of means-tested public benefits by an alien's family or household members will be considered under the final rule. On the contrary, DHS has explained throughout this final rule that it does not apply to U.S. citizens or aliens exempt from the public charge ground of inadmissibility. While the removal of the definition for receipt (of public benefits) could result in the alien's family members disenrollment from or declining to enroll in means-tested public benefit programs for which they are eligible in order to avoid negative immigration consequences to the alien as a result of this final rule, such disenrollment or forgone enrollment would be unreasonable given that DHS generally will not consider the receipt of means-tested public benefits by the alien's family or household members when

making a public charge inadmissibility determination. Specifically in the context of adjustment of status applications adjudicated by USCIS, USCIS does not collect information about the receipt of public benefits by anyone other than the alien applying for adjustment. Instead, under this final rule, DHS officers only consider evidence in the record that the alien himself or herself has applied for, been approved or certified to receive, or has received or is currently receiving, any means-tested public benefits. DHS has been clear that the public charge inadmissibility determination is a prospective and individualized determination in which the officer is squarely focused on assessing the likelihood at any time that the alien who is applying for admission or adjustment of status will become a public charge. However, as discussed in other comment responses, because DHS considers the alien's income as part of the mandatory assets, resources, and financial status factor—to the extent the alien's family members whom the alien is legally obligated to support receive means-tested public benefits based on the alien's income falling below the designated threshold—DHS would consider the fact that the alien's income falls below that threshold as part of the alien's assets, resources, and financial status in the totality of the circumstances. Moreover, where there is evidence in the record that the means-tested public benefits that the alien's family member received are the source of the alien's financial support, DHS will consider that fact in the totality of the circumstances.

Comment: Some commenters noted that consideration of the receipt of means-tested public benefits by an alien's family member in the alien's public charge inadmissibility determination, where benefits received by U.S. citizen children are "impermissibly attached" to aliens applying for admission and adjustment of status, is contrary to the statute. One commenter concluded that considering the receipt of benefits by family members would trigger large scale disenrollment in mixed status households, and warned—citing *New York v. United States Dep't of Homeland Sec.*, 969 F.3d 42, 82 (2d Cir. 2020)—that it would be contrary to congressional intent to view receipt of public benefits as incompatible with self-sufficiency. The commenter warned that failure to exclude the receipt of public benefits by an alien's dependents or U.S. citizen family members is contrary to the text of the statute, as

both 8 U.S.C. 1182 and 8 U.S.C. 1227 are concerned with the alien seeking admission or adjustment of status or the alien in and admitted to the United States respectively, not their U.S. citizen family members.

Response: Notwithstanding the removal of the definition of receipt (of public benefits), as noted above, DHS neither proposed nor will consider public benefits received by the alien's family members except in the limited circumstances outlined above.

b. Concerns That Removal of the Definition Will Result in Adverse Impacts to Specific Groups

i. U.S. Citizen and LPR Children in Mixed-Status Families

Comment: Many commenters expressed particular concern that removal of the definition of receipt would lead to adverse impacts for U.S. citizen and LPR children in mixed-status families, including the avoidance or disenrollment from essential programs such as Medicaid/CHIP, WIC, and SNAP, and exacerbating disparities in access to health and nutrition programs and supports. Multiple commenters described the prevalence of and advantages associated with benefit programs and stabilizing supports for children, families, and their communities, with several citing research and studies. One commenter wrote that 90 percent of children in Illinois with one immigrant parent are U.S. citizens, and chilling effects on essential programs cause long-term impacts on children's health and development by reducing access to nutritious food, essential healthcare, and developmental support during critical early years, while also leading to food insecurity, untreated medical conditions, and delayed growth and learning.

Citing numerous studies and anecdotal accounts surrounding the benefits of TANF, SNAP, Section 8 housing, emergency shelter services, and public health insurance for children in mixed-status families, another commenter described the impacts on children were those children or their families to forgo these benefits. A submission from joint commenters emphasized the scale of the potential harms on U.S. citizen children in mixed-status families, citing a 2023 study finding: more than 1 in 4 U.S. children—more than 18 million—lived with at least one immigrant parent, about 75 percent of whom were in the United States for more than a decade, about 6.3 million of these children lived in families where neither parent is a

U.S. citizen, but the vast majority—almost 90 percent—are citizens. The commenters concluded that caring for these children is a matter of morality, justice, and securing the future of the United States. A different commenter expressed opposition to the rule's interpretation of "receipt," reasoning that public benefits received by U.S. citizen minors reflect the child's individual eligibility, State policies, and temporary household conditions, and thus cannot be a reliable indicator of the alien's self-sufficiency. A commenter also wrote children's health and stability is intertwined with their parents', and forcing families to choose between lawful status and a child's care harms children and increases the risk of family separation.

Commenters voiced concerns regarding inclusion of housing assistance in public charge inadmissibility determinations for mixed-status families noting that families with U.S. citizen minor children reside in U.S. Department of Housing and Urban Development (HUD) subsidized housing on a prorated basis, with only the eligible members receiving housing assistance. A commenter warned that families may forgo assistance despite qualifying and risk living in uninhabitable settings or facing homelessness out of concern for a family member's immigration status.

Response: DHS considered the concerns for U.S. citizen and LPR children of alien parents in mixed status families. DHS clarifies that this rule does not contain an interpretation of "receipt (of public benefits)" in the context of public charge inadmissibility determinations or public charge bond determinations. DHS is publishing a clean rescission of all elements of the 2022 Final Rule other than the bond provisions, which it is amending in this rule. As a result, it cannot retain a definition of "receipt" in the regulatory text, as there will be no regulatory text. DHS therefore declines to retain the regulatory definition of "receipt (of public benefits)" or any similar clarifying provisions.

As discussed in previous responses, DHS does not plan to consider prior receipt of means-tested public benefits by U.S. citizen or LPR children, as they are not the applicant for adjustment of status. Taking into consideration the statutory language, historical approach to public charge inadmissibility determinations, and case law, USCIS will clarify in subregulatory guidance that officers should only consider evidence in the record that the adjustment of status applicant received or is currently receiving, has applied

for, or was approved or certified to receive any means-tested public benefits. DHS would only consider the alien's child's receipt of means-tested public benefits under this final rule if the alien is legally obligated to support the child and the child's receipt of the means-tested public benefits is based on the alien's income falling below the designated threshold. In such cases, DHS would consider the fact that the alien's income falls below that threshold as part of the alien's assets, resources, and financial status in the totality of the circumstances. DHS would also consider the child's receipt of means-tested public benefits if there is information in the record that these benefits are the alien's source of financial support. DHS will continue to consider the totality of an alien's circumstances when making a public charge inadmissibility determination consistent with past precedent decisions. The public charge inadmissibility determination is squarely focused on the mandate from Congress that the alien not be likely at any time to become a public charge.

DHS similarly considered the comments about availability for HUD-subsidized housing for U.S. citizen minor children from mixed-status families. Regarding the scope of housing assistance considered, DHS considers all government provided, paid, or subsidized housing assistance for which the *alien* is a beneficiary so long as it is means-tested. As stated throughout this final rule, DHS is taking into consideration statutory language, the historical approach to public charge inadmissibility determinations, and case law, and does not plan to consider receipt of means-tested public benefits, such as prorated housing assistance, by U.S. citizen or LPR children.

DHS acknowledges the rescission of the 2022 Final Rule, without replacement regulatory text, may increase disenrollment for means-tested public benefits by individuals who are not subject to the public charge ground of inadmissibility. However, DHS notes that the subregulatory guidance that USCIS will issue in the USCIS Policy Manual, which will apply to USCIS adjudications of adjustment of status applications, will provide the regulated public with sufficient information to understand whose benefits will and will not be considered in an alien's public charge inadmissibility determination. Sharing this information is intended to help individuals who are not subject to the public charge ground of inadmissibility understand that it does not apply to them, allowing them to make informed decisions. Additionally,

DHS encourages nonprofit organizations that assist aliens to also provide information and disseminate the guidance that USCIS will issue to help aliens and their families understand how public charge inadmissibility determinations will be made under this final rule.

ii. U.S. Citizen Spouses

Comment: A commenter stated they did not believe it was fair or accurate to assume an immigrant would become dependent on the government based solely on benefits the U.S. citizen spouse may have needed in the past, reasoning that a marriage creates a new combined household, often stronger financially than either person alone, and that many couples have two incomes, shared responsibilities, and mutual support. They warned that the proposed rule harms working-class families, single parents, survivors of hardship, and anyone who relied on temporary support, while jeopardizing family unity. Finally, they concluded that DHS failed to demonstrate that past benefit receipt by a U.S. citizen spouse reliably predicts future dependence by the alien.

Response: DHS did not propose and does not plan to consider receipt of means-tested public benefits by an alien's U.S. citizen spouse. Taking into consideration the statutory language, historical approach to public charge inadmissibility determinations, and case law, USCIS will clarify in its subregulatory guidance that officers only consider evidence in the record that the alien him or herself received or is currently receiving, applied for, or was approved or certified to receive any means-tested public benefits. The public charge inadmissibility determination is squarely focused on the alien and the likelihood that he or she will at any time become a public charge. The receipt of means-tested public benefits by persons other than the alien is generally not relevant. However, while DHS is not proactively collecting information about U.S. citizen spouse's receipt of public benefits as part of the alien's Form I-485, if there is evidence in the record that the alien's source of support is means-tested public benefits received by the alien's spouse, this information may be taken into consideration in the totality of the circumstances as part of the consideration of the alien's assets, resources, and financial status. If the alien claims income or assets obtained through means-tested public benefits on Form I-485, contrary to the form instructions, the alien may be inadmissible under section

212(a)(6)(C)(i) of the INA, 8 U.S.C. 1182(a)(6)(C)(i).²³¹

iii. Other Populations

Comment: One commenter warned that the removal of the "receipt (of public benefits)" definition would reduce benefit receipt by individuals not subject to the public charge ground of inadmissibility, including LPRs, refugees and asylees, and other humanitarian categories such as victims of crime and human trafficking, for whom access to benefits is critical to overcome and escape abuse and would create additional barriers to programs intended to improve health, safety, and stability.

Response: DHS disagrees insofar as this rule does not prohibit, reduce, or otherwise discourage individuals who are not subject to the public charge ground of inadmissibility from receiving any public benefits for which they are eligible. DHS believes it would be unwarranted for aliens who are exempt from the public charge ground of inadmissibility to forgo or disenroll from benefits programs for which they are eligible in response to this rule when they are not subject to this rule.

5. Definitions of "Government" and "Household"

Comment: Commenters remarked on the removal of definitions for "government" and "household." One noted "government" could mean Federal, State, or local governments, and "household" does not have a common meaning for USCIS officers to apply absent additional guidance. Another stated that the rule removes the definition of "household" with the justification that this term is self-explanatory and that the "ordinary meaning" would be sufficient guidance for USCIS officers and challenged this justification, saying the rule does not provide a logical explanation as to why the removal is necessary for the public interest. Another commenter said that using an ordinary meaning of household would not be sufficient to conduct determinations and would negatively impact gay families. Another suggested a narrow definition of household

²³¹ See, <https://www.regulations.gov/document/USCIS-2025-0304-0003> (Form I-485 Instructions—proposed revision) (last visited Feb. 13, 2026). ("For Part 9., Item Number 58., please select the appropriate box for your household's annual income. You may include income provided to your household from sources who are not members of your household, including but not limited to alimony or child support. You must exclude any income from means-tested public benefits. You must also exclude any income from illegal activities or sources such as proceeds from illegal gambling or drug sales.")

including only traditional, physically residing dependents (e.g., spouses and children), removing the provision that includes any individual listed on an alien's Federal income tax return, because it creates opportunities for manipulation in financial assessments or shielding financial dependency of non-traditional household members from meaningful scrutiny.

Response: DHS disagrees that regulatory definitions for the terms "government" and "household" are needed. In light of the rescission of all other regulatory definitions from the 2022 Final Rule, no purpose would be served in retaining the definitions for "government" or "household" found in 8 CFR 212.21(e) and (f). DHS believes the ordinary meaning of various terms (e.g., government, household) relevant to public charge determinations are sufficient for officers to conduct determinations. USCIS will provide officers with training, internal guidance, and reference materials that address the ordinary meaning of these terms.

L. Removal of the Public Charge Inadmissibility Determination Framework

1. Minimum Factors

Comment: Some commenters disagreed with the removal of the regulations at 8 CFR 212.22(a)(1) that reference the statutory minimum factors, with one stating the final rule assumes applicants and reviewers will understand the statute's requirements without regulatory text. A commenter recommended DHS revert to something similar to the 2019 Final Rule, describing factors to consider as the "minimum" and implying that other factors should be considered. A different commenter stated that the assertion that adding additional factors would improve public charge inadmissibility determinations is statistically unsupported, citing an article and the 2018 NPRM.

Response: DHS disagrees that it needs to retain an enumerated list of factors in a regulation. DHS further disagrees that it failed to support considering factors beyond the statutory minimum factors. While enumerating the minimum factors to be considered in a public charge inadmissibility determination, as was done in the 2022 Final Rule, was a permissible use of DHS's rulemaking authority, listing specific factors without including a "catch-all provision," restricted public charge inadmissibility determinations in a way that contravened clear congressional

intent.²³² To ensure officers retain their statutorily-mandated authority to determine, in their opinion, whether an alien is likely at any time to become a public charge by considering the statutorily-mandated factors as well as any other factor the officer determines is relevant to assessing the alien's likelihood at any time of becoming a public charge, DHS removed regulations failing to explicitly permit officers to consider any case-specific factors or information that bear on that determination.

Comment: A commenter disagreed with the continued collection of information by DHS pertinent to the statutory minimum factors and relevant considerations, and with allowing officers to request additional evidence, which could be used as an indefinite delaying tactic or form of intimidation. The commenter further suggested that once someone is admitted, their benefit use should not be surveilled.

Response: It is unclear what language in the NPRM the commenter believes indicates that DHS will engage in indefinite intimidation or surveillance of aliens pertaining to the public charge ground of inadmissibility. Congress created section 212(a)(4)(B) of the INA, 8 U.S.C. 1182(a)(4)(B), which lists the minimum, non-exhaustive factors an officer must consider when making a public charge inadmissibility determination: the alien's age; health; family status; assets, resources, and financial status; and education and skills. In addition to those five factors, the immigration officer may also consider any Form I-864 when making a public charge inadmissibility determination. Requesting information from the alien concerning those factors as well as other factors relevant to the public charge inadmissibility determination is not surveillance, a delay tactic, or intimidation, but rather a necessary part of the adjudication of the alien's application for adjustment of status. Public charge inadmissibility determinations are inherently subjective in nature given the express wording of section 212(a)(4)(A) of the INA, 8 U.S.C. 1182(a)(4), stating that such determination is "in the opinion of" DHS. The burden of proof to establish admissibility when seeking adjustment of status is always on the applicant. Section 291 of the INA, 8 U.S.C. 1361. The burden never shifts to the

government during the adjudication process.²³³

Comment: A commenter urged DHS to replace 8 CFR 212.22(a)(1)(v), concerning the education and skills factor, with provisions prioritizing vocational utility over degree attainment, noting that a more rigorous analysis of economic utility is needed. The commenter also recommended that DHS eliminate the "totality of the circumstances" framework in order to emphasize labor market utility over other considerations.

Response: DHS agrees our immigration system should effectively bolster national productivity. DHS also agrees officers should be empowered to conduct a more rigorous analysis of the alien's economic utility and this is why DHS rescinded and removed the problematic 2022 Final Rule. The removal of 8 CFR 212.22(a)(1)(v), which limited the congressionally mandated economic education and skills factor, allows DHS to consider a wider range of credentials and certificates. DHS disagrees, however, that it should discard the "totality of the circumstances" analysis. DHS will make public charge determinations consistent with section 212(a)(4) of the INA, 8 U.S.C. 1182 (a)(4), PRWORA, and past precedent decisions that have guided public charge inadmissibility determinations for decades and which call for a "totality of circumstances" analysis. 90 FR 52168, 52184 (Nov. 19, 2025). Officers will be empowered to consider not only the mandatory statutory factors, but also any case-specific evidence that the officer determines is relevant to assessing an individual alien's likelihood at any time of becoming a public charge. Aliens seeking admission as immigrants and nonimmigrants and aliens applying for adjustment of status should expect any fact or circumstance present in their case relevant to their self-sufficiency and likelihood of becoming a public charge will be considered by DHS, restoring a public charge inadmissibility determination that trusts in and relies on officers' judgment and sound discretion, as envisioned by Congress when it enacted section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4).

Comment: A commenter expressed concern that without the 2022 Final Rule, officers would circumvent requirements for medical examinations, allowing DHS officers to act as unqualified medical experts, while another suggested that officers will make arbitrary assessments involving

complex medical information without formal medical training.

Response: DHS disagrees that in making public charge inadmissibility determinations under this rule, officers will make medical diagnoses. On the contrary, as noted in the NPRM, in the context of adjustment of status, DHS will continue to obtain information pertaining to an alien's health from the Report of Immigration Medical Examination and Vaccination Record, Form I-693, or any Department of State health form completed by a panel physician in the alien's record. Civil surgeons and panel physicians complete immigration medical examinations, assess whether aliens have any Class A and Class B conditions, and report their findings on the Form I-693 or Department of State health forms, respectively, as directed by the CDC Technical Instructions. Officers rely on and consider the civil surgeons' or panel physicians' diagnoses in the totality of the circumstances. However, DHS also takes into consideration any additional medical records or related information provided by the alien to clarify medical conditions included on the medical form or other information that may outweigh any negative factors. Such documentation may include, for instance, a licensed doctor's attestation of prognosis and treatment of a medical condition.

2. Consideration of the Affidavit of Support

a. Opposition To Removal of Required Favorable Consideration of Affidavit of Support

Comment: Commenters opposed the proposed removal of 8 CFR 212.22(a)(2) stating: it would discourage the submission of Form I-864, which is enforceable in any State or Federal court, thereby increasing the risk of immigrants becoming public charges, rather than decreasing it; weaken the value of legally binding affidavits of support which undermines family unity, discourages legal pathways, and create barriers for those already contributing to the economy and their communities, and indicated that considering affidavits without any standards would result in bias, stereotypes, ableism, and discrimination.

A commenter remarked the change disregards congressional intent under section 213A of the INA, 8 U.S.C. 1183a, citing H.R. Rep. No. 104-469(I), 143-44 (1996), Congress wanted to recognize and enshrine the longstanding use of affidavits of support for immigrants who may otherwise be considered a public

²³² Even if the 2022 Final Rule could be construed to implicitly contain a catch-all provision, DHS would still propose to rescind it, because the 2022 Final Rule contains other unnecessary restrictions on officers' inadmissibility determinations.

²³³ See *Matter of Arthur*, 16 I&N Dec. 558 (BIA 1978).

charge, and urged DHS to retain the 2022 Final Rule, stating the proposed changes would result in increased denials. Another stated use of the word “may” to discuss officer consideration of Form I-864 implies officers could *not* consider an affidavit of support and noted, affidavits of support were used to demonstrate an applicant will not become a public charge since public charge inadmissibility was enacted.

Response: DHS believes these comments reflect misconceptions about the NPRM and this final rule. DHS did not, and could not, propose to eliminate the Form I-864 requirement, which is statutory and applies to most family-based and some employment-based immigrants. See INA sec. 212(a)(4)(C) and (D), 8 U.S.C. 1182(a)(4)(C) and (D). As was the case under the 2022 Final Rule and now that the 2022 Final Rule is rescinded, if an alien fails to submit a sufficient Form I-864 where required, the alien will be found inadmissible under section 212(a)(4)(C) or (D) of the INA, 8 U.S.C. 1182(a)(4)(C) and (D), depending on the alien’s classification. DHS proposed to eliminate the presumptive positive consideration of a sufficient Form I-864, where one is required, in the totality of the circumstances. As indicated in the NPRM, DHS believes this approach reflects the plain language of the statute as articulated in section 212(a)(4)(B)(ii) of the INA, 8 U.S.C. 1182(a)(4)(B)(ii) and the congressional intent and purpose to grant officers discretion to decide consideration is warranted. Eliminating the presumptive positive consideration has no bearing on the enforceability of the Form I-864, including the responsibility of benefit providing agencies to seek reimbursement if a sponsored alien receives public benefits. DHS does not anticipate this change will impact the willingness to serve as joint sponsors as certain aliens continue to be statutorily required to submit them. With respect to comments regarding congressional intent and the binding nature of the Form I-864, DHS agrees. Nothing in the NPRM or this final rule changes the binding nature of Form I-864.

DHS also disagrees that officer decisions regarding whether, when, and how they consider Form I-864 will reflect implicit or explicit biases and lead to discriminatory outcomes. Before the 2022 Final Rule, DHS did not have regulations making Form I-864 presumptively positive, although DHS is aware officers often gave positive weight to a sufficient Form I-864. DHS believes there may be circumstances where it might be appropriate to consider the Form I-864 as a positive consideration

in the totality of the circumstances, but DHS does not believe it appropriate to require officers to consider Form I-864 or pre-determine how to consider it, in the totality of the circumstances, especially given Congress gave officers discretion to consider it or not. In rescinding the 2022 Final Rule, DHS is aligning consideration of the Form I-864 with the plain language of the statute. DHS agrees with the commenters that plain language of the statute gives officers discretion to consider a Form I-864 and, therefore, officers may opt not to consider it based on specific facts of a case. As indicated in other parts of this final rule, subregulatory guidance will assist USCIS officers in making public charge inadmissibility determinations, including identifying considerations relevant to such determinations—for example, how consideration of the Form I-864 might be helpful to the overall inadmissibility determination depending on the presence or absence of other positive or negative factors in an individual case such as the relationship between the alien and the sponsor, whether the sponsor is sponsoring other aliens, etc.

b. Support for Removal of Required Favorable Consideration of Affidavit of Support Under Section 213A of the INA

Comment: A commenter agreed with removal of 8 CFR 212.22(a)(2), noting a Form I-864 provides little probative evidence on whether an alien is likely at any time to become a public charge, recommending language guiding officer discretion in assigning appropriate weight to Form I-864, which should be adjusted according to the strength of the agreement considering the sponsor’s annual income, assets, resources, financial status, relationship to the applicant, and the likelihood the sponsor would actually provide financial support and limiting affidavits from sponsors who have already submitted one for another alien. In addition, the commenter recommended that DHS include language that clarifies that the presence of a Form I-864 is not sufficient and should be considered with all other relevant factors.

Response: DHS appreciates these suggestions. With respect to limiting who can serve as a sponsor and how many aliens a sponsor might be permitted to sponsor, those suggestions go beyond the scope of the proposed rule and would require a separate notice and comment rulemaking to modify. Regarding recommendations USCIS identify considerations like relevance and weight of a sufficient Form I-864, DHS agrees that such guidance would

be helpful to officers and that Form I-864 will be considered with all other factors. USCIS will consider suggestions raised when developing the subregulatory guidance discussed above.

3. Consideration of Current and/or Past Receipt of Public Benefits

a. General Concerns

Comment: Numerous commenters expressed opposition about potential elimination of bright line rules for receipt of public cash assistance for income maintenance and long-term institutionalization at government expense in public charge assessments. Some commenters: elaborated that the 2022 Final Rule allowed them to provide guidance on which benefits are safe, expressed concern with the rule’s lack of specifications on which programs may be considered in public charge determinations undermining statutory purposes around public benefits and imposing barriers for those seeking LPR status who receive non-cash benefits even if working, concluding that many programs and services could fall under “public benefit” but this may not be DHS’s intent, stated the rejection of clear thresholds for public benefit use from the 2022 Final Rule could lead to punishing immigrants for experiencing ordinary setbacks rather than promoting self-sufficiency. A few commenters explained that the proposed rule suggests that the administration would consider any receipt of any type of means-tested benefits received or applied for by aliens, at any time and for any duration.

Response: As discussed in the NPRM and throughout this final rule, DHS is eliminating the primary dependence standard and the distinction between cash and non-cash benefits as all benefits received have bearing on whether an alien is likely at any time to become a public charge. Going forward officers will consider the alien’s receipt of any means-tested public benefits so long as they are received after the effective date of this final rule. With respect to benefits previously excluded from consideration, DHS will not consider them if received before the effective date of this final rule and made changes to the Form I-485 instructions to clarify aliens need not report such receipt.

This approach creates sufficient clarity for aliens and officers making public charge inadmissibility determinations as well as brings the administration of the public charge ground of inadmissibility more in line

with the congressional intent and purpose because it ensures officers are not artificially prohibited from looking at the entirety of the facts and circumstances bearing on whether an alien is likely at any time to become a public charge. When electing whether to admit or adjust an alien, it is reasonable for DHS to prioritize aliens who are self-sufficient over aliens who require public support given Congress's clear directive aliens be self-sufficient and not dependent on public benefits. *See* 8 U.S.C. 1601. DHS acknowledges the 2019 Final Rule created an alternative regulatory framework where certain benefits would not be considered. DHS believes the elimination of public charge regulations in their entirety is the best approach to the administration of the statute and restores broad discretionary authority to officers. While officers will not have a list of "excluded" benefits to consider, officers will have the authority and discretion to consider all circumstances surrounding receipt of any one or more public benefits and determine whether the alien is inadmissible as likely at any time to become a public charge taking into account the statutory factors and applicable precedent. The receipt of public benefits is but one consideration in the totality of the circumstances.

Comment: A commenter stated the NPRM would significantly expand who is likely at any time to become a public charge, allowing for U.S. workers relying on public programs to be deemed public charges, describing the "radical" expansion, they cited data showing while only 1 percent of U.S. workers would meet the public charge standard currently and 14 percent would under the 2019 Final Rule, as many as 32 percent could be counted under the 2025 NPRM, and determined expansion would contradict the intent of public charge policy and create unreasonable harms. Similarly, a few commenters stated the "sense of overreach" can be demonstrated through an analysis of the 2018 proposed rule finding more than half of all U.S.-born citizens would have been at risk of being labeled a public charge if applied to them.

Response: The public charge ground of inadmissibility applies to aliens and not U.S. citizens and, further, only to aliens subject to that ground of inadmissibility. While DHS appreciates the comments citing statistics regarding the receipt of public benefits by U.S. citizens, the very purpose of the public charge ground of inadmissibility is to ensure aliens applying for admission or adjustment of status are not likely at any time to become a public charge.

Similarly, the national policy of the United States as stated in PRWORA focuses on public benefits not creating an incentive for immigration. 8 U.S.C. 1601. While DHS agrees with commenters that the practical impact of this rule would be an expansion of the universe of public benefits considered in the totality of the circumstances, DHS disagrees with the size of the impact this change will produce. As indicated in the NPRM, over a period of 5 years, which included the period during which the 2019 Final Rule was in effect, public charge inadmissibility denials constituted 0.0087 percent of the Form I-485 applicant population and the only public charge denials that were sustained focused on a missing or insufficient Form I-864. 90 FR 52168, 52206 (Nov. 19, 2025).

Comment: Some commenters said considering a broader array of public benefits would include State and local benefits, one warned State and local benefits could be counted against applicants, by referring to "means-tested public benefits" rather than "Federal means-tested public benefits" and another reasoned State and local governments create programs to meet the needs of their residents and considering these programs would undercut the democratic process through which State and local governments make such decisions. Additionally, commenters voiced concern about potential to allow the consideration of application for public benefits, regardless of receipt, in public charge determination.

Response: DHS confirms, as proposed in the NPRM, the practical consequence of the removal of the 2022 Final Rule is an alien's receipt, as well as application, approval, or certification to receive, any means-tested public benefits will be considered in the totality of the circumstances, including, State, Tribal, territorial, and local means-tested public benefits. To the extent any benefit was previously excluded from consideration, it will only be considered if received, applied for, or approved or certified to receive on or after the effective date of this final rule. Similarly, only means-tested public benefits received by the alien applying for admission or adjustment are considered in a public charge inadmissibility determination except in the limited circumstances discussed previously in this final rule.

Even under the 2022 Final Rule, DHS would have considered receipt by the alien applying for admission or adjustment of public cash assistance for income maintenance, whether Federal, State, territorial, or Tribal. DHS, however, disagrees the removal of the

2022 Final Rule in any way cuts against the democratic process or impedes the ability of non-Federal-government actors to create or provide benefits to their residents. The public charge ground of inadmissibility does not regulate the availability or eligibility criteria for means tested public benefits, including those created by State and local governments. It solely directs officers to consider whether an alien applying for admission or adjustment of status is likely at any time to become a public charge based on the evidence of each individual case.

Comment: Another commenter claimed the rule could rewrite the terms of citizenship, denying taxpayers access to taxpayer-funded benefits, including programs they helped fund through their taxes. A different commenter said granting officers discretion to consider receipt of any means-tested public benefit goes against the current administration lobbying for stricter regulations and recommended clear rules without discretion or possibility of bias or abuse of power.

Response: DHS disagrees this rule denies taxpayers access to taxpayer-funded benefits or changes requirements for citizenship. Nothing in the NPRM or this final rule pertains to citizenship or naturalization. Similarly, this rule in no way alters access to or eligibility for means-tested public benefits. DHS disagrees this final rule contradicts the Trump administration's objective to more strictly regulate, or that restoring discretion to officers renders public charge inadmissibility more lax or subject to abuse of power. By removing the 2022 Final Rule's provisions, DHS ensures officers will consider any means-tested benefit and all information relevant to the public charge ground of inadmissibility, consistent with the statute and binding precedent. DHS is confident officers will continue to make public charge inadmissibility determinations in a fair and consistent manner as they have since the ground of inadmissibility was first enacted by Congress in 1882, Immigration Act of 1882, 22 Stat. 214 (Aug. 3, 1882), and before the first public charge regulations were codified by DHS in 2019. 84 FR 41292 (Aug. 14, 2019). Subregulatory guidance will assist USCIS officers in exercising discretion in line with statute and governing precedent.

Comment: Commenters opposed "removal of consideration of current and/or past public benefits," reasoning it allows immigration officers to make speculative decisions regarding which applicants may need benefits in the future, rather than basing their determinations on concrete evidence of

current or past receipt; voiced concern that any past or current receipt of benefits could be weighed in a public charge determination; remarked the proposed rule creates fear that “even brief or long-ago” received benefits could be counted against applicants, disproportionately impacting pregnant women, parents, and children, with greater need for benefits or for a longer period of time (e.g., most TANF recipients are children and, of the adults, most of those are mothers), and remarked on the importance of housing, nutrition, and healthcare programs for victims of violence and exploitation, expressing concern that treating the past receipt of benefits as evidence of future dependence misunderstands use of public benefits following abuse which is crisis-driven rather than reliance-driven.

In the context of family-based immigration, a commenter stated the NPRM is misguided in its treatment of past benefit use, as, by statute, public charge is a forward-looking assessment to determine the likelihood of a person becoming primarily dependent on the government in the future; it ignores newly arrived family-based immigrants begin with lower earnings before experiencing rapid mobility citing a study finding earnings increased by 76 percent over 12 years for immigrants from countries where family sponsorship is the primary pathway, compared to 23 percent for similarly aged U.S.-born workers.

Response: Consideration of public benefit use has been part and parcel of public charge as discussed in precedent decisions, the NPRM, and throughout this final rule. Even under the 2022 Final Rule, officers considered an alien’s current and past receipt of certain public benefits for public charge inadmissibility. 8 CFR 212.22(a)(3). This includes TANF, the program highlighted by the commenter for past and current receipt of means-tested public benefits by children and women. Since there is no change in officer consideration of TANF as raised in the comment compared to the 2022 Final Rule, DHS disagrees there will be a disproportionate impact with regards to TANF resulting from this rulemaking. While DHS will consider both past and current receipt of means-tested public benefits, the weight accorded such receipt will entirely depend on the circumstances of a specific case. As was the case with the 2022 Final Rule, relevant considerations include recency and duration of receipt, the amount of receipt (if applicable with respect to benefits to provide cash), whether the alien is receiving only one benefit or a combination of benefits, the

circumstances surrounding the receipt, and a variety of other factors that officers will have discretion to take into consideration in the totality of the alien’s circumstances. With respect to victims of violence, abuse, trafficking referenced by commenters, those individuals are generally exempt from the public charge ground of inadmissibility when adjusting status. However, if those individuals opt not to adjust under an exempt category, officers have discretion to consider all the circumstances leading to the receipt of means-tested public benefits. Officers will also consider all statutory factors, precedent decisions, and any subregulatory guidance issued to guide, but not prescribe, their decisions. DHS also notes that most aliens are not eligible for public benefits before becoming LPRs or may be subject to waiting periods.

b. General Recommendations

i. Support for Expansion of Benefits Considered

Comment: A commenter recommended DHS add language requiring officers consider receipt of public benefits when making a public charge inadmissibility determination, reasoning current or past receipt reflects challenges with self-sufficiency; is a predictor of future reliance; aligns with case law and the totality of the circumstances test; and is consistent with Congress’s intent that immigrants be self-supportive. Another commenter recommended non-cash benefits such as SNAP, Medicaid, and benefits received by dependents should count in public charge determinations, asking DHS to expand the scope of “receipt” to include all means-tested benefits regardless of whether they are cash-based or received by a household member.

Response: Through this final rule, DHS is rescinding the 2022 Final Rule with the exception of certain bond provisions being amended. DHS disagrees with adding requested regulatory provisions. DHS agrees with the commenter that past and current receipt of means-tested public benefits is indicative of challenges with self-sufficiency and can be a predictor of future dependence, and that considering the application for or receipt of means-tested public benefits in the totality of the circumstances is consistent with congressional purpose and intent. DHS particularly agrees the 2022 Final Rule was too narrow and previously excluded benefits, like SNAP and Medicaid, should be considered when making public charge inadmissibility determinations.

However, DHS disagrees that receipt of means-tested public benefits by family members should be considered as benefits received by the alien and notes it neither proposed such consideration nor is it collecting information regarding family members’ receipt of such benefits. As discussed in other responses, to the extent there is evidence in the record the alien’s family members whom the alien is legally obligated to support receive means-tested public benefits based on the alien’s income falling below the designated threshold, DHS would consider the fact the alien’s income falls below that threshold as part of the alien’s assets, resources, and financial status in the totality of the circumstances. Moreover, where DHS learns that the means-tested public benefits that the alien’s family member received are the source of the alien’s financial support, DHS will consider that fact. Additionally, given that the alien is supposed to exclude any income received from means-tested public benefits from the income information provided on the Form I-485, inclusion of amounts received from means-tested public benefits as income may lead to an inadmissibility finding under section 212(a)(6)(C)(i) of the INA, 8 U.S.C. 1182(a)(6)(C)(i).

ii. Opposition to Expansion of Benefits Considered and Requests for Clarity

Comment: A commenter urged DHS to withdraw the rule stating DHS must preserve objective regulatory definitions, narrow “public charge” to exclude non-cash benefits from consideration, and/or limit consideration to cash assistance for income maintenance and long-term institutionalization at government expense to ensure public charge inadmissibility determinations cannot rely on vague, subjective interpretations. One such commenter reasoned preserving access to basic supports is not only humane, but strengthens immigrant integration and stability, which benefits all.

Response: DHS declines to withdraw the NPRM and is finalizing rescission of the 2022 Final Rule as proposed. DHS is not codifying replacement regulatory provisions or creating exclusions from consideration of any means-tested public benefits and similarly declines to limit considerations to only public cash assistance for income maintenance and long-term institutionalization at government expense. DHS disagrees this final rule impacts access to basic supports. Rather, this rule simply permits officers in their discretion to consider applications for, approval or

certification to receive, or receipt of means-tested public benefits in the totality of the circumstances when making prospective determinations regarding the aliens' likelihood at any time of becoming a public charge.

c. Program-Specific Concerns and Requests for Inclusion or Exclusion

i. Healthcare Programs

Medicaid

Comment: Many commenters, including form letter campaigns, expressed opposition to including Medicaid or other healthcare benefits in public charge determinations, indicating that consideration of Medicaid and other health programs directly harms public health and contradicts the purpose of these benefits. Another indicated the 2022 Final Rule appropriately excluded Medicaid from public charge inadmissibility determinations, the benefits and adverse impacts of having access to Medicaid or health coverage in general, and chilling effects on Medicare enrollment and Medi-Cal. A commenter suggested the rule would negatively impact healthcare workers, many of whom are immigrant women receiving Medicaid themselves, thus destabilizing the care system during workforce shortages and demographic shifts.

Response: DHS believes Medicaid and other healthcare programs provide important benefits to individuals receiving them and positively impact individual and public health. However, as indicated throughout this final rule, DHS is not codifying replacement regulations for the 2022 Final Rule or excluding any means-tested public benefits from consideration, including Medicaid. Officers will have discretion to consider the relevance of any means-tested public benefits in the totality of the circumstances and appropriately determine its impact on the likelihood that an alien will become a public charge in the totality of the aliens' circumstances, taking into consideration the aliens' age, health, family status, assets, resources and financial status, education and skills, and any other relevant factor. Receiving Medicaid or other means-tested benefits is not outcome determinative, but rather, one consideration in the totality of the circumstances. As stated throughout this final rule, DHS believes Medicaid and other healthcare programs should not serve as an incentive to immigration. DHS notes Medicaid and other previously excluded means-tested public benefits will only be considered if received (or applied for) on or after the effective date of this final rule.

Chilling effects are addressed in a previous section of this final rule.

Comment: A commenter stated Medicaid usage as an indicator of lack of self-sufficiency was rejected by the Second Circuit in *New York v. U.S. Department of Homeland Security* 969 F.3d 42 (2d. Cir. 2020), noting that excluding children, older adults, and people with disabilities, 60 percent of Medicaid beneficiaries are employed; referencing several more studies, Medicaid improves ability to work and concluded it would be unnecessary to include Medicaid in public charge determinations because (1) full-scope Medicaid for non-pregnant adults is restricted to U.S. citizens and a subset of LPRs who meet certain income and waiting period requirements; (2) the One Big Beautiful Bill Act (OBBBA) "will further tighten Medicaid eligibility" beginning October 2026; and (3) considering Medicaid would not meaningfully affect public charge determinations.

Response: DHS acknowledges the U.S. Court of Appeals for the Second Circuit affirmed, in part, and geographically limited a preliminary injunction against the 2019 Public Charge Final Rule (to New York, Connecticut, and Vermont) finding the rule was likely unlawful under the INA and the APA.²³⁴ In reaching this conclusion, the court found that DHS impermissibly expanded the definition of public charge beyond settled meaning moving beyond dependency and creating a possibility aliens could be found inadmissible for mere receipt of public benefits, even those previously considered to be supplemental or received for a short period of time.²³⁵ The court similarly found the rule likely to be arbitrary and capricious because DHS did not provide a sufficient reasonable basis for including in the definitions supplemental benefits, including Medicaid.²³⁶ The Supreme

²³⁴ See, generally, *New York v. DHS*, 969 F.3d 42 (2d. Cir. 2020).

²³⁵ Id. at 86–88.

²³⁶ Id. at 83–4, 86 ("Of course, DHS is free to change its interpretation . . . [b]ut what DHS may not do is rest its changed interpretation on unsupported speculation, particularly when its categorical assumptions run counter to the realities of the non-cash benefits at issue. The goals and eligibility criteria of these benefits programs belie DHS's assumption and show that these programs are designed to provide supplemental support, rather than subsistence, to a broad swath of the population—as INS recognized in 1999. . . . Agencies are free to change their existing policies as long as they provide a reasoned explanation for the change. When an agency changes its existing position, it need not always provide a more detailed justification than what would suffice for a new policy created on a blank slate. But the agency must at least . . . show that there are good reasons for the new policy. DHS has failed to do so.")

Court granted a stay of this decision²³⁷ and subsequently, this litigation was dismissed and no final decision on the merits issued.²³⁸ Further, the Supreme Court never issued a decision on the merits on the 2019 Final Rule, nor is there a single judicially established definition of the term public charge. The circumstances underlying that case are quite distinguishable from those in this final rule. First, DHS has not proposed nor is it finalizing any definition of the term public charge or substituting the concept of dependence with the concept of receipt. DHS is not creating a regulatory scheme for the consideration of public benefits or departing from statute or controlling precedent. DHS is removing the 2022 Final Rule in favor of individual discretionary determinations officers will make in line with congressionally granted discretion, statutory language, and binding precedent decisions. This necessarily includes consideration of the receipt of any means-tested public benefits, including Medicaid, if received on or after the effective date of the rule, but officers will have the opportunity to consider the probative value of an alien receiving Medicaid in the totality of the alien's circumstances, including whether the alien is employed, the alien's age, health, the timing and duration of receipt, whether the alien is receiving or received other benefits, and all other relevant considerations bearing on the alien at any time becoming a public charge. This consideration may include whether the receipt of Medicaid can be viewed as supplemental in nature or contributing to overall dependence on the government. This approach is also informed by the fact that very few aliens are eligible for Medicaid when applying for admission or adjustment of status.

Comment: Commenters said few immigrants are eligible for public programs and even fewer would be under the OBBBA, the proposed changes have outsized negative impacts, such as discriminating against people with chronic conditions or preventing healthcare access, for only a small subset of people to be subject to public charge determination and it was unreasonable to expect new immigrants not to receive Medicaid through U.S. States, noting healthcare with a good job was still expensive and receiving Medicaid and contributing to the economy are not contradictory.

²³⁷ *Dept. of Homeland Security v. New York*, 589 U.S. 1173 (2020) (granting stay).

²³⁸ *Dept. of Homeland Security v. New York*, 141 S.Ct. 1292 (2021) (dismissing cert.)

Response: DHS agrees Medicaid eligibility among aliens is limited, and the availability of federal matching payments for full Medicaid benefits for aliens, subject to exceptions, will be limited to the groups enumerated in section 1903(v)(5) of the Social Security Act, beginning October 1, 2026, pursuant to the statutory changes made by section 71109 of Public Law 119–21. Both the NPRM and this final rule are clear the public charge ground of inadmissibility applies to aliens seeking admission or adjustment. While DHS acknowledged chilling effects may indirectly result from the rescission of the rule, DHS is not regulating eligibility for Medicaid or access to Medicaid for U.S. citizens or aliens; removal of the 2022 Final Rule exclusively impacts whether DHS can consider receipt of Medicaid as a part of one consideration in the totality of the circumstances in the context of individual public charge inadmissibility determinations. Rescission of the 2022 Final Rule does not apply to U.S. citizens or aliens exempt from public charge. Finally, consideration of means-tested public benefits applied for, approved or certified to receive by aliens who are both eligible for Medicaid and subject to the ground of inadmissibility will apply to the aliens and not family members except as outlined elsewhere in this final rule.

Comment: Commenters recommended protecting access to healthcare for vulnerable groups, such as children and pregnant people, and ensure using Medicaid/Oregon Health Plan (OHP) for basic and preventive care is not treated like long-term institutionalization at government expense; requested usage of State-funded public health programs not be counted; detailed the negative impacts of restricting Emergency Medicaid access and stated that Emergency Medicaid cannot be considered in public charge inadmissibility determinations; urged protections against considering short-term or emergency assistance; urged DHS to exclude from consideration non-emergency Medicaid and Medicaid Expansion in public charge inadmissibility determinations, and generally opposed inclusion of Medicaid and Medicare part D subsidies in the rule.

Several commenters stated Community Health Centers (CHCs), Qualified Healthcare Centers (FQHCs), vaccination programs, and Premium Tax Credits (PTCs), which many Medicaid and Marketplace enrollees receive are good examples of programs that should be excluded from public charge assessments, as they are not a reflection

of lack of self-sufficiency but are intended to fill healthcare gaps in underserved areas. Another commenter similarly requested PTCs and Cost-Sharing Reductions (CSRs) be exempt from public charge determinations.

Response: DHS declines to exempt any means-tested public benefits from consideration as it rescinding the 2022 Final Rule as proposed, and is not codifying any replacement regulations, including any new exemptions or exclusions. Healthcare services aliens pay for without government subsidization would not be considered. With the 2022 Final Rule rescinded, officers have discretion to consider all facts and circumstances in an individual case, which could also include circumstances surrounding receipt of government provided or subsidized healthcare—whether CHCs, FQHCs, or PTCs relied on by the alien. DHS will consider all means-tested public benefits, including Medicaid and State-funded healthcare in the totality of the circumstances, also taking into consideration all other factors and considerations relevant to such determination described in previous responses. This may include the consideration of the fact that some healthcare services are community-based benefits for all residents and bridge care gaps in a particular community. As indicated throughout this final rule, the receipt of public benefits is not alone outcome determinative in public charge inadmissibility determinations.

Comment: A commenter requested information be provided regarding immigration policies, so people do not mistakenly forgo Medicaid participation.

Response: This final rule will be published in the **Federal Register** and DHS will employ normal public communication and engagement strategies when issuing a final rule which typically includes a news release and social media postings. In addition, and as discussed previously, DHS will be issuing subregulatory guidance that will inform both those subject to the public charge rule and those not subject to the rule about how this ground of inadmissibility applies and how means-tested public benefits, including Medicaid, will be considered. DHS agrees that clear communication regarding impacts of this rule is helpful and may be crucial in minimizing unnecessary chilling effects such as disenrollment from means-tested public benefits by U.S. citizens or aliens not subject to the public charge ground of inadmissibility.

Comment: Another commenter requested DHS ensure Medicaid use by a U.S. citizen spouse or sponsor does not count against an applicant, including potential retroactive consideration of Medicaid use; another suggested DHS require an immigrant to wait a certain period of time or have a grace period before receiving government assistance—or implement some similar policy—to ensure the beneficiary would not be a public charge or allow the U.S. citizen to cancel their Medicaid coverage.

Response: DHS will not consider means-tested public benefits, including Medicaid, received by the alien's family members unless there is evidence in the record the alien's family members whom the alien is legally obligated to support receive means-tested public benefits based on the alien's income falling below the designated threshold or where DHS learns the means-tested public benefits the alien's family member received are the source of the alien's financial support. In both cases, DHS would only consider this receipt as part of the consideration of the alien's assets, resources, and financial status in the totality of the circumstances. DHS intends this final rule to apply prospectively and clarified it will not consider receipt of previously excluded means-tested public benefits if applied for, approved or certified, or received before the effective date of this final rule. For Medicaid or any other means-tested healthcare benefits, that means DHS will not consider means-tested healthcare benefits except long-term institutionalization at government expense if applied for, approved or certified to receive, or received before the effective date of this final rule. Further, receipt of Medicaid or other means-tested benefits is but one consideration in the totality of the circumstances. With respect to mandating waiting periods to enroll in Medicaid, DHS notes that portion of the comment is out of scope of this rulemaking and beyond DHS's authority. Eligibility rules and waiting periods applicable to aliens receiving Federal public benefits are governed by PRWORA and public benefit agencies. That said, aliens decide whether or when to enroll in Medicaid.

CHIP and Children's Healthcare Coverage

Comment: Several commenters expressed concern about including CHIP or children's healthcare coverage in public charge determinations and recommended exempting CHIP and other State funded children healthcare programs, or withdraw the rule entirely.

One commenter requested that accessible information is provided regarding immigration policies so people do not mistakenly forgo CHIP. Commenters discussed the benefits of children having health coverage, and stated that the inclusion of CHIP in a public charge inadmissibility determination contradicts Congress's intent in enacting the Children's Health Insurance Program Reauthorization Act, as well as congressional intent to protect access to these programs.

Response: DHS agrees that CHIP and other healthcare programs received by children provide important benefits and have positive impacts on individual and public health. However, as indicated throughout this final rule, DHS is not codifying replacement regulations for the 2022 Final Rule and is not excluding the consideration of any means-tested public benefits from consideration, including CHIP when received by the alien. As stated throughout this final rule, DHS believes CHIP or other healthcare programs should not serve as an incentive to immigration. Officers will have discretion to consider the relevance of means-tested healthcare coverage, including CHIP, and appropriately determine its relevance in the totality of an alien's circumstances. This includes taking into consideration the alien's age which, for children, may include consideration of the benefits of CHIP such as better health outcomes as the child grows and that, as an adult, he or she may have better earning capacity as a result of having had health coverage as a child. The consideration of CHIP and other means-tested healthcare programs is but one consideration in the totality of the circumstances and is not alone determinative.

Prenatal Healthcare Coverage

Comment: A few commenters requested that contraception and prenatal care be protected or exempted from consideration in public charge inadmissibility determinations while others remarked on the benefits of Medicaid access during pregnancy. Commenters also detailed the negative impacts of forgoing prenatal healthcare. A commenter stated that selected States provide pregnancy care benefits to women in the adjustment of status process because pregnancy is short term and not an indication of ongoing dependence on public benefits, noting that considering such benefits counters the goal of limiting long-term dependency by creating greater long-term economic costs in reduced health for women and children. Another commenter wrote that because Congress has recognized the importance of

providing prenatal care, deterring access to it would be at odds with other policies enacted by Congress. The commenter also wrote that the proposed rule would contradict the intent of Congress to protect access to pregnancy and postpartum Medicaid.

Response: DHS does not disagree that prenatal care including through Medicaid, as well as other means-tested healthcare programs, provides benefits to expectant mothers who receive them and that it has positive impacts on individual and public health. DHS disagrees that this final rule deters access to these programs, as this final rule is not regulating eligibility for them. However, as indicated throughout this final rule, DHS is not codifying replacement regulations for the 2022 Final Rule and is not excluding the consideration of any means-tested public benefits from consideration in a public charge inadmissibility determination. DHS notes, however, that officers will have discretion to consider the relevance of means-tested healthcare coverage, including when used short term for pre and postnatal care to appropriately determine its relevance in the totality of the aliens' circumstances, also taking into consideration the temporary nature of receipt, as well as that Congress made these benefits available to pregnant women without the 5-year waiting period.²³⁹ The considerations may also take into account better health and employment prospects (for mothers and children who receive such care), age, health, family status, assets resources, and financial status, and education and skills. The consideration of means-tested public healthcare received during and post pregnancy is just one consideration in the totality of the circumstances, and USCIS officers will follow the statute, binding precedent, and USCIS subregulatory guidance in the context of adjustment of status applications to make reasoned and fair decisions.

ii. Nutrition Programs

SNAP

Comment: Numerous commenters, including a form letter campaign, expressed concern about considering SNAP in public charge determinations. Commenters made broad statements regarding food benefits such as: requesting DHS support food assistance

for all; not change rules to consider people's food benefits or do anything to impact people receiving SNAP benefits; not include SNAP or other food benefits in the definition of public charge; and exclude core nutrition programs, such as SNAP, summer and school meals, and Summer Electronic Benefits Transfer, from public charge determinations. Commenters discussed negative impacts of including SNAP in public charge, as well as the negative impacts of forgoing SNAP benefits. Rationale also addressed concerns about the economic and community impacts of reduced SNAP participation, including lost economic activity in the form of SNAP dollars spent at local stores, direct and downstream benefits of SNAP participation, that receiving SNAP benefits would make someone a public charge is contrary to the program, and as the median length of SNAP participation is 12 months, receipt of SNAP is not evidence of a likelihood to become a public charge. Echoing these sentiments, an Illinois-based commenter remarked the rule misunderstands low-wage work by treating workers and benefit users as distinct groups when many full-time workers in Illinois rely on public benefits because low wages do not provide enough to survive. Another commenter wrote most people participate in SNAP for a short amount of time and often in response to financial hardship, natural disasters, or macroeconomic events that impact entire communities and recognized protecting American people but remarked anti-hunger and poverty programs make the United States safer and more prosperous. The commenter also stated that the parameters to participate in SNAP are clearly defined in PRWORA and OBBBA and are already upheld during eligibility screening and affirmed by Congress.

Response: DHS does not dispute that SNAP has some positive impacts nor does DHS misunderstand the nature of low-wage work. As indicated throughout this final rule, DHS is not codifying replacement regulations for the 2022 Final Rule and declines to exclude any means-tested public benefits from consideration in a public charge inadmissibility determination, including SNAP, as all are potentially relevant to a determining whether an alien is likely at any time to become a public charge. As stated throughout this final rule, DHS believes that means-tested public benefits including SNAP or other nutrition programs should not serve as an incentive to immigration. DHS disagrees the final rule regulates eligibility for SNAP or makes receipt of

²³⁹ Children's Health Insurance Program Reauthorization Act of 2009, Public Law 111–3, section 214, 123 Stat. 8, 56 (Feb. 4, 2009) (Permitting States to Ensure Coverage Without a 5-Year Delay of Certain Children and Pregnant Women Under the Medicaid Program and CHIP) (codified as amended at 42 U.S.C. 1396B(v)(4)).

SNAP outcome determinative in the totality of the circumstances in a public charge inadmissibility determination. Officers will have discretion to consider the relevance of SNAP if received (or applied for) on or after the effective date of this final rule, including whether used short term or long term and appropriately determine its relevance in the totality of the aliens' circumstances, also taking into consideration the recency of receipt, whether SNAP was received alone or in combination with other benefits, alien's employment, age, health, family status, assets, resources, and financial status, education and skills, along with any other information in the totality of the aliens' specific circumstances, which could also include consideration of long-term outcomes for program participants if relevant to the alien's specific circumstances. The consideration of SNAP is but one consideration in the totality of the circumstances. DHS agrees that eligibility for SNAP among aliens subject to the public charge ground of inadmissibility is narrow and was further narrowed by OBBBA.

WIC

Comment: Numerous commenters, discussing WIC's positive impacts, expressed concern about the potential inclusion in public charge determinations, emphasized benefits make recipients more, not less, likely to work, remarked on potential negative impacts of including WIC in public charge inadmissibility determination, and noted that consideration contradicted WIC's mission and urged exclusion of WIC from public charge determinations.

Response: DHS does not dispute the positive impacts of WIC. However, as indicated throughout this final rule, DHS is not codifying replacement regulations for the 2022 Final Rule and declines to exclude any means-tested public benefits from consideration in a public charge inadmissibility determination, including WIC, as all are potentially relevant to determining whether an alien is likely at any time to become a public charge. DHS disagrees considering WIC in public charge determinations is contrary to WIC's purpose since DHS is not changing eligibility rules or prohibiting eligible individuals from applying or receiving WIC. Officers will have discretion to consider the nature of WIC as a means-tested public benefit, if received (or applied for) on or after the effective date of this final rule, and appropriately determine its relevance in the totality of the aliens' circumstances, taking into consideration age, whether it was

received alone or in combination with other means-tested public benefits, alien's health, family status, assets, resources, and financial status, education and skills, employment and employment prospects, along with any other information relevant to the aliens' specific circumstances such as recency, duration and/or frequency of receipt. Officers will also have the discretion to consider relevant statistics such as those a commenter cited regarding long-term outcomes for program participants and impacts on health, employment and employability. The receipt of WIC is just one consideration in the totality of the circumstances.

School Lunch Programs

Comment: Commenters expressed concern about impacts on school lunch program administration, stating the rule would result in children going hungry at school and explained lower direct certification rates affect entire communities as schools may lose qualifications for Community Eligibility Provision, allowing free meals for all students, ultimately requesting exclusion of all school nutrition programs from public charge determinations. Another commenter requested Federal nutrition programs, such as the Summer Food Service Program, be excluded from the rule.

Response: DHS does not dispute the positive impacts of school lunch and summer food service programs and disagrees that this rule impairs access to these programs or causes children to go hungry. This rule does not, and cannot, change the eligibility requirements for these programs. DHS similarly disagrees that this rule impacts direct certification rates. As explained repeatedly, this rule removes regulations governing public charge inadmissibility which does not even apply to all aliens. There is a narrow population of aliens who are subject to the public charge ground and eligible to receive means-tested public benefits, including for school lunch and summer food service programs by virtue of their SNAP or Medicaid participation. However, as indicated throughout this final rule, DHS is not codifying replacement regulations for the 2022 Final Rule and declines to exclude any means-tested public benefits from consideration in a public charge inadmissibility determination, as all are potentially relevant to determining whether an alien is likely at any time to become a public charge. Officers will have discretion to consider participation in these programs, if received (or applied for) on or after the effective date of this final rule, and appropriately determine relevance in

the totality of the aliens' circumstances, also taking into consideration age, whether participation in the program was isolated or whether the alien also received other means-tested public benefits, the alien's health, family status, assets, resources, and financial status, education and skills, employment and employment prospects, along with any other information relevant to the aliens' specific circumstances such as recency, duration and/or frequency of receipt. For example, officers could take into consideration whether an alien participated in a school lunch or summer food program by virtue of a school's certification and availability of meals to all students or because the alien is also enrolled in Medicaid and/or SNAP. Officers will also have the discretion to consider relevant statistics regarding long-term outcomes for program participants and impacts on health, employment and employability. The receipt of school lunch and summer food service programs is just one aspect of one consideration in the totality of the circumstances.

iii. Housing Assistance

Comment: A number of commenters expressed concern about considering housing assistance programs in public charge determinations due to the effects on child development, the detrimental impacts of housing instability, the positive effects of housing assistance and importance of rental or housing assistance, the benefits of home energy assistance, how the proposed rule undermines existing policies, and because receipt of benefits decreases future reliance on benefits and receipt by children. Another said because Latinos comprise 85 percent of people in mixed-status families, restricting housing assistance access would primarily impact Latino, U.S. citizen children.

One comment asserted HUD housing programs should be excluded from public charge inadmissibility determinations because, as DHS acknowledged in the 2018 proposed rule, alien participation in the Public Housing, Housing Choice Voucher (HCV), and Section 8 Project-Based Rental Assistance programs is relatively low. DHS previously referenced the 2008 Panel of the Survey of Income and Program Participation, finding only 0.2 percent and 0.4 percent of aliens lived in Section 8 housing and housing subsidized through other government programs, respectively.²⁴⁰ Additionally,

²⁴⁰ 83 FR 51114, 51167 (Oct. 10, 2018).

given Congress and HUD already protect Federal dollars from use by non-eligible aliens, the commenter concluded there is “no fiscally responsible reason” for DHS to continue. Commenters suggested use of housing benefits is not an accurate indicator of dependence on the government as HUD housing assistance does not meet the “primarily dependent” standard, while another noted median length of participation in Federal rental programs is 4 to 5 years with 80 percent utilizing it for a single episode. A commenter expressed concerns about difficulty in defining scope of housing assistance as it takes many forms including: community development grants, tax credits, COVID-19 Emergency Rental Assistance Program, disaster housing assistance, emergency housing vouchers for domestic violence survivors, housing assistance for active military, and U.S. Department of Agriculture (USDA) Farm Labor Housing. Given the historical exclusion of housing assistance from public charge determinations and that eligibility for housing programs already require lawful immigration status under PRWORA, a commenter requested DHS clarify that current participant or otherwise eligible persons not be subject to the rule.

Response: DHS does not dispute the positive impacts of housing programs and subsidies on individuals, including children, and disagrees this final rule impairs access to these programs as it is not regulating eligibility or prohibiting participation. As discussed previously, DHS will not consider the receipt of previously excluded means-tested benefits, including housing benefits, if received before the effective date of this final rule as this rule operates prospectively. However, if such benefits were certified or approved for receipt for a period that extends to or beyond the effective date of this final rule, DHS would consider this receipt unless the alien withdrew such application or notified the relevant agencies he or she no longer wanted to receive the benefits.

DHS is also clarifying it is only considering means-tested public benefits received by the alien, and not the alien’s family members, such as U.S. citizen children, unless, as discussed more fully elsewhere in this final rule, the alien is legally obligated to support those family members and the receipt by those family members is based on the alien’s income falling below a certain threshold, or the alien’s means of support stems from the receipt of means-tested public benefits by the family member. In such cases, DHS would consider this as part of the alien’s assets, resources, and financial status.

While mixed-status families, including those with U.S. citizen children, may choose to disenroll from or forgo enrollment in housing programs, such actions are voluntary and not directed by this final rule.

With respect to scope, DHS is considering all government provided, paid, or subsidized housing assistance so long as it is means-tested. While there is a narrow population of aliens who are subject to the public charge ground of inadmissibility and eligible to receive means-tested public benefits, including public housing or housing subsidies, DHS still finds considering receipt of such benefits is relevant in individual public charge inadmissibility determinations, and is therefore declining to exclude means-tested public housing programs and subsidies.

As discussed elsewhere in comment responses, officers will have discretion to consider participation in means-tested housing programs and appropriately determine its relevance in the totality of the aliens’ circumstances, also taking into consideration the specific nature of the housing program. Officers could also consider whether the need for means-tested government funded/subsidized housing is related to specific temporary circumstances like job loss or domestic violence, (assuming the alien is not exempt from the public charge ground of inadmissibility based on being a VAWA self-petitioner). See INA sec. 212(a)(4)(E)(i), 8 U.S.C. 1182(a)(4)(E)(i). While the removal of the 2022 Final Rule is also eliminating the primary dependence standard, officers would continue to evaluate dependence insofar as DHS will consider the amount and duration of receipt as well as the recency of receipt, including whether participation in the program was isolated along with all other information relevant to the aliens’ specific circumstances in the totality of the circumstances, including the statutory minimum factors. For example, officers could take into consideration any relevant statistics regarding long-term impacts on participants in means-tested housing programs such as health, education, employment and employability outcomes, so long as they are relevant in the aliens’ specific case. Participation in housing programs/subsidies is just one aspect of one consideration in the totality of the circumstances.

iv. Tax Credits

Comment: Commenters expressed concern about inclusion of tax credits, including the Earned Income Tax Credit (EITC), Child Tax Credit (CTC), and the American Opportunity Tax Credit and

discussed immediate and long-term impacts of families forgoing the same. A commenter urged DHS to: maintain the historical exclusion of tax credits from public charge and clearly state filing accurate tax returns and lawfully claiming tax credits will never be negatively considered in immigration adjudications; provided in-depth examples and reasoning that allowing “weaponization of tax credits” would significantly depart from precedent, contradict congressional intent and Federal tax law; create administrative and enforcement burdens, and in conjunction with the OBBBA, significantly harm millions of tax-paying mixed-status families and U.S. citizen children, and reported the Treasury Department is considering reclassifying refundable tax credits as Federal public benefits. Another commenter noted tax credits should not be considered because they are fundamentally different from means-tested public benefits.

Another commenter opposed DHS’s considering government support programs in public charge determinations and stated inclusion of refundable tax credits as a Federal benefit would challenge bipartisan precedent requiring action from Congress to change tax credit eligibility based on immigration status.

Response: As background, DHS notes EITC is designed to provide a tax break to low- and moderate-income workers.²⁴¹ The purpose of CTC is to help families with children reduce tax liability, but the credit amount depends on income.²⁴² The American Opportunity Tax Credit²⁴³ provides a tax credit for certain students to encourage the pursuit of education, but the credit amount depends on income and filers with income over a certain amount may not claim the credit.

DHS disagrees this final rule weaponizes tax credits, significantly departs from precedent; contradicts congressional intent and Federal tax law; creates administrative and enforcement burdens, or harms tax-paying mixed-status families and U.S. citizen children. This final rule removes regulations governing public charge inadmissibility, which does not even apply to all aliens. There is a narrow

²⁴¹ IRS, Earned Income Tax Credit (EITC), <https://www.irs.gov/credits-deductions/individuals/earned-income-tax-credit-eitc> (last updated Feb. 9, 2026).

²⁴² IRS, Child Tax Credit, <https://www.irs.gov/credits-deductions/individuals/child-tax-credit> (last updated Feb. 23, 2026).

²⁴³ See IRS, American Opportunity Tax Credit, <https://www.irs.gov/credits-deductions/individuals/american-opportunity-tax-credit> (last updated Sept. 4, 2025).

population of aliens who are subject to the public charge ground and eligible to receive means-tested public benefits, including any means-tested tax credits. DHS believes that considering receipt of means-tested tax credits is relevant in public charge inadmissibility determinations and is not codifying replacement regulations to exclude them from consideration, or adopting binding definitions, including classifications of tax credits by other agencies, such as the Treasury Department. Officers will have discretion to consider any evidence in the record the alien received means-tested tax credits, if received (or applied for) on or after the effective date of this final rule, and appropriately determine relevance in the totality of the aliens' circumstances, also taking into consideration the specific nature of the tax credit program, as well as other factors related to the receipt of the tax credit.

In considering such tax credits, DHS is mindful that many means-tested tax credits are available to both low- and middle-income individuals and families and may not always be indicative of a lack of self-sufficiency. Specifically, the probative value of tax credits will depend on the alien's specific circumstances and whether the alien would be self-sufficient without relying on such tax credits. When assessing whether an alien is likely at any time to become a public charge, officers would also consider whether in addition to tax credits the alien also received means-tested public benefits, and will consider the alien's age, health, family status, assets, resources, and financial status, education and skills, employment and/or employment prospects, along with any other information relevant to the alien's specific circumstances. For example, if relevant in an individual case, officers could take into consideration any relevant statistics regarding long-term impacts on claimants of tax credits such as employment and employability outcomes. Consideration of tax credits is just one aspect of one consideration in the totality of the circumstances.

v. Early Education, Development, and Child Care Programs

Comment: Commenters expressed concerns about consideration of child development programs in public charge inadmissibility determinations, including the lack of clarity on whether early development and learning will be considered in public charge, based on the explicit connection the NPRM makes to PRWORA and recent proposals to expand the interpretation of Federal

public benefits under PRWORA, (e.g., Listing Maternal, Infant, and Early Childhood Home Visiting, Early Head Start, Head Start, and Family First Preventive Services) the commenter stated consideration would be misaligned with the intent of public charge inadmissibility determinations as such programs are meant to support self-sufficiency. Another commenter similarly expressed concern about programs such as Head Start, child care subsidies, home visiting, and other early education programs being included in the proposed rule even if they are not explicitly mentioned. Commenters were concerned about including child care program usage in the rule, detailed various benefits of child care programs and discussed potential negative impacts of forgoing them.

Commenters addressed impacts of potentially including Head Start in public charge, detailing the benefits of Head Start chilling effects on Head Start enrollment and Early Intervention (EI) programs/services, noting EI funding comes from a combination of local, State, and Federal resources, including Medicaid, it is not possible to identify funding sources which could lead DHS to make inconsistent decisions on counting EI services in public charge discouraging families from accessing services they are entitled to under the Individuals with Disabilities Education Act (IDEA). Another commenter similarly expressed concern about what counts as a "public charge" and allowing the consideration of programs beyond those that are means-tested, the proposed rule would consider any publicly funded service or accommodation, including educational supports for children with disabilities under IDEA and disability accommodations provided under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA) in public schools.

Commenters voiced opposition to the HHS recent classification of Head Start as a public benefit program. If confusion over whether DHS will consider Head Start in public charge inadmissibility determinations leads parents and caregivers to miss work or quit their jobs due to disenrollment by their children in these programs, the proposed rule would undermine self-sufficiency and negatively impacts the economy, as immigrant women workers make up large shares of the workforce in agriculture, home health assistance, and early education.

Response: DHS is clarifying after the rescission of the 2022 Final Rule there is no binding limitation of means-tested public benefit programs, meaning DHS

will consider the participation in means-tested child care, child development, and child education programs, including Head Start, and EI services, funded by the government when received by alien children subject to the public charge ground of inadmissibility. Additionally, when the alien children's parents apply for admission or adjustment of status, DHS will also consider the children's receipt of such benefits as part of the parents' assets, resources, and financial status, if the children's eligibility for the benefits is based on the parents' income falling below a certain threshold. DHS is further clarifying that in either case, DHS would only consider the receipt of such benefits on or after the effective date of this final rule. If such benefits were certified or approved for receipt for a period that extends to or beyond the effective date of this final rule, DHS would consider this receipt unless the alien withdrew such application or notified the relevant agencies he or she no longer wanted to receive the benefits. DHS does not dispute the positive impacts of means-tested child care, child development, and child education programs and early intervention services, but disagrees rescission of the 2022 Final Rule affects eligibility for these programs, impacts access, or requires aliens to disenroll.

Officers will have discretion to consider the relevance of participation in these programs and appropriately determine relevance in the totality of the aliens' circumstances, also taking into consideration age, whether participation in the program was isolated or whether the alien also received other means-tested public benefits, the alien's health, family status, assets, resources, and financial status, education and skills, employment and employment prospects, along with any other information relevant to the aliens' specific circumstances such as recency, duration and/or frequency of receipt. For example, officers could take into consideration relevant statistics regarding long-term outcomes for program participants and impacts on health, educational attainment, employment and employability, including among children with disabilities, to the extent relevant in a particular case. The participation in means-tested child care, child development, and child education programs is just one aspect of one consideration in the totality of the circumstances. Comments pertaining to chilling effects related to the consideration of all means-tested public

benefits are addressed in section III.F.1. of this final rule. Comments pertaining to HHS' classifications of Head Start under PRWORA are outside the scope of this rulemaking.

DHS agrees that the disenrollment of children from Head Start could lead parents to struggle to find care for their children, resulting in those parents withdrawing from the labor force or missing work. From the context of the comment, and the data provided to support their statements, the commenter was particularly concerned that alien women worried about being found inadmissible under the public charge ground may withdraw from the labor force due to the disenrollment of their children from Head Start. However, the data they provided in support of their assertion that such withdrawal would "have broader economic consequences" is not directly connected to this population. They cite three analyses based on ACS 1-year estimates to support their claims of consequences in the home health aide, early education, and agricultural sectors.²⁴⁴ However, those analyses included foreign-born women who were already U.S. citizens in their population estimates. In addition, DHS notes that the ACS data does not distinguish between those born outside the United States who are already LPRs and those aliens who may in the future seek to become LPRs and reasonably be concerned about the public charge ground of inadmissibility. Many of the female foreign-born but not U.S. citizen workers included in the ACS data are already LPRs.²⁴⁵ The analyses supporting the commenter's claims do not provide estimates of the population of female parents who may choose to disenroll their children from Head Start and consequently withdraw from the labor force in these industries. As a result, the analyses do not demonstrate that there would be an impact on the labor force in those industries or broader impacts on the economy.

²⁴⁴ Ashir Coillberg, 'Immigrant Women's Contributions to Our Economy' (May 2025), <https://nwlc.org/wp-content/uploads/2025/05/Immigrant-Workers-FS-5.9.25v1.pdf>. Karla Coleman-Castillo et al., 'Immigrants Care: How Immigrant Early Educators Hold Up the Care Economy,' (June 2025), <https://nwlc.org/wp-content/uploads/2025/06/Immigrant-CareHow-Immigrant-Early-Educators-Hold-Up-the-Care-Economy.pdf>.

²⁴⁵ DHS notes that the Pew Research Center estimates that 42.5% of aliens in the United States are LPRs, as of 2023. See Kramer, Stephanie and Passell, Jeffrey, 'What the data says about immigrants in the U.S.' (Aug. 21, 2025), <https://www.pewresearch.org/short-reads/2025/08/21/key-findings-about-us-immigrants/>.

vi. Universal Basic Income (UBI)

Comment: A commenter requested DHS clarify if UBI programs, proliferating as pilot programs across the country, received from a public or private entity are considered in the totality-of-circumstances analysis noting they serve as a primary means of support and may bear on whether an individual is likely to become a public charge.

Response: If a UBI program, also known as guaranteed basic income, is provided or funded by the government, and is means-tested, officers will be able to consider the receipt of UBI in the totality of the circumstances, if received (or applied for) on or after the effective date of this final rule, because with the removal of the 2022 Final Rule there are no exclusions. Even under the 1999 Interim Field Guidance and the 2022 Final Rule, UBI could have been considered if it qualified as cash assistance for income maintenance. Note that officers will also take into consideration all statutory factors, and all other information relevant to the alien's specific case, including whether this is the only means-tested public benefit received, recency, duration, and amount of receipt.

4. Disability Alone Is Not Sufficient

Comment: Many commenters opposed the removal of the regulation that disability alone is not sufficient to determine whether the alien is likely at any time to become a public charge. Several commenters stated that the NPRM did not provide a sufficient explanation for removing the explicit safeguard for individuals with disabilities, which DHS had deemed necessary in the 2022 Final Rule. Commenters said that removal of the 2022 Final Rule represents "a massive step backward" from the passing of the ADA²⁴⁶ and its commitment to human rights, noting the ADA requires protection and equal treatment of people with disabilities and ensures that people with disabilities are able to have full participation in American public life (including medical care and employment opportunities), equal opportunity in economic and political spheres, economic self-sufficiency, and equal opportunity to live independently. Commenters stated clear regulatory protections are needed or disability and disability-related needs will be misread as indicators of risk and will become a penalty subject to officer interpretation and implicit biases rather than neutral factors in a public charge

²⁴⁶ Public Law 101-336, 104 Stat. 327 (codified as amended at 42 U.S.C. 12101-12213).

inadmissibility determination, and that removal of such protections risks unlawful discrimination. One commenter pointed out that section 504 of the Rehabilitation Act prohibits both intentional and unintentional discrimination, and requires affirmative measures, such as reasonable accommodations and modifications that would allow the person to overcome limitations and challenges arising from their disability. Several commenters stated the importance of reminding officers of the provisions and restrictions in nondiscrimination laws and their applicability to the actions officers may take.

Commenters were concerned the rule's rescission of standards, guidance, or limitations governing public charge inadmissibility determinations would encourage immigration officers to exclude individuals with significant or visible disabilities from the United States, with one commenter stating immigrants with disabilities come to the United States to access medical care or specific technologies, and restricting entry or adjustment of status prevents them from pursuing treatment and living safer, healthier lives. Commenters stated that immigration officers lack expertise in discrimination laws and that disabled applicants would face heightened risk of discriminatory treatment based on ambiguity over how officers consider "health" and assumptions that necessary medical interventions mean an individual is unhealthy or that a disability would result in future institutionalization or benefit need.

Commenters stated the rule did not provide any guidance or policy for review and comment, so it was unclear how officers will consider a disability in an assessment, particularly given that the same diagnosis can result in a range of abilities and cannot accurately predict a person's ability to live or work in the United States, and that this will result in arbitrary and capricious decisions. They commented that having a disability does not predict a person's ability to contribute to a community, work, or live independently and should not be a deciding factor as to whether an alien would be inadmissible to the United States. One of these commenters suggested DHS engage trained medical professionals to provide input on the impact of an individual's health-related or medical condition on matters that may be of specific relevance to the likelihood that an individual will become a public charge for conditions not indicated pursuant to a medical exam by a civil surgeon or panel physician.

Response: DHS appreciates the commenter's concern but disagrees that DHS did not sufficiently explain its rescission. The ADA and section 504 of the Rehabilitation Act prohibit discrimination against individuals based on their disabilities.²⁴⁷ See 29 U.S.C. 794(a). The ADA requires, among other things, that employers provide reasonable accommodations for individuals with disabilities who need them to apply for a job, perform a job's essential functions, or enjoy equal benefits and privileges of employment, absent undue hardship (*i.e.*, significant difficulty or expense).²⁴⁸ Additionally, DHS is specifically prohibited from discriminating against individuals with disabilities and otherwise preventing them from participating in benefits programs.²⁴⁹ Congress has noted that "[d]isability is a natural part of the human experience and in no way diminishes the right of individuals to. . . contribute to society; pursue meaningful careers; and enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society." See 29 U.S.C. 701(3). DHS determined it is duplicative to restate the already binding prohibition on relying solely on an alien's disability to determine an alien is likely at any time to become a public charge.

That said, Congress expressly requires DHS to consider an alien's health when making a public charge inadmissibility determination. See INA sec. 212(a)(4)(B)(i)(II), 8 U.S.C. 1182(a)(4)(B)(i)(II). Moreover, longstanding precedent decisions are clear that an alien's disability may be relevant to assessing his or her likelihood at any time of becoming a public charge.²⁵⁰ Therefore, consistent

with these decisions and clear congressional intent, DHS considers the effects of an alien's disability as part of the health factor to the extent that such disability, in the context of the alien's individual circumstances, impacts the alien's self-sufficiency and therefore his or her likelihood of becoming a public charge in the totality of the circumstances. Simply put, it would be inconsistent with the statutory language to ignore anything related to an alien's health that impacts his or her self-sufficiency and likelihood at any time of becoming a public charge.

DHS notes that in considering an alien's disability as part of the statutorily-mandated health factor, DHS is neither singling out the alien's disability nor treating the alien differently as a result of the disability. Within the broad totality of the circumstances framework that DHS will operate under, the effects of an alien's disability potentially contributes to one factor among many required and any other relevant factors DHS will consider, where no one factor is outcome determinative. There is no presumption under the statute that having a disability in and of itself means that the alien is in poor health or is likely at any time to become a public charge. DHS will not, under this final rule, deny admission or adjustment of status to an alien solely because of a disability. As with any fact considered in a public charge inadmissibility determination, DHS will consider the effects of the alien's disability in the totality of the circumstances. DHS officers will not make their own medical diagnoses; information pertaining to the health factor will continue to be obtained from the Report of Immigration Medical Examination and Vaccination Record, Form I-693, and USCIS will continue to use the Application to Register Permanent Residence or Adjust Status, Form I-485, and information obtained during the interview, if any, to collect information about the alien's age; family status; assets, resources, and financial status; education and skills;

I&N Dec. 409, 421 (AG 1964) (finding "mental or physical disability" as relevant considerations in public charge inadmissibility determinations); *Matter of Mesa*, 12 I&N Dec. 432, 434 (BIA 1967) ("It is well settled that aliens who are likely to be, or who are, supported at the expense of the public because of poverty or some physical handicap come within the [public charge provision]."); *Matter of Gaglioti*, 14 I&N Dec. 677, 677-78 (BIA 1974) (considering disability in the context of a public charge inadmissibility determination); *Matter of T-*, 3 I&N Dec. 641, 644 (BIA 1949) ("In order to sustain the ground of exclusion urged against them, there must be substantial evidence that these aliens are likely to be supported at the expense of the public because of poverty or some physical handicap.").

and receipt of means-tested public benefits. USCIS will provide training to officers and issue guidance on all aspects of the public charge inadmissibility determination to ensure consistency in adjudication of applications for adjustment of status. Furthermore, to ensure consistency and quality control, USCIS will monitor adjudications and apply its general quality control processes. USCIS will continually assess and improve the adjudication processes, procedures, and training as needed.

Comment: Many commenters recommended withdrawing the rule and retaining the regulations established in 2022. Some of these commenters stated that the 2022 Final Rule provides the clarity and guidance families need to make informed decisions and access to needed benefits, and provides true equity, fairness, and flexibility, while this rule would resurrect discriminatory policies the current rule corrected, reinstate the previous treatment of disability as a *per se* negative factor in public charge inadmissibility determinations, or recreate the violations of section 504 of the Rehabilitation Act of the 2019 Final Rule by denying Federal benefits on the basis of disability and denying reasonable accommodation. Several commenters stated the rule facilitates use of disability as a proxy for a public charge finding, with two of those commenters stating that the NPRM expressly favored applicants without a disability by stating that a healthy individual of working age with no significant health conditions or disabilities impacting his or her ability to be self-sufficient is unlikely to be inadmissible as likely at any time to become a public charge.

Many commenters stated that programs like Medicaid, SNAP, and housing supports are not indicators of dependency but rather fill gaps created by disability-related needs, limited access to employer-sponsored insurance, and persistent barriers to employment. Commenters stated that people who are disabled use these services, including the use of Home and Community-Based Services or Long-Term Care Services and Supports that are not generally covered by most private insurance, to participate in community life and avoid institutionalization, and that the purpose of the programs is to enable individuals to earn a livelihood. One of the commenters pointed out that individuals with disabilities often rely on services that have historically never been considered in public charge determinations, such as case

²⁴⁷ Public Law 101-336 (Jul. 26, 1990), 104 Stat. 327 (codified as amended at 42 U.S.C. 12101-12213).

²⁴⁸ Public Law 101-336 (Jul. 26, 1990), 104 Stat. 327 (codified as amended at 42 U.S.C. 12101-12213).

²⁴⁹ See 6 CFR 15.30(b)(1)(i) ("The Department, in providing any aid, benefit, or service, may not directly or through contractual, licensing, or other arrangements, on the basis of disability . . . [d]eny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service . . ."); 6 CFR 15.30(b)(4) ("The Department may not, directly or through contractual or other arrangements, utilize criteria or methods of administration the purpose or effect of which would [s]ubject qualified individuals with a disability to discrimination on the basis of disability; or [d]efeate or substantially impair accomplishment of the objectives of a program or activity with respect to individuals with a disability.").

²⁵⁰ See *Matter of Harutunian*, 14 I&N Dec. 583, 588 (BIA 1974) ("the alien's physical and mental condition, as it affects ability to earn a living, is of major significance."); *Matter of Martinez-Lopez*, 10

management services, reasonable accommodations, and day programs, but could now be treated as negative factors. Commenters pointed out that emphasizing factors closely tied to disability allows disability-related characteristics to be counted repeatedly as adverse factors and effectively penalize disability itself. One commenter stated that individuals with weakened immune systems, such as people with leukemia, HIV/AIDS, and those living with organ transplants would be similarly negatively affected.

Response: DHS has determined that it is duplicative to restate the already binding prohibition on relying solely on an alien's disability to determine that the alien is likely at any time to become a public charge, and disagrees that not providing a replacement regulation would reinstate treatment of disability as a per se negative factor or recreate violations of the Rehabilitation Act that resulted from the 2019 Final Rule. During the time that the 2019 Final Rule was in effect, of the 47,555 applications for adjustment of status to which the rule was applied, DHS issued only three denials (which were subsequently reopened and approved) and two Notices of Intent to Deny (which were ultimately rescinded, after which the applications were approved) based on the totality of the circumstances of a public charge inadmissibility determination under section 212(a)(4)(A) and (B) of the INA, 8 U.S.C. 1182(a)(4)(A) and (B). The lack of final denials based on the 2019 Final Rule does not reflect biases against aliens with a disability or violations of the Rehabilitation Act that form the basis for the commenters' concern. DHS again maintains that it is already precluded from treating an alien's disability alone as outcome determinative²⁵¹ and to include this in a regulation would be duplicative.

DHS in no way stated or suggested that aliens diagnosed with a disability or chronic illness do not contribute to American society in the NPRM. Further, DHS did not propose to find aliens diagnosed with a disability or chronic illness inadmissible under the public charge ground solely due to their diagnosis. DHS is required by statute to consider the alien's health, and, like all of the mandatory factors and any other factor DHS considers, it is considered in the totality of the alien's circumstances. For example, an alien may have been diagnosed with a health condition that does not impact the alien's ability to work or secure employment or constitute a drain on the alien's

financial resources, and therefore such health condition would not make the alien likely to become a public charge. Similarly, an alien may have been diagnosed with a health condition that if unmanaged would affect the alien's ability to work, but if successfully managed would not impact the alien's ability to work or find employment or constitute a drain on the alien's financial resources. In those cases, DHS would consider whether the alien has or is likely to obtain private health insurance or any other means to pay for medical treatment. Finally, even if an alien has a health condition that precludes employment, if the alien has the financial means to pay for medical treatment and is able to be self-sufficient without working, then the alien may not be likely at any time to become a public charge.

In neither the NPRM nor this final rule is DHS designating any factors to be more heavily weighted than others in a public charge inadmissibility determination. Rather, DHS officers will consider the mandatory statutory factors in section 212(a)(4)(B) of the INA, 8 U.S.C. 1182(a)(4)(B), all individualized case-specific factors and circumstances relevant to an alien's case, and any empirical data relevant to an alien's self-sufficiency in the totality of the circumstances. This individualized approach will allow officers to make public charge inadmissibility determinations that are consistent with the statute and congressional intent and comply with past precedent. DHS will not retain the public charge inadmissibility regulations promulgated in the 2022 Final Rule. DHS believes that removing those regulations provides DHS greater flexibility to adapt to changing circumstances, such as Federal and State changes to aliens' eligibility for means-tested public benefits as well as changes to the value of those benefits, as occurred with the enactment of H.R. 1.²⁵² DHS's assertion that a healthy individual of working age with no significant health conditions or disabilities impacting his or her ability to be self-sufficient is unlikely to be inadmissible as likely at any time to become a public charge is a statement derived from past precedent as an example of an individual who, in the totality of the circumstances, is likely to not be inadmissible under the public charge ground.²⁵³ However, it does not

automatically disfavor those applicants whose case displays some factors that would weigh negatively in an inadmissibility determination. Past precedent has consistently maintained a totality of the circumstances approach when making a public charge inadmissibility determination.²⁵⁴ This rule will restore an inadmissibility determination process that trusts in and relies on DHS officers' good judgment and sound discretion as envisioned by Congress.

Comment: One commenter was similarly concerned about a health condition affecting an alien's admissibility in more than one way and stated that Class A or B tuberculosis is already addressed under a separate ground of inadmissibility, so allowing disability to influence public charge inadmissibility determinations without guidance risks duplicating existing health-based factors and confusing the purpose of the public charge determination.

Response: DHS notes that Congress explicitly listed health-related grounds of inadmissibility and health as a factor to consider in a public charge inadmissibility determination within section 212(a) of the INA, 8 U.S.C. 1182(a), as separate inadmissibility grounds. If DHS excluded a health condition listed in the health-related grounds of inadmissibility from a public charge inadmissibility determination, DHS would not be faithfully executing the statute at section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4). The statute does not narrow the definition of health,

advanced age, or other fact showing that the burden of supporting the alien is likely to be cast on the public, must be present. *A healthy person in the prime of life cannot ordinarily be considered likely to become a public charge, especially where he has friends or relatives in the United States who have indicated their ability and willingness to come to his assistance in case of emergency.*" (emphasis added).

²⁵⁴ See *Matter of Vindman*, 16 I&N Dec. 131, 132 (BIA 1977) ("The elements constituting likelihood of an alien becoming a public charge are varied. They are not defined by statute, but rather are determined administratively upon consideration of all the factors bearing on the alien's ability or potential ability to be self-supporting.") (emphasis added); *Matter of Harutunian*, 14 I&N Dec. 583, 588 (BIA 1974) ("Since the elements constituting likelihood of becoming a public charge are varied, there should be no attempt to define the term in the law, but rather to establish the specific qualification that the determination of whether an alien falls into that category rests within the discretion of the consular officers or the Commissioner."); *Matter of Perez*, 15 I&N Dec. 136, 137 (BIA 1974) ("The determination of whether an alien is likely to become a public charge . . . is a prediction based upon the totality of the alien's circumstances at the time he or she applies for an immigrant visa or admission to the United States. The fact that an alien has been on welfare does not, by itself, establish that he or she is likely to become a public charge.").

²⁵² Public Law 119–21, 139 Stat. 72.

²⁵³ See *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421–423 (BIA 1962; Att'y Gen. 1962) (A public charge inadmissibility determination "requires more than a showing of a possibility that the alien will require public support. Some specific circumstance, such as mental or physical disability,

²⁵¹ See 29 U.S.C. 794(a).

so exclusion of any Class A or B condition would ignore the potential impact of such a condition on the totality of the alien's circumstances, such as his or her ability to work and/or his or her past, present, or potential future use of means-tested public benefits.

5. Totality of the Circumstances

Comment: Several commenters disagreed with removing the totality of circumstances provision in 8 CFR 212.22(b) and opined that DHS should retain a provision requiring a totality of the circumstances analysis. One commenter disagreed with DHS's argument that 8 CFR 212.22(b) is unnecessary because past precedent decisions require the totality of circumstances analysis. Another commenter suggested that any totality framework is flawed because some circumstances (e.g., giving birth to a child with a disability or an adult becoming disabled) cannot be predicted.

Response: DHS clarifies the public charge inadmissibility determination established by this rulemaking is specifically designed to consider all relevant information bearing on an alien's likelihood at any time of becoming a public charge in the totality of the circumstances. This includes not only the statutory minimum factors and the alien's receipt of means-tested public benefits, but also any other individual factor or circumstances the officer determines relevant to assessing the alien's likelihood at any time of becoming a public charge. If the alien presents evidence of changed circumstances that bear on their likelihood at any time of becoming a public charge, DHS will consider those changed circumstances in the totality of the circumstances.

Comment: Although one commenter agreed with DHS's emphasis on retaining a totality of the circumstances framework, the commenter strongly recommended DHS expressly authorize officers to consider all relevant information when determining whether an alien is likely at any time to become a public charge in regulatory text to strengthen legal defensibility, improve program integrity, ensure uniformity, and satisfy core administrative law principles. The same commenter said DHS should explicitly state in a regulation that an alien would be found inadmissible if the negative factors outweighed the positive but would not be found inadmissible if the positive factors outweighed the negative factors. This commenter also recommended retaining 8 CFR 212.22(b) with clarifications to guard against arbitrary

or inconsistent adjudications. A different commenter recommended retaining 8 CFR 212.22 while adding additional factors DHS wants officers to consider, such as "the alien's household size, alien's income, assets, and liabilities, alien's education level and any skills, and whether the alien has or is receiving means-tested public benefits." Another commenter, citing their own research for support, said the alien's education and income level should be the most heavily-weighted factors in the totality of circumstances because they are the most predictive of an alien's likelihood at any time to become a public charge.

One commenter remarked that totality of the circumstances determinations that are not guided by regulatory language will be unpredictable and may lead to bias or misconceptions. A different commenter expressed concern with eliminating the enumerated factors in the 2022 Final Rule, noting that, historically, the factors considered and the weight given would vary depending on the officer who adjudicated the application or the court to which the alien's application is appealed.

Response: DHS disagrees that it needs to retain and supplement regulatory language expressly authorizing DHS officers to consider all relevant information in the alien's record when making public charge inadmissibility determinations, as DHS officers are already required to do this by the statute and binding precedent that have guided these decisions for decades.²⁵⁵ To

²⁵⁵ See, e.g., *Matter of Harutunian*, 14 I&N Dec. 583, 588 (Reg'l Cmm'r 1974) ("[T]he determination of whether an alien falls into that category [as likely to become a public charge] rests within the discretion of the consular officers or the Commissioner . . . Congress inserted the words 'in the opinion of' (the consul or the Attorney General) with the manifest intention of putting borderline adverse determinations beyond the reach of judicial review." (citation omitted)); *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421–22 (Att'y Gen. 1962) (in determining whether a person is likely to become a public charge, factors to consider include age, health, and physical condition, physical or mental defects which might affect earning capacity, vocation, past record of employment, current employment, offer of employment, number of dependents, existing conditions in the United States, sufficient funds or assurances of support by relatives or friends in the United States, bond or undertaking, or any specific circumstances reasonably tending to show that the burden of supporting he alien is likely to be case on the public.); see also *Matter of A-*, 19 I&N Dec. 867, 869 (Comm'r 1988) (applying "[t]he traditional test . . . to determine whether an alien is likely to become a public charge . . . based on the totality of the alien's circumstances' as presented in the individual case." (citations omitted)); *Matter of Perez*, 15 I&N Dec. 136, 137 (BIA 1974) ("the statute . . . requires more than a showing of a possibility that the alien will require public support. Some specific circumstance, such as mental or physical disability, advanced age, or

ensure officers make subjective and discretionary determinations as mandated by statute and binding precedent decisions, DHS removed the unduly narrow 2022 Final Rule and will make public charge inadmissibility determinations as Congress intended, where an officer may, in his or her discretion, determine what factors other than the statutory minimum factors and receipt of means-tested public benefits are relevant to any individual case.

DHS determined that listing specific, exhaustive factors—including education and income level—would create another rigid framework, which DHS has already determined is problematic and restricts the broad public charge inadmissibility determination Congress intended when it enacted section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4). Instead, under this final rule, DHS officers will consider the five statutory factors and any other fact or circumstance the officer determines is relevant to assessing an individual alien's likelihood at any time of becoming a public charge, including the alien's applications for, approval or certifications to receive, and receipt of means-tested public benefits in the totality of the circumstances, though the relevant factors in any alien's individual case may vary.²⁵⁶ As discussed throughout this preamble, USCIS will issue policy and interpretive tools applicable to USCIS' adjustment of status adjudications, which will guide officers in making public charge inadmissibility determinations consistent with the law and based on a consideration of all relevant evidence and information.

Comment: A commenter expressed disagreement with DHS' assertions in the NPRM that DHS officers could not consider all relevant factors under the 2022 Final Rule.

Response: As noted in the NPRM and in this final rule, unlike the 2019 Final

other fact reasonably tending to show that the burden of supporting the alien is likely to be cast on the public, must be present." (emphasis added).

²⁵⁶ See, e.g., *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421–22 (Att'y Gen. 1962) (in determining whether a person is likely to become a public charge, factors to consider include age, health, and physical condition, physical or mental defects which might affect earning capacity, vocation, past record of employment, current employment, offer of employment, number of dependents, existing conditions in the United States, sufficient funds or assurances of support by relatives or friends in the United States, bond or undertaking, or any specific circumstances reasonably tending to show that the burden of supporting he alien is likely to be case on the public.); see also *Matter of A-*, 19 I&N Dec. 867, 869 (Comm'r 1988) (applying "[t]he traditional test . . . to determine whether an alien is likely to become a public charge . . . based on the totality of the alien's circumstances' as presented in the individual case." (citations omitted)).

Rule, which included an express provision permitting officers to consider any relevant factor beyond the enumerated factors, the 2022 Final Rule did not include such a provision. 90 FR 52168, 52180–81 (Nov. 19, 2025). This resulted in a framework where officers were restricted from considering all relevant factors in the totality of the circumstances as Congress intended. Therefore, to ensure officers retain statutorily-mandated discretion to determine, in their opinion, whether an alien is likely at any time to become a public charge, DHS rescinded the 2022 Final Rule and will make public charge inadmissibility determinations aligned with statute, precedent decisions, and any subregulatory guidance. But in any event, even if this commenter were correct, it would not provide any basis for taking different action.

6. Written Denial Requirement

Comment: Multiple commenters opposed the removal of 8 CFR 212.22(c), with some expressing the view that without the provision officers may consider improper factors in public charge assessments or the factors considered would not be transparent to the applicant. A commenter stated that it is never redundant to remind officers to ensure that applicants receive due process under the law and a basic principle of due process is to provide notice; another agreed, writing that the rule would eviscerate an alien's procedural due process rights in applications involving public charge determinations and that aliens would be expected to understand not only the provisions of the INA but how Federal laws interact with the INA. A commenter recommended that DHS require a written, factor-by-factor template to explain which evidence was considered to support procedural fairness and consistency.

Response: DHS disagrees that the removal of 8 CFR 212.22(c) would eviscerate due process rights, lead officers to consider improper factors, or decrease transparency. Regulations require USCIS officers to “explain in writing the specific reasons for denial.” See 8 CFR 103.3(a)(1)(i). This requirement applies to all applications, petitions, and requests adjudicated by USCIS, including adjustment of status denials based on inadmissibility under the public charge ground. *Id.* Because existing regulations and policy already require USCIS officers to specify, in writing, the basis for the denial,²⁵⁷ DHS

does not believe a separate provision requiring denials to include a discussion of the factors considered in a public charge inadmissibility determination is necessary. DHS will continue to issue written denials consistent with 8 CFR 103.3(a)(1)(i), which complies with notice and due process requirements for aliens. As to the suggestion that DHS require a written, factor-by-factor template, DHS notes that the 8 CFR 103.3(a)(1)(i) requirements, as well as guidance USCIS will issue in the USCIS Policy Manual, will provide officers with appropriate policy and interpretive tools to guide them in making individualized, fact-specific public charge inadmissibility determinations, based on a totality of the alien's circumstances, consistent with statute, congressional intent, and binding precedent.²⁵⁸

7. Receipt of Public Benefits While an Alien is in an Immigration Category Exempt From the Public Charge Ground of Inadmissibility, or of Benefits Available to Refugees

Comment: Commenters opposed rescission of 8 CFR 212.22(d), stating that it would discourage individuals from seeking benefits for which they are legally eligible and punish individuals for using such benefits. Others stated that benefits for humanitarian programs are generally time-limited and not designed for long-term use, noting that benefits for a T-visa applicant frequently do not cover the T-visa determination waiting period, which was on average 25.5 months in December 2025. One commenter stated that protections for individuals receiving benefits in an exempt category should remain in regulation to ensure affected individuals have an opportunity to review and comment on proposed changes to a regulatory provision they substantially relied on is taken away.

Response: DHS appreciates the concerns for individuals using benefits based on classification in a

Procedures, Chapter 11, Decision Procedures, <https://www.uscis.gov/policy-manual/volume-7-part-a-chapter-11> (last updated Feb. 3, 2026).

²⁵⁸ See *Matter of Vindman*, 16 I&N Dec. 131, 132 (BIA 1977) (“The elements constituting likelihood of an alien becoming a public charge are varied. They are not defined by statute, but rather are determined administratively upon consideration of all the factors bearing on the alien's ability or potential ability to be self-supporting.”) (emphasis added); *Matter of Harutunian*, 14 I&N Dec. 583, 588 (BIA 1974) (“Since the elements constituting likelihood of becoming a public charge are varied, there should be no attempt to define the term in the law, but rather to establish the specific qualification that the determination of whether an alien falls into that category rests within the discretion of the consular officers or the Commissioner.”).

humanitarian program. DHS disagrees, however, that the removal of the 2022 regulations will undermine humanitarian programs. DHS notes that individuals in a status under such programs, such as asylees, crime victims, victims of domestic violence, and T nonimmigrants, are generally exempted by statute from the public charge ground of inadmissibility.²⁵⁹ Congress, not DHS, has the authority to specify which aliens are exempt from the public charge ground of inadmissibility and DHS does not believe it is necessary to include a regulation to repeat any exemptions set in the statute by Congress. In fact, while Congress created many humanitarian-based immigration benefits that permit aliens to come to and remain in the United States throughout the INA,²⁶⁰ Congress also exempted aliens who are applying for many of these humanitarian benefits from the public charge ground of inadmissibility.²⁶¹ Therefore, DHS rejects the idea that modifying how officers make public charge inadmissibility determinations will impact, much less undermine, these humanitarian programs.

Moreover, DHS notes that Congress did not exempt aliens who had previously been in a category that is exempt from the public charge ground of inadmissibility from the ground if they subsequently applied for a benefit that is subject to the public charge ground of inadmissibility. Furthermore, Congress did not prohibit DHS from considering benefits received while in an exempt category when making a public charge inadmissibility determination. Therefore, as noted previously throughout this final rule, if an alien who received means-tested public benefits while in a category that is exempt from the public charge ground

²⁵⁹ However, DHS notes that T nonimmigrants are not excluded from public charge inadmissibility when applying for employment-based adjustment of status. See INA sec. 212(a)(4)(E), 8 U.S.C. 1182(a)(4)(E).

²⁶⁰ See, e.g., INA sec. 245(h), 8 U.S.C. 1255(h) (adjustment of status for special immigrant juveniles); INA sec. 207, 8 U.S.C. 1157 (refugee admission); INA sec. 208, 8 U.S.C. 1158 (asylum provisions); INA sec. 244, 8 U.S.C. 1254a (TPS provisions).

²⁶¹ See, e.g., INA sec. 212(a)(4)(A), 8 U.S.C. 1182(a)(4)(A) (applying the ground only to aliens who are applicants for visas, admission, or adjustment of status; INA sec. 245(h)(2), 8 U.S.C. 1255(h)(2) (exempting special immigrant juveniles applying for adjustment of status from the public charge inadmissibility ground); INA sec. 209(c), 8 U.S.C. 1159(c) (exempting refugees and asylees adjusting status from the public charge inadmissibility ground); INA sec. 244(c)(2)(A)(ii), 8 U.S.C. 1254a(c)(2)(A)(ii) (exempting aliens applying for or reregistering for TPS, who must demonstrate they are admissible as immigrants, from the public charge ground of inadmissibility).

²⁵⁷ See 8 CFR 103.3(a)(1)(i). See also USCIS Policy Manual, Volume 7, Adjustment of Status, Part A, Adjustment of Status Policies and

of inadmissibility applies for admission or adjustment of status in a category that is not exempt from the ground, DHS will consider the receipt of those benefits as outlined in this rule. That receipt, however, is not outcome determinative. Moreover, in considering the alien's receipt of means-tested public benefits, DHS will also consider the type of benefit received, the circumstances under which the alien received those benefits, the duration and amount of receipt, as well as the statutory factors and any other factor the officer determines, in his or her discretion, is relevant to assessing the alien's likelihood of at any time becoming a public charge.

Comment: One commenter stated that rescinding 8 CFR 212.22(d) increases the likelihood of confusion and misapplication of the law among similarly situated applicants and survivors whose immigration histories include multiple status changes.

Response: DHS disagrees that rescinding the previous regulations will result in confusion and misapplication of the law. This rule is changing which benefits may be considered in a public charge inadmissibility determination, but it is not changing officers' responsibility to adjudicate benefit applications for aliens with complex immigration histories. On or before the effective date of this final rule, USCIS will provide training and issue subregulatory guidance to inform, but not prescribe, the outcome of USCIS officers' public charge inadmissibility determinations made under this final rule to ensure consistency in adjudications.

Comment: Commenters stated that the removal directly contradicts congressional intent because Congress has authorized the use of public benefits for individuals who are in specific humanitarian categories. Commenters also stated that considering receipt of public benefits while an alien is in an exempt category undermines the statutory exemption that was established by Congress in the Trafficking Victims Protection Act of 2000 (TVPA). Several commenters specifically pointed out that trafficking is rooted in financial exploitation and access to public benefits creates a stopgap for survivors to seek economic stability and be able to assist law enforcement; removing the regulatory protection for these survivors would devastate anti-trafficking efforts. One commenter stated that instituting a penalty for individuals who qualify for humanitarian statuses and corresponding benefits without congressional authority would be

arbitrary and capricious and impose an agency directive that exceeds its authority under Federal law.

Response: DHS disagrees that this rule contradicts congressional intent or is arbitrary and capricious. DHS does not believe that limiting the types of benefits and the time frame of receipt of such benefits in determining an alien's likelihood of becoming a public charge, as was done in the 2019 Final Rule, or a bright line primary dependence on the government for subsistence standard, as was done in the 2022 Final Rule, is the best implementation of the public charge inadmissibility statute given Congress's clear statement in PRWORA that aliens should be self-sufficient and not depend on public resources.²⁶² The rule does not change the PRWORA exceptions for "qualified aliens" to meet the needs of vulnerable populations, and therefore does not prevent such aliens from accessing public benefits for which they are legally eligible.²⁶³ This change would not affect those categories of aliens who are exempt from the public charge ground of inadmissibility and who then pursue adjustment of status in an exempt category using the humanitarian path set out by Congress. For example, if an alien is granted T-nonimmigrant status and subsequently adjusts his or her status under section 254(l) of the INA, 8 U.S.C. 1255(l), he or she would not be subject to a public charge inadmissibility determination and, thus, any public benefit use congressionally authorized on the basis of such status would not affect his or her ability to adjust status. DHS is not introducing any penalty for aliens who qualify for humanitarian statuses and who then pursue adjustment of status using the humanitarian path set out by Congress.

As noted above, while DHS will not exclude from consideration an alien's receipt of means-tested public benefits received while the alien was in an exempt category when making a public charge inadmissibility determination, DHS will consider the type of benefit received, the circumstances under which the alien received those benefits, and the duration and amount of receipt in the totality of the circumstances.

Comment: Several commenters stated that rescinding 8 CFR 212.22(d) would lock people into longer or more challenging adjustment pathways because they would need to remain in a status exempt from public charge inadmissibility to be approved.

Response: DHS acknowledges that aliens who are in categories exempt

from the public charge ground of inadmissibility and then choose to pursue adjustment of status in a non-exempt category become subject to a public charge inadmissibility determination. Congress did not specifically exempt aliens who previously held an exempt classification from section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), at the time of adjustment. Therefore, if these aliens seek adjustment of status in a category that is not exempt from public charge ground inadmissibility, it is reasonable and aligned with the statute for DHS to consider any current and/or past receipt of means-tested public benefits by these aliens in the totality of the circumstances. As noted throughout this rule, in considering any receipt of means-tested benefits, DHS will consider the type of benefit received and the circumstances under which the alien received those benefits, as well as the recency, the duration, and amount of receipt in the totality of the circumstances. However, as noted throughout this preamble, DHS will not consider the receipt of previously excluded means-tested public benefits if such benefits were received before the effective date of this final rule.

Comment: One commenter supported rescinding 8 CFR 212.22(d), stating that nothing in the INA suggests that Congress intended prior receipt of public benefits—a highly probative factor—to become irrelevant because it occurred when the alien was in a category exempt from public charge inadmissibility, finding the regulation undermines the weight of past, present, and forward looking, predictive purpose of the public charge inadmissibility ground and removes probative evidence Congress intended officers to weigh when assessing an alien's ability maintain self-sufficiency.

Response: DHS appreciates this comment and agrees that the consideration of all relevant factors, including the receipt of means-tested public benefits, is important when determining if an alien is likely at any time to become a public charge. Congress clearly signaled that public charge inadmissibility determinations must be subjective, individualized, and case-specific based on consideration of all relevant factors rather than an enumerated, finite set of factors.

M. Elimination of List of Exemptions and Waivers (8 CFR 212.23)

1. General Opposition To Removal

Comment: Commenters opposed both the removal of 8 CFR 212.23 and DHS's stated reasons for removing the

²⁶² 8 U.S.C. 1601.

²⁶³ See 8 U.S.C. 1612(b).

provision, stating it reduces clarity. Another commenter encouraged DHS to maintain 8 CFR 212.23 to avoid suggesting that groups are no longer exempt or that statutory protections no longer apply. One commenter recommended that DHS issue detailed, public-facing guidance addressing applicable exemptions for survivors of domestic violence, sexual assault, human trafficking, and stalking, including clear explanations of applicable statutory exemptions and exclusions. The commenter stated that providers assisting these populations rely on the Code of Federal Regulations as a stable, authoritative reference when advising survivors under time-sensitive and high-risk conditions and further added that policy manuals do not carry the same legal weight as regulations and make it difficult for advocates to provide clear guidance.

Response: DHS disagrees that rescinding 8 CFR 212.23 reduces clarity. This rule changes which public benefits are considered in a public charge inadmissibility determination, not which aliens are exempt from the public charge ground of inadmissibility. While DHS acknowledges publishing a list of exemptions and waivers may be useful for the public and officers, DHS is removing the list from regulation because it is redundant. First, DHS already publishes the same exemptions and waivers in the USCIS Policy Manual²⁶⁴ which is easily updated to reflect any statutory changes Congress may make while regulatory text is more burdensome to update. Second, DHS publishes the list within USCIS' Form I-485 (Part 9, Item Number 56, in the current version). The USCIS Policy Manual and Form I-485 are accessible to officers and the general public through the USCIS website and provide the information regarding the statutory exemptions in the same clear and comprehensive manner as the regulation USCIS is removing. For example, the Form I-485, sets out the list in a manner specifically designed to help aliens understand if the public charge ground of inadmissibility applies to them as they complete the form. As a result, DHS believes there is no need to

continue to include the same list in its regulations.

2. General Support for Removal

Comment: One commenter stated that 8 CFR 212.23 is at odds with the statute and it relies on regulation that is contrary or at odds with statutory authority. The commenter states that a regulation cannot overcome a statute, which illustrates the illegality of the 2022 Final Rule and is a strong reason to adopt the NPRM.

Response: Although DHS appreciates the commenter's support for removal of 8 CFR 212.23, DHS disagrees with the commenter's other assertions. The first two paragraphs of 8 CFR 212.23 enumerate the categories of aliens to whom the public charge ground of inadmissibility does not apply under the INA or other laws. For example, Congress established in section 209(c) of the INA, 8 U.S.C. 1159(c), that the public charge ground of inadmissibility does not apply to refugees or asylees seeking adjustment of status under that section of law. Similarly, Congress exempted aliens applying for adjustment of status under the Cuban Adjustment Act.²⁶⁵ The third paragraph of the section outlines the existing waivers of the public charge ground of inadmissibility.

DHS, and former INS, included a similar list of exemptions and waivers in the 1999 Interim Field Guidance, 1999 NPRM, and 2019 Final Rule. As discussed in other comment responses, DHS is removing this language not because it the inclusion is unlawful, as asserted by the commenter, but because the regulatory text is redundant to several other publicly available sources, such as the United States Code, the USCIS Policy Manual,²⁶⁶ and Form I-485 (Part 9, Item Number 56, in the current edition). As a result, DHS believes there is no need to continue to include the same list in its regulations.

3. Certain Cubans and Haitians

Comment: A commenter suggested that exemptions for both Cubans and Haitians should be maintained. Others stated that applicants adjusting status pursuant to the Cuban Adjustment Act

of 1966, are not subject to the public charge ground of inadmissibility and because the exemption is statutory, not discretionary, it must be preserved in any regulation or guidance concerning the public charge ground. A few commenters stated the rule would unfairly punish Cubans who arrived in vulnerable situations.

Response: Although DHS is removing the regulation listing exemptions, the statutory exemptions created by Congress for certain Cuban²⁶⁷ and Haitian²⁶⁸ applicants for adjustment of status continue to exist.²⁶⁹ DHS is not required to list these statutory exemptions in its regulations. USCIS will provide training and guidance to its officers, including information about which aliens are statutorily exempt from the public charge ground of inadmissibility, in the context of adjustment applications.

4. Commonwealth of the Northern Mariana Islands (CNMI)

Comment: Commenters suggested DHS terminate all CNMI-specific exemptions related to public charge inadmissibility, immigration, and benefits-eligibility rules stating that the CNMI is a hub of immigration fraud undermining public charge enforcement.

Response: While no such exemptions exist, DHS appreciates the commenters' suggestion to terminate all CNMI-specific exemptions. Congress did not create an exemption to the public charge ground of inadmissibility for citizens of the CNMI, and DHS cannot create an exemption by regulation.

N. Comments Unrelated to Specific Regulatory Sections

1. General Comments

Comment: One commenter stated that the rule places too much reliance on arbitrary decision-making processes, data, and tools, and only serves to harm immigrants. Similarly, many commenters pointed out that data DHS plans to collect from other agencies as part of the public charge inadmissibility determination may be inaccurate or out of date and may result in erroneous public charge decisions.

Response: DHS disagrees that the rule relies on arbitrary decision-making,

²⁶⁴ USCIS publishes the list of exemptions in Volume 8, Part G, Chapter 3, Section C of the Policy Manual, <https://www.uscis.gov/policy-manual/volume-8-part-g-chapter-3#:~:text=informant%5B38%5D-.C.%20Exemptions,-The%20public%20charge> (last updated Feb. 3, 2026). Information about waivers is published in Volume 8, Part G, Chapter 8, Waivers of Inadmissibility Based on Public Charge Ground, <https://www.uscis.gov/policy-manual/volume-8-part-g-chapter-8> (last updated Feb. 3, 2026).

²⁶⁵ Public Law 89-732 (Nov. 2, 1966), as amended.

²⁶⁶ USCIS publishes the list of exemptions in Volume 8, Part G, Chapter 3, Section C of the Policy Manual, <https://www.uscis.gov/policy-manual/volume-8-part-g-chapter-3#:~:text=informant%5B38%5D-.C.%20Exemptions,-The%20public%20charge> (last updated Feb. 3, 2026). Information about waivers is published in Volume 8, Part G, Chapter 8, Waivers of Inadmissibility Based on Public Charge Ground, <https://www.uscis.gov/policy-manual/volume-8-part-g-chapter-8> (last updated Feb. 3, 2026).

²⁶⁷ See Cuban Adjustment Act, *Public Law 89-732 (PDF)* (November 2, 1966), as amended.

²⁶⁸ See section 902 of the Haitian Refugee Immigration Fairness Act of 1998, *Public Law 105-277 (PDF)*, 112 Stat. 2681, 2681-538 (October 21, 1998), as amended.

²⁶⁹ See section 202 of the Immigration Reform and Control Act of 1986 (IRCA), *Public Law 99-603 (PDF)*, 100 Stat. 3359, 3404 (November 6, 1986), as amended.

data, or tools, or that it serves to harm immigrants. The rule removes the public charge inadmissibility provisions promulgated in the 2022 Final Rule, 87 FR 55472 (Sept. 9, 2022), and allows officers to make public charge inadmissibility determinations consistent with Congress's express national policy on welfare and immigration enacted in PRWORA, decades of precedent decisions, and past agency practice, while considering all factors relevant to an alien's likelihood at any time of becoming a public charge, as Congress intended.

DHS disagrees that data sharing will result in additional errors in public charge inadmissibility determinations. In addition to the information collected on the revised Form I-485, the integration of immigration records with records from Federal benefit-granting agencies will inform a more flexible and adaptive policy, allowing public charge inadmissibility determinations that fully consider an alien's past²⁷⁰ or current use of means-tested public benefits, as well as allowing a more informed prediction of the likelihood of an alien becoming a public charge in the future.

Comment: One commenter stated that public charge was never designed to prevent immigration of low- and moderate-income families eligible for broader public programs that support their ability to continue working and contribute to economic growth and requested DHS consider overall circumstances, not just receipt of public benefits.

Response: DHS strongly disagrees that the public charge ground of inadmissibility was never designed to prevent immigration of aliens who would be eligible for public benefits. As discussed in depth in the NPRM, the United States has denied admission to aliens based on public charge grounds since at least 1882.²⁷¹

²⁷⁰ DHS will not consider the receipt of previously excluded means-tested public benefits if such benefits were received before the effective date of this final rule. However, if the alien continues to receive these benefits on or after the effective date of this final rule, DHS will consider that receipt in the totality of the circumstances.

²⁷¹ See Immigration Act of 1882, ch. 376, secs. 1–2, 22 Stat. 214, 214. Section 11 of the Act also provided that an alien who became a public charge within 1 year of arrival in the United States from causes that existed prior to their landing was deemed to be in violation of law and was to be returned at the expense of the person or persons, vessel, transportation, company, or corporation who brought the alien into the United States. See also Immigration Act of 1891, ch. 551, 26 Stat. 1084, 1084; Immigration Act of 1907, ch. 1134, 34 Stat. 898, 899; Immigration Act of 1917, ch. 29, sec. 3, 39 Stat. 874, 876; INA of 1952, ch. 477, sec. 212(a)(15), 66 Stat. 163, 183; Illegal Immigration Reform and Immigrant Responsibility Act, Public Law 104–208, sec. 531(a), 110 Stat. 3009–546,

DHS agrees it should consider the alien's overall circumstances. Congress has specified that officers must, at a minimum, consider certain factors when making a public charge inadmissibility determination, including the alien's age; health; family status; assets, resources, and financial status; and education and skills. Additionally, DHS may consider any Form I-864 submitted on behalf of the alien. DHS will consider all relevant, case-specific information to make public charge inadmissibility determinations in the totality of the circumstances.

Comment: A commenter opposed the rule, stating that frequent regulatory changes contribute to confusion, undermine trust, and promote avoidance behavior. Another commenter stated that implementation of the rule creates new challenges and imposes burdens on State and local agencies that administer public benefit programs, so DHS should delay implementation, or not implement the rule.

Response: DHS acknowledges potential for confusion regarding the rule's scope and effect, possible chilling effects, and increased burdens on State and local agencies. DHS also acknowledges the confusion that may result from another rule relating to the public charge ground of inadmissibility, following two rules published in 2019 and 2022.

DHS will provide interpretive and policy tools to guide public charge inadmissibility determinations, balancing the need to conform implementation of the public charge ground of inadmissibility with the clear congressional intent that aliens be self-sufficient and that the availability of public benefits not create an incentive for immigration, fortify officer discretion, and support accuracy, consistency, and reliability in individual determinations.

As discussed in other responses, DHS declines to delay implementation of this rule. Per the “Dates” section of this final rule, this rule becomes effective 60 days after publication and applies to aliens applying for admission or adjustment of status on or after that date. For further discussion of impacts on States and localities, please see III.O Statutory and Regulatory Requirements, where DHS responds to comments on this topic.

Comment: One commenter stated that credit history, including credit reports and credit scores, should not be considered in public charge

3009–674–75 (1996); Violence Against Women Reauthorization Act of 2013, Public Law 113–4, 127 Stat. 54.

inadmissibility determinations because of their limited utility and questionable accuracy.

Response: Consistent with the statute and past precedent decisions, DHS considers the mandatory statutory factors, as well as all relevant evidence and information specific to the alien and relevant to determining an alien's likelihood of becoming a public charge. USCIS will provide training to officers and issue guidance for adjudication of adjustment of status applications. Due to the case-by-case and individualized determinations required to apply the public charge ground of inadmissibility, DHS will not indicate specific pieces of required evidence but instead rely on officers' discretion to determine which evidence is required to reach a final inadmissibility determination.

2. Comments on the Development of Future Public Charge Inadmissibility Policy Interpretive Tool

Comment: Many commenters opposed the potential use of an interpretive tool for public charge inadmissibility determinations, with one stating it is against statutory intent to outsource adjudications to computerized data systems and that information provided by a computerized tool cannot supersede information provided by applicants or supplant the role of an adjudicator to conduct a determination based on the totality of the circumstances. Another said that a new interpretive tool could result in standards with no basis in law and would change immigration policy in a manner requiring congressional action.

Similarly, commenters stated that if DHS used an automated decision-support tool, the public would be unable to access the logic behind findings, identify data and biases in computer generative tools, or hold DHS accountable without knowing what data is being input and how the tool works.

Response: DHS did not indicate in the NPRM it had, and in fact it has not, developed any computerized or automated decision-support tool for public charge inadmissibility determinations. DHS generally disagrees that the integration of technology with data analysis to assist officers in considering mandatory statutory factors and other relevant information in the totality of the circumstances would be against statutory intent or change immigration policy in a way that is contrary to law. Rather, DHS indicated it will formulate appropriate policy and interpretive tools, which at present include reference materials or operational guidance, to help officers use their sound judgment as they

faithfully apply the public charge ground of inadmissibility as envisioned by Congress. DHS has no intention of “outsourcing the adjudication process” and will continue to depend on officers to make adjudicative decisions.

3. Privacy and Personal Data Concerns

Comment: Many commenters stated that DHS’s efforts to collect data from other agencies to assist in making public charge inadmissibility determinations violate privacy laws, specifically that DHS has not explained how it will comply with the Privacy Act of 1974, and break promises of the government that a participant’s information will only be used to determine eligibility for the program and not have immigration consequences. One commenter also stated that data sharing risks revealing information regarding the receipt of programs that are not relevant or regarding family members who are not seeking an immigration benefit and for parties who have not consented to disclosure.

Many commenters were also concerned about data security and identity theft related to DHS’s uses of personal information collected from other agencies like the Social Security Administration (SSA) and Centers for Medicare & Medicaid Services (CMS), citing a lack of clarity on how data would be used, shared, or stored, particularly given reports of use of health care data to target immigrants. One commenter remarked that DHS should commit to data minimization, error correction, notice to applicants, and published privacy documentation before using external benefit records in adverse determinations.

Response: DHS disagrees that the final rule raises data and privacy concerns or violates privacy laws. In order to determine if an alien is likely at any time to become a public charge, DHS considers the totality of the alien’s circumstances and relies on inter-agency cooperation and data-sharing to verify, as Congress intended, that an alien is self-sufficient. USCIS complies with the Privacy Act of 1974 (Privacy Act)²⁷² in safeguarding information in the applicable systems of records. Data collected is kept in an alien’s administrative record consistent with the Privacy Act²⁷³ and the System of Records Notice (SORN), which identifies the purpose for which Personally Identifiable Information (PII) is collected, from whom and what type of PII is collected, how the PII is shared externally (routine uses), and how to

access and correct any PII information maintained by DHS.²⁷⁴ DHS recognizes, among other things, the concept of data minimization and notes that is already one of DHS’s Fair Information Practice Principles (FIPPs).²⁷⁵

4. Recommendations for Public Charge Inadmissibility Regulations or Subregulatory Guidance

Comment: Numerous commenters urged DHS to withdraw the rule entirely or not proceed with finalizing it. One reasoned that withdrawing the proposed rule would protect immigrants, their families, health, and community stability. Another commenter wrote that DHS should withdraw the rule in recognition that restrictive public charge policies act as exclusionary barriers to immigration, with harmful economic effects. Many encouraged DHS to maintain the 2022 Final Rule, reasoning that it codified clear, narrow, or workable standards consistent with statute and longstanding policy. One commenter said that the existing regulations ensure transparency and that families are not penalized for accessing health care, nutrition, housing, or other essential supports.

Instead of implementing the proposed rule, numerous commenters urged DHS to dedicate efforts to advancing policies that strengthen, rather than undermine, the ability of immigrants to support themselves, their families, and their communities; promote work, health, and family stability, while avoiding shifting costs to State and local taxpayers, health care providers, and businesses; support family stability, community health, and fair administration of immigration law; and allow immigrants to access public benefits to support their families consistent with congressional intent and statute.

Other commenters urged DHS to pursue policy changes through narrowly tailored regulations that adhere to

statutory limits, administrative precedent, and constitutional principles. Another commenter advocated clear standards to reduce uncertainty-related behavioral responses, limit downstream system costs, and support the efficient operation of public benefit and healthcare delivery systems, consistent with statutory intent of the public charge provision. Commenters recommended DHS protect children’s access to early education and prevent avoidance of essential services, and adopt a human-development centered approach that distinguishes between temporary vulnerability and sustained dependence, evaluates social contribution holistically, ensures proportionality, due process, and transparency, mitigates chilling effects, and recognizes integration as a social investment for the United States. Another commenter wrote that public charge evaluations should be reserved for more advanced stages of the immigration process, such as naturalization, to ensure fairer treatment and promote a more equitable process. One commenter expressed concern about the impact of changes to public charge rules on immigrants suggested that DHS establish a rule where immigrants can only access assistance after 15 years. Another stated that the issuance of Green Cards should be based on “the quality of humanity and morality of the applicant,” rather than the usage of public benefits. A commenter reasoned that a more sensible solution to prevent immigrants from becoming public charges would be to increase EAD access.

Response: DHS disagrees with commenters who do not want this rule to be finalized or argue for keeping the 2022 Final Rule. The 2022 Final Rule is inconsistent with the national policy contained E.O. 14218 and PRWORA and the spirit of the broad statutory text in section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), in that the 2022 Final Rule unduly limited the factors that DHS could consider in making a public charge inadmissibility determination. Further, DHS does not believe statutory language or intent provide for “narrow standards” or a “human-development centered approach” to the public charge inadmissibility determination.

As discussed in other comment responses, section 212(a)(4)(A) of the INA, 8 U.S.C. 1182(a)(4)(A), states “any alien who, in the opinion of the consular officer at the time of application for a visa, or in the opinion of the [immigration officer] at the time of application for admission or adjustment of status, is likely at any

²⁷⁴ See, generally, Notice of Modified Privacy Act System of Records, 82 FR 43556, 43564 (Sept. 18, 2017) (“DHS/USCIS safeguards records in this system according to applicable rules and policies, including all applicable DHS automated systems security and access policies. USCIS has imposed strict controls to minimize the risk of compromising the information that is being stored.”).

²⁷⁵ The FIPPs form the basis of the Department’s privacy compliance policies and procedures governing the use of personally identifiable information (PII). These principles are Transparency, Individual Participation, Purpose Specification, Data Minimization, Use Limitation, Data Quality and Integrity, Security, and Accountability and Auditing. See DHS Privacy Policy Guidance Memorandum No. 2008–01/ Privacy Policy Directive 140–06, The Fair Information Practice Principles: Framework for Privacy Policy at the Department of Homeland Security, available at www.dhs.gov/privacy.

²⁷² See 5 U.S.C. 552.

²⁷³ See 5 U.S.C. 552.

time to become a public charge is inadmissible.” Section 212(a)(4)(B) of the INA, 8 U.S.C. 1182(a)(4)(B), lists the minimum, non-exhaustive list of factors officers must consider when making a public charge determination: the alien’s age; health; family status; assets, resources, and financial status; and education and skills. In addition to those five factors, the officer may also consider any affidavit of support when making a public charge inadmissibility determination.

While section 212(a)(4)(B) of the INA, 8 U.S.C. 1182(a)(4)(B), clearly lists the minimum and non-exhaustive factors that officers must consider when making inadmissibility determinations, the 2022 Final Rule unduly restricts officers primarily to these five factors plus two additional factors, leaving little opportunity for discretion or deviation from considering these seven factors in the totality of the circumstances. Indeed, the 2022 Final Rule did not provide officers with a way to consider any other factors than the express factors listed in the regulation. To ensure that officers retain their statutorily-mandated ability to determine, in their opinion, whether an alien is likely at any time to become a public charge, DHS has removed regulations that fail to explicitly permit officers to consider any case-specific factors that bear on an alien’s likelihood of becoming a public charge at any time in the future.

Regarding suggestions that evaluations of dependency on government programs should be reserved for more advanced stages of the immigration process such as at the time of naturalization, DHS will not issue any policies or make changes to this rule to defer a public charge inadmissibility determination to a later stage in the immigration process. In order to be admitted to the United States or granted adjustment of status, aliens must establish that they are admissible to the United States, which includes establishing that they are not likely at any time to become a public charge.

This rule does not in any way regulate the eligibility of aliens seeking public benefits, nor does it regulate the eligibility of an alien seeking employment authorization. Certain aliens automatically obtain employment authorization by virtue of their immigration status, while others are authorized based on their immigration status or circumstances. Congress did not include any provisions in section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), that impact an alien’s eligibility for employment authorization, and the statute does not provide any basis under

which any category of alien should be authorized employment in the United States in order to prevent him or her from becoming a public charge.

Additionally, Congress intended that aliens be self-sufficient, and that the receipt of public benefits should not be an incentive to come to the United States, and this rule aligns DHS’s administration of the INA to those principles.

Comment: Some commenters expressed general support for strict public charge standards, advocating that only completely self-sufficient aliens should be able to come to the United States.

Response: DHS agrees that aliens subject to the public charge ground of inadmissibility should be self-sufficient and not depend on the government to meet their needs. This rule seeks to better ensure self-sufficiency. DHS firmly believes this was Congress’s intent in enacting section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), and that this rule will empower officers to consider the mandatory statutory factors and all evidence and information specific to the alien and relevant to the public charge ground of inadmissibility in determining whether the alien is likely at any time to become a public charge.

Comment: Commenters recommended DHS list which benefits are considered in public charge determinations under the rule to bring clarity that would promote compliance, reduce litigation, and support efficient adjudication.

Response: As stated in previous responses, DHS disagrees it must list means-tested public benefits that will be considered in public charge inadmissibility determination for clarity. There is no need to spell out which benefits DHS will consider when DHS considers any means-tested public benefit for which eligibility is determined by assessing whether the alien’s means are below the specified level. In the context of adjustment of status, USCIS revised the Application to Register Permanent Residence or Adjust Status to clarify that aliens must include their receipt of any and all means-tested public benefits. DHS believes that Congress intended that DHS could consider in its discretion any receipt of means-tested public benefits by the alien who is applying for admission or adjustment of status be included in the public charge inadmissibility determination or Congress would have expressly excluded such consideration in section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4).

Comment: A commenter requested that DHS withdraw the proposed rule

and adopt a public charge framework that includes identifying all statutory exemptions and exceptions. The commenter believes this would enhance survivor safety and healing rather than penalize survivors for the violence that was inflicted on them, which would allow these victims to heal and not be re-traumatized without fear of immigration-related consequences.

Response: With respect to survivors of violence and trafficking being exempt from this rule, DHS notes that such individuals are generally exempted by statute²⁷⁶ from public charge inadmissibility determinations whether they are expressly identified in the rule or not. DHS will not, and cannot, exempt other classes of aliens unless these exemptions are created by Congress. While DHS is sympathetic to the healing of these survivors, it does not believe that this rule will act to penalize or retraumatize this vulnerable population since it does not change or remove any exemptions or exceptions that exist in the law.

5. Recommendations for Implementation

a. Public Education and Engagement

Comment: Several commenters requested public education and engagement to address potential confusion, uncertainty, or fear under the proposed rule, mitigate chilling effects, and protect child health, if finalized. Some proposed multilingual communications and support for community-based organizations to counteract misinformation and chilling effects. Other commenters recommended that DHS withdraw the rule to assess the real-world impacts on local governments, families, and communities before proposing any future regulatory or policy changes relating to the public charge ground of inadmissibility in a more comprehensive and collaborative evaluation with public health experts and community organizations. Others requested amplifying public education and outreach, including multilingual, plain-language materials that: (1) explicitly state that benefits used by U.S. citizen children or other family members do not count against an alien relative; (2) clearly explain that many common benefits are not considered for public charge; and (3) are shared through trusted community partners, clinics, schools, and legal services organizations. One commenter said DHS should clarify that the lawful use of

²⁷⁶ INA sec. 212(a)(4)(E)(ii)–(iii), 8 U.S.C. 1182(a)(4)(E)(ii)–(iii). INA sec. 101(a)(15)(T), (U), 8 U.S.C. 1101(a)(15)(T), (U).

benefits by U.S. citizens and immigrants with satisfactory immigration status would not negatively impact family members' immigration status.

Response: DHS appreciates the suggestions but declines to provide funding for community-based organizations to assist with outreach efforts relating to eligibility for public benefits. DHS also does not intend to partner with community organizations, clinics, schools, or legal services organizations for public communication or engagement, including State and local public health agencies. At this time, DHS does not intend to use its resources for public engagements or educational efforts and declines to withdraw the rule. However, DHS will publish communication materials typical for publication of a Final Rule of this significance, and the communication materials posted on *uscis.gov* are generally posted in Spanish as well as English. The subregulatory guidance will be published in the USCIS Policy Manual in English only, consistent with E.O. 14224, Designating English as the Official Language of The United States, 90 FR 11363 (Mar. 6, 2025).

As previously noted, USCIS intends to clarify, in its subregulatory guidance, that its officers consider evidence in the record the alien him or herself has received or is currently receiving, has applied for, or has been approved or certified to receive any means-tested public benefits. The public charge inadmissibility determination is squarely focused on the alien and the likelihood that he or she will at any time become a public charge. The receipt of means-tested public benefits by persons other than the alien is generally not relevant except in the circumstances noted in other comment responses throughout this final rule. USCIS will not establish, in subregulatory guidance, an exhaustive list of which public benefits are considered "means-tested public benefits" for the purpose of its implementation of the public charge ground of inadmissibility and bonds, nor establish an exhaustive list of benefits that are *not* considered "means-tested public benefits" for such purposes. However, it may choose to publish examples or non-exhaustive lists for either or both of these categories.

b. Officer Training and Guidance

Comment: Commenters noted the importance of clear guidance for officers concerning the factors and information they should consider when making public charge inadmissibility

determinations, to address the potential risk of bias and uncertainty. One commenter recommended training USCIS officers and other staff to ensure public charge determinations are made consistently and narrowly and so that staff can accurately answer questions from the public without overstating potential risks. Another commenter said DHS should allow for a transition period to educate DHS officers on new requirements.

Response: DHS is committed to taking necessary steps to ensure consistent implementation of the public charge ground of inadmissibility and fair adjudications by, among other things, the issuance of subregulatory guidance and providing training to officers. DHS declines to share its plans for training or pre- and post-adjudicative review. As for a transition period, this rule will be effective 60 days after it is published in the **Federal Register**, as is the standard for major rules.

Comment: Another commenter urged DHS to establish clear, transparent policies ensuring that public charge determinations are fair, consistent, nondiscriminatory, and not arbitrary. They stated that guidance should define evidentiary standards, permissible factors, and officer discretion, include standardized notices and written rationales, and provide mechanisms for review or reconsideration. Another commenter recommended DHS require transparent decision rationales and maintain adjudication standards limiting subjective, discretionary determinations.

Response: DHS thanks the commenters for sharing their concerns. USCIS will formulate and publish appropriate policy and interpretive tools in advance of or on the effective date of this final rule to guide officers in making public charge inadmissibility determinations consistent with the law and based on a consideration of all relevant evidence and information. This subregulatory guidance will not be a legislative rule, will comply with the APA, and will have a reasonable basis generally informed by the comments on this NPRM. It will not limit the factors or information officers will consider to a rigid list. While USCIS may explain evidentiary standards in subregulatory guidance, it does not establish them using that tool (generally, form instructions or regulations are the tools used to establish evidentiary requirements or standards). This guidance will also not provide mechanisms for review or reconsideration. Independent of this rulemaking, there are already well-established procedures and appellate

rights associated with adjustment of status decisions. DHS regulations already require officers "explain in writing the specific reasons for denial." See 8 CFR 103.3(a)(1)(i).

Comment: A commenter proposed that DHS require mandatory, trauma-informed training for personnel on statutory exemptions, exceptions, and waivers applicable to survivors and other humanitarian populations, with an emphasis on consistent application. The commenter also proposed that DHS incorporate survivor-specific examples and hypotheticals into implementation guidance and training materials addressing cases involving abuse, economic coercion, or trauma-related physical or mental health conditions. They also encouraged supervisory review of public charge determinations involving survivors or other humanitarian categories to promote consistency and reduce error. Finally, the commenter suggested that DHS establish mechanisms to monitor and correct the misapplication of the public charge framework in cases involving survivors and humanitarian populations, including the issuance of corrective guidance where patterns of error emerge.

Response: DHS is committed to taking necessary steps to ensure consistent implementation of the public charge ground of inadmissibility and fair adjudication, including through USCIS' issuance of subregulatory guidance and by training its officers. Both the subregulatory guidance and training will emphasize the statutory exemptions, exceptions, and waivers. Given the unique nature in which the public charge inadmissibility ground interacts with statutes relating to survivors and humanitarian populations (for example, certain aliens may be exempt from the public charge ground of inadmissibility but still required to submit a Form I-864), the training USCIS provides will address these populations. USCIS will institute supervisory review of denials based on public charge inadmissibility determinations, as appropriate, to ensure consistency and legal sufficiency, but such review policies are not tied to a particular narrow fact pattern as the commenter proposes. As with every statute USCIS implements, it will engage in post-decisional quality review relating to the public charge inadmissibility, as appropriate. Based on that review, USCIS will update and modify its training, guidance, and procedures to correct any misapplication of the statute.

c. Implementation Timeframe

Comment: One commenter requested that DHS publish new guidelines and tools before rescinding the 2022 Final Rule and provide for a transition period to educate officers on the new requirements. Another recommended creating appropriate interpretive tools that “supplement, not supplant Federal regulations” asserting the regulations should be removed only after such tools are developed according to a timeline that allows for the receipt and consideration of public input. Another commenter urged DHS to develop and propose new guidelines and regulations before proceeding with rescinding the current public charge framework and regulations. While acknowledging the merits of DHS’s desire to develop adaptive policies using new data, the commenter said that repealing the current regulations before such policies and regulations are developed and finalized would lead to uncertainty and confusion, with downstream effects on access to health care. Another commenter requested that the proposed rule be put on hold until there is a research-based replacement rule, and that the understanding of public charge not be left to individual adjudicators. An association of State directors of adult education similarly urged USCIS to promulgate regulations and guidance in advance of removing existing policy, to allow programs to communicate and implement any new guidance in an orderly and consistent manner. The commenter reasoned that federally funded, State-administered programs like adult education rely on clear guidance to meet negotiated performance targets, fulfill statutory missions, and comply with Federal and State regulations. For this reason, rescinding the 2022 regulations through the current process and promulgating new guidance through a future process would force these programs to operate with potentially confusing and inaccurate interpretations of regulations, placing individuals at risk of noncompliance.

Response: USCIS intends to formulate and publish appropriate policy and interpretive tools in advance of or on the effective date of this final rule to guide USCIS officers in making public charge inadmissibility determinations consistent with the law and based on a consideration of all relevant evidence and information. Such subregulatory guidance will not be a legislative rule and will have a reasonable basis that may be generally informed by comments on the NPRM. These policies and interpretive tools are not subject to the

notice and comment requirements of the APA and DHS declines to accede to the suggestions of these commenters. DHS does not intend to engage in further rulemaking on this topic and will not pause rescission of the 2022 regulations. Rescission restores broader discretion to evaluate all pertinent facts and aligns with long-standing policy that aliens in the United States should be self-reliant and government benefits should not incentivize immigration.

DHS fails to see any legitimate concerns about compliance for professionals involved in federally-funded adult education efforts under this rule or, quite frankly, any preceding rules or policies relating to the public charge ground of inadmissibility. Nothing about the public charge ground of inadmissibility has any impact on program requirements, eligibility for participation in adult education programs, or anything else about such programs. The only potential interaction between such programs and this ground of inadmissibility would arise in the unlikely event that an alien subject to this ground of inadmissibility participates in such a means-tested program. In such a case, the officer will consider the means test associated with the benefit as well as the circumstances surrounding the receipt, such as the nature of the benefit and whether it is the type of benefit that alone or in combination with other benefits meets the alien’s basic needs. They will also consider the recency, duration, and amount of receipt, the reason for the receipt, and whether the reason has persisted or is likely to persist.²⁷⁷ However, this unlikely interaction does not in any way present a compliance risk for federally-funded, State-administered adult education programs.

Comment: Another commenter stated that the earliest effective date of the proposed rule should be 2099 or later, or it should otherwise not be implemented.

Response: DHS declines to accept the recommendation. This final rule’s 60-day effective date complies with both the Congressional Review Act and the APA (which requires a minimum of 30 days). See 5 U.S.C. 553(d) and 5 U.S.C. 801(a)(3).

Comment: Administrators of a state health insurance marketplace expressed concerns about the timing of the

rulemaking, noting they were already halfway through Open Enrollment and that the issuance of the final rule would not give them time to conduct appropriate outreach to affected households enrolled in coverage for the upcoming year. They urged DHS to delay the rule to allow State-based marketplaces to appropriately adapt their services to the final rule.

Response: As stated in the “Dates” section of this final rule, this rule is effective 60 days after publication. The consideration of statutory factors, receipt of any means-tested public benefits, and any other factor an officer determines is relevant to assessing the alien’s likelihood at any time of becoming a public charge will apply to applications for admission made on or after that date and applications for adjustment of status filed with USCIS that are postmarked (or if applicable, electronically submitted) on or after that date. Applications for admission made before that date and applications for adjustment of status filed with USCIS that were postmarked (or electronically filed) before the effective date and accepted by USCIS pursuant to 8 CFR 103.2(a)(1) and (a)(2), and are pending on the effective date will be adjudicated under the criteria set forth in the 2022 Final Rule.²⁷⁸ For the purposes of determining whether a case was postmarked before the effective date of the rule, DHS will consider the postmark date for the application or petition currently before USCIS, not the postmark date for any previously-filed application or petition that USCIS rejected pursuant to 8 CFR 103.2(a)(7)(ii). DHS will not further delay the effective date of this final rule.

USCIS revised Form I-485 to make it clear aliens must include information about the receipt of any and all means-tested public benefits. It is unclear what additional outreach is needed because DHS clarified what benefits are being considered, and by whom, and aliens should expect any such receipt on their part will be considered as part of the public charge inadmissibility determination. DHS reiterates receipt of any means-tested public benefit is but one factor²⁷⁹ and officers make a determination considering all relevant

²⁷⁸ Note, however, that applications filed prior to the effective date of the 2022 Final Rule would still be adjudicated under the 1999 Interim Field Guidance.

²⁷⁹ See *Matter of Perez*, 15 I&N Dec. 136, 137 (BIA 1974) (“The fact that an alien has been on welfare does not, by itself, establish that he or she is likely to become a public charge.”); *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421 (BIA 1962) (“the statute requires more than a showing of a possibility that the alien will require public support.”).

²⁷⁷ See, e.g., *Matter of A-*, 19 I&N Dec. 867 (BIA 1974) (BIA considered that the alien was a mother of a small child and found it legitimate that she may be temporarily out of the workforce to care for her children; they also looked at the fact that there were few jobs in the area where she lived, and that she was then employed despite receiving public benefits for the prior 4 years.)

factors,²⁸⁰ including the statutorily mandated factors, in the totality of the circumstances.

d. Monitoring and Reporting on Adjudicative Outcomes, Bonds, and Chilling Effects

Comment: Commenters provided recommendations regarding monitoring and oversight of public charge inadmissibility determinations, including: robust and rigorous tracking and oversight efforts, as well as the publication of disenrollment, denial outcomes, and bond enforcement data to assess broken out by age, disability, family status, and household composition. Another commenter recommended that DHS monitor and publicly report on chilling effects, including data and research on benefit disenrollment or non-enrollment among eligible immigrants and mixed-status families, and use that information to guide further clarification and outreach.

Response: DHS appreciates the suggestions relating to monitoring and reporting. DHS already collects adjudication information as a matter of course and USCIS systems reflect adjudicative outcomes. However, barriers in the data remain in identifying the specific reason for a denial. For example, while an officer adjudicating an adjustment of status application may indicate a denial was based on section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), this reason encompasses both denials based on an insufficient Form I-864 and denials based on an officer's determination, in the totality of the circumstances, that the alien was likely at any time to become a public charge. Officers may also select from a few generic denial reasons in the system that do not allow identifying the specific reason under section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), for the denial in its data. DHS does not currently intend to publish data on adjudicative outcomes specific to the public charge ground of inadmissibility or granular data breaking down outcomes of public charge inadmissibility determinations based on certain characteristics.

DHS has no method and no ability to track or publish information relating to aliens, or others, who are not subject to the public charge ground of inadmissibility but nevertheless choose

to disenroll or forgo enrollment in means-tested public benefits as a result of this rule. The data relevant to evaluating the effectiveness of the rule is different from an analysis of chilling effects. Of most importance to DHS for evaluation is data concerning receipt of means-tested public benefits by aliens admitted as immigrants or who adjusted status after an officer determined they were not likely to become a public charge. The receipt of means-tested public benefits by such individuals will inform future policy efforts in this area.

6. Severability

Comment: A commenter disagreed with DHS's proposed changes to 8 CFR 103.6(c) being severable from the full rescission of regulatory provisions in 8 CFR part 212, expressing concern with the statement if "a court finds that such rescission is invalid or unenforceable . . . nevertheless be construed so as to continue to give the maximum effect," and disagreed DHS could cancel a public charge bond at any time.

Response: The commenters did not provide reasons for disagreeing with the severability discussion in the NPRM, so DHS is unclear regarding the basis of the disagreement but believes the commenter might have misunderstood DHS's proposal with respect to severability of the bond provision(s). Unlike the remainder of the 2022 Final Rule, DHS opted to retain the bond provisions with certain changes, as these provisions predate both the 2019 and the 2022 Final Rules and do not raise the same policy and legal concerns. The purpose of addressing severability was to express a clear intent in the event of litigation on this final rule should a court not separately find those provisions invalid, such provision should remain valid and enforceable and not be inadvertently swept up in an adverse decision. However, if a court found these provisions invalid, or not excluded from any adverse ruling, notwithstanding DHS's clear intent they remain valid, DHS would comply with the terms of any such court order with respect to those provisions.

7. Other Comments

Comment: One commenter stated that the NPRM alleges the rule does not affect naturalization, but that the NPRM also includes a footnote stating DHS will revisit whether LPR status previously granted should have been denied on public charge grounds.

Response: DHS disagrees with this comment. The purpose of this rule is to rescind the regulations implemented by the 2022 Final Rule related to the public charge ground of inadmissibility at

section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4).²⁸¹ This rule does not interpret or change DHS's application of the public charge ground of deportability at section 237(a)(5) of the INA, 8 U.S.C. 1227(a)(5).

DHS acknowledges that in the context of naturalization USCIS may, in assessing whether an alien was lawfully admitted for permanent residence, evaluate whether the alien was admissible at the time of admission or adjustment of status. Section 318 of the INA, 8 U.S.C. 1429, requires naturalization applicants show they were lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the INA in effect at the time of admission or adjustment of status, including that they were not inadmissible on public charge grounds at the time of lawful admission for permanent residence.

Comment: One commenter opposed the NPRM's use of "alien" instead of the word "immigrant."

Response: DHS uses the term "alien" as defined in section 101(a)(3) of the INA, 8 U.S.C. 1101(a)(3), to refer to "any person not a citizen or national of the United States." The term "immigrant" has a different statutory definition and is not interchangeable with "alien."²⁸²

Comment: A commenter suggested DHS implement streamlined evidentiary showings, including standardized attestations rather than extensive third-party documentation.

Response: DHS appreciates the recommendation but has not changed evidentiary requirements associated with the public charge ground of inadmissibility in this rule. The current regulation, this final rule, and the proposed changes to Form I-485 (apart from the information collected on the form itself) that accompany this rule do not address evidence.

O. Statutory and Regulatory Requirements

1. Costs, Benefits, and Transfer Payments

a. Methodology

Comment: Commenters stated that the proposed rule understates its scope, fails to justify replacing current effective regulations, and does not show that its benefits outweigh widespread harms—

²⁸⁰ See, e.g., *Matter of A-*, 19 I&N Dec. 867 (BIA 1974) (BIA considered that the alien was a mother of a small child and found it legitimate that she may be temporarily out of the workforce to care for her children, they also looked at the fact that there were few jobs in the area where she lived, and that she was now employed despite receiving public benefits previously for 4 years).

²⁸¹ See 87 FR 55472 (Sept. 9, 2022). This rule does not rescind or amend certain elements of the 2022 Final Rule: regulations at 8 CFR 213.1 related to admission after submitting a public charge bond, and technical updates related to adjustment of status by T nonimmigrants at 8 CFR 212.18 and 8 CFR 245.23.

²⁸² See INA sec. 101(a)(15), 8 U.S.C. 1101(a)(15).

such as increased poverty, hunger, and forgone medical care. One commenter remarked that the economic analysis used to justify the proposed rule is “defective,” and provides no rational basis for concluding that a shift to individualized decision-making would result in more exclusions, an assumption DHS relies on to project increased government savings. Another commenter agreed that the proposed rule is an “economically significant” regulatory action but disagreed with DHS’s conclusion that its benefits outweigh its costs. A separate commenter noted that DHS provided no analysis to support its cost-benefit conclusions, remarking that DHS must demonstrate reasoned policy decisions and that the public is unable to comment on a proposed rule without such detailed analysis.

Response: DHS disagrees that the rule understates scope, fails to justify its purpose, and does not show benefits outweigh costs. As noted in the NPRM, the purpose of this rule is to remove overly restrictive language established by the 2022 Final Rule, improving implementation of the public charge ground of inadmissibility consistent with statute, congressional intent, and binding precedent.

DHS provided both quantitative and qualitative analysis in the NPRM and this final rule, discussing the impacts of this rule, which is consistent with the requirements of E.O. 12866 and Circular A–4, which call for quantification where possible and qualitative analysis where quantification is not feasible.

Furthermore, DHS notes that the “government savings” referenced by a commenter are actually the estimated transfer payments identified in the economic analysis; no government savings were quantified in the NPRM or in this final rule. The analysis follows the guidelines set forth in OMB Circular A–4, which provides guidance for conducting cost-benefit analyses and, in this case, a discussion on the distinction between cost and/or benefits and transfer payments. As noted in OMB Circular A–4, “[b]enefit and cost estimates should reflect real resource use. Transfer payments are monetary payments from one group to another that do not affect total resources available to society.”²⁸³ As such, the reduction in transfer payments is quantified in the transfer payments section of the economic analysis, not in

a cost savings or benefits section, in accordance with OMB’s Circular A–4.

Comment: A commenter stated that DHS failed to analyze what families would lose as a result of reductions in public benefits. Specifically noting that OMB Circular A–4 instructs that reductions in transfer payments do not by themselves represent net social benefits or costs and should be accompanied by an assessment of their distributional effects, and the proposed rule does not quantify household welfare loss, health impacts, increased uncompensated care or child poverty effects.

Another commenter requested that DHS publish a supplemental RIA specifically quantifying the chilling effects, health outcomes, administrative costs, and transfers with uncertainty bounds and sensitivity analysis, and that DHS solicit public comment on this analysis prior to rule finalization. Others said the rule failed to analyze economic costs on state and local economies; housing, family law, and other critical life services; survivors of domestic violence and human trafficking; nonprofit organizations; the economic role of immigrants; impacts on labor supply, tax revenue, housing markets, and municipal costs; effects on WIC or school meals; and chilling effects on groups such as citizen children or in areas such as infant health and uncompensated care. Another commenter criticized the NPRM for acknowledging that it would cause “serious harm” without adequately analyzing those harms, particularly due to the chilling effect on benefit use.

Response: DHS appreciates the comments regarding the economic analysis and the requirements under OMB Circular A–4. DHS disagrees that it failed to adequately analyze the transfer payments and their distributional effects in response to a reduction in transfer payments. As discussed in previous responses, the economic analysis for this final rule was conducted based on the guidelines set forth in OMB Circular A–4, which provides guidance to agencies for conducting cost-benefit analyses and, in this case, a discussion on the distinction between costs and/or benefits and transfer payments. To the extent possible the reduction in transfer payments is quantified in the transfer payments section of the economic analysis of this rule, in accordance with OMB Circular A–4.²⁸⁴

Furthermore, DHS recognizes that reductions in Federal and State transfers under Federal benefits programs may have downstream and upstream impacts on State and local economies, large and small businesses, and individuals, and discussed these impacts qualitatively. Where feasible, the analysis qualitatively discusses these potential impacts. However, quantifying such effects presents significant methodological challenges due to limited data and uncertainty regarding the magnitude and scope of behavioral change across diverse populations and jurisdictions. DHS requested comments on methodologies for quantifying these non-monetized potential impacts but did not receive any information that would allow USCIS to further quantify the chilling effects, and therefore the final rule contains a qualitative analysis, which includes children and uncompensated care. This approach is consistent with the requirements of E.O. 12866 and OMB Circular A–4. In the final rule, DHS has also expanded the economic analysis to include Medicaid enrollment data for children and WIC in response to similar concerns.

Comment: A commenter wrote that the proposed rule would have greater impacts than DHS acknowledged and found it impossible to fully estimate its impact because its provisions are too broad.

Response: DHS disagrees that the economic analysis did not acknowledge the impacts of this rule. DHS quantified the indirect impacts, and where quantification was not possible, the economic analysis provided a qualitative discussion of the indirect impacts that might result due to this rule. Due to variations in public benefit programs across States and differences in eligibility criteria, DHS could not quantify the number of individuals affected across all means-tested public benefit programs. Therefore, DHS focused its economic analysis on Medicaid, which was expanded in this final rule to include child enrollment. The economic analysis also covered CHIP, SNAP, TANF, SSI, Federal Rental Assistance, and WIC, which was newly included in the economic analysis.

b. Population

Comment: A commenter objected to DHS basing its analysis on the population of individuals subject to a public charge review, reasoning that impacts of the proposed rule would extend to others who are not subject, but who would choose to disenroll or forgo enrollment from benefits for which they are eligible.

²⁸³ OMB, “Circular A–4”, p. 38, (Sept. 17, 2003) <https://www.whitehouse.gov/wp-content/uploads/2025/08/CircularA-4.pdf>.

²⁸⁴ OMB, “Circular A–4”, p. 38, (Sept. 17, 2003) <https://www.whitehouse.gov/wp-content/uploads/2025/08/CircularA-4.pdf>.

Response: DHS appreciates these comments. While the intent of this proposed rule is to allow DHS to better apply the public charge ground of inadmissibility consistent with congressional intent, as noted in the economic analysis, the elimination of certain definitions may lead to public confusion or misunderstanding, which could result in decreased participation in public benefit programs by individuals who are not subject to public charge. DHS acknowledges in the economic analysis that some individuals may disenroll from or forgo enrollment in public benefit programs beyond those included in the estimates of this analysis, particularly among populations that are not subject to the final rule such as U.S. citizen children in mixed-status households, longtime LPRs, and aliens in categories exempt from public charge. However, DHS did not propose in the NPRM to, in any way, regulate or circumscribe the ability to offer public benefits to immigrants. Similarly, this final rule does not prohibit public benefits providing agencies from providing benefits to immigrants or prohibit any immigrants from receiving benefits for which they are eligible. Aliens entitled to public benefits under Federal, State or local law may elect to receive such benefits and this rule does not, and cannot, change that.

Comment: A commenter stated that DHS failed to estimate the number of public charge denials as a result of the rule and the number of false positives or individuals inaccurately labeled a public charge because of removing the current regulations. Another stated DHS would deny a higher proportion of Form I-485 applications, curb the growth of a population that constitutes the workforce in some localities, while a separate commenter requested that DHS analyze patterns in denials of applications to adjust status. Finally, a commenter remarked that an analysis found that if applied to U.S. citizens, the 2019 Final Rule would have found as many as half to be public charges.

Response: DHS appreciates the comment regarding denial rates of aliens who apply to adjust status. As noted in the economic analysis, an applicant can be denied on public charge grounds after a full analysis of the totality of circumstances; however, an applicant can also be automatically denied on public charge grounds if the required Form I-864, Affidavit of Support Under Section 213A of the INA, is missing or insufficient. DHS highlighted Form I-485 annual receipts, denials (overall), and denials based on public charge grounds from FY 2020 through FY 2024.

On average, denials for public charge accounted for an average of 0.0958 percent adjustment of status denials. Relative to the entire Form I-485 applicant population, such denials represented only 0.0087 percent.

Furthermore, a review of the data under the 2019 Final Rule and the 2022 Final Rule indicated many denials were due to a missing or insufficient Form I-864, and not because of a totality of circumstances discretionary analysis. During the 2019 Final Rule, approximately 88 adjustment of status applications were denied on public charge grounds; only three denials and two Notices of Intent to Deny were based on the totality of circumstances, all later reopened or rescinded and approved. Therefore, no aliens were found inadmissible on the public charge ground in the totality of the circumstances analysis under the 2019 and the 2022 Final Rules. DHS clarified in the economic analysis of this final rule that the historical annual average total Form I-485 denial population is 68,072, and the annual average denied on public charge grounds is 65. Additionally, several variables hinder DHS's ability to estimate an overall denial population. For example, this final rule applies only to all Form I-485 applications filed on or after the effective date, and receipt of previously excluded means-tested public benefits will not be considered if such benefits were only received before the effective date of this final rule. Therefore, even if DHS were to consider past patterns and trends, those would not produce an accurate depiction of future trends.

DHS also appreciates the reference to the Center on Budget and Policy Priorities²⁸⁵ article discussing the impacts of the 2018 NPRM which led to the 2019 Final Rule. DHS finds the data discussed in the article unfit to ascertain the number of denials under the 2019 Final Rule regulatory framework. The data presented cannot be applied here because this final rule is not replacing the 2022 Final Rule's regulatory framework, rather it is returning to public charge inadmissibility determinations that do not present a standardized list of benefits that can be considered, arbitrary limitations on the exercise of discretion, or rigid definitions and heavily weighted negative factors. Furthermore, the cited analysis applied the 2019 Final Rule to the U.S.-born population to determine

that more than half of U.S.-born citizens would be considered a public charge. Public charge inadmissibility determinations are not made on U.S. citizens and are instead made on aliens who are applying for admission and adjustment of status. DHS notes that aliens, particularly aliens who are not LPRs or are not exempt from the public charge ground of inadmissibility, face strict limitations on eligibility for many public benefits. For this and other reasons, there are documented differences in public benefits usage when comparing U.S. citizens and aliens. Therefore, DHS is unable to project future denial populations as discussed in section IV.A.4.d of the economic analysis. Finally, DHS disagrees that this rule would curb the growth of a population that constitutes the workforce. Its purpose is to improve implementation of the public charge ground of inadmissibility, not to impede or reduce the number of available workers in any given locality. As discussed in Section G.3 of this final rule, the public charge ground of inadmissibility determination implemented in this final rule will not have a significant effect on the population of aliens in the United States.

Comment: A commenter remarked that DHS likely underestimated the proportion of foreign-born population in the U.S. population by using Census data; citing another survey finding this population could be as high as 53.3 million individuals.

Response: DHS disagrees it underestimated the proportion of foreign-born noncitizens in the U.S. population because it utilized Census data. The cited study refers back to a Center for Immigration Studies report utilizing the Current Population Survey (CPS) and states, "the foreign-born population as defined by the Census Bureau includes all persons who were not U.S. citizens at birth—mainly naturalized citizens, LPRs, long-term temporary visitors, and illegal immigrants."²⁸⁶ This study encompasses the entire foreign-born population, which includes naturalized citizens who are not subject to public charge and do not submit Form I-485. Therefore, they are not considered an affected population within this analysis. DHS focused solely on the category "Foreign born; Not a U.S. Citizen"

²⁸⁵ Danilo Trisi, Trump Administration's Overbroad Public Charge Definition Could Deny Those Without Substantial Means a Chance to Come to or Stay in the U.S. Center on Budget and Policy Priorities, 2019. <https://www.cbpp.org/sites/default/files/atoms/files/5-30-19pov.pdf>.

²⁸⁶ Steven Camarota, Karen Zeigler, "Foreign-Born Number and Share of U.S. Population at All-Time Highs in January 2025," Center for Immigration Studies (March 12, 2025), <https://cis.org/Report/ForeignBorn-Number-and-Share-US-Population-AllTime-Highs-January-2025>, (Camarota et al. (2025)).

within Census data. Finally, DHS chose to use the ACS rather than the CPS because the ACS is a cross-sectional survey that uses a larger random sample of the population each year including current immigration classifications.

Comment: A commenter said DHS's approach to estimating the number of immigrants receiving public benefits is unsound, because it incorrectly assumes random distribution of beneficiaries across households, equates person-level immigrant shares with household-level probabilities, and treats all members of immigrant households as foreign-born benefit recipients; finding it would be more appropriate to rely on person- or household-level microdata to directly identify households with immigrant members receiving public benefits.

Response: DHS appreciates the comment regarding the estimation on the number of immigrants receiving public benefits. While DHS acknowledges that person- or household-level microdata, such as the ACS or CPS, can be used for this stated population, these sources have shown underreporting, misreporting, and non-response of public benefit usage by detailed immigrant status. Given these constraints and the uncertainty on disenrollment or forgone enrollment rates in public benefit programs, DHS uses a range of rates to estimate the change in disenrollment or forgone enrollment. The lower bound of 3.3 percent and the upper bound of 17.3 percent are based on available data and reflect the uncertainties surrounding aliens who may choose to disenroll or forgo enrollment, an indirect impact of this rule. Within the economic analysis, DHS acknowledges the lower bound could represent an underestimate due to documented chilling effects on other segments of the alien and U.S. citizen populations. The upper bound could be an underestimate because many of the studies reviewed did not include, or focused less on, WIC, SSI, and TANF. Conversely, the upper bound may result in an overestimate due to variations in the populations studied, which led to higher reported percentages and observed populations that are not the intended focus of this analysis. Additionally, differences in methodologies, such as data collection, inclusion or exclusion criteria, and analysis across studies may have introduced observed changes not found in a longitudinal study with consistent methods. Therefore, DHS believes presenting a range of estimates is a reasonable approach to reflect the indirect effects of this rule.

Comment: Another commenter suggested the rule's population

estimates are flawed and do not account for other DHS actions, such as the December 2, 2025, asylum application pause, which pushes some migrants into immigration statuses subject to public charge.

Response: DHS acknowledges additional factors not related to this rule may affect the estimated population, as noted in the economic analysis. However, DHS disagrees that the December 2, 2025, asylum pause is a relevant factor.²⁸⁷ The memo placed a temporary hold on Form I-589, Application for Asylum and for Withholding of Removal, to conduct a comprehensive re-review of approved benefit requests for aliens from specific countries listed who entered the United States on or after January 20, 2021. The memo does not prohibit the filing of asylum applications and as stated in previous comment responses, asylees and refugees are not subject to the public charge ground. Aliens who believe they are eligible to apply for asylum are still able to and will receive a proper adjudication.

c. Costs and Impacts

i. General Comments on Costs and DHS's Analysis

Comment: Many commenters, including a form letter campaign, stated that the proposed rule would have negative downstream effects, including: worse health outcomes and higher prevalence of communicable diseases; increased rates of uncompensated care and lower revenues for healthcare providers participating in Medicaid; increased poverty, housing instability, reduced productivity, and lower educational attainment; reduced income for companies manufacturing medical supplies or pharmaceuticals; decreased sales for grocery retailers and agricultural producers supplying SNAP-eligible foods; and financial strain on landlords participating in federally funded housing programs.

Response: DHS appreciates the comments and agrees that reductions in Federal and State transfers under Federal benefits programs may have downstream and upstream impacts on State and local economies, large and small businesses, and individuals, as explained in the economic analysis. DHS discusses these impacts qualitatively in the economic analysis. DHS notes that these negative

downstream effects are primarily due to disenrollment or forgone enrollment in public benefits programs due to fear or confusion by otherwise legally eligible beneficiaries. However, quantifying such effects presents significant methodological challenges due to limited data and uncertainty regarding the magnitude and scope of behavioral change across diverse populations and jurisdictions.

Comment: Commenters expressed concern that DHS's cost-benefit analysis in the proposed rule is inadequate and fails to account for many significant costs and requested that DHS publish more robust impact analyses; criticized the rule's impact analysis, stating that it included no or insufficient analysis of its potential impacts on particular benefit programs, types of entities, or other aspects of society, including: WIC and other child nutrition programs; public health; healthcare providers (e.g., uncompensated care and other reduced revenues); community stability; survivors of domestic violence and trafficking (including that abusers will be able to prove to their victims that they could be deported for seeking help); nonprofit organizations; USCIS' administration of the rule and other immigration benefits; State and local governments; public schools (i.e., a free public benefit provided at the State and local level); vulnerable populations; immigrants' willingness to file taxes; State and local programs, such as school meals, public pre-K, child care subsidies, and housing programs; and the workforce.

Response: DHS disagrees that the economic analysis is inadequate, failed to account for costs related to this rule, or did not discuss the impacts of the rule at great lengths. DHS quantified the indirect impacts of this rule, and where quantification was not possible, the economic analysis provided a qualitative discussion of the impacts that might result due to this rule, which is consistent with the requirements of E.O. 12866 and Circular A-4, which call for quantification where possible and qualitative analysis where quantification is not feasible. DHS also disagrees that it did not include analysis on particular benefit programs. Due to variations in public benefit programs across States and differences in eligibility criteria, DHS could not quantify the number of individuals affected across all means-tested public benefits programs. Therefore, DHS focused on Medicaid, which has been expanded in this final rule to include child enrollment, CHIP, SNAP, TANF, SSI, Federal Rental Assistance, and

²⁸⁷ DHS, USCIS, "Hold and Review of all Pending Asylum Applications and all USCIS Benefit Applications Filed by Aliens from High-Risk Countries," (Dec. 2, 2025), <https://www.uscis.gov/sites/default/files/document/policy-alerts/PM-602-0192-PendingApplicationsHighRiskCountries-20251202.pdf>.

WIC, which was newly included in the economic analysis.

Finally, DHS disagrees that the analysis did not account for downstream effects. The economic analysis qualitatively discusses how reduced access to public benefit programs by eligible individuals, including aliens and U.S. citizens in mixed-status households, may lead to downstream effects on public health, community stability, and resilience. DHS also recognizes that reductions in enrollment of public benefit programs may also affect State and local economies, businesses, and individuals. While not all potential impacts could be quantified, to the extent practicable, DHS provided a comprehensive analysis of the rule's anticipated effects.

ii. Indirect Economic Impacts

a. General Economic Impacts

Comment: Some commenters generally warned that reducing benefits would reduce broader economic activity, ultimately leading to reduced tax receipts. Several commenters cited an economic analysis by George Washington University researchers that found that State economies could lose about \$27.4 billion in 2026 due to the proposed rule, approximately one-third more than the direct loss of Federal funds, and that about 212,000 jobs would be lost that year because of the ripple effects of the rule, particularly in the healthcare sector due to the loss of Medicaid and CHIP coverage. One of the commenters also provided upper and lower bound impact estimates, with \$13.7 billion and 106,000 jobs lost at the lower end, and \$41.2 billion and 318,000 jobs on the upper end, while adding the economic impact would translate into \$2 billion in lost State and local tax revenue, and explained the mechanisms by which the losses would be incurred: reduced Medicaid and CHIP benefits would reduce revenue to healthcare providers; those businesses would then have less money to pay for staff, equipment, and facilities; the healthcare providers and their suppliers would then be forced to lay off employees; and laid off employees would spend less on consumer goods and other needs.

A commenter cited an analysis of the 2019 NPRM by the Fiscal Policy Institute that estimated it would have led to a reduction of gross domestic product (GDP) by \$24 billion and the loss of 164,000 jobs nationally. A commenter stated that economic analysis of the ACA Medicaid expansion in Colorado showed that expanding Medicaid added more than

31,000 jobs, increased economic activity by \$3.8 billion, and raised household earnings by \$643, and that for every alien disenrolled from Medicaid, Colorado loses \$3,277 in state GDP, \$1,214 in household earnings, and leads to employment loss of 0.02.

A commenter stated that DHS failed to estimate the key costs from lost tax revenues and foreseeable reductions in immigration. The commenter cited the National Academies of Sciences estimate that recent immigrants contribute substantially more in tax revenue than they receive in benefits—approximately \$150,000 in net present value per immigrant over a lifetime. Another commenter similarly remarked that DHS needs to account for the economic benefits, produced by immigrant families, that would be lost as a result of the rule.

Response: DHS appreciates the concerns regarding lost revenue and broader economic impacts. DHS recognizes the studies cited by the commenters that reference the loss of Federal funds to State and local economies. However, this final rule does not appropriate or rescind funding for public benefits programs, nor does it change eligibility requirements for those who are eligible. The transfer payments described in the economic analysis result from individuals who choose to disenroll or forgo enrollment in public benefit programs and represent reduced payments from Federal and State governments to certain individuals who would otherwise receive public benefits, which is not a loss of Federal funding to State and local governments.

DHS also recognizes the studies cited by the commenters and agrees that reductions in transfer payments could have downstream effects, such as reduced productivity, and lower revenues for healthcare providers participating in Medicaid, all of which could lead to job loss as described by the commenters. DHS provides a more extensive list of the primary non-monetized potential consequences of the final rule in the economic analysis.

Additionally, DHS agrees that there is potential for reduced economic activity, and consequently lower tax revenue, as a result of decreased participation in public benefit programs. As noted in the NPRM, reduced access to public benefit programs by eligible individuals, including aliens and U.S. citizens in mixed-status households, may lead to impacts on State and local economies, businesses, and individuals. Reductions in transfer payments may also have a disproportionately larger impact on low-income individuals and households, who tend to have a higher marginal

propensity to consume and a higher marginal utility of consumption. As a result, reductions in their payments can lead to decreased spending, lower total welfare, and overall reduced economic activity.

This rule also does not in any way regulate or circumscribe the eligibility of aliens seeking public benefits. Similarly, this final rule neither prohibits public benefits providing agencies from providing benefits to immigrants nor prohibits any category of immigrants from receiving any benefits for which they are eligible.

b. Healthcare System Impacts

Comment: Commenters expressed concern about significant economic impacts on healthcare systems resulting from the proposed rule. Specifically, they highlighted the rule's potential to cause disenrollment from Medicaid, warning that reductions in Medicaid utilization would shift costs to emergency departments and uncompensated care, thereby creating financial strain on the healthcare system. Commenters cited a Manatt Health analysis of the 2018 NPRM, which estimated that the rule put \$17 billion in payments to hospitals at risk, and reference research finding that each newly uninsured person is associated with a \$900 increase in uncompensated care annually. One commenter noted that federal courts found the 2019 Final Rule was likely to cause substantial fiscal and public health harms due to disenrollment and uncompensated care. Additionally, research was cited finding that, contrary to DHS's assertion that immigrants' disenrollment from public health insurance would lead to a reduction in government expenditure, cost savings from limiting Medicaid are outweighed by the resulting costs of uncompensated care. Another analysis of the 2019 Final Rule estimated that safety net clinics and hospitals were at risk of losing \$346 to \$624 million, while others raised concerns about negative impacts on community health centers (CHCs). From a local business context, a commenter wrote that medical offices and hospitals would be impacted by reduced usage.

Response: DHS appreciates the concerns regarding costs on the healthcare system as a result of this rule and the concerns regarding the impacts on community health centers, and medical offices and hospitals. DHS also recognizes the studies cited by the commenters and agrees that reductions in transfer payments could have downstream effects that lead to increased use of emergency rooms for primary care due to delayed treatment,

and increased rates of uncompensated care, where treatments or services are not paid for by insurers or patients. As noted in the NPRM, reduced access to public benefit programs by eligible individuals, including aliens and U.S. citizens in mixed-status households, may lead to downstream effects on public health, community stability, and resilience, and may also affect State and local economies, businesses, and individuals.

DHS also acknowledges the estimates cited by the commenters recognize that some entities, such as hospitals, may experience higher administrative costs as eligible individuals and families cycle on and off public benefit programs more frequently by enrolling during times of need and disenrolling due to fear or confusion. These potential impacts are discussed qualitatively because DHS is unable to determine the entities that will choose to make administrative changes to their business processes. However, the NPRM did not propose in any way to regulate or circumscribe the eligibility of aliens seeking public benefits. Similarly, this final rule neither prohibits public benefits providing agencies from providing benefits to immigrants nor prohibits any category of immigrants from receiving any benefits for which they are eligible. While these indirect impacts are recognized and discussed qualitatively to the extent possible in the economic analysis for this final rule, DHS is generally not able to estimate all the additional indirect costs that would likely be incurred because of follow-on economic effects of the initial indirect costs identified in the rule due to the wide range of these costs.

Comment: One commenter mentioned that there are significant economic costs associated with the public health consequences of individuals forgoing medical treatment, such as increases in the spread of communicable diseases (e.g., citing a studying finding that the flu costs the United States more than \$87 billion annually). Another cited a study finding that public charge immigration requirements have made immigrants less likely to receive free immunization services, while another similarly stated that DHS failed to account for the costs associated with a potential increase of communicable disease. A commenter expressed particular concern about this occurring due to an increase in the number of unvaccinated children and recommended that DHS incorporate a comprehensive analysis of downstream impacts on population health, communicable disease prevention,

maternal and child health, and health equity into the final rule.

Response: DHS appreciates the commenters' concern regarding the spread of communicable diseases. DHS acknowledges in the economic analysis various indirect effects that could occur because of follow-on effects of the reduction in transfer payments identified in the final rule. DHS provides a list of the primary non-monetized potential consequences of the final rule where disenrollment or forgoing enrollment in public benefits programs by aliens who are otherwise eligible could lead to issues such as higher prevalence of communicable diseases, including among U.S. citizens who are not vaccinated.

Due to data limitations, DHS is generally not able to estimate all the additional indirect costs that would likely be incurred because of follow-on economic effects of the initial indirect costs identified in the rule due to the wide range of these costs. Although commenters provided studies on the costs of potential public health consequences, the studies cited lacked sufficient information to quantify these costs. For example, one study estimated the annual cost of the flu in the United States at \$87 billion, but did not provide data on the number of aliens or vaccine cost breakdowns. Another study addressed immigrant use of immunization services but focused only on undocumented immigrants, which is not the population covered by this final rule. Therefore, since DHS did not receive adequate methodologies for quantifying these non-monetized potential impacts, the final rule contains a qualitative analysis. This approach is consistent with the requirements of E.O. 12866 and OMB Circular A-4, which call for quantification where possible and qualitative analysis where quantification is not feasible.²⁸⁸

DHS reiterates this rule is not purporting to regulate which aliens may receive public benefits, nor is it regulating who may choose to receive a vaccine. Furthermore, this rule does not apply to U.S. citizens or aliens exempt from the public charge ground of inadmissibility. Finally, consideration of means-tested public benefits applied for, approved or certified to be received by aliens who are both eligible for a public benefit and subject to the ground of inadmissibility will apply to the aliens and not family members except as outlined elsewhere in this rule.

²⁸⁸ E.O. 12866 is available at <https://www.archives.gov/files/federal-register/executive-orders/pdf/12866.pdf>; OMB Circular A-4 (Sept. 17, 2003) is available at <https://www.whitehouse.gov/wp-content/uploads/2025/08/CircularA-4.pdf>.

Comment: A commenter stated that immigrants make up a significant share of the health care workforce that the system cannot afford to lose, with approximately 2.8 million immigrant health care workers in the United States comprising more than 17 percent of all people working in health and medicine.

Response: DHS appreciates the concern regarding the immigrant workers who make up a portion of the healthcare workforce. DHS acknowledges in the economic analysis that various indirect effects could occur as a result of reductions in transfer payments identified in the final rule, such as lower revenues for healthcare providers participating in Medicaid. However, this rule does not target or restrict employment for immigration health care workers. DHS reiterates the purpose of this rule ensures that applicants for adjustment of status to LPR who are subject to the public charge ground of inadmissibility, are self-sufficient, i.e., relying on their own capabilities and resources of their family, sponsor, and private organizations, rather than depending on public resources.

c. Nutrition Program Impacts and Related Downstream Effects

Comment: A commenter remarked that the United States faces substantial annual costs, estimated to be \$178 billion in 2014, in avoidable healthcare costs attributable to hunger, and that SNAP disenrollments would exacerbate this problem. Several commenters cited USDA estimates that every dollar in SNAP benefits generates between \$1.54 and \$1.80 in local economic activity, meaning that reduced SNAP participation would have a negative multiplier effect throughout local economies. Another commenter similarly expressed concern that a reduction in SNAP enrollment would have negative ripple effects across the economy. Finally, another commenter said that DHS overlooked benefits programs that provide significant economic stimulus (e.g., the Department of Agriculture in 2019 estimates that every \$1 of SNAP benefits yields \$1.54 in economic activity).

Response: DHS appreciates concerns about the healthcare costs attributable to hunger that could result from disenrollment from SNAP. As noted in the NPRM, reduced access to public benefit programs by eligible individuals, including aliens and U.S. citizens in mixed-status households, may lead to downstream effects on public health, community stability, and resilience, and may also affect State and local economies, businesses, and individuals.

However, DHS did not in any way propose in the NPRM to regulate or circumscribe the eligibility of aliens seeking public benefits. Similarly, this final rule neither prohibits public benefits providing agencies from providing benefits to immigrants nor prohibits any category of immigrants from receiving any benefits for which they are eligible. While these indirect impacts are recognized and discussed qualitatively to the extent possible in the economic analysis for this final rule, DHS is generally not able to estimate all the additional indirect costs that would likely be incurred because of follow-on economic effects of the initial indirect costs identified in the rule due to the wide range of these costs.

Furthermore, DHS recognizes USDA's report in 2019 that for every \$1 of SNAP benefits can generate \$1.50 or more in economic activity during an economic downturn. However, DHS disagrees that these effects were overlooked. As stated in the economic analysis, where quantification was not possible, DHS provided a qualitative discussion of these broader economic impacts, including the potential for reduced economic activity as a result of decreased participation in public benefit programs. DHS acknowledges that reductions in transfer payments may have a disproportionately large impact on low-income individuals and households, who tend to have a higher marginal propensity to consume and a higher marginal utility of consumption. However, DHS notes that unlike direct costs, which involve a consumption of resources (like labor or materials), transfers move money from one group to another, such as from taxpayers to beneficiaries, without a direct change in aggregate social welfare.

d. School and Education System Impacts

Comment: Commenters expressed concern about the economic impacts on schools and educational systems, raising burdens to local school districts through loss of Medicaid reimbursement for special education services and reduced participation in school meal programs. Other commenters expressed concern that the impacts to mixed status families would extend beyond immigrant families experiencing poverty, affecting program viability and its ability to serve all eligible children, and criticized the NPRM for not analyzing this effect. Finally, another commenter stated that losing economies of scale due to immigrant children disenrolling would make it more difficult for the program to serve other eligible children.

Response: DHS appreciates concerns about the impacts on schools and educational systems. As noted in the NPRM, reduced access to public benefit programs by eligible individuals, including aliens and U.S. citizens in mixed-status households, may lead to downstream effects on public health, community stability, and resilience, and may also affect State and local economies, businesses, and individuals. DHS is not able to quantify these impacts due to uncertainty and availability of data. DHS discussed these impacts qualitatively to the extent possible in the economic analysis for this final rule.

However, DHS did not in any way propose in the NPRM to regulate or circumscribe the eligibility of aliens seeking public benefits. Similarly, this final rule neither prohibits public benefits providing agencies from providing benefits to immigrants nor prohibits any category of immigrants from receiving any benefits for which they are eligible. While these indirect impacts are recognized and discussed qualitatively to the extent possible in the economic analysis for this final rule, DHS is not able to estimate all the additional indirect costs that would likely be incurred because of follow-on economic effects of the initial indirect costs identified in the rule due to the wide range of these costs.

e. Denial of Entry or Adjustment of Status

Comment: A commenter expressed concern that DHS fails to acknowledge the denial of entry for "hundreds of thousands of immigrants" as a cost of removing structured application review in favor of subjective determinations by consular officers further stating that the proposed rule would prevent many citizens from living with their relatives and would have a "life-changing impact" on U.S. citizens. Another commenter noted the proposal does not adequately capture qualitative impacts on "dignity, equity, and fairness," and reasoned its inclusion would exacerbate the chilling effect impacting eligible groups such as U.S. citizen children.

Response: DHS appreciates the comments but notes this final rule stems from a DHS proposal to remove the DHS 2022 Final Rule and addresses the administration of the public charge ground of inadmissibility only by DHS, not by DOS. As noted in the NPRM, the estimation of costs and benefits for this rule focuses on individuals applying for adjustment of status with USCIS using Form I-485, although the 2022 Final Rule also generally governed inadmissibility determinations made by

CBP. Aliens apply for adjustment of status from within the United States, rather than applying for a visa from a DOS consular officer at a U.S. embassy or consulate abroad. DOS consular officers are responsible for applying the public charge ground of inadmissibility as part of the visa application process. This rule does not revise DOS standards or processes. In addition, as stated in the NPRM, DHS acknowledges that aliens at or between ports of entry seeking admission to the United States with CBP are generally subject to the public charge ground of inadmissibility, though some may be exempt by law. However, DHS cannot quantify the number of aliens who would appear to be inadmissible to CBP under this final rule due to uncertainty regarding the number of aliens who would be encountered at or between ports of entry, as well as the discretionary authority officers and agents have in determining whether an alien appears to be a public charge. For this reason, DHS qualitatively acknowledges the potential impact. Furthermore, this rule does not prevent U.S. citizens from living with their relatives but ensures that applicants for adjustment of status to that of an LPR who are subject to the public charge ground of inadmissibility, are self-sufficient.

DHS also recognizes that E.O. 12866 and E.O. 13563 direct agencies to consider regulatory approaches that maximize net benefits, including consideration of values that are difficult or impossible to quantify, such as equity, human dignity, and fairness. However, DHS disagrees this rule did not adequately capture impacts on "dignity, equity, and fairness." DHS did not propose in the NPRM to, in any way, regulate or circumscribe the ability of states to offer public benefits to immigrants. Similarly, this final rule neither prohibits states from providing benefits to immigrants nor prohibits any category of immigrants from receiving any state or local benefits for which they are eligible. Aliens eligible for means-tested public benefits under Federal, Tribal, State, territorial, or local law may elect to receive such benefits. However, DHS believes the receipt of public benefits should not be an incentive to come to the United States and aligns DHS's administration of the INA to those principles.

iii. Administrative Burdens and Costs

a. Rule Familiarization

Comment: A commenter said the 2018 NPRM, which the commenter characterized as "far narrower" in scope than the 2025 NPRM, estimated that

familiarization would take 8 to 10 hours; the commenter reasoned the current rulemaking would require significantly greater time and resources to understand and implement. Similarly, another commenter stated that DHS estimates that it will take an individual 2 to 3 hours to read the proposed rule in its entirety and understand its application to themselves, is an unreasonable expectation for families struggling to make a daily living and DHS's estimate of an opportunity cost of \$96.10 to \$144.15 per individual is an underestimate, not accounting for the time spent with service providers determining eligibility for public benefits, consultations with immigration attorneys, or time spent navigating the nation's complex immigration laws.

Response: DHS appreciates the concerns regarding the familiarization costs in the economic analysis but disagrees that familiarization costs are underestimated. These costs involve the time spent reviewing a rule to familiarize themselves with it, not the time spent determining eligibility for public benefits programs or consulting with an attorney about immigration law. An alien might review the rule to determine whether they are subject to the rule. To the extent an individual who is directly regulated by the rule incurs familiarization costs, those familiarization costs are a cost of the rule. Other entities or individuals who choose to read the rule such as immigration lawyers, immigration advocacy groups, benefits providing agencies, nonprofit organizations, non-governmental organizations, and religious organizations, among others, would be considered costs of this rule as well. However, DHS recognizes they would incur the same opportunity cost of time.

As stated in the NPRM, DHS assumes the average professional reads technical documents at a rate of about 250 to 300 words per minute. Based on the approximate word count of the NPRM, DHS estimated for the NPRM it will take approximately 2 to 3 hours per person to read the rule. The 2019 NPRM was a much longer document, containing 183 pages, whereas this rule's NPRM was 57 pages. DHS applied the same methodology as was conducted in the 2019 Final Rule.

DHS requested public comments on appropriate methodologies for quantifying the number of individuals who would choose to familiarize themselves with this rule but did not receive any comments. Therefore, DHS uses the same methodology in this final rule, to update the familiarization costs.

Using the average total rate of compensation as \$48.05 per hour for all occupations, DHS estimates the time necessary to read this final rule is approximately 8 to 9 hours, with an opportunity cost of time ranging from about \$384.40 to \$432.45 per individual who must read and review the final rule. Due to data limitations, DHS is unable to estimate or quantify the number of individuals who will familiarize themselves with this rule.

Comment: A commenter cited a study and expressed concern about the high administrative burden, such as the compliance costs, from restrictive public benefits rules and the impact on children's access to benefits. Another commenter generally expressed concern that the proposed rule would add significant administrative burden to "an already strained system."

Response: DHS appreciates the concerns regarding the administrative and compliance costs expressed by the commenters. DHS agrees that some entities, such as public benefits providing agencies, may incur an increase in familiarization and regulatory costs as described in the economic analysis. However, DHS considers these costs as qualitative, unquantified effects of the final rule.

Furthermore, DHS disagrees that this rule would impact children's access to public benefits. DHS reiterates this rule is not purporting to regulate who may receive public benefits and any individual, including children, who are entitled to public benefits may elect to receive such benefits.

b. State and Local Government Administrative Costs

Comment: Commenters stated the proposed rule would increase "churn" in benefit programs, as consumers disenroll and then re-enroll when circumstances become dire, resulting in duplicative work for agencies. One of these commenters cited a study of health insurance-related churn found the costs averaged between \$400 to \$600 for each instance of churn that requires a new application. Another commenter cited a study of SNAP-related churn found the costs averaged \$80 for each instance of churn that requires a new application. Additionally, many commenters specifically stated fear-based disenrollment and other confusion about the impacts of the proposed rule will significantly increase hospital administrative burdens and long-term costs, impacting patient care for everyone. A different commenter expressed concern that State and local agencies would be unable to handle the additional burden of facilitating mass

disenrollment and confusion, stating agencies would have to redesign benefits systems to ensure individuals are not at public charge risk. Finally, a separate commenter concluded the withdrawal of individuals from Federal benefits programs and resulting increased reliance on State, county, and municipal governments would, among other impacts, increase administrative workloads for States.

Response: DHS appreciates receiving comments regarding the potential for increased "churn" in benefit programs and the associated administrative costs. DHS recognized in the NPRM that some entities may experience increased churn, where eligible individuals and families cycle on and off public benefit programs more frequently enrolling during times of need and disenrolling due to fear or confusion. This churn may result in higher administrative costs for states and agencies. DHS discusses these potential impacts qualitatively in the analysis of this final rule. However, DHS is unable to determine the entities that will choose to make administrative changes to their business processes or how extensive those changes would be.

Comment: Many commenters remarked that the proposed rule would increase costs and administrative burdens on State and local governments and agencies, requiring significant resources for staff training, updating forms and notices, revising guidance materials, and responding to increased inquiries from confused residents. Commenters asserted that DHS incorrectly assumed these would be one-time costs. Commenters stated that increased costs and burdens are compounded during times of disaster. Several commenters emphasized that the pressure on State and local governments to fund public programs comes at a time when States are already facing significant Federal disinvestment in core public benefits, citing changes to SNAP under the July 4, 2025, budget reconciliation law (H.R. 1), and expressed concern about compounding effects and exacerbated impacts given the significant changes to Medicaid and SNAP. Similarly, commenters expressed concern that the NPRM ignored the fact that many benefit programs are jointly financed between the States and the Federal Government, which would require States to backfill coverage with their own funds and absorb costs. Commenters provided annual estimates of \$500 million in California and \$400 million in New York. A commenter from Illinois estimated that 1 hour of training for caseworkers would require more than 3,300 person-hours and over

\$140,000, and that caseworkers would need to advise and support individuals seeking to disenroll from benefits, which could cost up to \$5.6 million in staff time.

Many commenters stated immigrant populations contribute significantly to local and State taxes, helping municipalities fund public programs that benefit all residents. Another commenter noted that in States such as Massachusetts, local governments operate health systems and will require increased State and local revenue to serve a greater number of uninsured individuals as a result of the rule.

Response: DHS appreciates concerns about the potential increase in costs and administrative burdens to State and local governments and agencies. DHS agrees that some State and local governments and agencies may incur costs related to changes that commenters identified, such as an increase in familiarization and regulatory costs, as discussed in the economic analysis. However, DHS considers these costs as qualitative, unquantified effects of the final rule since it is unclear how many entities will choose to make administrative changes to their business processes as a result of this rule. Any downstream effects on State and local governments and agencies specific to this rule would arise solely due to their voluntary choices and would not be a consequence of an enforceable duty imposed by this rule. Additionally, DHS has updated the economic analysis in this final rule to make it clearer that these administrative costs could be ongoing for entities who chose to make changes to their business practices.

Furthermore, DHS disagrees with the commenter's assertion that every reduction in Federal transfer payments requires State and local governments to adjust and/or increase their budgets and absorb additional costs. This final rule does not add or take away funding for public benefits programs, meaning that States are not required to change how they contribute funds to these programs. The transfer payments described in the economic analysis are about individuals who choose to disenroll or forgo enrollment in public benefit programs and represent fewer payments from Federal and State governments to those individuals who choose to no longer enroll in these programs. Furthermore, this rule does not regulate how State and local governments administer such programs, and any changes that they choose to make to their budgets would not arise as a result of this rule.

DHS also appreciates concerns about the potential additional strain on State

and local governments and other public benefits providing agencies, such as healthcare facilities. DHS recognizes external factors unrelated to this rule, such as H.R. 1, are expected to indirectly impact State and local governments and other entities that administer public benefits due to recent changes to Medicaid and SNAP.²⁸⁹ However, it is too early to assess the impact of these policies, particularly regarding public benefit usage, and consequently, overall impacts.

Finally, DHS acknowledges the comments regarding local and State taxes and agrees there is potential for reduced economic activity, and consequently lower tax revenue, as a result of decreased participation in public benefit programs. As noted in the NPRM, reduced access to public benefit programs by eligible individuals, including aliens and U.S. citizens in mixed-status households, may lead to impacts on State and local economies, businesses, and individuals. Reductions in transfer payments may also have a disproportionately larger impact on low-income individuals and households, who tend to have a higher marginal propensity to consume and a higher marginal utility of consumption. As a result, reductions in their payments can lead to decreased spending, lower total welfare, and overall reduced economic activity. USCIS has qualitatively discussed these potential impacts in the 12866 section but is unable to quantify them. DHS notes that this rule does not in any way regulate or circumscribe the eligibility of aliens seeking public benefits. Similarly, this final rule neither prohibits public benefits providing agencies from providing benefits to immigrants nor prohibits any category of immigrants from receiving any benefits for which they are eligible.

c. Housing Provider Administrative Costs

Comment: Commenters expressed concern about administrative burdens and costs the proposed rule would impose on housing providers and public housing authorities, including: answering consumer questions about the rule; more bureaucratic procedures and costs from increased call volumes, updates to forms and notices, increased tenant turnover, leading to reduced quality of services; and needing to provide immigrants with documentation regarding their history of benefit receipt, creating additional administrative costs for affordable housing providers that are

not equipped financially nor have the capacity to respond to these queries; all of which lead to immigrants forgoing housing assistance, increased tenant turnover, and increased homelessness. Specifically, one of these commenters noted, in San Francisco, this could lead to tens of millions in additional costs to provide re-housing services locally.

Response: DHS appreciates receiving comments regarding the potential administrative burden and associated costs. As noted in the NPRM, DHS recognizes that some entities may experience administrative costs associated with familiarization with the provisions of the rule. These costs include the opportunity cost of time to read the proposed rule and subsequently determine applicability of the rule's provisions. DHS estimates the time to read this final rule in its entirety would be 8 to 9 hours per individual. DHS estimates that the opportunity cost of time will range from about \$384.40 to \$432.45 per individual who must read and review the proposed rule. However, DHS cannot determine the number of individuals who will read the proposed rule, nor determine the entities that will choose to make administrative changes to their business processes.

DHS also appreciates concerns about the risk of homelessness. As noted in the NPRM, reduced access to public benefit programs by eligible individuals, including aliens and U.S. citizens in mixed-status households, may lead to downstream effects on public health, community stability, and resilience, and may also affect State and local economies, businesses, and individuals. These are discussed in the economic analysis, but DHS is generally not able to quantify these impacts due to uncertainty and availability of data. Further, DHS did not propose in any way in the NPRM or this final rule to regulate or circumscribe the eligibility of aliens seeking public benefits. Similarly, this final rule neither prohibits public benefits providing agencies from providing benefits to immigrants nor prohibits any category of immigrants from receiving any benefits.

d. Federal Agency Administrative Costs

Comment: Commenters expressed concern about the administrative costs the proposed rule would impose on Federal agencies, particularly USCIS. Commenters stated the cost analysis in the rule addresses only the costs to the public, not the administrative costs to USCIS of implementing the rule.

Response: DHS acknowledges concerns about potential future costs to USCIS; however, DHS sets the fees

²⁸⁹ See H.R. 1 Reconciliation Bill, e.g., secs. 10108 (SNAP Eligibility); 71109 (Alien Medicaid Eligibility); Public Law 119–21 (July 4, 2025).

associated with requesting immigration benefits as necessary to recover the full operating costs associated with administering the nation's lawful immigration system, safeguarding its integrity, and adjudicating immigration benefit requests efficiently and fairly. Nonetheless, should DHS determine the fees set for the relevant forms related to the public charge review process are not sufficient to cover the full cost of the associated services adjudicating immigration benefit requests, the agency will propose to adjust these form fees in a subsequent fee rule.

Comment: A commenter stated the proposed rule would reduce revenue for USCIS because it would deprive USCIS of filing fees associated with non-victim-based applications for adjustment of status and the cost-benefit analysis for the proposed rule does not account for this. The commenter stated that failure to consider the costs of a proposed rule while only considering the rule's financial benefits violates the APA.

Response: DHS disagrees that the rule deprives USCIS of revenue. As shown in the NPRM, the number of receipts for Form I-485 remained relatively steady over a six-year period from FY 2019 to FY 2024. DHS did see a period of low applications in FY 2020, due to external factors, such as the COVID-19 pandemic. During this time, USCIS closed Application Support Centers (ASCs), and those that remained open operated at reduced capacity. Due to the relative stable receipts over the prior six-year period DHS estimates the projected annual average total population of aliens filing Form I-485 is 727,192. Therefore, the economic analysis does not consider a significant loss of revenue.

iv. Failure To Meet Impact Analysis Requirements

Comment: Commenters stated the proposed rule fails to meet the requirements of E.O. 13563, which directs agencies to propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs; the regulation is tailored to impose the least burden on society, consistent with achieving the regulatory objectives; and in choosing among alternative regulatory approaches, DHS selected those approaches that maximize net benefits. Other commenters generally remarked the NPRM's analysis of impacts is insufficient to the point of violating E.O. 12866 and E.O. 13563, while one commenter stated DHS failed to consider the benefits of individuals receiving the public benefits subject to

the rule, writing that Congress has stated those benefits advance social strength, public health, and self-sufficiency.

Another commenter wrote the cost-benefit analysis presents an incomplete and potentially misleading picture of the NPRM's true economic consequences, as it treats lower enrollment and lower spending on low-income families as a positive effect of the rule without assessing the associated losses to low-income families, including those with U.S. citizen children. Joint commenters wrote DHS should carefully weigh all the attendant costs and benefits of the proposed rule, stating the public is unable to comment on whether DHS appropriately weighed the costs and benefits since DHS has not offered any analysis. Providing detailed remarks, they said their work on behalf of low-income individuals suggests there will be costly implications of the proposed rule that go far beyond access to benefits. Another commenter wrote the negative impacts resulting from a lack of access to basic services harm the health of both immigrants and U.S. citizens and would likely cost more in the long-term than the immediate savings in Federal and State budgets made by the NPRM.

Additionally, another commenter wrote that the RIA omits or understates the downstream costs of the predictable chilling effects, failing to comply with E.O. 12866, which requires transparent and evidence-backed assessments of the need for the proposed rule and its quantified costs and benefits. The commenter stated the proposed rule does not comply with OMB Circular A-4, which explicitly requires agencies to articulate indirect effects such as health impacts and distributional consequences, and referenced several studies and DHS's own 2022 Final Rule highlighting the substantial costs of the chilling effects. Costs mentioned include but are not limited to "additional administrative frictions at State agencies" that lead to loss of resources and uncompensated care absorbed by hospitals and State and local governments. The commenter requested the RIA present which groups (e.g., U.S.-born children, State and local taxpayers, safety-net providers) bear the calculated costs and forgone benefits, as per Circular A-4 directions.

Response: DHS disagrees that the economic analysis is insufficient. As noted in the NPRM, due to data limitations, DHS is generally not able to estimate all the additional indirect costs that would likely be incurred because of follow-on economic effects of the initial indirect costs identified in the rule due

to the wide range of these costs. DHS provides a list of the primary non-monetized potential consequences of the final rule, where disenrollment or forgoing enrollment in public benefits programs by aliens who are otherwise eligible could lead to issues such as those described by the commenters. The economic analysis describes, to the extent possible, the populations that could be affected as a result of a decrease in public benefit participation. These are all considered non-monetized impacts of the final rule and are discussed qualitatively. This approach is consistent with the requirements of E.O. 12866 and OMB Circular A-4, which call for quantification where possible and qualitative analysis where quantification is not feasible. Furthermore, DHS notes the "savings" that a commenter refers to are actually the estimated transfer payments of the rule as shown in the economic analysis. The reduction in transfer payments is quantified in the transfer payments section of the economic analysis of this rule, not in a cost savings or benefits section, in accordance with OMB's Circular A-4.

DHS also disagrees that the analysis associates lower public benefits enrollment and lower spending on low-income families as a positive effect. As noted in the NPRM, reduced access to public benefits programs by eligible individuals, including aliens and U.S. citizens in mixed-status households, may lead to impacts on State and local economies, businesses, and individuals. Reductions in transfer payments may also have a disproportionately larger impact on low-income individuals and households, who tend to have a higher marginal propensity to consume and a higher marginal utility of consumption. As a result, reductions in their payments can lead to decreased spending, lower total welfare, and overall reduced economic activity.

Additionally, DHS recognizes that E.O. 13563 directs agencies to consider regulatory approaches that maximize net benefits, including consideration of values that are difficult or impossible to quantify, such as equity, human dignity, and fairness. DHS updated the economic analysis to reflect this additional indirect impact qualitatively.

Furthermore, DHS believes the benefits of this policy outweigh the costs of this rule. As discussed throughout this preamble, the purpose of this rule is to remove overly restrictive language established by the 2022 Final Rule to improve implementation of the public charge ground of inadmissibility consistent with statute and congressional intent

which DHS anticipates will ensure that fewer individuals who are likely at any time to become a public charge will be granted admission into or adjustment of status in the United States. While most aliens are not immediately eligible for means-tested public benefits, they may eventually become eligible for public benefits. Therefore, giving adjudicators more discretion to consider both the alien's current circumstances and the likelihood that the alien may use a broader range of available means-tested public benefits in the future may reduce the pressure on a broader range of public benefit programs over time, and better align the public charge ground of inadmissibility with congressional intent. DHS is making this change to better adhere to the statute's requirement that aliens not be likely to become a public charge at any time, consistent with Congress' goal that aliens be self-sufficient and not rely on public benefits into the future. This final rule better implements the statute governing public charge inadmissibility and the broader policy that aliens should be self-sufficient.

Comment: A few commenters said the proposed rule failed to evaluate alternatives, such as adjustments to current regulations, and did not contemplate any alternatives that are less burdensome and instead puts forth an even more burdensome and vague proposal. One of these commenters, without identifying such an alternative, indicated DHS failed to evaluate a likely alternative, violating the APA, while another stated DHS did not provide any thoughts on alternative pathways to reduce the grave and potentially expansive chilling impacts of the rescission of the current public charge regulation. Specifically, DHS did not consider keeping or instituting certain guardrails, like defining the term public charge, even while acknowledging that these terms are undefined in the INA and prior immigration law dating back to 1882. Other commenters criticized the NPRM for not considering mechanisms that could be implemented to mitigate the rule's costs.

Response: DHS disagrees alternatives were not considered. As discussed in the NPRM, DHS considered retaining the 2022 Final Rule and the implications of implementing the 2019 Final Rule. However, the Secretary has determined this rulemaking would be the most consistent with the national policies contained in E.O. 14218²⁹⁰ and PRWORA, insofar as prior rules limited the factors and information that DHS

could consider in making a public charge inadmissibility determination. To varying degrees, the 2019 and 2022 rules prevented officers from considering relevant evidence essential to making accurate and valid public charge inadmissibility determinations that are consistent with the statute and congressional intent. While commenters indicated that as an alternative to rescinding the 2022 Final Rule in its entirety, DHS could define the term "public charge" or modify rather than rescind the 2022 Final Rule, these commenters do not take into consideration DHS's clear underlying rationale for the rescission as needing to align public charge inadmissibility determinations with congressional intent, which such modifications would not accomplish. DHS believes this final rule is consistent with congressional intent, as set forth in the PRWORA. By considering an alien's receipt of means-tested public benefits and how such receipt reflects on self-sufficiency in the totality of the circumstances, DHS is ensuring that it is faithfully administering the public charge ground of inadmissibility and ensuring that the availability of public benefits is not an incentive for aliens to immigrate to the United States. This rule aligns DHS's administration of the INA to those principles and ensures that applicants requesting adjustment of status to LPR who are subject to the public charge ground of inadmissibility are self-sufficient.

Furthermore, the costs the commenters are referring to are not costs of the rule but instead transfer payments. The economic analysis for this final rule was conducted based on the guidelines set forth in OMB Circular A-4, which provides guidance to agencies for conducting cost-benefit analyses and, in this case, a discussion on the distinction between cost and/or benefits and transfer payments. As noted in OMB Circular A-4, "[b]enefit and cost estimates should reflect real resource use. Transfer payments are monetary payments from one group to another that do not affect total resources available to society."²⁹¹ The reduction in transfer payments is quantified in the transfer payments section of the economic analysis of this rule, in accordance with OMB's Circular A-4. A reduction in transfer payments is not quantified in the costs section of this rule.

Comment: Commenters stated that even if deterring immigrants and their

families from benefits is not the intent of the regulation, this is a likely outcome because of ambiguities in the rule; the commenters reasoned that DHS must take this possibility into account in its analysis and that DHS is required to show that it cannot achieve its goals in an alternative way that causes less harm.

Response: DHS appreciates the concerns regarding immigrants who may disenroll or forgo enrollment in public benefits programs. DHS disagrees that decreased participation was not considered within the economic analysis. While the intent of this rule is to allow DHS to better apply the public charge ground of inadmissibility consistent with the administration's objectives and congressional intent, DHS recognizes this rule may lead to public confusion or misunderstanding, which could result in decreased participation in public benefits programs. This potential impact is discussed extensively in the transfer payments section of the economic analysis.

DHS believes that the benefits of this policy outweigh the costs and that this rule is the best way to achieve regulatory objectives with the least harm. The rule is meant to ensure that applicants for adjustment of status to lawful permanent resident who are subject to the public charge ground of inadmissibility are self-sufficient, *i.e.*, relying on their own capabilities and resources of their family, sponsor, and private organizations, rather than depending on public resources.

Comment: A commenter criticized DHS's rationale and evidence for the proposed rule as inadequate. The commenter remarked that the rule conflates one immigration statute for another and treats officer discretion as paramount, while creating "enormous" costs by penalizing aliens for receiving supplemental benefits for which they are legally eligible and the receipt of which does not truly show a burden of supporting the alien will be cast on the public.

Response: DHS disagrees with the commenter's assertion that the rationale and evidence for the rule is inadequate. As discussed in the NPRM, this rule removes the overly restrictive language established by the 2022 Final Rule to improve the implementation of the public charge ground of inadmissibility consistent with congressional intent. Regarding the claim that the rule conflates PRWORA and IIRIRA, DHS disagrees. This rule, and section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), do not change the eligibility requirements for public benefit

²⁹⁰ Ending Taxpayer Subsidization of Open Borders, 90 FR 10581 (Feb. 25, 2025).

²⁹¹ OMB, "Circular A-4", p. 38, (Sept. 17, 2003) <https://www.whitehouse.gov/wp-content/uploads/2025/08/CircularA-4.pdf>.

programs and do not intend to change those eligibility requirements. DHS also notes just because the statement of national policy concerning welfare and immigration was contained within PRWORA does not mean that the only statutory tools that our country has historically used or continues to use to achieve those goals were contained within PRWORA. To the contrary, PRWORA itself references “this country’s earliest immigration statutes” when describing how self-sufficiency has long “been a basic principle of United States immigration law.” This reference in PRWORA clearly points to the initial exclusion ground from 1882, of which the public charge ground of inadmissibility is the direct descendant. The public charge ground of inadmissibility has always been one of the tools used by Congress to encourage self-sufficiency. PRWORA merely approached the same issue from another perspective, adding new eligibility limitations for certain public benefits. IIRIRA added another such tool, the legally enforceable affidavit of support (Form I-864).

Finally, DHS disagrees this rule would create “enormous” costs by penalizing aliens for receiving public benefits. The rule does not eliminate or bar aliens from accessing public benefits. DHS did not propose in the NPRM or in this final rule, in any way, to regulate or circumscribe the ability of public benefits providing agencies to offer public benefits to immigrants. Aliens entitled to public benefits under Federal, State or local law may elect to receive such benefits. However, DHS believes the consideration of an alien’s receipt of designated public benefits is consistent with congressional intent, as set forth in PRWORA, that the receipt of public benefits should not be an incentive to come to the United States, and aligns DHS’s administration of the INA to those principles. The rule ensures that applicants for adjustment of status to LPR who are subject to the public charge ground of inadmissibility are self-sufficient.

Comment: A commenter wrote DHS did not indicate it sought Federal interagency review, which would have helped DHS consider the acknowledged consequences of forgone lawful benefit use.

Response: DHS does not agree that the Federal interagency review process was not followed. As stated in the NPRM and this final rule, this rule has been designated a “significant regulatory action” that is economically significant, under section 3(f)(1) of E.O. 12866. Accordingly, the rule has been reviewed

by the OMB, who conducts the Federal interagency review.

Comment: A commenter said DHS has failed to consider the financial costs and administrative burdens the proposed rule would impose on State and local governments, as required by the APA, asserting the failure is especially perplexing because DHS was presented with reams of relevant social science research, comments, briefings, court decisions, and declarations filed in litigation underscoring the magnitude of State and local government costs associated with changes to DHS’s implementation of the public charge ground of inadmissibility. The commenter requested that DHS review and consider the commenter’s December 10, 2018, submission from the 2019 rulemaking and the declarations constituting the evidentiary record in the ensuing litigation of the costs and harms the 2019 Rule imposed on the commenter’s organization.

Response: DHS disagrees financial costs and administrative burdens were not considered. DHS agrees that some State and local governments and agencies may incur an increase in administrative costs as described in the economic analysis. However, DHS was unable to quantify these costs and provides a qualitative discussion of the effects of the final rule instead. DHS has considered comments relevant to the rescission of the 2022 Final Rule but declines to consider comments submitted on a different rulemaking that reflected a comprehensive regulatory scheme that differs from this final rule. That said, as discussed throughout this final rule, DHS has considered the impacts of this rulemaking and adequately addressed indirect impacts of the rulemaking.

d. Transfer Payments

i. DHS’s Estimates of the Chilling Effects Rate

a. The Rule’s Chilling Effect in the Broader Current Environment

Comment: Commenters wrote that even without the proposed rule, immigrant use of benefits is being chilled in the current immigration environment, citing a survey from fall 2025 finding that 18 percent of immigrant parents said they already avoided applying for safety net programs due to their immigration status. Another commenter wrote that before the rule was proposed, as of 2023, nearly three-quarters of immigrant adults reported either uncertainty about how use of non-cash assistance programs impacts immigration status or incorrectly believed that use may reduce

the chances of getting a Green Card in the future.

Response: DHS agrees external factors unrelated to this rule may cause aliens to disenroll or forgo enrollment in public benefits programs. As noted within the economic analysis, DHS anticipates disenrollment or forgone enrollment rates may fluctuate independently of this rule. However, it is too early to assess the impact of these external factors on public benefit usage, and consequently, on overall impact.

Comment: A commenter stated the economic analysis cited in the NPRM found the rule would cause hundreds of thousands of eligible people to forgo enrollment in public benefits programs out of fear, with 10 percent of households including legal immigrants disenrolling from benefits, removing almost \$5.2 billion from the economy. The same commenter asserted the proposed rule punishes residents for accessing safety nets they are legally eligible to use.

Response: DHS disagrees that the rule will remove \$5.2 billion from the economy. The estimate the commenter is referencing is the Federal share of the transfer payments presented in the economic analysis. DHS estimates that the total reduction in transfer payments from the Federal Government could be approximately \$7.71 billion annually due to disenrollment or forgone enrollment in public benefits programs by members of households that include aliens who may be receiving public benefits. This is an increase from the estimate in the NPRM because the analysis was expanded in this final rule to include Medicaid child enrollment data and the WIC program in response to public comments.

As discussed in other responses, the economic analysis for this final rule was conducted based on the guidelines set forth in OMB Circular A-4, which provides guidance to agencies for conducting cost-benefit analyses and, in this case, a discussion on the distinction between cost and/or benefits and transfer payments. As noted in OMB Circular A-4, “[b]enefit and cost estimates should reflect real resource use. Transfer payments are monetary payments from one group to another that do not affect total resources available to society.”²⁹² The transfer payments described in the economic analysis result from individuals who choose to disenroll or forgo enrollment in public benefit programs, and represent reduced payments from

²⁹² OMB, “Circular A-4”, p. 38, (Sept. 17, 2003) <https://www.whitehouse.gov/wp-content/uploads/2025/08/CircularA-4.pdf>.

Federal and State governments to certain individuals who would otherwise receive public benefits, which is not considered a method of moving money out of the economy as asserted by the commenter. Instead, the rule affects the distribution of resources (*e.g.*, such as participation in public benefits), which are classified as transfers because they reallocate resources rather than create a net loss to the overall economy. While these transfers may have meaningful distributional consequences, they are not counted as costs in the primary economic analysis.

DHS also disagrees that this rule is barring eligible aliens from accessing public benefits. DHS did not propose in the NPRM to regulate or circumscribe the ability of states to offer public benefits to immigrants. Similarly, this final rule neither prohibits states from providing benefits to immigrants nor prohibits any category of immigrants from receiving any state or local benefits for which they are eligible. Aliens entitled to public benefits under Federal, State or local law may elect to receive such benefits and this rule does not, and cannot, change that fact. However, DHS believes that the consideration of an alien's receipt of designated public benefits is consistent with congressional intent, as set forth in PRWORA, that the receipt of public benefits should not be an incentive to come to the United States, and aligns DHS's administration of the INA to those principles.

ii. Historical Evidence of Chilling Effects

a. 2018 NPRM and 2019 Final Rule

Comment: A commenter cited research finding the 2018 NPRM was associated with a nationwide childhood enrollment decrease of approximately 260,000 in Medicaid, 149,000 in SNAP, and 21,000 in WIC. Another commenter stated between 2016 and 2019, which covers the period during which changes to public charge were previously proposed, participation in SNAP and TANF fell by 36 percent while Medicaid participation fell by 18 percent among immigrant families.

A commenter cited a study finding that the 2019 Final Rule led to one in seven adults in immigrant families avoiding public benefit programs because of Green Card concerns. Commenters cited multiple studies finding after the 2019 Final Rule, a quarter of mixed status households avoided participating in non-cash benefits programs like Medicaid, SNAP, and housing subsidies. Several commenters stated participation in

Medicaid and CHIP among low income U.S. citizen children with an alien in the household fell twice as fast as among children in citizen-only households following the 2019 Final Rule.

A commenter wrote analyses predicted that the 2019 Final Rule could have led to a 20- to 60-percent decline in immigrant use of benefits and impacted up to 26 million people (immigrants and U.S. citizens in mixed households).

Response: DHS appreciates the comments citing research on the chilling effects of the 2019 Public Charge Rule. DHS acknowledges studies conducted between 2016 and 2020 have shown reductions in enrollment due to “chilling effects,” ranging from 4.1 percent to 48 percent.^{293 294} For the purposes of its economic analysis, DHS utilized a range of 3.3 percent and 17.3 percent to estimate potential disenrollment or forgone enrollment in public benefits programs, including Medicaid, CHIP, TANF, SSI, Federal Rental Assistance, and WIC. DHS recognizes decreased participation in public benefit programs may include those not subject to the public charge ground of inadmissibility, such as children in mixed-status households, longtime LPRs, and aliens in categories exempt from public charge. However, this rule does not change eligibility for public benefits programs. Instead, it ensures applicants requesting adjustment of status to LPR who are subject to the public charge ground of inadmissibility, are self-sufficient.

b. 2022 Final Rule

Comment: A commenter criticized DHS's analysis for not considering how chilling effects arose or were mitigated by the 2022 Final Rule, reasoning that when considering a significant change to the regulatory framework through rescission of existing regulations, it is necessary to review the impacts of current regulations in the new rulemaking.

Response: DHS disagrees that the economic analysis did not consider how chilling effects arose or were mitigated

by the 2022 Public Charge Rule. As noted in the NPRM, since the publication of the 2022 Final Rule, studies highlighted the broad chilling effect public charge policy changes have had on enrollment rates across public benefit programs, including Medicaid, SNAP, TANF, and housing assistance. DHS discussed studies that aligned with the affected populations in the economic analysis and used an average of the disenrollment and forgone enrollment rates from those studies to develop the upper bound disenrollment rate of 17.3 percent, which was applied throughout the analysis.

c. PRWORA

Comment: Several commenters stated studies following PRWORA showed significant disenrollment among eligible populations. A commenter wrote that USDA found between 1994 and 1998, food stamp usage fell by 53 percent among eligible U.S. citizen children in families with an alien parent—and by 60 percent among refugees—even though the law did not restrict their eligibility; for Medicaid, the drop was 17 percent among citizen children in families with an alien parent and 39 percent among refugees.

Commenters stated that DHS cited evidence of a disenrollment rate between 21 to 54 percent following the passage of PRWORA in the 1990s. Another commenter stated that DHS dismissed estimates disenrollment rates of 21 to 54 percent following the passage of PRWORA because those rates were not observed, finding this reasoning as flawed because the 2019 Final Rule was immediately enjoined and it ignores the chilling effect of immigration today.

Response: DHS appreciates the commenters' concern regarding disenrollment rates related to PRWORA. While DHS acknowledges comments referencing disenrollment as high as 54 percent, as stated in the NPRM, DHS does not believe observed disenrollment or forgone enrollment rates will be this high as a direct result of this final rule. DHS referenced a number of independent and peer-reviewed studies, that observed disenrollment rates between 2016 and 2025, none of which reported rates as high as 54 percent as a direct result of a public charge rule.²⁹⁵ DHS uses the average of these same studies, focusing only on studies conducted between 2022 and 2025, in this final rule, as it represents the

²⁹³ Randy Capps, et al., MPI, “Anticipated ‘Chilling Effects’ of the public-charge rule are real: Census data reflect steep decline in benefits use by immigrant families,” Migration Policy Institute (Dec. 2020), <https://www.migrationpolicy.org/news/anticipated-chilling-effects-public-charge-rule-are-real> (Capps et al. (2020)).

²⁹⁴ Hamutal Bernstein, et al., Urban Institute, “Immigrant Families Continued Avoiding the Safety Net during the COVID-19 Crisis,” Urban Institute (Feb. 1, 2021), <https://www.urban.org/research/publication/immigrant-families-continued-avoiding-safety-net-during-covid-19-crisis> (Bernstein et al. (2021)).

²⁹⁵ Capps et al. (2020); Bernstein et al. (2021); Pillai et al. (2022); KFF (2025); Bernstein, Gonzalez et al. (2022); Gonzalez et al. (2023); and Gonzalez, Bernstein et al. (2023).

uncertainty in disenrollment and forgone enrollment of the specific population discussed in this rule.²⁹⁶

iii. DHS's Disenrollment Estimates

a. Underestimation or Mischaracterization of Affected Populations

Comment: Many commenters stated that DHS underestimated the population to which the chilling rate should be applied. Commenters cited KFF's analysis of American Community Survey data finding that approximately 13.4 million Medicaid or CHIP enrollees live in households with at least one alien, compared to DHS's estimate of 3.5 million Medicaid enrollees and 570,000 CHIP enrollees. One commenter remarked that the population data used by KFF was more accurate than the data used by DHS in its regulatory analysis. Many of the commenters also stated that KFF's analysis identified nearly 1.8 million uninsured people, who are eligible for but not enrolled in Medicaid or CHIP, living in households with at least one alien and who could thus be deterred from applying.

Several commenters stated that one in four children in the United States—19 million children—have at least one immigrant parent, the majority of these children are U.S. citizens, and only about 3 percent of children in the United States are themselves aliens. Additionally, a few commenters remarked that DHS underestimated the proposed rule's chilling effect on health care and referenced KFF's analysis found that of the 13.4 million Medicaid or CHIP enrollees who live in a household with at least one alien, 5.9 million are U.S. citizen children that would likely be impacted.

Finally, a commenter stated that various literature shows that uncertainty leads many immigrants and their families to disenroll or forgo enrolling in public benefit programs and the estimates in the impact analysis may be underestimated due to the proposed rule's vagueness and broader scope.

Response: DHS appreciates the concern regarding the estimated population to which the disenrollment or forgone rates should be applied to in the economic analysis. The cited study from KFF was published on December 2, 2025, after the NPRM was published on November 19, 2025, making it impossible for DHS to consider including this study within the NPRM's economic analysis, and instead DHS utilized several independent and peer-

reviewed studies available including earlier KFF reports published in May 2022²⁹⁷ and January 2025.²⁹⁸ The December 2025 KFF study was not integrated into the analysis in the final rule because it focuses on 1-year data from the 2023 ACS for public benefit enrollment figures, whereas DHS uses the average enrollment numbers from FY 2019 through FY 2024 for each public benefits program analyzed to develop an overall estimated enrollment population. For example, this difference causes KFF to have an affected population of 13.4 million for Medicaid and CHIP, whereas DHS estimated affected population is 6.7 million for the same programs. The study also explicitly explains the methodology differences between their analysis and the analysis DHS presented regarding the affected population. DHS deems it reasonable to use the average of the prior six years, as explained in the economic analysis, to smooth out any fluctuations in the data.

Finally, due to the uncertainty of the rate of disenrollment or forgone enrollment in public benefits programs, DHS recognizes that estimates provided could be an underestimate or, in some cases, an overestimate. DHS used the best available data and methods at the time of the analysis and deems this analysis reasonable to use for this final rule because a multi-year approach helps account for year-to-year variability and isolates the rule's effects providing a more stable and reliable estimate than relying on a single year of data, which can be influenced by other factors unrelated to the policy changes made by this rule.

Comment: A commenter stated that DHS's analysis excluded Medicaid child enrollment from the modeled disenrollment base, understating forgone Medicaid enrollment and associated long-term social costs. The commenter remarked that children are more likely to be eligible for and enrolled in Medicaid or CHIP due to higher income thresholds, and they are far more likely to be U.S. citizens even in households with alien adults. The commenter also wrote that DHS misinterpreted the KFF estimate by describing affected individuals as

“alien” Medicaid and CHIP enrollees, while the KFF analysis refers to “noncitizens or citizens living in a family with a noncitizen,” meaning the estimate includes U.S. citizen children in mixed-status households who are not aliens under the INA definition; the commenter reasoned that this mischaracterization narrows the group and obscures the documented chilling effects on eligible U.S. citizen children.

Response: DHS appreciates the concern regarding children enrolled in Medicaid and CHIP. DHS has expanded the economic analysis in this final rule to include child enrollment within the Medicaid estimates that are presented. DHS has also clarified the cited study within the analysis. However, as stated in the NPRM, the reduction in transfer payments from the Federal and State Governments to individuals who may choose to disenroll from or forgo enrollment in a public benefits program includes aliens as well as U.S. citizens who are members of mixed-status households.

Comment: A commenter stated that DHS's estimates of households receiving Federal rental assistance failed to provide an accurate picture of the rule's impact, noting that it was unclear how DHS's calculations resulted in 340,000 households, expressing concern that DHS may have conflated households and individuals and only considered a subset of Federal rental assistance programs.

Response: DHS disagrees that it did not provide a sufficient analysis of the impact on Federal rental assistance. DHS notes that the supplemental economic analysis accompanying both the NPRM and this final rule, which can be found in the rule docket at <https://www.regulations.gov>, provides additional information and further details about the estimates presented.²⁹⁹ The supplemental analysis provides a detailed explanation of where and how DHS derived the enrollment and expenditure figures for Federal rental assistance and clarifies that these estimates are at the household level.

DHS estimated that 5,189,000 households may be receiving benefits. To estimate the number of benefits-receiving households with at least one alien, DHS multiplied the estimated number of households receiving benefits in the United States by 6.61 percent,

²⁹⁷ Drishti Pillai, Samantha Artiga, KFF, 2022 Changes to the Public Charge Inadmissibility Rule and the Implications for Health Care (May 5, 2022), <https://www.kff.org/racial-equity-and-health-policy/2022-changes-to-the-public-charge-inadmissibility-rule-and-the-implications-for-health-care/> (Pillai et al. (2022)).

²⁹⁸ Kaiser Family Foundation (KFF), Key Facts on Health Coverage of Immigrants (Jan. 15, 2025), <https://www.kff.org/racial-equity-and-health-policy/key-facts-on-health-coverage-of-immigrants/> (KFF 2025).

²⁹⁶ Pillai et al. (2022); KFF (2025); Bernstein, Gonzalez et al. (2022); Gonzalez et al. (2023); and Gonzalez, Bernstein et al. (2023).

²⁹⁹ Department of Homeland Security. [CIS No. 2836–25; DHS Docket No. USCIS–2025–0304]; RIN 1615–AD06. Notice of Proposed Rulemaking: Public Charge Ground of Inadmissibility Economic Analysis Supplemental Information for Analysis of Public Benefits Programs Examined in the Transfer Payments and Indirect Impacts of the Regulatory Change.

which is the foreign-born noncitizen population as a percentage of the U.S. total population using U.S. Census Bureau population estimates. The analysis also clarifies that the figures presented include HUD Section 8 Project-based Rental Assistance, HUD Section 8 HCVs, HUD Public Housing, HUD Section 202/811, and USDA Section 521, and would apply to the number used throughout the analysis.

DHS understands the numbers for Federal rental assistance may be overestimated. However, as explained in the NPRM, due to the uncertainty of the rate of disenrollment or forgone enrollment in public benefits programs, DHS recognizes that estimates provided could be an underestimate or, in some cases, an overestimate, and therefore used a range from 3.3 percent to 17.3 percent, with a midpoint of 10.3 percent to present disenrollment and forgone enrollment figures. DHS used the best available data and methods at the time of the analysis and deems this analysis reasonable to use for this final rule.

b. Disenrollment Figures and Aggregate Financial Impacts

Comment: Many commenters expressed concern about harm that would result from the program disenrollment as estimated by DHS, including approximately 447,000 people from SNAP, 364,000 from Medicaid, 64,000 from SSI, 59,000 from CHIP, and 16,000 from cash assistance under TANF. A couple of commenters addressed DHS's \$9 billion estimation of reduced annual government spending on benefit programs, with one concluding that it is a clear demonstration of chilling effects that would harm families and communities, primarily U.S. citizens and LPRs. Another commenter stated that in Pennsylvania alone, there are 223,723 individuals in Medicaid households that include at least one alien, indicating that DHS's broader estimate of 3.5 million nationally is a significant underestimate, and estimated that the NPRM's chilling effects would result in a \$1.55 billion financial loss, at minimum, in the State of Pennsylvania alone.

Response: DHS appreciates the concern regarding the potential disenrollment or forgone enrollment of the public benefits programs explored in the economic analysis. DHS acknowledges in the analysis various indirect effects that could occur because of follow-on effects of the reduction in transfer payments from Federal and State governments to individuals, to include aliens as well as U.S. citizens who are members of mixed-status

households, who may choose to disenroll from or forgo enrollment in a public benefits program.

DHS also acknowledges that some States or local governments may choose to change their policies in response to this rule, and considers these costs as qualitative, unquantified indirect effects of the final rule. Any downstream effects on State and local governments specific to this final rule would arise solely due to their voluntary choices and would not be a consequence of an enforceable duty imposed by this rule. However, DHS reiterates this rule is not purporting to regulate which aliens may receive public benefits and any alien entitled to public benefits may elect to receive such benefits.

Comment: Many commenters stated that DHS significantly underestimated the chilling effect that would result from the proposed rule. Commenters expressed that DHS's primary estimate of a 10.3 percent disenrollment or forgone enrollment rate was not based on any specific estimate of chilling effect but was rather the mathematical midpoint between a 3.3 percent estimate rate (based on the share of all aliens who adjust status each year) and a 17.3 percent estimated rate. Some of these commenters criticized DHS for not explaining how it arrived at this estimate. Many of the commenters cited a KFF analysis that estimated disenrollment rates would range from 10 to 30 percent, with 20 percent as a more plausible midpoint estimate, meaning, for example, 1.3 to 4 million people would be disenrolled from Medicaid or CHIP. A couple of commenters also stated that KFF estimated that between 1.3 million and 4.0 million people could disenroll from Medicaid or CHIP, including nearly 600,000 to about 1.8 million citizen children. One of these commenters added that between about 200,000 to 500,000 uninsured people could forgo enrolling in Medicaid or CHIP despite being eligible, including over 50,000 to more than 150,000 citizen children. Similarly another commenter added that one quarter of U.S. citizen children have at least one immigrant parent and many U.S. citizens and LPR's would lose coverage. Another commenter added that the KFF estimated rate was more accurate because it was based on "a 2025 nationally representative survey of immigrants conducted by KFF and the New York Times and a similar 2023 KFF/Los Angeles Times survey that queried immigrants about their willingness to use public benefits."

Additionally, another commenter stated that even DHS's upper estimate of 17.3 percent disenrollment rate was

likely an underestimate, citing evidence of disenrollment rates between 15 and 35 percent after the 2019 Final Rule; the commenter added that in the 2019 NPRM, DHS conceded that its methodology for estimating the impacted population may result in underestimates if aliens disenroll from benefits years before they apply for adjustment of status. Another commenter remarked that DHS has admitted that it underestimated the chilling effects of the 2019 Final Rule, but that it has not offered improved analysis or mitigation for the present rulemaking.

Finally, a commenter provided a comparison of the KFF, George Washington University (GW), and DHS analyses and produced estimates of the rule's chilling effect. The comparison found 3.7 million members of immigrant households could lose benefits (with a range of 1.85 to 5.56 million), leading to \$21.3 billion cost in Federal benefits lost in 2026 (with estimates ranging from \$10.5 billion to \$32.0 billion) and commented that DHS's analysis underestimated the rule's impact by about three-quarters. The commenter said that the cause of the difference in results from DHS's analysis was that the other studies used a 20 percent chilling effect rate, used more up-to-date data on Medicaid and CHIP participation, and used more accurate information related to program costs (FY 2026 estimates from the CBO). The commenter said the other studies are more consistent with earlier analyses about the chilling effects caused by public charge rules, such as those based on research by the Urban Institute. The commenter concluded that DHS's estimates of the chilling effect and its impact are about three quarters too low based on the figures of the KFF and GW studies. Another commenter wrote in support of this commenter's analysis, while another commenter urged DHS to rely on independent, peer-reviewed economic and public health analyses such as the analysis conducted by researchers at GW.

Response: DHS appreciates the concern regarding the disenrollment and forgone enrollment estimates used in the transfer payments of the economic analysis. DHS disagrees that it did not explain how the estimates were derived, and notes there are various methodology differences between the DHS, KFF, and GW analyses. As stated in the NPRM, DHS estimated the 3.3 percent disenrollment/forgone enrollment rate by dividing the annual number of approved aliens who adjusted status by the estimated alien

population of the United States. For the upper bound estimate of 17.3 percent rate, DHS discussed numerous studies that observed differing disenrollment/forgone enrollment rates and assumed an average disenrollment rate from the studies conducted between 2022 and 2025.

The cited study from KFF was published on December 2, 2025, after the NPRM was published on November 19, 2025, making it impossible for DHS to consider including this study within the economic analysis for the NPRM. The December KFF study was not integrated into the analysis of the final rule because the study relies on survey data from 2025 to estimate its midpoint and a single year (2023) of ACS data to estimate its enrollment population, whereas DHS' approach reflects a broader and more methodologically robust analysis. DHS estimates data across multiple years, informed by the observed impacts of the two prior rules, and derives a midpoint based on the average of estimated low- and high-end effects over that period. This multi-year approach helps account for year-to-year variability and better isolates the effects attributable to the rule itself. Accordingly, DHS's methodology provides a more stable and reliable basis for estimating impacts than a single year snapshot.

Furthermore, the cited study from KFF states that the upper bound estimate of 30 percent, "accounts for potential increased effects relative to the experiences reported in the survey due to subsequent policy changes, including the public charge proposal and CMS notice of plans to share Medicaid data with ICE, that were released after the survey was fielded as well as ongoing public enforcement activity, which may further deter participation,"³⁰⁰ indicating that the study is including external factors in their disenrollment/forgone enrollment rates, not solely as a result of this rule. DHS agrees that external factors unrelated to this rule may cause aliens to disenroll or forgo enrollment in public benefit programs. However, those external factors are separate and independent of this rule.

Additionally, the cited study from GW was submitted alongside the public

comments, making it impossible for DHS to consider it in the economic analysis for the NPRM.³⁰¹ The December GW study was not integrated into the analysis in the final rule because their analysis applied estimates of Medicaid, CHIP, SNAP and SSI costs per participant for FY 2026 from the Congressional Budget Office baseline projections, which does not represent final expenditures. Whereas the DHS estimates used the total annual average public benefits payments to calculate a 6-year average using historical data. DHS deems it reasonable to use the average of the prior six years, as explained in the economic analysis, to smooth out any short-term fluctuations in the data to estimate the disenrollment and forgone enrollment and corresponding reduction in transfer payments. Importantly, this multi-year approach also helps minimize the influence of other contemporaneous factors affecting enrollment over time (e.g., a change in the job market or inflation), reducing the risk that estimates are driven by any single year's conditions.

The GW study also used visa processing determinations by DOS to develop their affected population, whereas DHS used data based on individuals applying for adjustment of status using Form I-485. As noted in the NPRM and in this final rule, this rule addresses the administration of the public charge ground of inadmissibility only by DHS, not by DOS. While DOS consular officers are responsible for applying the public charge ground of inadmissibility as part of the visa application process, this rule does not revise DOS standards or processes, and therefore DHS does not find it reasonable to base the affected population of this rule on DOS data. While DHS recognizes these other approaches, DHS used the best available data and methods for the analysis and deems this analysis reasonable to use for this final rule.

Finally, the commenter who provided a comparative analysis based on a comparison of the DHS, KFF, and GW estimates failed to recognize the methodological differences between the three that would result in differing outcomes. DHS recognizes the methodology used in both the KFF and

GW analyses, which, as explained above, differs from the DHS analysis. DHS also disagrees with the commenters' assertion that independent peer-review analyses was not considered. DHS utilized several independent and peer-reviewed studies available at the time, as discussed in the economic analysis. Furthermore, DHS cited and used a range of disenrollment estimates observed between 2022 and 2025 by other organizations within its estimates of transfer payments.³⁰² DHS uses the average of these same studies in this final rule, as it represents the uncertainty in disenrollment and forgone enrollment of the specific population this rule discusses.

Comment: A commenter stated that DHS's analysis does not take into account the hundreds of thousands of U.S. citizens who would be impacted by the proposed rule, and that of the 950,124 individuals who DHS calculates will either disenroll from or forgo enrollment into public benefits, 645,715 will be either U.S. citizens or other categories of aliens not subject to the public charge rule.

Response: DHS appreciates the concerns regarding U.S. citizens who may be indirectly impacted by the rule. However, DHS disagrees that the 3.3 percent disenrollment and forgone enrollment rate represents aliens, and the 10.3 percent rate represents U.S. citizens. As explained in the NPRM, due to the uncertainty of the rate of disenrollment or forgone enrollment in public benefits programs, DHS used a range from 3.3 percent to 17.3 percent, with a midpoint of 10.3 percent to present disenrollment and forgone enrollment figures. These figures represent individuals who might choose to disenroll from or forgo future enrollment in a public benefits program who may be aliens as well as U.S. citizens who are members of mixed-status households. Due to data limitations, it is unclear how many aliens or U.S. citizens would disenroll or forgo enrollment at the 3.3 percent, 10.3 percent, or 17.3 percent rates.

iv. Specific Impacts From Disenrollment

a. Impacts on Families, Children, Pregnant Women, and Health Care

Comment: A commenter cited research finding that public benefits for children promote healthy development and are associated with numerous positive outcomes, such as higher overall health, lower incidences of high blood pressure, lower obesity rates,

³⁰⁰ Samantha Artiga, Drishti Pillai, Sammy Cervantes, Akash Pillai, and Matthew Rae, KFF, "Potential 'Chilling Effects' of Public Charge and Other Immigration Policies on Medicaid and CHIP Enrollment," (Dec. 2, 2025), <https://www.kff.org/medicaid/potential-chilling-effects-of-public-charge-and-other-immigration-policies-on-medicaid-and-chip-enrollment/> (Artiga et al. (2025)).

³⁰¹ Leighton Ku, Ph.D., MPH, Maddie Krips, MPP, Hanna Silverman, MPH, GW, Appendix 1, "Economic and Mortality Analyses of the DHS Proposed Rule: Public Charge Ground of Inadmissibility," pgs. 31–44 (Dec. 3, 2025) https://hpmatters.publichealth.gwu.edu/sites/g/files/zaxdzs6671/files/2025-12/Public%20Charge%20NPRM%202025_FINAL_121825.pdf (Leighton et al. (2025)).

³⁰² Pillai et al. (2022); KFF (2025); Bernstein, Gonzalez et al. (2022); Gonzalez et al. (2023); and Gonzalez, Bernstein et al. (2023).

fewer emergency room visits, better high school graduation rates, college attendance, and higher income prospects as adults; while harms from benefit disenrollment linger, with long-lasting harm still impacting children as a result of the 2019 Final Rule. Other commenters echoed concerns the rule would increase hardship for children and urged DHS to quantify the downstream impacts of disenrollment on child health outcomes and providing a plan to mitigate avoidable harms.

Another commenter cited economic research finding that children's access to public health insurance improved health outcomes and lowered government expenditures by a factor of 4 to 1, and when the lifetime benefits to children were factored into this analysis, the benefit-cost ratio rose to 12.66 to 1. Others cited research that improved access to Medicaid and WIC significantly increased use of prenatal care and support more regular prenatal visits, ameliorated nutritional deficits in infants, improved infant weight, lowered the risks of preterm birth and low birth weight, and promoted breastfeeding, resulting in improved pregnancies and birth outcomes (e.g., average gestational length and birthweight).

Several commenters stated the proposed rule would shift care to the most expensive setting, as patients avoid primary and preventive care due to immigration-related fears and delay seeking treatment until conditions become acute and present to the emergency department. Other commenters similarly wrote that healthcare providers would experience reduced willingness among patients to enroll in or maintain Medicaid, higher levels of uninsured visits and uncompensated care, lower utilization of preventive and chronic disease services, higher utilization of emergency care, and more patients presenting with advanced or unmanaged conditions resulting in adverse effects on hospitals. One commenter specifically cited research to detail the health benefits of health insurance enrollment, including for children, better health, educational, and employment outcomes, lower mortality rates, and reduced hospitalizations and emergency visits; and reduced adverse birth outcomes for pregnant women. Additionally, another commenter cited research finding that the 2019 Final Rule led to immigrants avoiding health care settings altogether.

A commenter stated when the 2019 Final Rule was issued, researchers estimated that Medicaid disenrollments associated with the chilling effect could lead to as many as 4,000 excess deaths

every year and after disenrolling from Medicaid or CHIP, most do not transition to and retain other coverage, resulting in people forgoing necessary preventive services, medications, and continuous care for chronic illnesses. The commenter also cited research finding that Medicaid participation was associated with a 0.132 percentage-point reduction in the annual mortality rate. The commenter concluded that the proposed rule would cause 2.7 million individuals to lose Medicaid or CHIP health coverage, and could therefore lead to approximately 3,500 additional premature deaths per year (with a range of 1,800 to 5,300 additional deaths).

Response: DHS appreciates the concerns regarding pregnant women and children using public benefits and healthcare facilities and providers. DHS acknowledges in the economic analysis various indirect effects that could occur because of follow-on effects of the reduction in transfer payments identified in the final rule. DHS provides a list of the primary non-monetized potential consequences of the final rule where disenrollment or forgoing enrollment in public benefits programs by aliens who are otherwise eligible could lead to issues such as worse health outcomes, such as increased prevalence of obesity and malnutrition (especially among pregnant or breastfeeding women, infants, and children), reduced prescription adherence, increased use of emergency rooms for primary care due to delayed treatment, increased rates of uncompensated care, where treatments or services are not paid for by insurers or patients, and lower revenues for healthcare providers participating in Medicaid.

DHS recognizes the research cited discussing positive outcomes for pregnant women and children on public benefit programs, such as Medicaid and WIC, as well as research discussing "chilling effects" from disenrolling or forgoing enrollment in public benefit programs such as Medicaid, including the potential impacts on health outcomes and mortality. DHS notes the economic analysis in the final rule includes analysis on Medicaid, which has been expanded in this final rule to include child enrollment, and CHIP, and the analysis was further expanded to include WIC in response to these concerns. Finally, DHS reiterates this rule is not purporting to regulate which aliens may receive public benefits and any alien entitled to public benefits may elect to receive such benefits.

b. Impacts on State and Local Governments

Comment: Several commenters stated the proposed rule causes a substantial cost shift to States and localities, as the financial responsibility for food, housing, and health care shifts to State, county, and municipal governments, which must fill gaps previously covered by Federal funds. Separately, another commenter stated the rule leads to an unsustainable burden and diversion of resources for State, county, and municipal governments. One noted the rule would shift costs to States and coincide with shifts in Federal spending as a result of H.R. 1 passed earlier in the year, which would require States to pay 75 percent of administrative costs associated with their SNAP programs (up from about 50 percent currently) starting in FY 2027. Another commenter wrote the rule undermines State and local investments in public health infrastructure, disease prevention, and maternal and child health services. Additionally, another commenter stated imposing immigration consequences on State residents who receive essential health care benefits effectively denies States the ability to extend program eligibility as permitted by Congress.

Response: DHS disagrees that this rule shifts costs from the Federal Government to State and local governments. This final rule does not appropriate or rescind funding for public benefits programs, nor does it change eligibility requirements for those who are eligible. The transfer payments described in the economic analysis result from individuals who choose to disenroll or forgo enrollment in public benefit programs and represent reduced payments from Federal and State governments to certain individuals who would otherwise receive public benefits.

Furthermore, DHS disagrees that this rule imposes consequences on residents of States or denies States the ability to offer public benefits programs to aliens. This rule is not purporting to regulate which aliens may receive public benefits or how states and local governments administer benefits programs. DHS acknowledges that some States or local governments may choose to change their policies in response to this rule, and considers these costs as qualitative, unquantified effects of the final rule. Any downstream effects on State and local governments would arise solely due to their voluntary choices and would not be a consequence of an enforceable duty imposed by this rule. DHS also notes that any cost shifting resulting from external factors, such as H.R. 1, are outside the scope of this rule.

c. Other General Impacts

Comment: Other commenters criticized the NPRM for not sufficiently analyzing disenrollment or forgone enrollment effects on particular populations, benefit programs, and other aspects of society, including: child nutrition and related assistance programs like WIC or School meals (*e.g.*, endangering healthy child diets, sufficient nutrient intake, mental health, and academic achievement); education programs, like Head Start; child care subsidies; pregnant people; downstream public health and administrative costs, any transfers or distributional impacts on States and local governments, real administrative, transactional, and resource costs incurred by State, local agencies, and impacted service providers; demand in State and local economies and tax receipts (particularly during recessions); housing security, housing assistance entities, and homeless people; individuals' ability to obtain and maintain employment; trust in government (*e.g.*, penalizing individuals for using benefits previously said to be safe reduces trust in government, in turn reducing tax compliance, participation in the Census, etc.), disaster-related programs (*e.g.*, Federal Emergency Management Agency, D-SNAP, and Disaster Unemployment Assistance); economic stability and mobility; Asian American, Black, Latino, Pacific Islander, and immigrant U.S. communities; TANF and SSI; and The Affordable Care Act. Additionally, another commenter noted, the chilling effect of the current proposed rule will likely result in even more devastation not only resulting in fewer individuals applying for programs that they are eligible for, but also deterring individuals who continue to have coverage from seeking routine and preventive health care, and the impact is inadequately reflected in the analysis, but is required by E.O. 12866 and OMB Circular A-4. Some other commenters expressed particular concern about the rule causing families to disenroll from multiple benefits simultaneously, compounding the rule's negative impacts on them.

Response: DHS appreciates the concerns regarding the analysis on these populations, benefit programs, and other aspects of society, along with the requirements of E.O. 12866 and OMB Circular A-4. However, DHS disagrees that the economic analysis did not sufficiently address the potential direct and indirect effects of this rule. As stated in the NPRM and consistent with E.O. 12866 and Circular A-4, DHS quantified the indirect impacts of this

rule, and where quantification was not possible, the economic analysis provided a qualitative discussion of the indirect impacts that might result due to this rule. The method and calculation of the estimated transfer payments is shown as clearly as possible in the economic analysis of the rule.

Due to variations in programs across States and differences in eligibility criteria, DHS cannot quantify the number of individuals affected across all means-tested public benefits programs. Therefore, DHS focused on Medicaid, which was expanded in this final rule to include child enrollment, CHIP, SNAP, TANF, SSI, Federal Rental Assistance, and WIC, which was newly included in the economic analysis. It also acknowledges that while other programs may be impacted, DHS is unable to provide a comprehensive quantified analysis of all means-tested benefit programs and thus recognizes this qualitatively. Therefore, as stated within the economic analysis, the primary sources of the reduction in transfer payments from the Federal and State governments of this final rule are the disenrollment or foregone enrollment of individuals in public benefits programs. DHS estimates that the total reduction in transfer payments from the Federal and State governments could be approximately \$13.05 billion annually due to disenrollment or foregone enrollment in public benefits programs by members of households that include aliens who may be receiving public benefits, affecting an estimated 1,265,993 individuals and 35,294 households across the public benefits programs examined in the economic analysis. This is an increase from the NPRM, because of the changes in the analysis referenced earlier.

Furthermore, DHS recognizes that reductions in Federal and State transfers under Federal benefits programs may have downstream and upstream impacts on State and local economies, large and small businesses, and individuals, and discussed these impacts qualitatively. For example, the rule might result in reduced revenues for healthcare providers, such as hospitals and nonprofits participating in Medicaid, companies that manufacture medical supplies or pharmaceuticals, grocery retailers participating in SNAP, agricultural producers who grow foods that are eligible for purchase using SNAP benefits, or landlords participating in federally funded housing programs. However, any downstream effects on such entities would be considered an indirect effect and arise solely due to their voluntary choices and would not be a

consequence of an enforceable duty imposed by this rule. This approach is consistent with the requirements of E.O. 12866 and Circular A-4, which call for quantification where possible and qualitative analysis where quantification is not feasible.

v. DHS's Characterization of Cost Savings and Benefits From Disenrollment

Comment: Commenters stated that DHS improperly characterized the rule's chilling effect—including the harm caused to U.S. citizen children due to the reduced enrollment and disenrollment from public benefits—as a “cost savings benefit” resulting from the NPRM. One commenter criticized DHS's analysis for not distinguishing reduced transfer payments from reduced enrollment as a result of restricted eligibility versus reducing enrollment through fear or misunderstanding. Another said dissuading LPRs from using benefits for which they are eligible is not a “government saving”.

Response: DHS appreciates the comments regarding transfer payments; however, DHS disagrees that it improperly characterized the transfer payments as a “government saving” or the chilling effects as a “cost savings.” DHS notes that the savings the commenters are referring to are actually the estimated transfer payments. The economic analysis for this final rule was conducted based on the guidelines set forth in OMB Circular A-4, which provides guidance to agencies for conducting cost-benefit analyses and, in this case, the distinction between cost and/or benefits and transfer payments. As noted in OMB Circular A-4, “[b]enefit and cost estimates should reflect real resource use. Transfer payments are monetary payments from one group to another that do not affect total resources available to society.”³⁰³ As such, the reduction in transfer payments is quantified in the transfer payments section, not in a cost saving or benefit section, of the economic analysis of this rule.

DHS appreciates the comment regarding the difference between disenrollment or forgone enrollment due to restricted eligibility versus fear or misunderstanding. DHS acknowledged external factors, such as H.R. 1, could impact disenrollment and forgone enrollment due to changing eligibility requirements, but those are outside the scope of the rulemaking. DHS recognizes elimination of certain

³⁰³ OMB, “Circular A-4”, p. 38, (Sept. 17, 2003) <https://www.whitehouse.gov/wp-content/uploads/2025/08/CircularA-4.pdf>.

definitions may lead to public confusion or misunderstanding of the rule, which could result in disenrollment in public benefit programs by those not subject to public charge. In this rule, those are individuals and/or households who disenroll or forgo enrollment due to confusion or misunderstanding of the rule.

Furthermore, the NPRM did not dissuade LPRs from using any public benefits for which they are eligible. DHS is not purporting to regulate which aliens may receive public benefits or how such programs are administered. Aliens entitled to public benefits under Federal, State or local law may elect to receive such benefits.

Comment: A commenter stated that DHS's estimate of \$8.97 billion in annual benefit savings is comprised of approximately \$5.29 billion in forgone Federal payments and \$3.68 billion in forgone State payments, representing a "devastating" cost to vulnerable families and shifts the cost of unmet health care, food, and housing needs for immigrants and their U.S. citizen children to State and local emergency systems. This commenter reasoned these reductions in transfer payments would be better understood as a combination of lost Federal revenue for States and shifted costs.

Similarly, commenters wrote that DHS's characterization of the reduction of transfer payments as positive is not the intent of PRWORA and does not account for consequent increased emergency and crisis costs, harms to U.S. citizens who lose benefits to which they are entitled, and broader economic impacts to businesses.

Response: DHS appreciates the comments regarding transfer payments. DHS disagrees that this rule would result in a loss of Federal revenue to States or shift costs to States. This final rule does not appropriate or rescind funding for public benefits programs nor does it change the eligibility requirement to obtain public benefits for aliens who are eligible. The transfer payments described in the economic analysis result from individuals who choose to disenroll or forgo enrollment in public benefit programs and represent reduced payments from Federal and State governments to certain individuals who would otherwise receive them.

DHS recognizes that this final rule may have indirect impacts on public health, such as increased use of emergency rooms for primary care and housing instability. However, DHS believes that the benefits of this policy outweigh the costs of this rule by ensuring that applicants for adjustment

of status to LPR, who are subject to the public charge ground of inadmissibility, are self-sufficient. Finally, reductions in transfer payments are not characterized as a positive outcome but are reported in accordance with OMB Circular A-4.

vi. Other Analytical Comments and Recommendations for DHS

Comment: A commenter criticized DHS's impact analysis as incomplete and, because the rule does not limit the set of public benefits that officers can consider when making a public charge determination, they stated the impact analysis must consider the full range of potentially impacted benefit programs.

Response: DHS disagrees that the economic analysis is incomplete. As noted in the NPRM, due to variations in public benefit programs across States and differences in eligibility criteria, DHS could not quantify the number of individuals affected across all means-tested public benefits programs. Therefore, DHS focused on Medicaid, which was expanded in this final rule to include child enrollment, CHIP, SNAP, TANF, SSI, Federal Rental Assistance, and WIC, which was newly included in the economic analysis. While other programs may be impacted, DHS is unable to provide a comprehensive quantified analysis of all means-tested benefit programs and thus recognizes this qualitatively.

Comment: A commenter wrote that DHS's analysis applies inconsistent valuation approaches across public benefit programs, using median per-capita costs to estimate Medicaid impacts and average annual per-recipient payments for other programs, without explaining why CHIP is not treated similarly, despite comparable State-level variation. The commenter also remarked that DHS applied a uniform 59-percent FMAP to both Medicaid and CHIP, even though CHIP's federal matching rate is substantially higher under statute, distorting the distribution of costs between the Federal Government and State governments and introducing bias into the estimated reductions in transfer payments.

Response: DHS appreciates the comments regarding valuation methods and matching rates. For each benefit, except Medicaid, the average benefit per person is calculated for each public benefit program by dividing the average annual program payments for one public benefit by the average annual total number of recipients. For Medicaid, DHS uses CMS' median per capita expenditure estimate across all States for calendar year 2022, which is the most recent year of data available.

For CHIP, data was available that allowed for the average per-recipient payment to maintain consistency with all the other non-Medicaid programs.

Furthermore, DHS acknowledges that Federal Financial Participation (FFP) varies by State for CHIP, and the share is determined by the Enhanced Federal Medical Assistance Percentage (eFMAP), which uses a higher average rate of 71 percent. However, CHIP expenditures are significantly lower than Medicaid expenditures. For example, in FY 2023, Federal expenditures for CHIP were less than 3 percent of Federal Medicaid spending, indicating that applying the eFMAP rate to CHIP would have a negligible impact on overall estimates. Therefore, DHS finds it reasonable to use the FMAP percentage of 59 for both Medicaid and CHIP, as explained in the NPRM and this final rule.

Comment: A commenter requested that DHS disaggregate the projected transfer-payment reductions by State and clarify how projected reductions would be allocated across States. Similarly, another commenter recommended that DHS provide a State-by-State analysis of projected disenrollment effects on businesses, service providers, and housing markets as well as identify methods to mitigate avoidable local harms.

Response: DHS declines to project or allocate the payment reductions by State or disenrollment effects by State. As explained in the NPRM and this final rule, FFP varies by State, DHS uses an average FMAP of 59 percent across all States and U.S. territories to estimate a combined reduction in transfer payments for Medicaid and CHIP. See 87 FR 74429 (Dec. 5, 2022).³⁰⁴ DHS acknowledges that the average FMAP percentage of 59 in recent fiscal years is lower than the percentage provided to States and U.S. territories due to the enhanced FMAP for State expenditures on the adult group covered under the Affordable Care Act's Medicaid expansion and the additional FMAP increases from the Families First Coronavirus Response Act, which ended in 2023. While DHS recognizes this could result in an underestimate DHS deems it reasonable to use an average of the FMAP to estimate the total annual transfer payments from State

³⁰⁴ DHS acknowledges that FFP varies by State for CHIP, and the share is determined by the Enhanced Federal Medical Assistance Percentage (eFMAP), which uses a higher average rate of 71 percent. However, CHIP expenditures are significantly lower than Medicaid expenditures. For example, in FY 2023, Federal expenditures for CHIP were less than 3 percent of Medicaid spending. Therefore, DHS finds it reasonable to use the FMAP percentage of 59 for both Medicaid and CHIP.

governments to public benefits recipients.

DHS recognizes that the reductions in Federal and State transfers under Federal benefits programs may have downstream and upstream impacts on State and local economies, large and small businesses, and individuals, as explained in the economic analysis. Additionally, this rule does not directly regulate State and local governments and does not require them to make changes to their business processes or programs. Therefore, DHS declines to estimate projected disenrollment effects on businesses, service providers, and housing markets. These costs are considered indirect qualitative, unquantified effects of the final rule since it is unclear how many State and local governments will choose to make administrative changes to their business processes and the cost of making such changes.

vii. Other Comments on the Rule's Chilling Effects

Comment: One commenter criticized the proposed rule for not estimating the chilling effect separately for families with children, stating that these families have experienced higher chilling effects than others. Another commenter wrote that the chilling effect of the changes to public charge determination processes would be compounded by new restrictions on access to safety net programs, and expanded data sharing between Federal agencies to support enforcement priorities.

Response: DHS appreciates the concern regarding estimating the “chilling effect” on families with children separately. DHS recognizes households, whether single or married with or without children, may experience different indirect effects. However, due to data limitations DHS is unable to quantify the transfer payments separately for families with children and instead provides estimates at the individual or household level for each benefit program that was analyzed in the economic analysis.

DHS appreciates the concern regarding compounded effects on public benefit programs due to external factors. However, this rule does not impose any new restrictions on an alien's access to public benefit programs for which they are eligible. This rule also does not expand data sharing with other Federal Government agencies. While DHS acknowledges that the elimination of certain definitions in this rule may lead to public confusion or misunderstanding, which could result in decreased participation in public benefit programs, the intent of this rule

is to allow DHS to better apply the public charge ground of inadmissibility consistent with congressional intent.

e. Cost-Benefit Comparison

Comment: A commenter warned that costs, related to undermining individuals' well-being and economic opportunities, would greatly exceed the benefits described in the rule, and expressed concern that the rule would reduce education access and eventually decrease economic activity and tax revenue. While acknowledging that DHS recognizes various anticipated costs, a commenter concluded “such steep costs are not worth the allowance of discretion for individual officers.” Another wrote that the NPRM fails to explain how savings from disenrollments would outweigh the costs those disenrollments impose on the benefit recipients and to the broader economy. Similarly, another commenter stated there is no attempt to reduce harm or justify how the rule's benefits will outweigh the costs, specifically related to public health.

A commenter acknowledged that DHS anticipated qualitative benefits associated with the proposed rule but said that many organizations have provided quantitative impacts. Regarding costs and benefits, they noted that areas such as health, nutrition, and housing would be negatively impacted and disagreed that the rule would produce benefits.

Response: DHS disagrees that this rule would undermine an individual's well-being or their corresponding economic opportunities. DHS also disagrees that this rule would reduce education access and, thus, decrease economic activity and tax revenues. As noted in the NPRM, the removal of overly restrictive language established by the 2022 Final Rule is intended to improve implementation of the public charge ground of inadmissibility consistent with statute and congressional intent. This final rule better implements the statute governing public charge inadmissibility and the broader policy that aliens should be self-sufficient.

DHS notes the concern regarding the quantitative impacts provided by other organizations; however, the commenter did not specify which organizations or studies they were referring to. The commenter cited various articles, including the KFF study, for which DHS has already explained the methodological differences in other comment responses, and noted that DHS does quantify disenrollment or forgone enrollment as the KFF study did but using different methodology and estimates. The commenter also

referenced anecdotal articles on Medicaid, SNAP, and WIC making it unclear what specific quantitative impacts are being referred to, as DHS has addressed potential impacts and quantified them in the transfer payments section of the economic analysis. DHS reviewed available studies submitted by other commenters discussing impacts of individuals who may choose to disenroll or forgo enrollment in public benefits programs. As discussed in previous comment responses, DHS quantified the indirect impacts of this rule, and where quantification was not possible, the economic analysis provided a qualitative discussion of the indirect impacts that might result due to this rule. DHS determined that disenrollment or forgone enrollment would be the primary sources of the reduction in transfer payments from the Federal and State governments of this final rule. DHS also recognizes that reductions in Federal and State transfers under Federal benefits programs may have downstream and upstream impacts on State and local economies, large and small businesses, and individuals and discussed it qualitatively. However, any downstream effects on such entities would be considered an indirect effect and arise solely due to their voluntary choices and would not be a consequence of an enforceable duty imposed by this rule.

Despite the reduction in transfer payments and the corresponding indirect effects, DHS believes that the benefits of this policy outweigh the costs of this rule.

2. Regulatory Flexibility Act (RFA)

Comment: A commenter acknowledged the proposed rule would “not have a significant economic impact on a substantial number of small entities.”

Response: DHS agrees that this final rule would not have a direct impact on small entities. This final rule requires an individual seeking admission at the port of entry or adjusting status to establish that he or she is not likely at any time in the future to become a public charge. This rule's regulatory changes do not fall under the RFA because they directly regulate individuals who are not, for purposes of the RFA, within the definition of small entities established by 5 U.S.C. 601(6).

Comment: A commenter said DHS could not rely on a conclusory certification that the proposed rule would have no significant impact, without factual basis. The commenter discussed small entities (e.g., civil surgeons and panel physicians that

operate small medical practices; small business surety companies and agents; small nonprofit legal and social service providers) that would incur direct compliance obligations and recommended DHS prepare an Initial Regulatory Flexibility Analysis (IRFA) and Final Regulatory Flexibility Analysis (FRFA) identifying impacted small entities, quantifying impacts, and analyzing less burdensome alternatives. Another commenter similarly wrote the RFA requires DHS to withdraw its blanket certification and prepare a regulatory flexibility analysis or to provide evidence that the rule would have no significant small entity impacts.

Response: DHS disagrees with these comments because this final rule does not have direct effects on small entities. The RFA requires Federal agencies to consider the potential impact of regulations on small businesses, small governmental jurisdictions, and small organizations during the development of their rules. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. This final rule does not mandate any actions or requirements for small entities in the process of an individual applying for adjustment of status, and an individual is not defined as a small entity. DHS is not purporting to regulate which aliens may receive public benefits or how programs are administered by small entities such as hospital systems and other organizations that provide public assistance to aliens and their household. Consequently, indirect impacts from a rule on small entities are not considered as costs for RFA purposes. Therefore, in accordance with the RFA, this rule requires no further agency action or analysis.

3. Paperwork Reduction Act (PRA)

Comment: A commenter said DHS substantially underestimated the rule’s implementation costs reasoning of the 500,000 to 700,000 adjustment of status applications USCIS adjudicates annually, approximately 250,000 to 350,000 would likely be affected by the proposed rule; the rule would require an additional 4 to 8 hours to gather documentation per affected applicant; and translates to an additional 1.8 million hours annually; and therefore, at a \$40 per hour loaded cost, the rule would create an annual cost of \$72 million.

Response: Regarding the population estimate, DHS notes the population figures suggested by the commenter are

lower than those used by DHS in the NPRM and this final rule. Specifically, the commenters used an annual adjustment of status application volume of 500,000 to 700,000, and a population of adjustment of status applicants subject to public charge inadmissibility of 250,000 to 350,000. DHS, meanwhile, is using a 6-year average of 727,192 aliens annually applying for adjustment of status, 587,706 of whom, on average, are subject to public charge inadmissibility. However, being subject to the public charge ground of inadmissibility does not easily or categorically translate into implementation costs. For example, DHS notes under longstanding precedent decision a healthy person in the prime of life who is already employed in the United States or who has prospective employment may be subject to public charge but generally would not be found likely at any time to become a public charge.³⁰⁵ As such, DHS does not anticipate USCIS would issue 250,000 to 350,000 RFEs or NOIDs annually based on the public charge ground of inadmissibility. Similarly, regarding the commenter’s suggestion “the rule’s new documentation requirements (e.g., assembling detailed asset/liability records, health insurance proofs, education/skills evidence, translations) would require an estimated addition 4–8 hours per applicant, in addition to existing I–485/I–864 burdens,” DHS strongly disagrees. The commenter appears to have manufactured, without evidence, their claim of “new documentation requirements.” The regulatory and information collection changes finalized in this rule impose no new documentation requirements for applicants for adjustment of status or admission. There are no changes to Form I–864 as a result of this rule, and only minor changes with no increase in burden to Form I–485.³⁰⁶

³⁰⁵ See *Matter of Perez*, 15 I&N Dec. 136, 137 (BIA 1974) (“A healthy person in the prime of life cannot ordinarily be considered likely to become a public charge, especially where he has friends or relatives in the United States who have indicated their ability and willingness to come to his assistance in case of emergency.”) (citing *Matter of Martinez-Lopez*, 10 I&N Dec. 409, 421–22 (BIA 1962; A.G.1964)).

³⁰⁶ While DHS acknowledges that the removal of the 2022 Final Rule expands the universe of means-tested public benefits that may be considered in the totality of the circumstances, DHS believes that the population of aliens who are both subject to the public charge ground of inadmissibility and eligible to receive means-tested public benefits before becoming LPRs is small. Furthermore, in clarifying the prospective application of this final rule, DHS has clarified on the instruction to Form I–485 that aliens should only report the receipt of SSI, TANF, State, Tribal, territorial, local public cash assistance for income maintenance, and long-term

DHS emphasizes that by limiting consideration to cash assistance and long-term institutionalization in the 2022 Final Rule, the Form I–485 burden increased rather than decreased. Thus, it is consistent that this rule rescinding this limiting language should not result in an increase in respondent burden.³⁰⁷

Furthermore, in analysis of this rule’s impacts, DHS projected a potential reduction in transfer payments from Federal and State governments due to disenrollment or foregone enrollment in public benefit programs by members of households that include aliens. See 90 FR 52220 (Nov. 19, 2025). DHS believes the population of aliens who are both subject to the public charge ground of inadmissibility and eligible to receive means-tested public benefits before becoming LPRs is small. This rule is expected to result in disenrollment or foregone enrollment by alien members of this already-small population. It should be apparent that this rule cannot reasonably result in both substantial foregone enrollment from public benefits and a larger population of aliens expending 4 to 8 additional hours (a 58%–117% increase of existing burden) reporting these benefits. This is particularly true in light of the changes to the Form I–485 instructions directing applicants to only report the receipt of SSI, TANF, State, Tribal, territorial, and local public cash assistance for income maintenance, and long-term institutionalization at government expense, if received before the effective date of this final rule. While some aliens may spend more time gathering the information necessary to respond to these questions on Form I–485 as a result of this rule, DHS believes this will represent a negligible percentage of all respondents. It is plausible that there will be more aliens who disenroll from public benefits and have nothing to report than aliens who spend numerous hours gathering this information. While DHS has not estimated a burden reduction resulting from fewer applicants having any means-tested public benefit receipt to report, the

institutionalization at government expense, if received before the effective date of this rule.

³⁰⁷ This burden increase for Form I–485 under the 2022 Final Rule was mostly attributable to the expansion of the public charge information collection on the Form I–485 itself. While in the 2022 Final Rule DHS significantly scaled back the overall information collection pertaining to the public charge ground of inadmissibility by not reviving Form I–944, Declaration of Self Sufficiency, DHS added the streamlined data collection to the Form I–485, thus increasing the burden associated with that form. With the exception of the expanded universe of means-tested public benefits that will be considered after this final rule is in effect, the information collected is generally the same as under the 2022 Final Rule.

balance of evidence leans toward lower or unchanged rather than increased burden.

Finally, DHS discusses the challenges to accurately estimate public benefits reductions from this rule in Section IV.A.5.b. and contemplated a broad range of possible chilling effect magnitudes. The burden to report past public benefit use is constrained by the magnitude of these chilling effects, which is itself constrained by factors external to this rule, such as H.R. 1's restrictions on Medicaid and SNAP, as well as chilling effects from the 2019 rule, the 2022 rule, and other prior policy changes over the past several decades. More succinctly, an alien cannot disenroll or forgo enrollment from public benefits as a direct result of this rule if they had already avoided that public benefit due to a prior rule or external factor. As a result, DHS rejects the commenter's suggestion. The current estimated time burden for Form I-485 is 6 hours and 51 minutes, exclusive of familiarization costs to aliens and associated households, discussed in the RIA. This includes the time for reviewing instructions, gathering the required documentation and information, completing the form, preparing statements, attaching necessary documentation, and submitting the form. USCIS reports this information collection has been revised to reflect changes made by this final rule, but there is no change to the annual estimated time and cost burden to respondents for information collection.

Comment: A commenter generally expressed opposition to the revisions proposed to Form I-485, Form I-356, and Form I-945 in the NPRM, adding consideration of means-tested public benefits to both the public charge inadmissibility and the public charge bond process.

Response: DHS must update USCIS forms to reflect changes to agency regulations to ensure they accurately reflect current regulatory requirements. This process is governed by the PRA, 44 U.S.C. 3501 *et seq.*, and PRA implementing regulations at 5 CFR part 1320, which set forth the procedures that agencies must follow when making changes to information collections associated with proposed rules. The regulatory changes reflected in Form I-485, Form I-356, and Form I-945 are themselves governed by the APA and result from the notice and comment process that is culminating in this final rule. 5 U.S.C. 553. Therefore, DHS is modifying all impacted USCIS forms to reflect these changes and collect

information necessary to effectuate the removal of the 2022 Final Rule.

Comment: A commenter remarked the proposed rule undermines the PRA by imposing "extensive new documentation requirements" and the "potentially unlimited range of records . . . undermines the PRA's core mandate." A commenter wrote the proposed expansion of the "totality of circumstances" test without specifying required documentation would create an unacknowledged paperwork burden and DHS must demonstrate the utility of broad data collection under the PRA, and without clear definitions, the rule leads to arbitrary data collection excessively burdening applicants and sponsors.

Response: DHS disagrees that this rule imposes extensive documentation requirements or requests an unlimited range of records. On the contrary, in compliance with the PRA, DHS has modified the relevant information collections to ensure that these forms reflect rescission of the 2022 Final Rule and provide DHS with the information it needs to make public charge inadmissibility determinations consistent with the statute and binding precedent, as well as to make decisions regarding breach and cancellation of public charge bonds. Specifically, DHS has updated Form I-485 to collect information pertaining to the alien's receipt of any means-tested public benefits, including the reason for receipt of the benefit. The changes made to Form I-945 are necessary to ensure the bonded alien is aware that any receipt of means-tested public benefits while the public charge bond is in effect will result in a breach of the bond and will preclude cancellation of the bond. The changes made to Form I-356 are necessary to ascertain whether the bonded alien has received means-tested public benefits while the public charge bond is in effect, resulting in denial of the cancellation request due to the breach of the bond.

DHS notes that all new changes reflected in the revised information collections are subject to review and approval by the OMB, including an assessment of their necessity, practical utility, and burden. Where possible, DHS has made necessary changes that are the least burdensome for DHS to make public charge inadmissibility determinations and bond breach, and cancellation determinations consistent with this rulemaking. See 5 CFR 1320.5(d).

Comment: A commenter expressed concern that the proposed rule would further complicate Form I-485, which is already complex, leading to more

applicant mistakes. A commenter similarly stated that, without the 2022 Final Rule's specificity, applicants would be burdened and left uncertain about necessary documentation resulting in incomplete submissions, delays, or incorrect denials. The commenter also suggested that applicants may over-document their history because of the increased reliance on discretion that would inevitably vary across USCIS sites, which would increase time, cost, and stress in completing forms such as Form I-485. Another commenter similarly stated that the removal of clear guidance for completing Form I-485, Form I-356, and Form I-945 as well as the NPRM's "regulatory silence" on future tools to guide determinations would require more supplementary documentation, increasing information collection burdens on applicants and USCIS.

Response: DHS notes that the revisions to Form I-485 made as a part of this rulemaking project shorten the form while requesting almost the same information relating to the public charge ground of inadmissibility. DHS acknowledges that the current version of Form I-485 requests information only about the receipt of certain public benefits (SSI, TANF, or State, Tribal, territorial, or local cash benefit programs for income maintenance, and long-term institutionalization at government expense) because under the 2022 Final Rule those were the benefits considered by officers when making a public charge inadmissibility determination. Under this final rule, however, this limitation from the 2022 Final Rule is rescinded. The information collected on Form I-485 has been updated to reflect the change. Instead of collecting information tied to the rescinded 2022 Final Rule, the form now collects information relevant to public charge inadmissibility determinations under this final rule, specifically, in the context of past or current receipt of any means-tested public benefit.

DHS acknowledges that this question is broader and the lack of a regulatory definition of means-tested public benefit may present a challenge to some applicants. However, as described in previous comment responses USCIS will formulate and publish appropriate policy and interpretive tools in advance of the effective date of the final rule to guide USCIS officers in making public charge inadmissibility determinations. Such guidance will also help inform aliens about the public charge ground of inadmissibility and lessen any potential confusion related to the lack of a definition in regulation.

DHS acknowledges that some aliens applying for adjustment of status may provide significant amounts of evidence not required at the time of filing due to uncertainty and fear. However, this was true before the publication of this final rule and will remain true in the future. DHS cannot control what documents applicants for adjustment of status submit or prevent them from submitting superfluous evidence. DHS has not updated Form I-485 to require any additional initial evidence in connection with this final rule and it is neither required nor able to estimate the time/burden associated with any information applicants chose to submit but which is not collected or referenced on USCIS forms.

Comment: A commenter said that the proposed rule's information collection revisions include PRA deficiencies and large unaccounted burdens, recommending that DHS identify each affected collection, enumerate burden changes, and publish the Information Collection Request (ICR)(s), including draft forms, instructions, and supporting statements for at least 60 days of public comment, refrain from enforcing any new or revised collection until OMB has approved and assigned control numbers; and if emergency clearance is sought under 5 CFR 1320.13, provide the required written determination of the emergency, demonstrate that normal clearance is impracticable, and limit approval to the statutory period while concurrently pursuing the regular clearance route.

Response: USCIS complied with the PRA and its implementing regulations at 5 CFR 1320.11 and has not sought emergency clearance under 5 CFR 1320.13, for the affected information collections (Form I-485, Form I-356, and Form I-945) proposed drafts were made available in the NPRM docket at *Regulations.gov* for a 60-day public comment period, along with table-of-changes documents highlighting the proposed revisions and estimated time burden. USCIS will not seek emergency clearance. USCIS anticipates that OMB will approve the revised information collections in advance of this final rule's effective date at which time they will be implemented, but not prior to such approval.

Comment: A commenter stated that DHS is obligated to simultaneously submit the ICR to OMB; publish a summary burden estimate; describe the need and utility of the collection; and solicit PRA-specific comments. The commenter added that the **Federal Register** Notice for the proposed rule should have specified: each new or

revised information collection request, and whether it is covered by an existing OMB Control number or requires a new number; the annual number of respondents, responses, hours per response, and total burden hours and costs; and, where to send PRA-specific comments, including the OMB Desk Officer address. The commenter concluded that because the notice does not include these items, DHS must submit the ICR(s) now, publish the PRA summary, and reopen the comment period for at least 60 days on the specific instruments and burdens.

Response: DHS disagrees that it must take any additional actions to comply with the PRA given that USCIS already complied with the requirements of 5 CFR 1320.11. The revised draft information collection documents were sent to OMB Office of Information and Regulatory Affairs (OIRA) for review prior to the publication of the NPRM. All the required information about the three associated information collections (Form I-485, Form I-356, and Form I-945) based on this NPRM was made available to the public in the NPRM publication, including a table identifying each impacted information collection and associated OMB control numbers, and an overview of each information collection. 90 FR 52168, 52222-24 (Nov. 19, 2025). The NPRM specifically solicited public comments for a period of 60 days and included instructions for the public submitting such comments. The draft form documents, and the table of changes documents, were also published along with the proposed rule and were available to the public in the rulemaking docket on <https://www.regulations.gov> under the DHS Docket No. USCIS-2025-0304.

Comment: A commenter expressed concern about whether interpretive tools were to entail additional information collection comparable to what was proposed by DOS in 2019,³⁰⁸ it would impact the U.S. economy by having a chilling effect on the artist visa applicant pool and making the United States a less desirable destination for international touring musicians and performing artists.

Response: DHS notes that it, and not DOS, determines the information necessary for the administration of the public charge ground of inadmissibility by DHS components. The information collection referenced by the commenter appears related to the DOS changes to the public charge ground of

inadmissibility, which, together with a later published Interim Final Rule (IFR), reflect similar policies as the 2019 Final Rule. DHS proposed no such additional information collection in the NPRM.

This final rule similarly contains no additional information collection comparable to the one referenced by the commenter. Rather, the information collection request associated with this final rule adapts the existing information collection requirements to account for the rescission of the 2022 Final Rule. In addition, DHS notes this final rule does not apply to DOS public charge determinations and none of the three information collections associated with this rulemaking project have any relevance to aliens seeking admission as nonimmigrant touring musicians and performing artists.

Comment: A commenter suggested DHS revise Form I-485 and its instructions to state that aliens should not provide information relating to the receipt of means-tested public benefits (other than cash assistance for income maintenance and long-term institutionalization at government expense) prior to the effective date of the Final Rule. Another commenter urged DHS to clarify the data related to financial status, employment history, and public benefits usage that would replace the quantitative thresholds being eliminated. The commenter also wrote that if DHS intends to mandate that applicants submit previously excluded information such as the receipt of public benefits by household members of the applicant, it must provide explicitly detailed instructions for Forms I-485, I-945, and I-356. A commenter questioned which expanded data elements would be added to Forms I-485, I-945, and I-356 as well as how DHS would minimize burden and barriers while maintaining decision quality.

Response: DHS agrees with the suggestion about the collection of information from adjustment of status applicants regarding their receipt of means-tested public benefits (other than public cash assistance for income maintenance or long-term institutionalization at government expense) prior to the effective date of this final rule. DHS has updated the Dates section of this rule to state that the receipt of previously excluded means-tested public benefits will be considered consistently with the 2022 Final Rule, meaning only public cash assistance for income maintenance and long-term institutionalization at government expense will be considered. In addition, USCIS has added text to the Form I-485 instructions to clarify that applicants

³⁰⁸ 60-Day Notice of Proposed Information Collection: Public Charge Questionnaire, 84 FR 57142 (Oct. 24, 2019).

who received means-tested public benefits before the effective date of this Final Rule should only report the receipt of public cash assistance for income maintenance and long-term institutionalization at government expense. DHS published, as a part of this rulemaking project, revised versions of Forms I-485, I-945, and I-356 for public comment. There was no proposed elimination of any “quantitative thresholds” in these information collections, and there were no “quantitative thresholds” under the 2022 Final Rule. The revised version of Form I-485 contains questions explicitly establishing what information “related to financial status, employment history, and public benefits usage” is required from applicants for adjustment of status. DHS has not updated Form I-485 to request that applicants submit information on the past or current receipt of public benefits by household members of the applicant and therefore need not provide instructions relating to information it is not collecting. As stated in this final rule, DHS is neither collecting nor attributing the receipt of public benefits by the alien’s family members to the alien. Regarding expanded data elements, DHS again notes that the versions of Forms I-485, I-945, and I-356 published for public comment clearly show what information DHS intends to collect on these forms.

a. Form I-485

Comment: A commenter remarked that because any blank or inconsistent information on an alien’s Form I-485 is grounds for application denial, additional staff time will be required from benefit-granting agencies to ensure completeness. A local government agency reasoned that the proposed information collection requirements would increase administrative burden for State and local benefits providing agencies.

Response: DHS disagrees that this rule imposes additional burdens on benefit providing agencies. It is the alien, not the benefit providing agencies, who completes and signs the Form I-485. The alien must provide information that is complete, true, and correct about his or her receipt of means-tested public benefits, including the dates or receipt, the amount of receipt, and the reason for receipt, on Form I-485.

Comment: A commenter noted that “Part 9 item 56, the second-to-last item, says, ‘Spouse, Child, or Parent of a U.S. Active-Duty Service Member in the Armed Forces under the National Defense Authorization Act (NDAA) (Form I-130 or Form I-360).’ It may be unclear to the applicant what provision

this is referring to, since there is an NDAA every fiscal year, and this does not clarify which fiscal year’s NDAA and which section of that NDAA it is referring to.”

Response: DHS thanks the commenter for their careful review of Form I-485. This comment, while helpful, does not relate to this rule or the proposed form revision. DHS may clarify that this refers to the NDAA for Fiscal Year 2004, Public Law 108–136, in a future form revision.

Comment: The same commenter noted that Page 5 contains a section ‘Acknowledgement of Selective Service,’ which says, ‘Review the Selective Service Acknowledgement in Part 10.’ However, there is no Selective Service acknowledgement in Part 10 of the Form I-485, nor anywhere else on the form.”

Response: DHS thanks the commenter for their careful review of Form I-485. This comment, while helpful, does not relate to this rule or the proposed form revision. DHS was already aware that the Selective Service acknowledgement was erroneously deleted during a recent form revision and intends to correct the error soon.

Comment: The same commenter noted that Part 2 item 3.a, under “Immediate relative of a U.S. citizen, Form I-130, I-129F, or I-360 (select your specific category below):”, has checkboxes for “Spouse of a U.S. Citizen,” “Unmarried child under 21 years of age of a U.S. citizen”, and “Person admitted to the United States as a fiancé(e) or child of a fiancé(e) of a U.S. citizen (K–1/K–2 Nonimmigrant).” They suggested that the form should be clarified, either by separating the boxes for Forms I-130, I-129F, and I-360 under separate headings, or explicitly specifying that the first two boxes are only for those with Form I-130.

Response: This comment does not relate to this rule or the proposed form revision. DHS will not update the form as recommended as a part of this rulemaking.

Comment: Another commenter similarly provided detailed comments regarding the proposed changes to Form I-485, including: The proposed changes would cause confusion and potentially increase the chilling effects of the rule because while the revised form will collect information on past or current use of “means-tested public benefits” by the applicant, and require the applicant to exclude income from “means-tested public benefits” from their household income, neither the form nor the rule define “means-tested public benefits.” Another commenter discussed in detail Form I-485 and its instructions, stating:

“Neither the form nor the instructions define a ‘means-tested public benefit,’ nor do the instructions refer the applicant to a regulation or other place to find the definition.”

Response: The exclusion of income from means-tested public benefits considered during the public charge inadmissibility determination is a consistent approach taken by the agency in recent years. The information collections associated with both the 2019 and 2022 Final Rules instructed applicants to exclude any income from public benefits considered under those rules. As DHS is rescinding the regulatory text referencing cash assistance for income maintenance and long-term institutionalization at government expense, it must also update its form instructions to reflect this change. There is no need to spell out which benefits DHS will consider when DHS will consider any and all public benefits funded by the government for which eligibility is determined by assessing whether the alien’s means are below the specified level. DHS believes it has made it clear what benefits are being considered and therefore what sources of income should be excluded from the alien’s reported household income.

Comment: The same commenter asserted that DHS did not provide a statutory or regulatory basis for requesting additional information from applicants on Form I-485.

Response: DHS disagrees with the commenter’s assertion. The current version of Form I-485 contains four questions relating to the receipt of certain public benefits. The form collects information about those benefits (SSI, TANF, or State, Tribal, territorial, or local cash benefit programs for income maintenance, and long-term institutionalization at government expense) because under the 2022 Final Rule those were the benefits considered by officers when making a public charge inadmissibility determination. Under this final rule, however, this limitation from the 2022 Final Rule is rescinded. The information collected on Form I-485 has been updated to reflect the change in the regulation; this rule is the basis for the form change. Instead of collecting information (using four questions) tied to the now-rescinded 2022 Final Rule, the form now collects information (using two questions nearly identical to the previous questions) relevant to public charge determinations in this new context. The rescission drives the need for form change. It would make no sense to collect information tied to the narrow understanding of public charge

contained in the 2022 Final Rule once that rule has been rescinded.

Comment: The same commenter, as well as some others, wrote that when considering the proposed changes to Form I-485 in conjunction with the new Notice to Appear guidance, it is far more likely that an alien whose application for adjustment of status is denied due to a public charge inadmissibility determination will face enforcement action. Further, they wrote that nonimmigrants who fail to maintain their lawful status while their application for adjustment of status is pending would be placed into removal proceedings. The alien would, upon denial, also lose their EAD.

Response: This is not actually a comment about the revisions to Form I-485 but rather a general comment on the rule itself. DHS is committed to faithfully implementing the immigration laws established by Congress. USCIS will issue an NTA to a removable alien upon the denial of his or her application for adjustment of status. If such alien was in a lawful nonimmigrant status at the time of applying for adjustment of status, and chooses to fail to maintain that nonimmigrant status while the application for adjustment of status is pending, the alien has violated U.S. immigration laws and is removable under section 237(a)(1)(C) of the INA, 8 U.S.C. 1227(a)(1)(C). The alien is removable because he or she violated immigration laws, not because of this rule. The harms described by the commenter are the normal consequences faced by removable aliens when DHS faithfully implements our immigration laws.

Comment: A commenter urged DHS to maintain Form I-485 in its current form. The commenter expressed opposition to the proposed revisions, particularly the replacement of the explicit list of public benefits with the open-ended prompt mandating applicants list all means-tested benefits. The commenter's rationale included that:

- The collection of information relating to the receipt of undefined "means-tested public benefits" is unnecessary for agency functionality and would result in the collection of information with reduced practical utility, quality, and clarity;
- Such an open-ended question would undermine fairness, efficiency, and public confidence in the adjustment of status process and increase administrative burdens for USCIS;
- The proposed form revisions are accompanied by inaccurate burden estimates because aliens will need to engage in open-ended legal determinations and contact many public

benefits providing agencies to obtain the required information;

- The revisions fail the PRA standard to minimize respondent burden by shifting administrative complexity to the public; and
- The form revisions would have inequitable impacts on certain populations such as low-income immigrants or those with limited English proficiency, further contravening the PRA mandate to minimize respondent burden and undermining fairness in Federal administrative processes.

Response: While this comment was submitted after the comment period on the rule had closed, and while DHS was only accepting comments on the form revisions at that time, most of this comment expresses opposition to the NPRM rather than the related form updates. DHS cannot maintain the current version of Form I-485 while rescinding the 2022 Final Rule. Certain elements of the current form are directly connected to the now-rescinded definitions and that rule's approach to public charge inadmissibility determinations. For aliens to provide relevant and useful information to adjudicators that will allow the aliens to meet their burden of proof in demonstrating eligibility for adjustment of status, DHS had to update Form I-485 and its instructions to reflect the rescission.

There is no need to specify which benefits DHS will consider when DHS will consider any and all means-tested public benefits funded by the government for which eligibility is determined by assessing whether the alien's means are below the specified level. DHS believes it has made it clear what benefits are being considered.

The current estimated time burden for Form I-485 is 6 hours and 51 minutes. This includes the time for reviewing instructions, gathering the required documentation and information, completing the form, preparing statements, attaching necessary documentation, and submitting the form. USCIS is reporting that this information collection has been revised to reflect changes proposed by the Public Charge Ground of Inadmissibility NPRM, however, there is no change to the annual estimated time and cost burden to respondents for this information collection as a result of this change. DHS disagrees with the commenter's statement that this estimate is inaccurate because applicants will be required to spend significantly more time pondering whether a particular public benefit they received is "means-tested" and

contacting public benefits agencies to obtain detailed information about when they received benefits and in what amount. As previously noted, if it is a benefit funded by the government for which eligibility is determined by assessing whether the alien's means are below a specified level, it is a means-tested public benefit. If an alien received a public benefit for which income, resources, or financial need played no role in determining either eligibility for the benefit or the amount of the benefit, it is not a means-tested public benefit.

The commenter further states that DHS should "minimize respondent burden" by "preserving a closed, clearly defined list of benefits aligned with current law." DHS declines to do so, and notes that there is no such "clearly defined list of benefits aligned with current law." No statute or court has ever created such a list, and Congress has clearly indicated that its concerns regarding self-sufficiency are not tied to a few specific public benefits but rather public benefits as a whole. DHS believes that requiring aliens to report on their current or past use of any means-tested public benefits and considering such use in the totality of the circumstances when making a public charge inadmissibility determination is the approach most consistent with the law.

Finally, DHS disagrees with the commenter's assertion that the form revisions will have a disparate and inequitable impact on certain vulnerable populations. It declines to make the recommended changes to Form I-485, which would be inconsistent with the rescission of the 2022 Final Rule.

Comment: Other commenters expressed further concerns that the revised Form I-485 contains overly broad and unclear language that creates difficulties for immigration attorneys and legal service providers to issue precise guidance.

Response: As previously stated, DHS believes it has been clear about what benefits are being considered. If it is a benefit directly provided or funded by the government for which eligibility is determined by assessing whether the alien's means are below a specified level, it is a means-tested public benefit. If an alien received a public benefit for which income, resources, or financial need played no role in determining either eligibility for the benefit or the amount of the benefit, it is not a means-tested public benefit. Attorneys and legal services providers should take this plain language approach to understanding "means-tested public benefit."

Comment: A commenter expressed concern about uncertainties and inconsistencies in how adjudicators will review public charge assessments based on the proposed changes to Form I-485 and recommended that forms and instructions are clear and minimally burdensome as per the PRA. The commenter also made the following specific recommendations:

- Readjust the estimated burdens for completing Form I-485 given its growing length and complexity;
- Ensure clarity in Form I-485 and its instructions, particularly for Items 57, 58, 59, 60, 61, and 62 in Part 9, General Eligibility and Inadmissibility Grounds; and
- Address ambiguity concerns about other Form I-485 areas including Part 3; Items 23, 26, 27, 28, 29, and 40 of Part 9; and Part 12.

Response: DHS thanks the commenter for their review and feedback. We acknowledge their comments about the increase in the length of Form I-485 over the past 10 years, the increase in the information collected, and the commenter's suggestion that DHS revisit the burden estimate, which they suggest does not reflect the changes over that decade. The current estimated time burden for Form I-485 is 6 hours and 51 minutes. This includes the time for reviewing instructions, gathering the required documentation and information, completing the form, preparing statements, attaching necessary documentation, and submitting the form. DHS believes this estimate is accurate and reflects all considerations required by OMB.

Regarding the commenter's detailed suggestions for how DHS should amend its form and instructions relating to family status (Form I-485 Part 9, Item 57), DHS declines to make the recommended changes. As the commenter notes, "family status" is not defined in the INA. Because DHS proposed to remove the 2022 Final Rule in its entirety, and not define any of the statutory terms, DHS cannot create a binding definition of "family status" for purposes of the public charge ground of inadmissibility without including it in regulatory text that was previously proposed for public comment. The full rescission of all public charge inadmissibility regulations, leaving only the amended bond provisions, precludes DHS from doing so. While USCIS intends to provide additional subregulatory guidance to officers and the public as to its understanding of "family status," it will not do so in regulatory text or the form instructions. DHS also declines to remove the question from Form I-485, as it must

collect information relating to this mandatory statutory factor. DHS notes that "family status" has been consistently understood under both the 2019 and 2022 Final Rules as "household size" and suggests that this is a reasonable approach for applicants to take when completing Form I-485.

DHS disagrees with the commenter's assertion that the lack of a clear definition of "family status" makes it difficult to determine household income, assets, or liabilities (Form I-485 Part 9, Items 58–60). The elimination of the regulatory definition of "household" (former 8 CFR 212.21(f)) could have such an effect, but not the lack of a definition for "family status." USCIS will provide guidance to its officers and the public that will suggest which individuals may be considered members of an applicant's household in an adjustment of status adjudication, though not a binding definition. In the absence of a binding definition, officers will be able to consider the plain meaning of the term including whether the alien is single, married, cohabiting with family members, and the impact of family status on other aspects of a public charge inadmissibility determination, such as whether and how any other individuals in the alien's life make them less likely to become a public charge.

DHS declines to provide additional guidance in its form instructions relating to educational systems in other countries and how to map those onto the options available for Form I-485 Part 9, Item 61. DHS agrees that aliens should provide their best understanding of an appropriate answer based on different systems of education.

As for the commenter's concerns regarding the collection of information relating to an alien's skills (Form I-485 Part 9, Item 63), DHS declines to amend the form in response to those concerns. DHS notes that the change in the question is minor. The previous version of Form I-485 stated "[l]ist your certifications, licenses, skills obtained through work experience, and educational certificates" followed by a small one-column table. The revised version associated with this Final Rule instead states "[l]ist your skills (for example, certifications, licenses, skills obtained through work experience, and educational certificates)." This is again followed by the same one-column table.

DHS amended the form to align with the statutory text, which directs officers to consider the alien's "skills." DHS continues to believe that certifications, licenses, skills obtained through work experience, and educational certificates are representative of an alien's skills.

However, DHS has rescinded former 8 CFR 212.22(a)(1)(v), which specifically stated that DHS would consider an alien's "skills, as evidence by the alien's . . . certifications, licenses, skills obtained through work experience . . . , and educational certificates." Without that regulatory text to support it, the previous phrasing of the question was too limiting to continue unrevised. Applicants are strongly encouraged to continue listing their certifications, licenses, skills obtained through work experience, and educational certificates in response to this question, as well as any other information relating to skills that they possess.

As the commenter noted, it took this opportunity to provide comments on sections of the form unrelated to this rulemaking project and form revisions. While DHS appreciates the commenter's thoroughness, these are outside of the scope of this project and DHS declines to amend the form or provide substantive responses to those comments.

b. Form I-356

Comment: Another commenter urged DHS to incorporate two additional grounds that would make immigrants eligible to request public charge bond cancellation: (1) having or being credited with 40 qualifying quarters of work and (2) readjusting status in removal proceedings. The commenter reasoned that 40 qualifying quarters of work serves as the threshold for exemption or discontinuation of sponsor support under other regulations, indicating that this standard is indicative an immigrant is unlikely to become a public charge. Similarly, the commenter wrote that under other forms and regulations, a second adjustment of status can serve as grounds for ceasing support obligations. The commenter concluded that failure to include these provisions would be arbitrary, capricious, and contrary to law.

Response: This comment was submitted on January 20, 2026, well after the end of the NPRM comment period on December 19, 2025. While the commenter wrote their comment as if it related to Form I-356, the changes they suggest for the form would require regulatory changes to 8 CFR 103.6, relating to the cancellation of public charge bonds. Form I-356 merely reflects the permissible bond cancellation scenarios outlined in 8 CFR 103.6(c)(1)(i)(A) through(C). DHS cannot add new bases for cancellation to the form without amending the regulation. As for the suggestion that this would be permissible because the regulation permits USCIS to "cancel a public

charge bond at any time after determining that the alien is not likely at any time to become a public charge,” the commenter should have known from the NPRM that DHS was proposing to remove this regulatory language. DHS has done so in this final rule. Since the suggestion that Form I-356 be updated to include two new bond cancellation scenarios is in truth a suggestion that DHS amend 8 CFR 103.6(c)(1), this portion of the comment was untimely.

Comment: A commenter recommended the following changes to Form I-356:

- *Part 4, Item 3:* include a checkbox for each of the various ways in which an alien can depart permanently from the United States, instead of the current approach of merely asking if they have permanently departed followed by the collection of certain applicable details.

- *Part 4, Item 6:* provide a clear definition of “means-tested public benefit” through regulations, the form, or its instructions and an itemized list of the benefit in the form with corresponding checkboxes.

Response: DHS thanks the commenter for their recommendations. Regarding the questions about permanent departure, DHS declines to make the recommended edits to the form. DHS believes that the current form is sufficiently clear, particularly as the instructions for Form I-356 outline what constitutes a permanent departure for the purpose of cancellation of the bond and what evidence is required to demonstrate such departure. The USCIS Policy Manual also contains detailed information for officers and the public on the topic, in Volume 8, Part G.

Regarding the suggestion about means-tested public benefits, DHS will not provide a definition in the regulation, on the form, or in the form instructions. Given the many means-tested public benefits that an LPR may be eligible for while a bond is in effect, from all levels of government, providing a comprehensive itemized list, complete with checkboxes, would be impossible.

c. Form I-945

Comment: A commenter recommended the following changes to Form I-945:

- *Part 2, Item 12:* revise the language relating to Form G-28 as follows: “If the attorney or accredited representative does not submit Form G-28 for this Form I-945, U.S. Citizenship and Immigration Services (USCIS) will not be able to communicate with the attorney or accredited representative on behalf of the bonded alien regarding the bond.”;

- *Part 3:* provide additional guidance on the conditions and riders that may be attached to a public charge bond;

- *Part 3, Item 3:* provide a definition of “means-tested public benefit” and make it available in Form I-945 and its instructions; and

- *Part 3, Item 5:* provide a more specific definition for the term “permanent,” as it relates to the phrase “permanent departure of the alien.”

Response: DHS thanks the commenter for their recommendations concerning Form I-945. Regarding the recommended clarifying language for Part 2, Item 12, DHS agrees that the addition of “regarding the bond” would be helpful and has made this adjustment on the form. DHS will make a similar minor clarifying update to the instructions. Regarding the bond conditions and riders in Part 3 of the form, DHS declines to provide guidance or details about what such conditions or riders might be on Form I-945 or in its instructions. Congress has granted the Secretary of Homeland Security the authority to include any “such conditions as he may prescribe.” This authority, and the open-ended nature of this portion of the bond form, is common across the various types of immigration bonds. USCIS will provide subregulatory guidance to its officers and the public on public charge bonds.

DHS declines to provide a definition of “means-tested public benefit” in regulation or on Form I-945 or its instructions. Regarding the recommendation that DHS cross-reference or include in the form instructions the clarification of “permanent” (in the context of “permanent departure”) provided in Volume 8, Part G of the USCIS Policy Manual, DHS declines to do so. As the commenter notes, the language comes directly from the statute. The form used for cancellation of public charge bonds, Form I-356, includes sufficient detail for aliens who have submitted public charge bonds to understand when they may be cancelled due to permanent departure. Finally, DHS intends to continue providing additional clarification about permanent departure in the USCIS Policy Manual.

4. Other Statutory and Regulatory Requirements

a. National Environmental Policy Act

Comment: A commenter stated that while it agreed that the NPRM and this final rule do not have significant environmental impact, it found DHS’s implementation process of the National Environmental Policy Act (NEPA) to be lacking. Specifically, the commenter

found the statement in the NPRM NEPA discussion that DHS has “reviewed this proposed rule” and determined it has “no significant impact,” implied DHS conducted an environmental analysis, though, in the commenter’s view, DHS had not. The commenter suggested DHS’s conclusion regarding no significant environmental impact of the final rule and invocation of the categorical exclusion A3 would stand on firmer ground if DHS stated the rule is strictly administrative and procedural before concluding that it fits within categorical exclusion A3. The commenter noted, however, that DHS’s NEPA implementing procedures do not define what is strictly administrative and procedural, and commented broadly about the appropriateness of DHS’s reliance on this categorical exclusion across immigration regulations particularly if those regulations increase immigration population. The commenter recommended DHS, in line with E.O. 13154, Unleashing American Energy, take the opportunity to adopt new NEPA procedures and, if appropriate, develop categorical exclusions relating to immigration specifically to further immigration enforcement efforts. Another commenter acknowledged the proposed rule would have no significant impact on the environment.

Response: DHS appreciates these comments and agrees the final rule will have no significant impact on the environment and affirms there will be no change in environmental effect resulting from the amendments being made by this final rule. Regarding the commenters’ suggestion to strengthen the NEPA discussion as related to this rulemaking, DHS notes it did first review the rule to determine it is administrative and procedural and explained its conclusion—the rule removes regulatory provisions from existing DHS regulations leaving officers to administer the public charge ground of inadmissibility consistently with the statute, controlling precedent, and any guidance DHS issues to guide their determinations. This approach reflects what officers did for decades leading up to the 2019 Final Rule, and subsequently the 2022 Final Rule regulations it is now removing (with the exception of the bond provisions). Only then did DHS indicate that the rule clearly fits within the categorical exclusion A3. With respect to commenters’ concerns regarding rules that increase populations, nothing in the NPRM or this final rule suggests it will increase the immigrant population.

DHS also appreciates the comment making detailed recommendations for

improving DHS's NEPA compliance but notes the commenter's recommendations go beyond the scope of this rulemaking.

b. Unfunded Mandates Reform Act (UMRA)

Comment: Without providing a specific analysis, a commenter acknowledged the proposed rule does not contain a Federal mandate as defined under UMRA.

Response: DHS agrees that this final rule does not contain a Federal mandate as defined under UMRA. Therefore, in accordance with UMRA, this rule requires no further agency action or analysis.

Comment: Commenters wrote that the proposed rule would trigger significant private-sector expenditures, into the tens of millions of dollars annually, and cause material State and local expenditures from increased uncompensated care, public hospital subsidies, and administrative processing related to disenrollment and re-enrollment. The commenters stated DHS should prepare and publish the UMRA statement or provide detailed, evidence-based explanation of why UMRA does not apply, including quantitative estimates showing the threshold is not met.

Response: DHS disagrees with these comments as this final rule does not contain a Federal mandate under UMRA. The term "Federal mandate" means a Federal intergovernmental mandate or a Federal private sector mandate. See 2 U.S.C. 1502(1), 658(6). The term "Federal intergovernmental mandate" means, in relevant part, a provision that would impose an enforceable duty upon State, local, or Tribal governments (except as a condition of Federal assistance or a duty arising from participation in a voluntary Federal program). 2 U.S.C. 658(5). The term "Federal private sector mandate" means, in relevant part, a provision that would impose an enforceable duty upon the private sector (except as a condition of Federal assistance or a duty arising from participation in a voluntary Federal program). 2 U.S.C. 658(7). This final rule does not contain such mandates, because it is not purporting to regulate which aliens may receive public benefits or how states and local governments administer such programs. Therefore, this rule does not impose any enforceable duty upon any other level of government or private sector entity and any costs or transfer effects on States and local governments would not result from a Federal mandate as defined under UMRA.

c. Federalism

Comment: Without providing additional rationale, a commenter remarked the proposed rule does not have sufficient federalism implications.

Response: DHS agrees that this final rule does not have federalism implications because it does not have substantial direct effects on the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of E.O. 13132, this rule requires no further agency action or analysis.

Comment: Several commenters remarked that DHS is obligated to prepare a federalism impacts analysis, reasoning that the proposed rule disregards States' congressional authorization to provide benefits to aliens, infringes on State and local sovereign authority by penalizing provision of benefits, and imposes costs on States and localities. One of these commenters provided data indicating the money saved by their State investing in preventative care benefits, which they said would be threatened by the proposed rule. Another commenter encouraged DHS to ensure the final rule respects State sovereignty, particularly in the realm of public benefits. A commenter elaborated that DHS appears to have avoided conducting a federalism impacts analysis by "delineating between direct and indirect effects"; the commenter expressed disagreement with this delineation, stating that effects considered by DHS to be indirect would be direct effects upon implementation (e.g., eliminating the current prohibition on counting benefit use by dependents, including U.S. citizen children, from counting towards public charge determinations).

Response: DHS disagrees with these comments. This final rule does not have federalism implications because it does not have substantial direct effects on the States, or on the distribution of power and responsibilities among the various levels of government. Although this rule removes 8 CFR 212.21 and 212.22, the core elements of the 2022 Final Rule and may cause some aliens to disenroll from or forgo enrollment in public benefit programs, DHS is not regulating which aliens may receive public benefits or how states and local governments administer such programs. DHS does not expect this final rule will impose substantial direct compliance costs on State and local governments, or preempt State law. Accordingly, in accordance with section 6 of E.O. 13132, this rule requires no further agency action or analysis.

Comment: Commenters addressed federalism and stated the proposed rule undermines State programs by creating uncertainty for state Medicaid agencies; causing people to withdraw from State-supported programs, which disrupts State health planning; increasing State healthcare expenditures due to preventable medical emergencies; and burdening State-level social services and public health departments.

Another commenter stated the absence of clear Federal guidance undermines federalism. The commenter provided examples of lawful State public health benefits provided by the State of Oregon, reasoning that if families avoid accessing these benefits for preventative care out of fear and confusion of the proposed rule, these families would ultimately seek emergency care instead, imposing costs to hospitals, schools, nonprofits, and taxpayers. Another commenter, a legal services provider, provided several examples of clients who received public medical benefits in their state, remarking that the proposed rule would infringe on the State's ability to provide these benefits and the commenter's ability to support these clients.

Response: DHS disagrees that this rule undermines State programs that provide healthcare services. This final rule rescinds the regulations implemented by the 2022 Final Rule related to the public charge ground of inadmissibility at section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), in which DHS too narrowly defined the relevant terms in section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), resulting in the inability of DHS to apply the public charge ground of inadmissibility consistent with statute and congressional intent. DHS did not propose in the NPRM to, in any way, regulate or circumscribe the ability of states to offer public benefits to intending immigrants. Similarly, this final rule neither prohibits states from providing benefits to immigrants nor prohibits any category of immigrants from receiving any state or local benefits for which they are eligible.

DHS appreciates the comment regarding the effects on State health care planning and expenditures. DHS agrees that some entities, such as State and local governments may incur costs related to the rescission of the 2022 Public Charge rule. However, these costs are indirect costs of the rule since this rule does not directly regulate State and local governments and does not require them to make changes to their business processes or programs. Therefore, DHS considers these indirect costs as qualitative, unquantified effects of the final rule since it is unclear how many

State and local governments will choose to make administrative changes to their business processes and the cost of making such changes.

Comment: One commenter said the rulemaking process lacked meaningful consultation with State and local officials and requested that DHS conduct additional outreach to develop collaborative approaches with jurisdictions responsible for on-the-ground implementation, while another requested confirmation on whether DHS consulted with State human services agencies. Another commenter wrote DHS did not indicate that they sought State, local, or Tribal feedback on the costs attendant to its proposed policy's serious impacts on individuals lawfully eligible for benefits, the economy, and public health, declaring feedback would have helped DHS consider the proposed rule's acknowledged consequences of forgone lawful benefit use to adequately and reasonably assess the costs of chilling effects and the downstream consequences of their proposed deviation from a framework generally in place since 1999.

Response: DHS solicited public comments through the NPRM, a standard method for gathering input, which included receiving feedback from State and local governments. DHS does not expect that this final rule will impose substantial direct compliance costs on State and local governments and therefore does not need their consultation. DHS also declines to consult, beyond soliciting public comments, with State human service agencies because this rule does not regulate which aliens may receive public benefits or how states and local governments administer such programs. Any downstream effects on State and local governments and human service agencies specific to this final rule would arise solely due to voluntary choices and would not be a consequence of an enforceable duty imposed by this rule. While DHS agrees that some entities, such as State and local governments may incur costs related to the rescission of the 2022 Public Charge rule, these costs are considered to be indirect costs of the rule since this rule does not directly regulate State and local governments and does not require them to make changes to their business processes or programs. Therefore, DHS considers these indirect costs as qualitative, unquantified effects of the final rule since it is unclear how many State and local governments will choose to make administrative changes to their business processes and the cost of making such changes.

d. Civil Justice Reform

Comment: Without providing additional rationale, a commenter disagreed with DHS's statement that the proposed rule meets the applicable Civil Justice Reform standards. A different commenter said the rule would not comply with E.O. 12988, Civil Justice Reform, because the rule is contrary to congressional intent in enacting certain tax credits. The commenter reasoned that DHS relied on or would rely on the Memorandum Opinion issued by the Department of Justice to the General Counsel of the Department of the Treasury³⁰⁹ and any future Treasury Department regulations to include EITC and CTC as means tested public benefits which would result in extensive litigation were DHS to consider tax credits as means-tested public benefits.

Response: DHS strongly disagrees with commenters. Both the NPRM and this final rule were drafted in accordance with E.O. 12988³¹⁰ to provide a clear legal standard for affected conduct. Both were reviewed carefully to eliminate drafting errors and ambiguities to minimize litigation and undue burden on the Federal court system. Both describe and explain in clear terms the effect of the 2022 Final Rule rescission on future public charge inadmissibility determinations, including that they will be governed by the statute, binding precedent, and any guidance the agency issues to guide but not prescribe officer discretion. To provide additional clarity, this final rule states that the rule applies prospectively to applications for admission made and adjustment of status applications filed on or after the effective date and that previously excluded means-tested public benefits received before the rule's effective date will be treated consistently with the 2022 Final Rule. While the NPRM did not propose and this final rule does not codify regulatory provisions, including binding key definitions, it relies on commonly understood terms that are described in binding precedent, and which officers have successfully applied for decades. Finally, both the NPRM and this final rule were reviewed and approved by the Department of Justice and the Office of Management and Budget for clarity and general draftsmanship. For these reasons, both the NPRM and this final rule comply with E.O. 12988.

³⁰⁹ Status of the Refundable Portion of Certain Tax Credits as Federal Public Benefits <https://www.justice.gov/olc/media/1419131/dl> (Nov. 19, 2025).

³¹⁰ 61 FR 4729 (Feb. 7, 1996) <https://www.federalregister.gov/documents/1996/02/07/96-2755/civil-justice-reform>.

DHS disagrees that consideration of EITC and CTC will result in extensive litigation in contrast to E.O. 12988's objectives. This final rule clarifies that these tax credits will be considered in the totality of the circumstances. However, given they are generally available to both low income and middle income families, their probative value in the totality of the circumstances analysis will depend on whether the alien is otherwise determined to be self-sufficient, and could elect to either receive or not receive such tax credits based on the alien's employment, income, assets and all other relevant considerations in the totality of the circumstances. DHS believes the clarifications eliminate any ambiguity regarding the consideration of these tax credits. DHS also clarifies for the purpose of this rulemaking it did not rely on any recommended classification by the Department of Justice of EITC and CTC regarding whether these tax credits, if received by aliens, can be considered in public charge ground of inadmissibility determinations.

e. Family Assessment

Comment: Several commenters stated the proposed rule would affect family well-being, reasoning that the proposed rule would negatively affect families by leading to poverty, loss of healthcare, or impacts to family stability and education. Commenters stated that the proposed rule would harm families with mixed immigration status, in violation of Section 654 of the Treasury and General Government Appropriations Act, 1999, criticized DHS's family assessment from the NPRM as inadequate, and encouraged DHS to conduct a Family Policymaking Assessment consistent with the statute in order to fully understand the impact of the proposed rule on the well-being of American families, including families of alien parents with U.S. citizen children. Another commenter further elaborated that the family assessment included by DHS in the NPRM does not cover all the required topics under that law, addressing only one (whether the financial impacts on families are justified) while ignoring the requirement to address the other 6 issues included in the law.

A commenter found the proposed rule's family assessment inadequate, reasoning the proposed rule would limit aliens' routes to U.S. citizenship, thus impacting family autonomy (because citizens have more rights and access to benefits, so autonomy would be lessened if aliens were prevented from becoming citizens). They also stated that the absence of a U.S. citizen in a family

would limit the autonomy of the family unit, adding that the NPRM's predicted disenrollment effects would also be negatively impacted, such as by illness, food insecurity, or lack of housing.

Another commenter stated their view that there is clear evidence that discouraging families from accessing Medicaid and CHIP will undermine child and maternal health, as well as household financial stability. Another provided specific details on the potential negative effects of the proposed rule on children and families, citing evidence of positive health outcomes for children with access to means-tested public benefits and pointing to the rise in children without health insurance.

Response: DHS disagrees with the commenters' assertions that it did not engage in an adequate assessment under Section 654 of the Treasury and General Government Appropriations Act, 1999.³¹¹ Section 654 requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. Agencies must assess whether: (1) The action strengthens or erodes the stability or safety of the family and, particularly, the marital commitment; (2) the action strengthens or erodes the authority and rights of parents in the education, nurture, and supervision of their children; (3) the action helps the family perform its functions, or substitutes governmental activity for the function; (4) the action increases or decreases disposable income or poverty of families and children; (5) the proposed benefits of the action justify the financial impact on the family; (6) the action may be carried out by State or local government or by the family; and whether (7) the action establishes an implicit or explicit policy concerning the relationship between the behavior and personal responsibility of youth, and the norms of society.

As discussed in the NPRM, DHS assessed the rule's effect on family well-being and determined that the rule may decrease disposable income and increase the poverty of certain families and children, including U.S. citizen children, although DHS believes at least some of these potential impacts could be mitigated by clear communication regarding the application of the final rule and how the public charge inadmissibility determinations work in the totality of the circumstances, such as the guidance USCIS intends to publish on or before the effective date of this rule. Ultimately, however, DHS continues to believe that the financial

impact on the family is justified. Given the compelling legal and policy reasons associated with this rulemaking, including but not limited to, better ensuring self-sufficiency among those aliens Congress has determined should be subject to the public charge ground of inadmissibility, DHS determined that this rulemaking's impact is justified and no further actions are required. DHS disagrees with commenters that this rule would have an impact on avenues for immigration or family autonomy. DHS also determined that this final rule will not have any impact on the autonomy or integrity of the family as an institution and disagrees with commenters on that point. Furthermore, with this rulemaking, DHS does not intend to separate families. DHS's intent is to implement Congress's mandate to assess whether an alien has met his or her burden to demonstrate that he or she is not likely at any time to become a public charge under section 212(a)(4)(A) of the INA, 8 U.S.C. 1182(a)(4), given the congressional policy to ensure those coming to the United States should be self-sufficient and not rely on the government for assistance to meet their needs. DHS agrees that family unity is a significant tenet of the family-based immigration system. As indicated above, the rule does not alter eligibility criteria for a family-based immigrant petition, although it could have some impact on the ultimate outcome of such petitions.

With respect to comments discussing family stability and impacts on the rule on Medicaid and CHIP enrollment, DHS recognized the beneficial impacts of these programs and clearly explained that the receipt of Medicaid and/or CHIP will be considered only as received by the individual alien subject to the public charge ground of inadmissibility and also considered along with any other relevant information in the totality of the circumstances.

Finally, DHS has taken steps to mitigate the effects of this rule on families. Like all other applicants for admission or adjustment of status who are subject to the public charge or any other ground of inadmissibility, aliens are not guaranteed admission or adjustment of status merely by virtue of their relationship to a U.S. citizen or LPR. As discussed previously, DHS clarified both in the NPRM and in this final rule that receipt of public benefits is not alone outcome determinative and has ensured that this final rule will be applied prospectively only to applications filed on or after the effective date of the final rule. In the same vein, DHS has also clarified that

previously excluded means-tested public benefits received before the effective date of this final rule will not be considered. In addition, DHS has clarified in this final rule that it will not attribute U.S. citizen children's receipt of public benefits to their parents who are subject to the public charge inadmissibility ground, however, DHS may consider the parents' legal obligation to support the children in the totality of the circumstances. As stated elsewhere in this final rule, USCIS will issue subregulatory guidance to assist its officers adjudicating adjustment of status applications in exercising their discretion, including ascertaining relevance of receipt of public benefits depending on the interplay of various factors that are in their discretion to consider. DHS believes that these explanations and clarifications will help mitigate some of the impacts of this rule and believes that any such impacts are justified.

P. Out-of-Scope

1. Support for Immigration and Opposition to Restrictive Immigration Policies

Comment: Multiple comments expressed general support for immigration, including support for immigrants and immigration into the United States, and stated that the United States is made up of immigrants. Multiple commenters made remarks about the positive contributions immigrants make to society and the economy. Some of the comments included positive anecdotal experiences with immigrants.

Response: Comments regarding generalized support for immigration to the United States and immigrants are outside the scope of the rule.

Comment: Several commenters expressed opposition to what they perceived as aggressive, harmful, inhumane, or discriminatory immigration enforcement that instills fear. One commenter generally disagreed with the policies of the U.S. immigration system, and another thought efforts should be redirected to other issues that require more attention and that there is a long list of more important things to fix in the United States and in the U.S. immigration system.

Response: All comments opposing generalized restrictive immigration policies are outside the scope of the rule.

Comment: One commenter was concerned that the benefit eligibility for Afghan nationals and Ukrainians has expired and they can no longer receive

³¹¹ Public Law 105–277, 112 Stat. 2681 (Oct. 21, 1998).

benefits, because some Afghan nationals risked their lives to help the U.S. in wartime and the Ukrainians are still at war.

Response: To the extent that the comment seeks changes in U.S. policy concerning benefit eligibility for Afghans and Ukrainians, it is outside the scope of the rulemaking.

2. Opposition to Immigration Generally

Comment: Some comments expressed general opposition to immigration and urged ending all immigration into the United States. Multiple commenters expressed concerns about immigrants receiving public benefits, some remarked on culture and demographic shifts related to immigration, and others urged the reversal of the Hart-Celler Act. Some commenters included anecdotal experiences about the negative economic impacts of immigration. A commenter urged the enforcement and penalties against immigrants.

Response: Comments regarding generalized opposition to immigration to the United States and immigrants are outside the scope of the rule.

3. Miscellaneous

Comment: One commenter expressed opposition to changes to the regulations due to fear of the impact on LPRs, stating that there is no practical reason to deny health benefits to LPRs because the government already vetted and fully accepted these LPRs into the country.

Response: To the extent that this commenter is concerned that DHS is changing eligibility requirements for means-tested public benefits, this comment is outside the scope of this rulemaking. This rule does not affect eligibility criteria for means-tested public benefits or create bars to LPRs qualifying for health benefits. If the commenter is concerned with deportability under the public charge ground at section 237(a)(5) of the INA, 8 U.S.C. 1227(a)(5), this comment is also out of scope because this rule does not interpret or change DHS's application of this ground.

DHS notes an alien who is already an LPR already underwent a public charge inadmissibility determination at the time he or she applied for their immigrant visa and/or at the time of admission as an immigrant or when the alien applied for adjustment of status unless she or he was exempt from such a determination. The LPR would not undergo another public charge inadmissibility determination unless upon the LPR's return from a trip abroad, CBP determines that he or she is an applicant for admission based on one of the criteria set forth in section

101(a)(13)(C) of the INA, 8 U.S.C. 1101(a)(13)(C).

Comment: Several commenters said their submissions include numerous citations supporting research and relevant documents, including direct links for the benefit of DHS's review. The commenters requested that the full text of each of the items cited, along with the full text of their comment, be considered part of the administrative record in this matter for purposes of the APA.

Response: Comments such as these are outside of the scope of this rulemaking. The comment does not raise significant issues relevant to the content of the proposed rule but rather purports to direct DHS on how it must comply with its obligations under the APA.

Comment: Multiple commenters expressed criticism of specific political figures or administrations. These comments included general disapproval of policies, leadership, or perceived political motivations, as well as opposition to fascism.

Response: The comments are outside the scope of the rulemaking.

Comment: One commenter recommended protected status for Syrian people who have been allowed to enter the United States. Another commenter requested assistance with their immigration application, specifically, to address the breach and cancellation of their public charge bond, assistance with updating USCIS records, and an exemption from the alien sponsorship requirement.

Response: The comments involving other aspects of the immigration system are outside the scope of the rulemaking.

Comment: Without mentioning immigration or the public charge ground specifically, some commenters provided remarks outside the scope of the rulemaking including: concerns about equality, diversity, and compassion; general concerns about the U.S. economy, governing, and U.S. citizen rights; general discussions about public benefit programs, such as SNAP and WIC; general concerns about veterans and service members, and detailed comments on disaster recovery assistance.

Response: While DHS appreciates the comments, they are outside the scope of this rulemaking. Through this rulemaking, DHS is exercising its authority to rescind regulations implementing the public charge ground of inadmissibility and to modify the public charge bond regulations.

Comment: A commenter wrote that the proposed rule must be read in conjunction with HUD's November 26,

2025, Notice, titled "PRWORA; Interpretation of 'Federal Public Benefit,'" which was issued just one week after publication of the proposed rule. The commenter stated it is not coincidental that HUD's notice interprets the term "Federal public benefit" to include "all HUD programs related to public or assisted housing." The commenter criticized HUD's pronouncement as conclusory and failing to satisfy the heightened review standards required of significant and impactful policy changes, particularly where substantial reliance interests are at stake.

Response: This comment relates to the application of the definition of "Federal public benefit" under 8 U.S.C. 1611(c) by Federal benefits-granting agencies in connection with their implementation of PRWORA. HUD, as well as a number of other agencies, published **Federal Register** Notices on the topic in 2025. The issue is under active litigation and is outside of the scope of this rulemaking. As for the commenter's assertion that the NPRM "must be read in conjunction with" HUD's **Federal Register** Notice, DHS disagrees. The efforts are independent and any temporal correlation in publication date was mere happenstance.

Comment: A commenter requested a technical correction to the proposed rule regarding citizens of the Freely Associated States (FAS). The commenter remarked that on page 52176 of the proposed rule, DHS lists Micronesians and citizens of the two other FAS as being subject to the waiting period applicable to other foreign nationalities. The commenter remarked that under the U.S. Federated States of Micronesia, Compact of Free Association (COFA), and under relevant U.S. law, Micronesian citizens do not have a five-year waiting period before they are eligible for public benefits. The commenter requested a footnote be added to the list regarding this exception.

Response: DHS thanks the Embassy of the Federated States of Micronesia for their comment. DHS will not amend the already-published NPRM, but appreciates the correction provided by the embassy regarding the effects of section 209(f) ("Compact Impact Fairness Act") of the Consolidated Appropriations Act of 2024, Public Law 118-42, on the eligibility of certain citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, for Federal public benefits without a waiting period.

Comment: One commenter suggested that enlisted pay for the active military

be raised enough as not to require families to rely on benefits.

Response: While DHS appreciates the suggestion, it is outside the scope of DHS's rulemaking.

IV. Statutory and Regulatory Requirements

A. Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and 14192 (Unleashing Prosperity Through Deregulation)

E.O. 12866 (Regulatory Planning and Review) and E.O. 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. E.O. 14192 (Unleashing Prosperity Through

Deregulation) directs agencies to significantly reduce the private expenditures required to comply with Federal regulations and provides that “any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.”

This rule has been designated a “significant regulatory action” that is economically significant, under section 3(f)(1) of E.O. 12866. Accordingly, the rule has been reviewed by the OMB.

This rule is not an E.O. 14192 regulatory action because it is being issued with respect to an immigration-related function of the United States. The rule's primary direct purpose is to implement or interpret the immigration laws of the United States (as described in INA sec. 101(a)(17), 8 U.S.C. 1101(a)(17)) or any other function performed by the U.S. Federal Government with respect to aliens. *See* Office of Management and Budget Memorandum M–25–20, “Guidance

Implementing Section 3 of E.O. 14192, titled ‘Unleashing Prosperity Through Deregulation’” (Mar. 26, 2025).

1. Summary of Changes From the Notice of Proposed Rulemaking to the Final Rule

In this final rule, the estimated 10-year total transfers are 45.51 percent higher than in the NPRM. DHS received several comments regarding the various public benefits programs that could be impacted as a result of this final rule, with a particular concern on the impacts to children and the WIC program. Therefore, DHS has expanded the analysis in this final rule to include child enrollment data for Medicaid and WIC, in the disenrollment and forgone enrollment estimates. Table IV.9 through Table IV.16 have been updated to reflect these data changes and overall estimates may differ from the NPRM. Table IV.1 summarizes the changes in estimated undiscounted and annualized discounted impacts from the proposed rule to the final rule.

Table IV.1 Changes in Estimated Impacts from Proposed Rule to Final Rule, (10-year period of analysis, \$ billions)

	NPRM			Final Rule		
	Undiscounted	Annualized 3% Discounted	Annualized 7% Discounted	Undiscounted	Annualized 3% Discounted	Annualized 7% Discounted
Federal Transfer Payments	\$52.89	\$45.12	\$37.15	\$77.09	\$65.76	\$54.14
State Transfer Payments	\$36.76	\$31.35	\$25.82	\$53.36	\$45.52	\$37.48
Total Transfer Payments	\$89.65	\$76.48	\$62.97	\$130.45	\$111.28	\$91.62

2. Summary of the Regulatory Changes

DHS is removing most of the 2022 Final Rule provisions to allow DHS to better implement the public charge ground of inadmissibility. The final rule is expected to impose new benefits and transfers. To assess the impacts of the rule, DHS considers the potential impacts of the rule relative to a no-action baseline, which reflects the current state of the world absent this regulatory action.

The primary source of unquantified benefits of this rule is the removal of overly restrictive provisions promulgated in the 2022 Final Rule that hinder officers in making public charge inadmissibility determinations. By removing rigid regulatory definitions

and standards, this rule ensures that officers can make highly individualized, fact-specific, case-by-case public charge inadmissibility decisions based on the totality of each alien's individual circumstances. This approach will prevent the application of overly restrictive criteria that straitjackets DHS officers' ability to make public charge inadmissibility determinations.

The rule will also result in a reduction in transfer payments from Federal and State governments to individuals who may choose to disenroll from or forgo enrollment in a public benefits program. Individuals who might choose to disenroll from or forgo future enrollment in a public benefits program include aliens as well

as U.S. citizens who are members of mixed-status households. DHS estimates that the total reduction in transfer payments from the Federal and State governments could be approximately \$13.05 billion annually due to disenrollment or forgone enrollment in public benefits programs by members of households that include aliens who may be receiving public benefits. DHS estimates that the 10-year discounted Federal and State transfer payments reduction of this rule could be approximately \$111.28 billion at a 3-percent discount rate and about \$91.62 billion at a 7-percent discount rate. This total includes DHS's estimate that Federal transfer payments could decrease by approximately \$65.76

billion at a 3-percent discount rate and about \$54.14 billion at a 7-percent discount rate. Using the average FMAP, DHS further estimates that State transfer payments could decrease by approximately \$45.52 billion at a 3-percent discount rate and approximately \$37.48 billion at a 7-percent discount rate. DHS notes there may be additional reductions in transfer payments that we are unable to quantify. DHS also recognizes that the estimated reductions in transfer payments are approximations and could be influenced by external factors unrelated to this rule. For example, the recent changes to Medicaid and SNAP included in H.R. 1 are expected to impact enrollment rates, adding complexity to quantification

efforts.³¹² DHS anticipates that disenrollment or forgone enrollment rates may fluctuate independently of this rule, potentially affecting the transfer payment estimates presented. However, those external factors are separate and independent of this rule.

Finally, DHS recognizes that reductions in Federal and State transfers under Federal benefits programs may have downstream and upstream impacts on State and local economies, large and small businesses, and individuals. For example, the rule might result in reduced revenues for healthcare providers, such as hospitals and nonprofits, participating in Medicaid,

³¹² See H.R. 1 Reconciliation Bill, *e.g.*, secs. 10108 (SNAP Eligibility); 71109 (Alien Medicaid Eligibility); Public Law 119–21 (July 4, 2025).

companies that manufacture medical supplies or pharmaceuticals, grocery retailers participating in SNAP, agricultural producers who grow foods that are eligible for purchase using SNAP benefits. Landlords participating in federally funded housing programs may also experience financial strain, such as increased tenant turnover and higher administrative costs.

Table IV.2 provides a detailed summary of the regulatory changes and the estimated costs, benefits, and transfers associated with the expected impacts.³¹³

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³¹³ For a complete list of regulatory changes in this rule, please see section V. “List of Subjects and Regulatory Amendments.”

Table IV.2. Summary of Major Provisions and Economic Impacts of the Rule		
Provision	Purpose	Expected Impact of the Rule
Remove 8 CFR 212.20. Purpose and applicability of public charge inadmissibility.	Remove the language defining the categories of aliens subject to the public charge ground of inadmissibility.	Quantitative: <u>Benefits</u> • None. <u>Costs</u> • None. Qualitative: <u>Benefits</u> • The removal of overly-restrictive provisions codified in the 2022 Final Rule will allow DHS to more accurately, precisely, and reliably assess public charge inadmissibility, which could lead to fewer aliens entering or remaining in the United States who are likely at any time to become a public charge, which could also result in a reduction in the number of aliens dependent on public benefit programs. • The removal of overly restrictive provisions codified in the 2022 Final Rule will ensure DHS officers can make case-by-case decisions based on the totality of circumstances, eliminating the narrow criteria. <u>Costs</u> • Costs to various entities and individuals associated with regulatory familiarization with the provisions of the rule. Costs will include the opportunity cost of time to read the rule and subsequently determine applicability of its provisions. DHS estimates that the time to read this rule in its entirety would be 8 to 9 hours per individual. DHS estimates that the opportunity cost of time will range from about \$384.40 to \$432.45 per individual who must read and review the rule. While DHS cannot determine the number of individuals who will read the rule, DHS assumes immigration lawyers, immigration advocacy groups, benefits providing agencies, nonprofit organizations, non-governmental organizations, and religious organizations, among others, would choose to familiarize themselves with this rule. • Indirect costs of the rule will include costs to various entities associated with compliance with the provisions of the
Remove 8 CFR 212.21. Definitions.	Remove the definitions of “likely at any time to become a public charge,” “receipt (of public benefits),” “public cash assistance for income maintenance,” and “long-term institutionalization at government expense.”	
Remove 8 CFR 212.22. Public charge inadmissibility determination.	Remove overly restrictive language codified by the 2022 Final Rule as it relates to an alien’s current and/or past receipt of certain public benefits, the totality of the circumstances analysis, and the receipt of public benefits by an alien in an exempt category.	
Remove 8 CFR 212.23. Exemptions and waivers for public charge ground of inadmissibility.	Remove the list of exemptions and waivers to the public charge ground of inadmissibility.	

		rule, such as hospitals, nonprofits, or state Medicaid agencies. Compliance costs may include salaries of employees who monitor regulations, opportunity costs of time related to understanding regulatory requirements, disseminating information to their organization (e.g., training sessions), and developing or modifying information technology (IT) systems as needed. <u>Transfer Payments:</u> • Total estimated annual reduction in transfer payments from the Federal and State governments is approximately \$13.05 billion from those who may disenroll from or forgo enrollment in public benefits programs. The Federal-level share of annual transfer payments could be about \$7.71 billion, and the State-level share of annual transfer payments could be about \$5.34 billion. • Total estimated reduction in transfer payments over a 10-year period, including the combined Federal- and State-level shares, could be: \$130.45 billion for undiscounted costs; \$111.28 billion at a 3-percent discount rate; and \$91.62 billion at a 7-percent discount rate. • From the overall total estimated reduction in transfer payments over a 10-year period for the Federal-level share could be about: \$77.09 billion for undiscounted costs; \$65.76 billion at a 3-percent discount rate; and \$54.14 billion at a 7-percent discount rate. • From the overall total estimated reduction in transfer payments over a 10-year period for the State-level share could be about: \$53.36 billion for undiscounted costs; \$45.52 billion at a 3-percent discount rate; and \$37.48 billion at a 7-percent discount rate.
Amend 8 CFR 103.6. Immigration bonds.	Amend and clarify provisions relating to the cancellation and breach of a public charge bond. Amendments include clarifying that the receipt of any means-tested public benefit, or being otherwise noncompliant with any condition of the public charge bond, results in a breach of that bond.	<u>Quantitative:</u> <u>Benefits</u> • None. <u>Costs</u> • None. <u>Qualitative:</u> <u>Benefits</u> • The amendments to the bonds provision establishes a policy that aligns more closely with the broader policy of the

	Remove the language: “USCIS may cancel a public charge bond at any time after determining that the alien is not likely at any time to become a public charge.”	United States that aliens should be self-sufficient and not dependent on public resources. <u>Costs</u> • DHS does not anticipate an increase in the number of cancelled or breached bonds due to this clarification because DHS does anticipate an impact on the overall number of requests for bond cancellation.
Source: USCIS analysis.		

Table IV.3: OMB A-4 Accounting Statement (\$, 2024)					
Period of analysis: FY 2025 – 2034					
Category	Primary Estimate		Minimum Estimate	Maximum Estimate	Source Citation (RIA, preamble, etc.)
BENEFITS					
Monetized Benefits	N/A				RIA
Annualized quantified, but unmonetized, benefits	N/A		N/A	N/A	RIA
Unquantified Benefits	The removal of overly restrictive language established by the 2022 Final Rule will improve implementation of the public charge ground of inadmissibility consistent with congressional intent. This will allow DHS to more accurately, precisely, and reliably assess public charge inadmissibility, leading to fewer aliens entering or remaining in the United States who are likely to become a public charge, which would also result in a reduction in the number of aliens dependent on public benefit programs. Finally, amending language as it pertains to public charge bonds creates a policy that better implements the statute governing public charge inadmissibility and the broader policy that aliens should be self-sufficient.				RIA
COSTS					
Annualized monetized costs (discount rate in parenthesis)	(7%)	N/A	N/A	N/A	RIA
	(3%)	N/A	N/A	N/A	RIA
Annualized quantified, but unmonetized, costs	N/A				RIA
Qualitative (unquantified) costs	Costs to various entities and individuals associated with regulatory familiarization with the provisions of the rule. Costs will include the opportunity cost of time to read the rule and subsequently determine applicability of the rule’s provisions. DHS estimates that the time to read this rule in its entirety would be 8 to 9 hours per individual. DHS estimates that the opportunity cost of time will range from about \$384.40 to \$432.45 per individual who must read and review the rule. However, DHS cannot determine the number of individuals who will read the rule.				RIA
	Other qualitative, unquantified effects of the rule could include: • Potential lost productivity, • Adverse health effects,				

	• Additional medical expenses due to delayed health care treatment, and • Administrative changes to business processes such as reprogramming computer software and redesigning application forms and processing.			
TRANSFERS				
Annualized monetized transfers: “on budget”	(\$7,708,919,457)	N/A	N/A	RIA
From whom to whom?	Reduction in transfer payments from the Federal Government to public benefits recipients who are members of households that include aliens. This amount includes the estimated Federal-level shares of transfer payments to members of households that include aliens.			RIA
Annualized monetized transfers: “off-budget”	(\$5,336,147,802)	N/A	N/A	RIA
From whom to whom?	Reduction in transfer payments from State governments to public benefits recipients who are members of households that include aliens. This amount includes the estimated State-level shares of transfer payments to members of households that include aliens. The Federal-level share of annual transfer payments would be about \$7.71 billion, and the State-level share of annual transfer payments would be about \$5.34 billion.			
Miscellaneous Analyses/Category	Effects			Source Citation (RIA, preamble, etc.)
Effects on State, local, and/or Tribal governments	DHS believes the potential decrease in transfer payments will produce indirect effects on State, local, and/or Tribal governments, such as administrative costs to State and local government benefits-granting agencies. However, DHS does not know the full extent of the effect on State, local, and/or Tribal governments and is unable to quantify the net effect on States’ administrative costs. There may be costs to various entities associated with familiarization of and compliance with the provisions of the rule, including salaries and opportunity costs of time to monitor and understand regulation requirements, disseminate information, and develop or modify information technology (IT) systems as needed. It may be necessary for many government agencies to update guidance documents, forms, and webpages. It may be necessary to prepare training materials and retrain staff at each level of government, which will require additional staff time and will generate associated costs.			RIA
Effects on small businesses	DHS believes this rule could have indirect effects on small businesses and nonprofits in the form of lower revenues for healthcare providers participating in Medicaid; reduced income for companies manufacturing medical supplies or pharmaceuticals; decreased sales for grocery retailers			RFA

	participating in SNAP; economic impacts on agricultural producers supplying SNAP-eligible foods; and financial strain on landlords participating in federally funded housing programs, among other indirect effects. However, DHS is unable to quantify these effects.	
Effects on wages	None.	RIA
Effects on growth	None.	RIA

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3. Background and Purpose

As discussed in the preamble, DHS seeks to ensure the appropriate application of the public charge ground of inadmissibility by amending the regulations implemented in the 2022 Final Rule under section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4). Under the INA, an alien who, at the time of applying for a visa, admission, or adjustment of status, is deemed likely at any time to become a public charge is inadmissible to the United States. While the INA does not define public charge, Congress has specified that consular and DHS officers must, at a minimum, consider certain factors when making this determination. These factors include the alien’s age; health; family status; assets, resources, and financial status; and education and skills. Additionally, DHS may consider any Form I–864 submitted under section 213A of the INA, 8 U.S.C. 1183a, on behalf of the alien. For most family-based and some employment-based immigrant visas or adjustment of status applications, a sufficient Form I–864 is required by statute; without it, applicants will be found inadmissible as likely to become a public charge.

DHS has determined that the 2022 Final Rule’s consideration of a set number of factors—the alien’s age; health; family status; assets, resources, and financial status education and skills; sufficient Form I–864 (if one was required); and any current and/or past receipt of public cash assistance for income maintenance and long-term institutionalization at government expense—prevented DHS officers from considering other evidence that might be in DHS records or systems that bears on an alien’s likelihood of becoming a public charge. Thus, DHS removes or amends provisions related to public charge definitions, public charge inadmissibility determinations, public charge bonds, and other aspects outlined in the preamble. This rule would align public charge inadmissibility determinations with the national policy contained in E.O. 14218, PRWORA, and the spirit of the broad statutory text in INA sec. 212(a)(4), 8 U.S.C. 1182(a)(4). By removing

restrictive provisions, DHS ensures that officers will be able to make a comprehensive evaluation of an alien’s inadmissibility under the public charge ground in the totality of the circumstances.

With this rule DHS officers will be able to make public charge inadmissibility determinations that focus on aliens’ self-sufficiency and reliance “on their own capabilities and the resources of their families, their sponsors, and private organizations” rather than depending on the government to meet their needs. *See* 8 U.S.C. 1601(2). DHS officers will continue to assess statutory minimum factors, such as age; health; family status; assets, resources, and financial status; education and skills; and any Form I–864; and DHS will continue to collect this information through the submission and adjudication of Form I–485, Application to Register Permanent Residence or Adjust Status, and Form I–693, Report of Immigration Medical Examination and Vaccination Record. Officers will also continue to consider additional evidence on a case-by-case basis.

This rule, through removal of certain provisions from the 2022 Final Rule, removes the limitations on considering only past and current receipt of public cash assistance for income maintenance or long-term institutionalization at government expense. It also removes the current limitation on DHS officers’ forward-looking public charge inadmissibility determination, which only allowed them to consider the future use of those two limited benefit types. Additionally, DHS amends public charge bond provisions to state that the receipt of any means-tested public benefit during the effective period of the bond, or otherwise being noncompliant with the conditions of the bond, will result in the breach of the public charge bond.

This rule also provides DHS with greater flexibility to adapt to changing circumstances, such as Federal and State changes to aliens’ eligibility for means-tested public benefits as well as changes to the value of those benefits,

as occurred with the enactment of H.R.1.

The estimation of costs and benefits for this rule focuses on individuals applying for adjustment of status with USCIS using Form I–485, Application to Register Permanent Residence or Adjust Status. Such individuals apply from within the United States, rather than apply for a visa from a DOS consular officer at a U.S. embassy or consulate abroad. This analysis does not account for aliens arriving at or between ports of entry seeking admission with CBP. However, DHS acknowledges that aliens at ports of entry seeking admission to the United States are generally subject to the public charge ground of inadmissibility, though some may be exempt by law. Moreover, DHS notes that CBP may incur costs pursuant to this rule, but it is unable to determine this potential cost due to data limitations. For example, CBP officers and agents spend time examining aliens arriving at or between ports of entry seeking admission, which may be pursuant to a previously issued visa, as a traveler for whom visa requirements have been waived, or an entry without inspection, and determining if they are likely at any time to become a public charge. However, DHS is not able to quantify the number of aliens who would appear to be inadmissible by CBP based on a public charge inadmissibility determination as a consequence of this rule due to uncertainty regarding the number of aliens who would be encountered at or between ports of entry, as well as the discretionary authority officers and agents have in determining whether an alien appears to be a public charge. For this reason, DHS qualitatively acknowledges the potential impact.

4. Population

The population affected by USCIS’ implementation of this rule consists of aliens who are present in the United States and apply for adjustment of status to that of an LPR.³¹⁵ By statute, an alien

³¹⁵ DHS recognizes the memorandum, *Adjustment of Status is a Matter of Discretion and Administrative Grace, and an Extraordinary Relief that Permits Applicants to Dispense with the*

who seeks adjustment of status and is at any time likely to become a public charge is ineligible to adjust their status, unless the alien is exempt from or has received a waiver of the public charge ground of inadmissibility. *See* INA sec. 212(a)(4), 8 U.S.C. 1182(a)(4). The grounds of inadmissibility set forth in section 212 of the INA, 8 U.S.C. 1182, also apply when certain aliens seek admission to the United States, whether for a temporary purpose or permanently. However, the public charge inadmissibility ground (including ineligibility for adjustment of status) does not apply to all applicants since Congress has expressly exempted

various categories of applicants from the public charge inadmissibility ground. This rule will affect aliens who apply for adjustment of status, as these individuals will be subject to a determination of inadmissibility based on public charge grounds as long as the visa classification of an alien is not exempt from such a determination. DHS reiterates that the population estimates in this analysis are based on aliens present in the United States who are applying for adjustment of status and does not include aliens seeking admission at a port of entry.

In this analysis, DHS uses historical filing data of Form I-485 to estimate the

population seeking an adjustment of status. Specifically, DHS uses a 6-year average to estimate the annual total population seeking an adjustment of status. These population estimates are used in the “Cost-Benefit Analysis” section to estimate the economic impact of the rule.

a. Population Seeking Adjustment of Status

DHS estimates the affected population based on historical data from FY 2019 through FY 2024. Table IV.4 shows the annual Form I-485 receipts and approvals from FY 2019 through FY 2024.

Table IV.4. Total Annual Receipts and Approvals for Form I-485, Application to Register Permanent Residence or Adjust Status, FY 2019 through FY 2024

Fiscal Year	Receipts ¹	Approvals ²
2019	600,104	581,623
2020	577,972	442,764
2021	726,690	515,966
2022	663,003	558,258
2023	812,142	618,763
2024	983,241	787,331
6-Year Total	4,363,152	3,504,705
6-Year Average	727,192	584,118

Source: Department of Homeland Security, U.S. Citizenship and Immigration Services, Chief Data Analytics Office. CLAIMS3 and ELIS. PAER0018510. Note(s): This report reflects the most up to date data available at the time the database is queried. Counts may differ from those reported in previous periods due to system updates and post-adjudicative outcomes.

Notes:

¹ The number of applications received during the reporting period.

² The number of applications approved during the reporting period. Applications approved during the reporting period may not have been received in the reporting period.

The number of receipts from aliens seeking an adjustment of status over the period FY 2019 through FY 2024 decreased from 600,104 in FY 2019 to a period low of 577,972 in FY 2020 before increasing to a period high of 983,241 in FY 2024. In addition, the number of approvals over the same 6-year period decreased from 581,623 in

FY 2019 to a period low of 442,764 in FY 2020, before increasing to a period high of 787,331 in FY 2024. DHS believes the decrease observed in 2020 was likely due to external factors, such as the COVID-19 pandemic. During this time, USCIS closed Application Support Centers (ASCs), and those that remained open operated at reduced capacity. The

increases observed in the data after 2020 reflect recovery from these same factors.³¹⁶ These trends are evident in this population estimate and the estimates discussed further in this analysis. DHS estimates the projected annual average total population of aliens filing a Form I-485 is 727,192.³¹⁷

Ordinary Consular Visa Process, published on May 21, 2026, which reminds officers that adjustment of status is a discretionary action and is not intended to replace the ordinary consular process for immigrant visas. The data presented in this analysis represents historical data of aliens who are present in the United States and requested adjustment of status using Form I-485. DHS acknowledges, under this memo, some of these aliens might have been impacted (had their applications been denied, or had they decided not to apply with USCIS in the first instance) and been directed to proceed with their application through consular services overseas. Therefore, using historical data could overestimate the population presented in this analysis.

³¹⁶ In March 2020, USCIS suspended in-person services at its field offices, asylum offices and ASCs

as a result of the COVID-19 pandemic. During the suspension of services, USCIS provided limited emergency services and rescheduled many appointments and naturalization ceremonies impacted by the closures. USCIS did not reopen offices until June 2020. *See*, USCIS, USCIS Temporarily Closing Offices to the Public March 18-April 1 (Mar. 17, 2020), <https://www.uscis.gov/archive/uscis-temporarily-closing-offices-to-the-public-march-18-april-1>. *See also*, USCIS, USCIS Offices Preparing to Reopen on June 4 (Apr. 24, 2020), <https://www.uscis.gov/archive/uscis-offices-preparing-to-reopen-on-june-4>.

³¹⁷ DHS recognizes the memorandum, Adjustment of Status is a Matter of Discretion and Administrative Grace, and an Extraordinary Relief that Permits Applicants to Dispense with the Ordinary Consular Visa Process, published on May

21, 2026, which reminds officers that adjustment of status is a discretionary action and is not intended to replace the ordinary consular process for immigrant visas. The data presented in this analysis represents historical data of aliens who are present in the United States and requested adjustment of status using Form I-485. DHS acknowledges, under this memo, some of these aliens might have been impacted (had their applications been denied, or had they decided not to apply with USCIS in the first instance) and been directed to proceed with their application through consular services overseas. Therefore, using historical data could overestimate the population presented in this analysis.

b. Exemptions From Determinations of Inadmissibility Based on Public Charge	determination of inadmissibility based on the public charge ground. Table IV.5 shows the classes of applicants for admission, adjustment of status, or registry according to statute or	regulation that are exempt from inadmissibility based on the public charge ground.
Certain classes of admission of aliens are exempt from being subject to a		BILLING CODE 9111-97-P

Table IV.5. Categories of Applicants for Admission, Adjustment of Status, or Registry Exempt from Inadmissibility Based on Public Charge According to Statute or Regulation

a. Refugees and asylees as follows: at the time admission under section 207 of the INA, 8 U.S.C. 1157 (refugees) or grant under section 208 of the INA, 8 U.S.C. 1158 (asylees); for both refugees and asylees, at the time of adjustment of status to lawful permanent resident under sections 207(c)(3) and 209(c) of the INA, 8 U.S.C. 1157(c)(3) and 1159(c)	b. Amerasian immigrants at the time of application for admission as described in sections 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, Pub. L. 100-202, 101 Stat. 1329-183, sec. 101(e) (Dec. 22, 1987), as amended, 8 U.S.C. 1101 note
c. Afghan and Iraqi Interpreters, or Afghan or Iraqi nationals employed by or on behalf of the U.S. Government as described in section 1059(a)(2) of the National Defense Authorization Act for Fiscal Year 2006 Pub. L. 109-163 (Jan. 6, 2006), as amended, section 602(b) of the Afghan Allies Protection Act of 2009, Pub. L. 111-8, title VI (Mar. 11, 2009), as amended, 8 U.S.C. 1101 note, and section 1244(g) of the National Defense Authorization Act for Fiscal Year 2008, as amended, Pub. L. 110-181 (Jan. 28, 2008)	d. Cuban and Haitian entrants applying for adjustment of status under section 202 of the Immigration Reform and Control Act of 1986 (IRCA), Pub. L. 99-603, 100 Stat. 3359 (Nov. 6, 1986), as amended, 8 U.S.C. 1255a note
e. Aliens applying for adjustment of status under the Cuban Adjustment Act, Pub. L. 89-732 (Nov. 2, 1966), as amended, 8 U.S.C. 1255 note	f. Nicaraguans and other Central Americans applying for adjustment of status under section 202(a) and section 203 of the Nicaraguan Adjustment and Central American Relief Act, Pub. L. 105-100, 111 Stat. 2193 (Nov. 19, 1997), as amended, 8 U.S.C. 1255 note
g. Haitians applying for adjustment of status under section 902 of the Haitian Refugee Immigration Fairness Act of 1998, Pub. L. 105-277, 112 Stat. 2681 (Oct. 21, 1998), as amended, 8 U.S.C. 1255 note	h. Lautenberg parolees as described in section 599E of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1990, Pub. L. 101-167, 103 Stat. 1195, title V (Nov. 21, 1989), as amended, 8 U.S.C. 1255 note
i. Special immigrant juveniles as described in section 245(h) of the INA, 8 U.S.C. 1255(h)	j. Aliens who entered the United States prior to January 1, 1972, and who meet the other conditions for being granted lawful permanent residence under section 249 of the INA, 8 U.S.C. 1259, and 8 CFR part 249 (Registry)
k. Aliens applying for or reregistering for Temporary Protected Status (TPS), pursuant to section 244(c)(2)(A)(ii) of the INA, 8 U.S.C. 1254a(c)(2)(A)(ii) and 8 CFR 244.3(a)	l. Texas Band of Kickapoo Indians of the Kickapoo Tribe of Oklahoma, Pub. L. 97-429 (Jan. 8, 1983)
m. Nonimmigrants described in section 101(a)(15)(A)(i) and (ii) of the INA, 8 U.S.C. 1101(a)(15)(A)(i) and (ii) (Ambassador, Public Minister, Career Diplomat or Consular Officer, or Immediate Family or Other Foreign Government Official or Employee, or Immediate Family), pursuant to section 102 of the INA, 8 U.S.C. 1102, and 22 CFR 41.21(d)	n. Nonimmigrants classifiable as C-2 (alien in transit to U.N. Headquarters) or C-3 (foreign government official), pursuant to 22 CFR 41.21(d)
o. Nonimmigrants described in section 101(a)(15)(G)(i), (ii), (iii), and (iv), of the INA (Principal Resident Representative of	p. Nonimmigrants classifiable as North Atlantic Treaty Organization

Recognized Foreign Government to International Organization, and related categories), 8 U.S.C. 1101(a)(15)(G)(i), (ii), (iii), and (iv), pursuant to section 102 of the INA, 8 U.S.C. 1102, and 22 CFR 41.21(d)	representatives and related categories, pursuant to 22 CFR 41.21(d)
q. Individuals with a pending application that sets forth a prima facie case for eligibility for nonimmigrant status under section 101(a)(15)(T) of the INA (Victim of Severe Form of Trafficking), 8 U.S.C. 1101(a)(15)(T), pursuant to section 212(d)(13)(A) of the INA, 8 U.S.C. 1182(d)(13)(A), as well as individuals in T nonimmigrant status who are seeking an immigration benefit for which inadmissibility is required	r. Petitioners for, or individuals who are granted, nonimmigrant status under section 101(a)(15)(U) of the INA, 8 U.S.C. 1101(a)(15)(U) (Victim of Criminal Activity), pursuant to section 212(a)(4)(E)(ii) of the INA, 8 U.S.C. 1182(a)(4)(E)(ii), who are seeking an immigration benefit for which inadmissibility is required
s. Certain Syrian nationals adjusting status under Pub. L. 106-378	t. Applicants adjusting status who qualify for a benefit under Liberian Refugee Immigration Fairness, pursuant to section 7611 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA 2020), Pub. L. 116-92, 113 Stat. 1198, 2309 (Dec. 20, 2019), later extended by section 901 of Division O, Title IX of the Consolidated Appropriations Act, 2021, Pub. L. 116-260 (December 27, 2020) (Adjustment of Status for Liberian Nationals Extension)
u. Aliens who are Violence Against Women Act self-petitioners as defined in section 101(a)(51) of the INA, 8 U.S.C. 1101, pursuant to section 212(a)(4)(E)(i) of the INA, 8 U.S.C. 1182(a)(4)(E)(i)	v. A “qualified alien” described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 8 U.S.C. 1641(c), in accordance with section 212(a)(4)(E)(iii) of the INA, 8 U.S.C. 1182(a)(4)(E)(iii)
w. Applicants adjusting status who qualify for a benefit under section 1703 of the National Defense Authorization Act, Pub. L. 108-136, 117 Stat. 1392 (Nov. 24, 2003), 8 U.S.C. 1151 note (posthumous benefits to surviving spouses, children, and parents)	x. American Indians born in Canada as described in section 289 of the INA, 8 U.S.C. 1359
y. Nationals of Vietnam, Cambodia, and Laos applying for adjustment of status under section 586 of Pub. L. 106-429 under 8 CFR 245.21	z. Polish and Hungarian Parolees who were paroled into the United States from November 1, 1989, to December 31, 1991, under section 646(b) of IIRIRA, Pub. L. 104-208, Div. C, Title VI, Subtitle D (Sept. 30, 1996), 8 U.S.C. 1255 note
aa. Any other categories of aliens exempt under any other law from the public charge ground of inadmissibility provisions under section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4)	
Source: USCIS.	

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To estimate the annual total population of aliens seeking to adjust

status who are subject to review for inadmissibility based on the public charge ground, DHS examined the

annual total population of aliens who applied for adjustment of status for FY

2019 through FY 2024. DHS uses a 6-year average for this analysis.

For each fiscal year, DHS removed aliens from the population whose class of admission is exempt from review for

inadmissibility on the public charge ground (see Table IV.6), where the remaining total population would be subject to public charge review. DHS

estimates the total population subject to a public charge review of inadmissibility based on historical data from FY 2019 through FY 2024.

Table IV.6. Total Estimated Population of Individuals Seeking Adjustment of Status Who Are Exempt from or Subject to Public Charge Inadmissibility, FY 2019 through FY 2024

Fiscal Year	Total Population Applying for Adjustment of Status	Total Population Seeking Adjustment of Status that is Exempt from Review for Inadmissibility on the Public Charge Ground¹	Total Population Subject to Review for Inadmissibility on the Public Charge Ground²
2019	600,104	136,076	464,028
2020	577,972	86,193	491,779
2021	726,690	85,937	640,753
2022	663,003	117,128	545,875
2023	812,142	148,129	664,013
2024	983,241	263,451	719,790
6-Year Total	4,363,152	836,914	3,526,238
6-Year Average	727,192	139,486	587,706

Source: Department of Homeland Security, U.S. Citizenship and Immigration Services, Chief Data Analytics Office. CLAIMS3 and ELIS. PAER0018510. PAER0018636. Note(s): This report reflects the most up to date data available at the time the database is queried. Counts may differ from those reported in previous periods due to system updates and post-adjudicative outcomes. The class granted upon approval is subject to adjudication error, some non-LPR codes of admission seem to be granted for Form I-485 approvals in the system; data from the system of record is reported here with the definition found in DHS Matrix/REFDAAS

Notes:

¹ Total Population Seeking Adjustment of Status that is Exempt from Review for Inadmissibility on the Public Charge Ground: Due to data limitations on receipt data, this column is derived from approvals rather than receipts of Form I-485, Application to Register Permanent Residence or Adjust Status. Therefore, subtracting the number of approved classes from the total receipt population could result in an underestimation in the number of applicants who would be exempt from review for inadmissibility on the Public Charge Ground. This population also does not include applicants who would be exempt from review from public charge who are entering the United States at a port of entry.

² Total Population Subject to Review for Inadmissibility on Public Charge Ground = Total Population Applying for Adjustment of Status – Total Population Seeking Adjustment of Status that is Exempt from Review for Inadmissibility on the Public Charge Ground (FY 2019: 464,028=600,104–136,076).

DHS estimates the projected annual average total population of aliens seeking an adjustment of status that would be subject to review for inadmissibility on the public charge ground is 587,706.³¹⁸ This estimate is based on the 6-year average of the annual estimated total population subject to review for inadmissibility on the public charge ground from FY 2019 through FY 2024. Over the 6-year period, the estimated population of individuals who applied for adjustment of status subject to review for inadmissibility on the public charge ground ranged from a low of 464,028 in FY 2019 to a high of 719,790 in FY 2024. DHS notes that the population

estimates are based on aliens present in the United States who are applying for adjustment of status, rather than aliens who apply for an immigrant visa through consular processing at a DOS consulate or embassy abroad or aliens seeking admission to the United States with CBP.

c. Requirement To Submit an Affidavit of Support Under Section 213A of the INA

Certain aliens seeking immigrant visas or adjustment of status are required to submit a Form I-864, Affidavit of Support Under Section 213A of the INA, executed by a sponsor on their behalf. This requirement applies to most

family-sponsored immigrants and some employment-based immigrants. See INA sec. 212(a)(4)(C) and (D), 8 U.S.C. 1182(a)(4)(C) and (D). A failure to meet the requirement for a sufficient Form I-864 will result in the alien being found inadmissible under the public charge ground of inadmissibility without review of the statutory minimum factors.³¹⁹ When a sponsor executes a Form I-864 on behalf of an applicant, the sponsor establishes a legally enforceable contract between the sponsor and the U.S. Government with an obligation to financially support the applicant and, if the sponsored alien receives means-tested public benefits during the period of enforceability, to

³¹⁸ DHS reiterates that the population estimates do not include aliens seeking admission to the United States at a port of entry. This results in an underestimation in the number of aliens subject to

review for inadmissibility on the public charge ground, and an underestimation in the number of aliens who could be deemed inadmissible based on public charge inadmissibility determinations.

³¹⁹ See INA sec. 212(a)(4)(C) and (D), 213A(a), 8 U.S.C. 1182(a)(4)(C) and (D), 1183a(a).

reimburse the appropriate benefit providing agency. *See* INA sec. 213A(a) and (b), 8 U.S.C. 1183a(a) and (b).

providing agency. *See* INA sec. 213A(a) and (b), 8 U.S.C. 1183a(a) and (b).

Table IV.7. Total Annual Approvals for Form I-485, Application to Register Permanent Residence or Adjust Status, for Aliens Who Were Required or Not Required to Submit a Form I-864, FY 2019 through FY 2024

Fiscal Year	Total Annual Approvals for Form I-485 for Aliens Who Were Not Required to Submit Form I-864¹	Total Annual Approvals for Form I-485 for Aliens Who Were Required to Submit a Form I-864²
2019	141,944	439,679
2020	92,563	350,201
2021	90,876	425,090
2022	126,044	432,214
2023	153,932	464,831
2024	269,982	517,349
6-Year Total	875,341	2,629,364
6-Year Average	145,890	438,227

Source: Department of Homeland Security, U.S. Citizenship and Immigration Services, Chief Data Analytics Office. CLAIMS3 and ELIS. PAER0018510. PAER0018636. Note(s): This report reflects the most up to date data available at the time the database is queried. Counts may differ from those reported in previous periods due to system updates and post-adjudicative outcomes. The class granted upon approval is subject to adjudication error, some non-LPR codes of admission seem to be granted for Form I-485 approvals in the system; data from the system of record is reported here with the definition found in DHS Matrix/REFDAAS.

Notes:

¹ Total Annual Approvals for Form I-485 for Aliens Who Were Not Required to Submit an Affidavit of Support: Due to data limitations on receipt data, this column is derived from approvals rather than receipts of Form I-485, Application to Register Permanent Residence or Adjust Status. Therefore, this could result in an underestimation in the number of applicants who would not be required to submit an Affidavit of Support.

² Total Annual Approvals for Form I-485 for Aliens Who Were Required to Submit an Affidavit of Support: Approvals (Table IV.4) – Total Approval Population Not Required to Submit Affidavit of Support (Fiscal Year 2019: 439,679=581,623–141,944).

d. Total Denials of Form I–485, Application To Register Permanent Residence or Adjust Status, Including Denials With Public Charge as the Denial Reason

DHS estimates the denial population based on historical data from FY 2020 through FY 2024.³²⁰ Table IV.8 shows the annual receipts, denials (overall), and denials based on public charge grounds for Form I–485 from FY 2020 through FY 2024. Over the 5-year period, the estimated total population of aliens denied on public charge grounds ranged from a low of 41 in FY 2022 to a high of 95 in FY 2023.

On average, denials on public charge grounds accounted for 0.0958 percent of adjustment of status denials. Relative to the entire Form I–485 applicant population, such denials represented only 0.0087 percent. While DHS estimates the historical annual average total denial population for Form I–485

is 68,072, and the average annual number of Form I–485 denials on the public charge ground of inadmissibility is 65, DHS is unable to project the future number of denials due to data limitations.

A review of the data under the 2019 Final Rule and the 2022 Final Rule indicated that many denials were due to a missing or insufficient Form I–864 rather than a totality of circumstances analysis. During the effective period of the 2019 Final Rule (October 15, 2019, through March 21, 2021), covering FY 2020 and FY 2021, approximately 88 adjustment of status applications were denied on public charge grounds. Of these, only three denials (later reopened and approved) and two Notices of Intent to Deny (later rescinded, with applications subsequently approved) were based on the totality of circumstances public charge inadmissibility determination under section 212(a)(4)(A) and (B) of the INA, 8 U.S.C. 1182(a)(4)(A) and (B), as outlined in the 2019 Final Rule. Therefore, no aliens were found

inadmissible on the public charge ground totality of the circumstances analysis under the 2019 and the 2022 Final Rules, and DHS is unable to use historical data to project an estimated population who would be denied on public charge grounds under section 212(a)(4)(A) of the INA, 8 U.S.C. 1182(a)(4).

Additionally, several variables hinder DHS's ability to estimate an overall denial population. This final rule expands the number of means-tested public benefits considered under a public charge inadmissibility determination compared to the 2022 Final Rule (and also compared to the 2019 Final Rule), introducing new benefits that make historical data obsolete when projecting a future estimate. This final rule applies to all Form I–485 applications filed on or after the effective date, and receipt of previously excluded means-tested public benefits will not be considered if such benefits were only received before the effective date of this final rule, (*i.e.*, of the benefits received by an alien prior

³²⁰ Due to data limitations, the 5-year average is used instead of the 6-year average. No denial data was found for fiscal year 2019.

to the effective date of this final rule, DHS will only consider public cash assistance for income maintenance and long-term institutionalization at government expense). Therefore, even if DHS were to consider past patterns and trends of benefit receipt, those would not produce an accurate depiction of future trends. Public charge

determinations are also based on highly individualized and fact-specific information and as DHS has stated throughout this final rule, receipt of means-tested public benefits is not alone outcome determinative. However, even if an alien were found likely at any time to become a public charge, in some cases, an officer may use discretion to

offer a public charge bond, and approve Form I-485 upon receipt of a suitable and proper bond, which further complicates quantification efforts. DHS anticipates these variables could affect the denial population; however, it is too early to assess the overall impact these variables will have.

Table IV.8. From I-485, Application to Register Permanent Residence and Adjust Status Total Receipts, Total Denials and Denials with Public Charge as the Denial Reason, FY 2020 through FY 2024

Fiscal Year	Total Receipts¹	Total Denials²	Denials on Public Charge Grounds³	Percent of Denials of Public Charge Grounds
2020	577,972	55,094	47	0.0853%
2021	726,690	98,749	70	0.0709%
2022	663,003	54,389	41	0.0754%
2023	812,142	63,921	95	0.1486%
2024	983,241	68,208	73	0.1070%
5-Year Total	3,763,048	340,361	326	0.0958%
5-Year Average	752,610	68,072	65	0.0958%

Source: Department of Homeland Security, U.S. Citizenship and Immigration Services, Chief Data Analytics Office. CLAIMS3 and ELIS. PAER0018510. Note(s): This report reflects the most up to date data available at the time the database is queried. Counts may differ from those reported in previous periods due to system updates and post-adjudicative outcomes.

Notes:

¹ The number of applications received during the reporting period.

² The number of applications denied during the reporting period. Applications denied during the reporting period may not have been received in the reporting period.

³ Denials on Public Charge Grounds – An applicant is denied on public charge grounds after a full analysis of the totality of circumstances; however, an applicant can be automatically denied on public charge grounds if the required Form I-864, Affidavit of Support Under Section 213A of the INA is missing or insufficient. A review of the adjustment of status applications that were denied during the time the 2019 and 2022 Final Rules were in effect were a result of a missing or insufficient Form I-864 and not based on the totality of circumstances analysis. Therefore, no aliens were found inadmissible on public charge grounds under the 2019 and the 2022 Final Rules.

5. Cost-Benefit Analysis

DHS expects this rule to produce costs and benefits associated with the procedures for conducting reviews of aliens on the public charge ground of inadmissibility. DHS estimates the potential impacts relative to the no-action baseline. Each section of the cost-benefit analysis lays out the assumptions and estimates used in calculating any costs and benefits of this rule. The no-action baseline represents the current state of the world absent regulatory action. The no-action baseline for this rule includes how DHS applies the public charge ground of inadmissibility consistent with the 2022 Final Rule. For this rule, DHS estimates the no-action baseline according to current operations and requirements and compares the estimated costs and benefits of the provisions set forth in this rule to the baseline.

a. Benefits of the Regulatory Changes

DHS anticipates this rule will produce benefits but is limited to providing a qualitative analysis. The primary benefit of the rule is the removal of overly restrictive provisions promulgated in the 2022 Final Rule that hinders officers in making public charge inadmissibility determinations. By removing rigid regulatory definitions and standards, this rule ensures that officers will be able to make highly individualized, fact-specific, case-by-case public charge inadmissibility decisions based on the totality of each alien's individual circumstances. This approach prevents the application of overly restrictive criteria that unnecessarily limits DHS officers' ability to make public charge inadmissibility determinations.

The removal of overly restrictive provisions codified in the 2022 Final Rule will allow DHS to more accurately, precisely, and reliably assess public charge inadmissibility, leading to fewer

inadmissible aliens entering the United States and, as a result, leading to fewer aliens entering or remaining in the United States who are likely to receive public benefits. DHS is unable to quantify this benefit due to data limitations; however, DHS believes that over time this policy change will result in a quantifiable benefit that reflects a reduction in the number of inadmissible aliens who enter the United States and a reduction in the number of aliens who rely on public benefits programs.

The amendments to the cancellation and breach of public charge bonds also establishes a policy that aligns more closely with the broader policy of the United States that aliens should be self-sufficient and not reliant on public resources.

b. Transfer Payments and Indirect Impacts of the Regulatory Change

i. Transfer Payments

DHS has analyzed the potential effects of the regulatory changes on transfer payments from Federal, State, Tribal, territorial, and local governments to individuals receiving public benefits. As stated in the preamble, this rule eliminates restrictive criteria from the 2022 Final Rule, such as the definitions of “likely at any time to become a public charge” and “receipt (of public benefits).” This rule also removes the limitations on considering only public cash assistance for income maintenance or long-term institutionalization at government expense when making public charge inadmissibility determinations. While the intent of this rule is to allow DHS to better apply the public charge ground of inadmissibility consistent with congressional intent, as noted above, the elimination of certain definitions may lead to public confusion or misunderstanding of the rule, which could result in decreased participation in public benefit programs by individuals who are not subject to the public charge ground of inadmissibility. Therefore, transfer payments from Federal and State governments to certain individuals who receive public benefits may decrease.

DHS acknowledges the estimated reduction in transfer payments may have a disproportionately larger impact on the individuals and households discussed in this analysis because they are more likely to be low-income. Low-income households tend to have a higher marginal propensity to consume because they allocate a larger percentage of their income towards essential goods and services to meet basic needs. A reduction in payments to these households could have a negative impact on the economy by their reduced spending. Additionally, these households tend to have a higher marginal utility of consumption because increases in disposable income tend to be allocated toward fulfilling unmet needs, thus leading to a decrease in total welfare.

DHS recognizes that the removal of 8 CFR 212.21 and 212.22, the core elements of the 2022 Final Rule, may cause some aliens to disenroll from or forgo enrollment in public benefit programs beyond those included in the estimates of this analysis. DHS received several comments regarding the various public benefits programs that could be impacted as a result of this final rule, with a particular concern on the impacts on children and the WIC program. Therefore, DHS expanded the analysis

in this final rule to include child enrollment data for Medicaid and the WIC program.

Due to variations in programs across States and differences in eligibility criteria, DHS cannot quantify the number of individuals affected across all means-tested public benefits programs. For this analysis, DHS focuses on Medicaid—inclusive of adult and child enrollment data—CHIP, WIC, SNAP, TANF, SSI, and Federal Rental Assistance.

The 2019 Final Rule described and analyzed expected indirect effects, particularly among populations that were not subject to the 2019 Final Rule such as U.S. citizen children in mixed-status households, longtime LPRs, and aliens in a category exempt from public charge considerations. See 84 FR 41292 (Aug. 14, 2019), as amended by 84 FR 52357 (Oct. 2, 2019).³²¹ With the elimination of the definitions and other core elements of the 2022 Final Rule, individuals both directly and indirectly affected by this rule may have a misunderstanding regarding the scope of the rule and how DHS will apply the public charge ground of inadmissibility. Therefore, DHS assumes similar transfer payments and indirect effects may occur under this rule, as was discussed in the 2019 Final Rule. DHS estimates that the total annual transfer payments from the Federal Government to public benefits recipients who are members of households that include aliens could potentially be reduced by approximately \$7.71 billion. DHS also estimates that the total annual transfer payments from the State government to public benefits recipients could be reduced by approximately \$5.34 billion.³²² DHS notes that as a formal matter, the estimated reduction in annual transfer payments is a transfer, which is a monetary payment from one group to another that does not affect total resources available to society. In addition, the transfers estimated in this analysis relate predominantly to

³²¹ These similar transfer payments and indirect effects were also discussed in the Regulatory Alternative section of the 2022 Final Rule.

³²² Total annual Federal and State reduction in transfer payment = (Estimated Reduction in Transfer Payments to Medicaid, CHIP, SNAP, TANF, SSI and Federal Rental Assistance based on the Federal Government from Table IV.12)/(average FMAP across all States and U.S. territories) = \$7,678,846,837/0.59 = \$13.01 billion (rounded). The State portion of reduction in transfer payments is Total annual Federal and State reduction in transfer payment minus the Federal portion. Calculation: \$13.01 billion (rounded) — \$7.71 billion (rounded) = \$5,336,147,802. DHS recognizes that WIC is a Federal program that is fully funded by the Federal Government and States are not required to match a share of the funds. Therefore, WIC is not included in the calculations of the State transfer payments.

enrollment decisions made by those who are not subject to the public charge ground of inadmissibility. The consequences of reductions in transfer payments represent significantly broader effects than any disenrollment that would result among people regulated by this rule.

As noted below, DHS is unable to estimate the downstream effects that would result from such decreases. DHS expects that in some cases, a decrease in transfers associated with one program or service would include an increase in transfers associated with other programs or services, such as programs or services delivered by nonprofits or hospitals.

In the 2019 Final Rule, DHS estimated the reduction in transfer payments by multiplying a disenrollment/forgone enrollment rate of 2.5 percent by an estimate of the number of public benefits recipients who are members of households that include aliens (*i.e.*, the population that may disenroll) and then multiplying the estimated population by an estimate of the average annual benefit received per person or household for the covered benefits. The 2022 Final Rule followed this same methodology and used a disenrollment/forgone enrollment rate of 3.1 percent. 87 FR 55472 (Sept. 9, 2022).

In both the 2019 and 2022 Final Rules, DHS estimated the 2.5 percent and 3.1 percent disenrollment/forgone enrollment rate by dividing the annual number of approved aliens who adjusted status annually by the estimated alien population of the United States. 84 FR 41292, 41463 (Aug. 14, 2019), 87 FR 55472 (Sept. 9, 2022). DHS estimated the disenrollment rate as the 5-year average annual number of persons adjusting status as a percentage of the estimated alien population in the United States. The estimate reflects an assumption that 100 percent of such aliens and their household members are either enrolled in or eligible for public benefits and will be sufficiently concerned about the potential consequences of the policies in the prior final rules to disenroll or forgo enrollment in public benefits. Consequently, the resulting transfer estimates would therefore likely tend towards overestimation, particularly regarding the population directly regulated by the 2019 Final Rule. DHS applies this same assumption as a low estimate for this rule.

In the 2019 Final Rule, DHS assumed that the population most likely to disenroll from or forgo enrollment in public benefits programs in any year would be public benefits recipients who were members of households (or, in the case of rental assistance, households as

a unit) including aliens, adjusting their immigration status annually. However, this approach may have resulted in an underestimate due to the documented chilling effects of the 2019 Final Rule on other segments of the alien and citizen populations, including those not classified as adjustment applicants, members of households of adjustment applicants, or other aliens outside the adjustment applicant category. Despite this, the methodology remained consistent in the 2022 Final Rule, and DHS assumes the same underestimation applies to this rule. For the low estimate, DHS uses the same methodology, but with updated data, to estimate that the low rate of disenrollment or forgone enrollment due to the rule would be 3.3 percent.^{323 324 325}

Studies conducted between 2016 and 2020 have shown reductions in enrollment due to a “chilling effect,” ranging from 4.1 percent to 48 percent.^{326 327} The largest disenrollment

occurred between 2018 and 2019,³²⁸ coinciding with the publication and implementation of the 2019 Final Rule. Since the publication of the 2022 Final Rule, studies have highlighted the broad chilling effect public charge policy changes have had on enrollment rates across public benefit programs, including Medicaid, SNAP, TANF, and housing assistance. The KFF Kaiser Family Research (2022) found that the 2019 Final Rule, along with other immigration policy changes, heightened fears among immigrant families about participating in programs and seeking services, such as health coverage and care.³²⁹ These fears led to significant disenrollment, with an estimated 2.0 to 4.7 million Medicaid and CHIP enrollees, comprised of aliens or U.S. citizens living in a family with an alien, opting out (disenrollment rates of 15 percent to 35 percent). Many families reported confusion about the 2022 rule changes or concerns about future changes to the public charge rule, prompting them to forgo services. In an updated January 2025 study, KFF Kaiser Family Research found that fears persisted, with 27 percent of likely illegal alien adults and 8 percent of lawfully present immigrant adults avoiding food, housing, or health care assistance due to immigration-related concerns.³³⁰

Similarly, the Urban Institute (2022) reported that many adults in immigrant families avoided applying for safety net programs because of immigration-related fears.³³¹ In 2021, 20.6 percent avoided non-cash programs due to concerns about green card eligibility, 16.3 percent due to worries about immigration status or enforcement, 13.8 percent due to uncertainty about eligibility, and 11.3 percent because they were asked to provide proof of citizenship or immigration status. An updated 2023 study found that 13 percent of adults in immigrant families avoided non-cash government benefits

like Medicaid, SNAP, or housing subsidies in 2022 due to green card concerns.^{332 333} Adults in mixed-status families (25 percent) were more likely to report chilling effects than those in green card and citizen families (13 percent) or all-citizen families (7 percent).³³⁴ Given the range of disenrollment estimates observed, DHS assumes an average disenrollment rate of 17.3 percent. This average is derived from studies conducted between 2022 and 2025 (as discussed above).³³⁵

Due to the uncertainty of the rate of disenrollment or forgone enrollment in public benefits programs related to the prior 2019 and 2022 Final Rules, DHS uses a range of rates to estimate the change in Federal Government transfer payments that would be associated with this rule. For estimating the lower bound of the range, DHS uses a 3.3 percent rate of disenrollment or forgone enrollment in public benefits programs based on the estimation methodology from the 2019 and the 2022 Final Rule (as discussed above).

DHS bases the upper bound of the range on the results of studies that were discussed earlier in the economic analysis, which provided an average of 17.3 percent rate of disenrollment or forgone enrollment in public benefits programs. As with the lower estimate discussed above, DHS acknowledges that this upper estimate could be an underestimate or an overestimate. The upper bound estimate of 17.3 percent may result in an underestimate because many of the studies reviewed did not include WIC, SSI, and TANF or focused less on these programs. Conversely, this estimate may result in an overestimate due to variations in the populations studied, which led to higher reported percentages and observed populations that are not the intended focus of this analysis. Additionally, differences in methodologies, such as data collection, inclusion or exclusion criteria, and analysis, across studies may have

³²³ Calculation, based on 6-year averages over the period fiscal year 2019–2024: (727,192 receipts for I–485, adjustments of status/21,975,173 estimated alien population) × 100 = 3.3 percent (rounded). U.S. Census Bureau American Database, S0501: Selected Characteristics of the Native and Foreign-born Populations 2023: American Community Survey (ACS) 5-year Estimates, <https://data.census.gov/cedsci> (last visited July 22, 2025).

³²⁴ In the 2019 Final Rule, the rate of disenrollment or forgone enrollment was calculated using number of I–485 approvals rather than receipts. For this analysis DHS elected to use I–485 receipts because the public charge inadmissibility ground is applied to all those who file the application for adjustment of status not just those who are approved.

³²⁵ Using the projected annual average total population of aliens filing Form I–485 (727,192) may overestimate the low end transfer payment due to the memorandum, *Adjustment of Status is a Matter of Discretion and Administrative Grace, and an Extraordinary Relief that Permits Applicants to Dispense with the Ordinary Consular Visa Process*, published on May 21, 2026. However, decreased participation in public benefit programs includes individuals who are not subject to the public charge ground of inadmissibility, such as certain aliens and U.S. citizens in mixed-status holds. The foreign-born population used to generate this estimate represents a substantially larger group compared to those applying for adjustment of status. Therefore, DHS considers the low rate of disenrollment or forgone enrollment of 3.3 percent to be a reasonable percentage for estimating the number of individuals who may choose to disenroll or foregone enrollment in a public benefits program, given the mixed nature of the population.

³²⁶ Randy Capps, et al., MPI, Anticipated ‘Chilling Effects’ of the public-charge rule are real: Census data reflect steep decline in benefits use by immigrant families (Dec. 2020), <https://www.migrationpolicy.org/news/anticipated-chilling-effects-public-charge-rule-are-real> (Capps et al. (2020)).

³²⁷ Hamutal Bernstein, et al., Urban Institute, Immigrant Families Continued Avoiding the Safety Net during the COVID–19 Crisis (Feb. 1, 2021), <https://www.urban.org/research/publication/immigrant-families-continued-avoiding-safety-net-during-covid-19-crisis> (Bernstein et al. (2021)).

³²⁸ Capps et al. (2020).

³²⁹ Drishti Pillai, Samantha Artiga, KFF, 2022 Changes to the Public Charge Inadmissibility Rule and the Implications for Health Care (May 5, 2022), <https://www.kff.org/racial-equity-and-health-policy/2022-changes-to-the-public-charge-inadmissibility-rule-and-the-implications-for-health-care/> (Pillai et al. (2022)).

³³⁰ Kaiser Family Foundation (KFF), Key Facts on Health Coverage of Immigrants (Jan. 15, 2025), <https://www.kff.org/racial-equity-and-health-policy/key-facts-on-health-coverage-of-immigrants/> (KFF 2025).

³³¹ Hamutal Bernstein, et al., Urban Institute, Immigrant Families Faced Multiple Barriers to Safety Net Programs in 2021 (Nov. 10, 2022), <https://www.urban.org/research/publication/immigrant-families-faced-multiple-barriers-safety-net-programs-2021> (Bernstein, Gonzalez et al. (2022)).

³³² Dulce Gonzalez, Jennifer Haley, and Genevieve Kenney, Urban Institute, One in Six Adults in Immigrant Families with Children Avoided Public Programs in 2022 Because of Green Card Concerns (Nov. 30, 2023), <https://www.urban.org/research/publication/one-six-adults-immigrant-families-children-avoided-public-programs-2022> (Gonzalez et al. (2023)).

³³³ Dulce Gonzalez and Hamutal Bernstein, Urban Institute, One in Four Adults in Mixed-Status Families Did Not Participate in Safety Net Programs in 2022 Because of Green Card Concerns, (Aug. 17, 2023), <https://www.urban.org/research/publication/one-four-adults-mixed-status-families-did-not-participate-safety-net-programs> (Gonzalez, Bernstein et al. (2023)).

³³⁴ Gonzalez, Bernstein et al. (2023).

³³⁵ Pillai et al. (2022); KFF (2025); Bernstein, Gonzalez et al. (2022); Gonzalez et al. (2023); and Gonzalez, Bernstein et al. (2023).

introduced observed changes that would not appear in a true longitudinal study with consistent methods.

DHS uses 10.3 percent as the primary estimate to estimate the annual reduction in Federal Government transfer payments associated with this rule, which is the midpoint between the lower estimate (3.3 percent) and the upper estimate (17.3 percent) of disenrollment or forgone enrollment in public benefits programs. DHS chooses to provide a range due to the difficulty in estimating the effect on various populations. DHS requested comments on the estimation of the disenrollment or forgone enrollment rate used in this analysis and received comments comparing DHS's estimates to KFF³³⁶ and GW.³³⁷

The study from KFF develops their midpoint estimate of 20 percent based on experiences reported in their 2025 Survey of Immigrants. Whereas DHS's uses the average annual receipts of Form I-485 against the estimated alien population to develop a low estimate, and an average of disenrollment estimate from a review of studies between 2022 and 2025 to develop the high estimate, creating the midpoint. The cited study from KFF also states that the upper bound estimate of 30 percent, "accounts for potential increased effects relative to the experiences reported in the survey due to subsequent policy changes, including the public charge proposal and CMS notice of plans to share Medicaid data with ICE, that were released after the survey was fielded as well as ongoing public enforcement activity, which may further deter participation,"³³⁸ indicating that the study includes

external factors in the disenrollment and forgone enrollment rates. While DHS agrees that external factors unrelated to this rule may cause aliens to disenroll or forgo enrollment in public benefits programs, it is not reasonable to include these factors in the economic impact analysis. These external factors do not represent an individual choosing to disenroll or forgo enrollment as a direct result of this final rule.

Additionally, the GW study used the same disenrollment and forgone enrollment rates as KFF. However, GW furthered their analysis by applying estimates of Medicaid, CHIP, SNAP and SSI costs per participant for FY 2026 from the Congressional Budget Office baseline projections, whereas DHS estimates relied on the total annual average public benefits payments to calculate a 6-year average using historical data. DHS deems it reasonable to use the average of the prior six years to smooth out any short-term fluctuations in the data. Furthermore, the GW study based its affected population on visa processing determinations by DOS, while DHS used data based on individuals applying for adjustment of status using Form I-485. While DOS consular officers are responsible for applying the public charge ground of inadmissibility as part of the visa application process, this rule does not revise DOS standards or processes, and therefore DHS does not find it reasonable to base the affected population of this rule on DOS data. While DHS recognizes these approaches, for the reasons stated above, DHS does not find it reasonable to use the methods in these studies to estimate disenrollment and forgone enrollment rates, the affected population, or the corresponding reduction in transfer payments. Therefore, the analysis remains unchanged for this final rule.

Using the primary estimate rate of disenrollment or forgone enrollment in public benefits programs of 10.3 percent, DHS estimates that the total annual reduction in transfer payments from the Federal Government to individuals who may choose to disenroll from or forgo enrollment in public benefits programs. Based on the data presented below, DHS estimates that the total annual reduction in transfer payments paid by the Federal Government to individuals who may choose to disenroll from or forgo enrollment in public benefits programs could be approximately \$7.71 billion for an estimated 1,265,993 individuals and 35,294 households across the public benefits programs examined.

To estimate the reduction in transfer payments under this rule, DHS must multiply the estimated disenrollment/forgone enrollment rate of 10.3 percent by: (1) the population of analysis (*i.e.*, those who may disenroll from or forgo enrollment in Medicaid, CHIP, WIC, SNAP, TANF, SSI, and Federal Rental Assistance);³³⁹ and (2) the value of the forgone benefits.

Table IV.9 shows the estimated population of public benefits recipients who are members of households that include aliens. DHS assumes that this is the population of individuals who may disenroll from or forgo enrollment in public benefits under this rule. The table also shows estimates of the number of households with at least one alien family member that may have received public benefits.^{340 341} Based on the number of households with at least one alien family member, DHS estimates the number of public benefits recipients who are members of households that include at least one alien who may have received benefits using the U.S. Census Bureau's estimated average household size for foreign-born households.^{342 343}

³³⁹ DHS recognizes that the rule would create a similar disincentive to receive TANF and SSI by certain aliens, and the fact that these benefits have been considered in public charge inadmissibility determinations since 1999.

³⁴⁰ See U.S. Census Bureau, "American Community Survey 2023 Subject Definitions," https://www2.census.gov/programs-surveys/acs/tech_docs/subject_definitions/2023/ACSSubjectDefinitions.pdf (last visited Aug. 19, 2025). The foreign-born population includes anyone who was not a U.S. citizen or a U.S. national at birth, which includes respondents who indicated they were a U.S. citizen by naturalization or not a U.S. citizen. The American Community Survey (ACS) questionnaires do not ask about immigration status but uses responses to determine the U.S. citizen and non-U.S. citizen populations as well as to determine the native and foreign-born populations. The population surveyed includes all people who indicated that the United States was their usual place of residence on the survey date. The foreign-born population includes naturalized U.S. citizens, LPRs, aliens with a nonimmigrant status (*e.g.*, foreign students), aliens with a humanitarian status (*e.g.*, refugees), and aliens present without a lawful immigration status.

³⁴¹ To estimate the number of households with at least one alien family member that have received public benefits, DHS calculated the overall percentage of total U.S. households that are aliens as 6.61 percent. Calculation: $(21,975,173 \text{ (Foreign-born noncitizens)} / 332,387,540 \text{ (Total U.S. population)}) \times 100 = 6.61 \text{ percent}$. See U.S. Census Bureau, S0501: Selected Characteristics of the Native and Foreign-born Populations 2023: American Community Survey (ACS) 5-year Estimates, <https://data.census.gov/cedsci> (last visited July 22, 2025).

³⁴² See U.S. Census Bureau, S0501: Selected Characteristics of the Native and Foreign-born Populations 2023: American Community Survey (ACS) 5-year Estimates, <https://data.census.gov/cedsci> (last visited July 22, 2025). The average foreign-born household size is reported as 3.12 persons. DHS multiplied this figure by the estimated number of benefits-receiving households with at least one foreign-born person receiving

³³⁶ Samantha Artiga, Drishti Pillai, Sammy Cervantes, Akash Pillai, and Matthew Rae, KFF, "Potential 'Chilling Effects' of Public Charge and Other Immigration Policies on Medicaid and CHIP Enrollment," (Dec. 2, 2025), <https://www.kff.org/medicaid/potential-chilling-effects-of-public-charge-and-other-immigration-policies-on-medicare-and-chip-enrollment/> (<https://www.kff.org/medicaid/potential-chilling-effects-of-public-charge-and-other-immigration-policies-on-medicare-and-chip-enrollment/>) (Artiga et al. (2025)).

³³⁷ Leighton Ku, Ph.D., MPH, Maddie Krips, MPP, Hanna Silverman, MPH, GW, Appendix 1, "Economic and Mortality Analyses of the DHS Proposed Rule: Public Charge Ground of Inadmissibility," pgs. 31–44 (Dec. 3, 2025) https://hpmatters.publichealth.gwu.edu/sites/g/files/zaxdzs6671/files/2025-12/Public%20Charge%20NPRM%202025_FINAL_121825.pdf (Leighton et al. (2025)).

³³⁸ Samantha Artiga, et al., KFF, Potential "Chilling Effects" of Public Charge and Other Immigration Policies on Medicaid and CHIP Enrollment (Dec. 2, 2025), <https://www.kff.org/medicaid/potential-chilling-effects-of-public-charge-and-other-immigration-policies-on-medicare-and-chip-enrollment/> (Artiga et al. (2025)).

In order to estimate the population of public benefits recipients who are members of households that include at least one alien, DHS uses a 6-year average of public benefit recipients' data from FY 2019 through FY 2024 to remain consistent with the averages that were used earlier in the economic analysis.

Consistent with the approach DHS took in the 2019 and 2022 Final Rules, DHS's methodology was as follows. First, for most of the public benefits programs analyzed, DHS estimated the number of households with at least one person receiving such benefits by dividing the number of people that received public benefits by the U.S. Census Bureau's estimated average

benefits to estimate the population living in benefits-receiving households that include an alien.

³⁴³ In this analysis, DHS uses the American Community Survey (ACS) to develop population estimates along with beneficiary data from each of the benefits program. DHS notes that the ACS data were used for the purposes of this analysis because it provided a cross-sectional survey based on a random sample of the population each year including current immigration classifications. Both surveys reflect use by aliens of the public benefits included in this analysis.

household size of 2.54 for the U.S. total population.³⁴⁴ ³⁴⁵ Second, DHS estimated the number of such households with at least one alien resident. According to the U.S. Census Bureau population estimates, the alien population is 6.61 percent of the U.S. total population.³⁴⁶ While there may be some variation in the percentage of aliens who receive public benefits, including depending on which public benefits program one considers, DHS assumes in this economic analysis that the percentage holds across the

³⁴⁴ U.S. Census Bureau, S0501: Selected Characteristics of the Native and Foreign-born Populations 2023: American Community Survey (ACS) 5-year Estimates, <https://data.census.gov/cedsci> (last visited July 22, 2025).

³⁴⁵ DHS uses the average household size from the "2023: ACS 5-Year Estimates Subject Tables" because data for 2024 were not available. DHS also opted to use the 5-year estimates over the average of the "ACS 1-Year Estimates Subject Tables" for the years 2019 through 2024 because the 1-year estimates were not available for 2020 and 2024.

³⁴⁶ See U.S. Census Bureau, S0501: Selected Characteristics of the Native and Foreign-born Populations 2023: American Community Survey (ACS) 5-year Estimates, <https://data.census.gov/cedsci> (last visited July 22, 2025). Calculation: $[21,975,173 \text{ (Foreign-born noncitizens)} / 332,387,540 \text{ (Total U.S. population)}] \times 100 = 6.61 \text{ percent}$.

populations of the various public benefits programs. Therefore, to estimate the number of households with at least one alien who receives public benefits, DHS multiplies the estimated number of households for each public benefits program by 6.61 percent. This step may introduce uncertainty into the estimate because the percentage of households with at least one alien may differ from the percentage of aliens in the population. However, if aliens tend to be grouped together in households, then an overestimation of households that include at least one alien is more likely.

DHS then estimates the number of aliens who received benefits by multiplying the estimated number of households with at least one alien who receives public benefits by the U.S. Census Bureau's estimated average household size of 3.12 for those who are foreign-born.³⁴⁷

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³⁴⁷ See U.S. Census Bureau, S0501: Selected Characteristics of the Native and Foreign-born Populations 2023: American Community Survey (ACS) 5-year Estimates, <https://data.census.gov/cedsci> (last visited July 22, 2025).

Table IV.9. Estimated Population of Public Benefits Recipients Who Are Members of Households that Include at Least One Alien, FY 2019 through FY 2024				
Public Benefits Program	Average Annual Total Number of Recipients¹	Households that May Be Receiving Benefits²	Benefits-Receiving Households with at Least One Alien³	Public Benefits Recipients Who Are Members of Households Including at Least One Alien⁴
Medicaid⁵	74,969,739	29,515,645	1,950,984	6,087,070
Children's Health Insurance Program (CHIP)⁶	7,031,490	2,768,303	182,985	570,913
Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)⁷	6,404,645	2,521,514	166,672	520,017
Supplemental Nutrition Assistance Program (SNAP)⁸	N/A	21,047,959	1,391,270	4,340,762
Temporary Assistance for Needy Families (TANF)⁹	1,973,219	776,858	51,350	160,212
Supplemental Security Income (SSI)¹⁰	7,687,324	3,026,506	200,052	624,162
Federal Rental Assistance¹¹	N/A	5,189,000	342,993	N/A
Sources and Notes: USCIS analysis of data provided by the Federal agencies that administer each of the listed public benefits programs or research organizations. ¹ Figures for the average annual total number of recipients are based on 6-year averages, whenever possible, for the most recent 6-year period for which data are available (2019-2024). TANF caseload data represents the average monthly number of recipients, adults, and children receiving basic assistance. ² DHS estimated the number of households by dividing the number of people that received public benefits by the U.S. Census Bureau's estimated average household size of 2.54 for the U.S. total population. <i>See</i> U.S. Census Bureau, S0501: Selected Characteristics of the Native and Foreign-born Populations 2023: American Community Survey (ACS) 5-year Estimates, https://data.census.gov/cedsci (last visited July 22, 2025). Note that HUD Rental Assistance and HUD HCV programs report data on the household level. Therefore, DHS did not use this calculation to estimate the average household size and instead used the data as reported. ³ To estimate the number of benefits-receiving households with at least one alien, DHS multiplied the estimated number of households receiving benefits in the United States by 6.61 percent, which is the foreign-born noncitizen population as a percentage of the U.S. total population using U.S. Census Bureau population estimates. <i>See Id.</i> ⁴ To estimate the population of public benefits recipients who are members of households that include aliens, DHS multiplied the estimated number of benefits-receiving households with at least one alien by the average household size of 3.12 for those who are foreign-born using the U.S. Census Bureau's estimate. <i>See Id.</i> ⁵ Medicaid - <i>See</i> HHS, CMS, Monthly Medicaid & CHIP Application, Eligibility Determination, and Enrollment Reports & Data, https://www.medicaid.gov/medicaid/national-medicaid-chip-program-information/medicaid-chip-enrollment-data/monthly-medicaid-chip-application-eligibility-determination-and-enrollment-reports-data (last visited Aug. 1, 2025). Note that each annual total was calculated by averaging the monthly enrollment population over each year. The numbers that were used for the average can be found in the Data.Medicaid.gov interactive database. DHS used "Total Medicaid and CHIP Enrollment" subtracted by the "Total CHIP Enrollment" for its estimates of overall Medicaid enrollment for adults and children. Per enrollee Medicaid costs vary by eligibility group and State. ⁶ CHIP - <i>See</i> HHS, CMS, Monthly Medicaid & CHIP Application, Eligibility Determination, and Enrollment Reports & Data, https://www.medicaid.gov/medicaid/national-medicaid-chip-program-information/medicaid-chip-enrollment-data/monthly-medicaid-chip-application-eligibility-determination-and-enrollment-reports-data (last visited Aug. 1, 2025). Note that each annual total was calculated by averaging the monthly enrollment population over each year. The numbers that were used for the average can be found in the Data.Medicaid.gov interactive database. DHS used "Total CHIP Enrollment" for its estimates. Per enrollee costs vary by eligibility group and State. ⁷ WIC - <i>See</i> U.S. Department of Agriculture, Food and Nutrition Service, WIC Data Tables, Annual State Level Data, Total Participation, (last visited Jan. 29, 2025). ⁸ SNAP - <i>See</i> U.S. Department of Agriculture, Food and Nutrition Service, Supplemental Nutrition Assistance Program, National and/or State Level Monthly and/or Annual Data: Persons, Households, Benefits, and Average Monthly Benefit per Person & Household, FY 1969 through FY 2025, https://www.fns.usda.gov/pd/supplemental-				

nutrition-assistance-program-snap (last visited July 23, 2025). The number of households receiving SNAP benefits in this table is not calculated using average U.S. household size. Rather, it is 6-year average (FY 2019-FY 2024) of the number of households as reported by the U.S. Department of Agriculture from the website listed in this footnote.

⁹ TANF – See HHS, Office of Family Assistance, TANF Caseload Data, <https://acf.gov/ofa/data/tanf-caseload-data-2019>; <https://acf.gov/ofa/data/tanf-caseload-data-2020>; <https://acf.gov/ofa/data/tanf-caseload-data-2021>; <https://acf.gov/ofa/data/tanf-caseload-data-2022>; <https://acf.gov/ofa/data/tanf-caseload-data-2023>; <https://acf.gov/ofa/data/tanf-caseload-data-2024> (last visited July 22, 2025).

¹⁰ SSI – See Social Security Administration, Office of Research, Statistics & Policy Analysis, SSI Recipients by State and County, Table 1, Number of recipients by state or other area, eligibility category, age, and receipt of OASDI benefits, https://www.ssa.gov/policy/docs/statcomps/ssi_sc/2019/index.html; https://www.ssa.gov/policy/docs/statcomps/ssi_sc/2020/index.html; https://www.ssa.gov/policy/docs/statcomps/ssi_sc/2021/index.html; https://www.ssa.gov/policy/docs/statcomps/ssi_sc/2022/index.html; https://www.ssa.gov/policy/docs/statcomps/ssi_sc/2023/index.html (last visited July 21, 2025).

¹¹ HUD Federal Rental Assistance – Data on annual total recipient households: See Center on Budget and Policy Priorities, “National and State Housing Fact Sheets & Data,” “Federal Rental Assistance, ‘Download the Data,’” <https://www.cbpp.org/research/housing/national-and-state-housing-fact-sheets-data> (last updated Jan. 23, 2025). Note that “Federal Rental Assistance” includes HUD Section 8 Project-based Rental Assistance, HUD Section 8 HCVs, HUD Public Housing, HUD Section 202/811, and USDA Section 521.

To estimate the economic impact of disenrollment or forgone enrollment from public benefits programs, it is necessary to estimate the typical annual public benefits a person receives for each public benefits program included in this economic analysis. DHS estimated the average annual benefit

received per person for each public benefit program in Table IV.10. For each benefit, except for Medicaid, the average benefit per person is calculated for each public benefit program by dividing the average annual program payments for one public benefit by the average annual total number of recipients.³⁴⁸ For

Medicaid, DHS uses CMS’ median per capita expenditure estimate across all States for calendar year 2022, which is the most recent year of data available. To the extent that data are available, these estimates are based on 6-year annual averages between FY 2019 and FY 2024.

³⁴⁸ DHS notes that the amounts presented may not account for overhead costs associated with

administering each of these public benefits programs. The costs presented are based on

amounts recipients have received in benefits as reported by benefits-granting agencies.

Table IV.10. Estimated Annual Benefit per Person, by Public Benefit Program, FY 2019 through FY 2024			
Public Benefits Program	Average Annual Total Number of Recipients (or Households)	Average Annual Public Benefits Payments	Annual Benefit per Person or Household¹
Medicaid²	<i>N/A</i>	<i>N/A</i>	\$9,108
Children's Health Insurance Program (CHIP)³	7,031,490	\$13,927,087,166	\$1,981
Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)⁴	6,404,645	\$3,601,983,333	\$562
Supplemental Nutrition Assistance Program (SNAP)⁵	40,372,412	\$92,067,075,978	\$2,280
Temporary Assistance for Needy Families (TANF)⁶	1,973,219	\$3,284,851,707	\$1,665
Supplemental Security Income (SSI)⁷	7,687,324	\$57,683,500,000	\$7,504
Federal Rental Assistance (Households)⁸	5,189,000	\$48,488,000,000	\$9,344
Sources and Notes: USCIS analysis of data provided by the Federal agencies that administer each of the listed public benefits programs or research organizations. Note that figures for the average annual total number of recipients and the annual total public benefits payments are based on 6-year averages, whenever possible, for the most recent 6-year period for which data are available (2019-2024). Note that DHS acknowledges that there could be overlap among participants in the listed public benefit programs. ¹ Calculation: Average Annual Benefit per Person = (Average Annual Public Benefits Payments) / (Average Annual Total Number of Recipients). Note: Calculations may not be exact due to rounding. ² Medicaid – See HHS, CMS, Expenditure Reports From MBES/CBES, https://www.medicaid.gov/state-overviews/scorecard/main, (last visited July 21, 2025). See “Medicaid Per Capita Expenditures, CY 2022.” Note that per enrollee Medicaid costs vary by eligibility group and State. Also note that is data was only available for Calendar Year 2022 versus a Fiscal Year. ³ CHIP – See HHS, CMS, Expenditure Reports From MBES/CBES, https://www.medicaid.gov/state-overviews/scorecard/main, (last visited July 21, 2025). ⁴ WIC – See U.S. Department of Agriculture, Food and Nutrition Service, WIC Data Tables, National Level Annual Summary, FY 1974 through FY 2024, https://www.fns.usda.gov/pd/wic-program (last visited Jan. 29, 2025). ⁵ SNAP – See U.S. Department of Agriculture, Food and Nutrition Service, Supplemental Nutrition Assistance Program, National and/or State Level Monthly and/or Annual Data: Persons, Households, Benefits, and Average Monthly Benefit per Person & Household, FY 1969 through FY 2025, https://www.fns.usda.gov/pd/supplemental-nutrition-assistance-program-snap (last visited July 23, 2025). ⁶ TANF – Data on annual program expenditure on public benefits: See HHS, Office of Family Assistance, TANF Financial Data, Table A.1, Federal TANF and State MOE Expenditures Summary by ACF-196 Spending Category, Federal Funds for Basic Assistance, https://acf.gov/ofa/data/tanf-financial-data-fy-2023 (last visited July 21, 2025); https://acf.gov/ofa/data/tanf-financial-data-fy-2024 (last visited February 6, 2026). TANF caseload data represents the average monthly number of recipients, adults, and children receiving basic assistance. ACF: Average annual public benefits payments represent the share of federal funds only. ⁷ SSI – See U.S. Social Security Administration, Office of Research, Statistics & Policy Analysis, Annual Report of the Supplemental Security Income Program, 2024, Table IV.C1, SSI Federal Payments in Current Dollars, Fiscal Years, p. 52, https://www.ssa.gov/OACT/ssir/SSI24/ssi2024.pdf (last visited July 22, 2025). ⁸ HUD Federal Rental Assistance – Data on annual total recipient households: See Center on Budget and Policy Priorities National and State Housing Fact Sheets & Data, Federal Rental Assistance, Download the Data, https://www.cbpp.org/research/housing/national-and-state-housing-fact-sheets-data (last updated Jan. 23, 2025).			

As discussed earlier, using the midpoint reduction rate of 10.3 percent,

Table IV.11 shows the estimated population that may disenroll or forgo

enrollment in a federally funded public benefits program under this rule.

Table IV.11. Estimated Population of Members of Households Including Aliens Expected to Disenroll or Forgo Enrollment in a Public Benefits Program				
Public Benefits Program	Public Benefits Recipients Who Are Members of Households Including at Least One Alien¹	Benefits-Receiving Households with At Least One Alien¹	Members of Benefits-Receiving Households Including Aliens Based On A 10.3% Rate of Disenrollment or Forgone Enrollment²	Benefits-Receiving Households with At Least One Alien Based On A 10.3% Rate of Disenrollment or Forgone Enrollment³
Medicaid	6,087,070		626,360	
Children's Health Insurance Program (CHIP)	570,913		58,747	
Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)	520,017		53,510	
Supplemental Nutrition Assistance Program (SNAP)	4,340,762		446,664	
Temporary Assistance for Needy Families (TANF)	160,212		16,486	
Supplemental Security Income (SSI)	624,162		64,226	
Federal Rental Assistance	N/A	342,993	N/A	35,294
Totals	12,303,136	342,993	1,265,993	35,294
Source: USCIS analysis.				
Notes:				
¹ See Table IV.9.				
² To estimate the population that could choose to disenroll/forgo enrollment, DHS multiplied the population of public benefits recipients who are members of benefits-receiving households including aliens by 10.3 percent (the midpoint reduction rate). Note that 1,265,993 total does not include individuals who may have disenrolled from the HUD Federal Rental Assistance. The 35,294 total reports the number of households who may have disenrolled from the HUD Federal Rental Assistance, but the number of individuals affected by the disenrollment from HUD Federal Rental Assistance may be greater than 35,294 because there is more than one member per household.				
³ To estimate the population that could choose to disenroll/forgo enrollment, DHS multiplied the number of households with at least one alien by 10.3 percent (the midpoint reduction rate).				

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Table IV.12 shows the estimated population that would be likely to disenroll from or forgo enrollment in federally funded public benefits programs due to this rule's indirect chilling effect. The table also presents the previously estimated average annual benefit per person who received benefits for each of the public benefits

programs.³⁴⁹ Multiplying the estimated population that would be likely to

³⁴⁹ As previously noted, the average annual benefits per person amounts presented may not account for overhead costs associated with administering each of these public benefits programs since they are based on amounts recipients have received in benefits as reported by benefits-granting agencies. Therefore, the costs presented may underestimate the total amount of transfer payments to the Federal Government.

disenroll from or forgo enrollment in public benefit programs due to this rule by the average annual benefit per person who received benefits for each of the public benefit programs, DHS estimates that the total annual reduction in transfer payments paid by the Federal Government to individuals who may choose to disenroll from or forgo enrollment in public benefits programs

would be approximately \$7.71 billion for an estimated 1,265,993 individuals and 35,294 households across the public benefits programs examined. As these estimates reflect only Federal financial participation in programs whose costs are shared by U.S. States, there may also be additional reductions in transfer payments from U.S. States to individuals who may choose to disenroll from or forgo enrollment in a public benefits program.

Since the Federal share of FFP varies by State, DHS uses an average FMAP of 59 percent across all States and U.S. territories to estimate a combined reduction in transfer payments for Medicaid and CHIP (*See* 87 FR 74429 (Dec. 5, 2022)).³⁵⁰ DHS acknowledges that the average FMAP percentage of 59 in recent fiscal years is lower than the percentage provided to States and U.S. territories due to the enhanced FMAP for State expenditures on the adult group covered under the Affordable Care Act's Medicaid expansion and the additional FMAP increases from the Families First Coronavirus Response Act, which ended in 2023. This may result in an underestimate. However, DHS deems it reasonable to use an average of the FMAP to estimate the total annual transfer payments from State governments to public benefits recipients. Table IV.12 shows that Federal annual transfer payments for Medicaid and CHIP would be reduced by about \$5.82 billion under this rule.³⁵¹ From this amount and the average FMAP 59 percent, DHS calculates the total reduction in transfer

payments from Federal and State governments to individuals to be about \$9.87 billion.³⁵² From that total amount, DHS estimates State annual transfer payments would be reduced by approximately \$4.05 billion due to the disenrollment or forgone enrollment of aliens and their households from Medicaid and CHIP.³⁵³

For this analysis, DHS conservatively assumes that the Federal Government pays 100 percent of benefits values for SNAP³⁵⁴ and Federal Rental Assistance. With regards to TANF, DHS recognizes states must spend a minimum amount of their own funds, known as maintenance of effort (MOE), but DHS's analysis was limited to Federally-funded TANF basic assistance, and did not account for families who receive TANF basic assistance funded with MOE dollars. DHS also recognizes that WIC is a federal program that is fully funded by the Federal Government and States are not required to match a share of the funds. Therefore, Table IV.11 shows the Federal share of annual transfer payments would be about \$1.41 billion for WIC, SNAP, TANF, and Federal Rental Assistance.³⁵⁵ For SSI,

the maximum Federal benefit changes yearly. Effective January 1, 2025, the maximum Federal benefit was \$967 monthly for an individual and \$1,450 monthly for a couple.³⁵⁶ Some States supplement the Federal SSI benefit with additional payments, which make the total SSI benefit levels higher in those States.³⁵⁷ Moreover, the estimates of expenditures for Federal Rental Assistance relate to purely Federal funds, although housing programs are administered by State and local public housing authorities, which may supplement program funding. However, DHS is unable to quantify the State portion of the transfer payment due to a lack of data related to State-level administration of these public benefit programs.

DHS requested public comments on data related to the State contributions and share of costs of these public benefit programs and received comments regarding the use of eFMAP for the CHIP program. While DHS acknowledges that the FFP varies by States for CHIP, and the share is determined by the eFMAP, which uses a higher average rate of 71 percent, CHIP expenditures are significantly lower than Medicaid expenditures. For example, in FY 2023, Federal expenditures for CHIP were less than 3 percent of Medicaid spending, indicating that applying the eFMAP rate to CHIP would have a negligible impact on overall estimates. Therefore, DHS finds it reasonable to use the FMAP percentage of 59 for both Medicaid and CHIP to estimate the reduction in transfer payments to State governments, which remains unchanged for this final rule.

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Assistance is \$329,787,136. Calculation of the sum: \$1,405,702,866.

³⁵⁶ See Social Security Administration, How much you could get from SSI, <https://www.ssa.gov/ssi/amount> (last visited July 19, 2025).

³⁵⁷ See Social Security Administration, Annual Statistical Supplement, 2024, Supplemental Security Income Program Description and Legislative History, <https://www.ssa.gov/policy/docs/statcomps/supplement/2024/ssi.html> (last visited July 22, 2025).

³⁵² Total annual Federal and State reduction in transfer payment for Medicaid and CHIP = (Estimated Reduction in Transfer Payments Based on a 10.3% Rate of Disenrollment or Forgone Enrollment for Medicaid and CHIP from Table IV.12)/(average FMAP across all States and U.S. territories) = \$5,821,264,687/0.59 = \$9.87 billion (rounded).

³⁵³ State annual reduction in transfer payment for Medicaid and CHIP = Total annual Federal and State reduction in transfer payment for Medicaid and CHIP—Federal annual reduction in transfer payment for Medicaid = \$9.87 billion – \$5.82 billion = \$4.05 billion (rounded).

³⁵⁴ DHS recognizes that the estimated reductions in transfer payments are approximations and could be influenced by external factors unrelated to this final rule. For example, the recent changes to SNAP in the H.R. 1 Reconciliation Bill are expected to impact the share of Federal Government payments of SNAP benefits, adding complexity to quantification efforts. DHS also notes that H.R. 1 changed the benefit cost sharing between States and the Federal Government. Beginning in FFY 2028, States with high payment error rates will be required to share the cost of SNAP benefits and the Federal Government will no longer pay 100 percent of benefit values for SNAP.

³⁵⁵ From Table IV.12, transfer payment reduction for WIC is \$30,072,620, for SNAP is \$1,018,393,920, for TANF is \$27,449,190, and for Federal Rental

³⁵⁰ DHS acknowledges that FFP varies by State for CHIP, and the share is determined by the Enhanced Federal Medical Assistance Percentage (eFMAP), which uses a higher average rate of 71 percent. However, CHIP expenditures are significantly lower than Medicaid expenditures. For example, in FY 2023, Federal expenditures for CHIP were less than 3 percent of Medicaid spending. Therefore, DHS finds it reasonable to use the FMAP percentage of 59 for both Medicaid and CHIP.

³⁵¹ Total annual Federal and State reduction in transfer payment for Medicaid and CHIP = (Estimated Reduction in Transfer Payments Based on a 10.3% Rate of Disenrollment or Forgone Enrollment for Medicaid) + (Estimated Reduction in Transfer Payments Based on a 10.3% Rate of Disenrollment or Forgone Enrollment for CHIP) = \$5,704,886,880 + \$116,377,807 = \$5,821,264,687.

Table IV.12. Total Estimated Reduction in Transfer Payments Paid by the Federal Government Due to Disenrollment or Forgone Enrollment in Public Benefits Programs				
Public Benefits Program	Public Benefits Recipients Who Are Members of Households Including Aliens Based on A 10.3% Rate of Disenrollment or Forgone Enrollment	Households Receiving Benefits with At Least One Alien Based on A 10.3% Rate of Disenrollment or Forgone Enrollment	Average Annual Benefit per Person or Household	Estimated Reduction in Transfer Payments Based on A 10.3% Rate of Disenrollment or Forgone Enrollment
Medicaid¹	626,360		\$9,108	\$5,704,886,880
Children's Health Insurance Program (CHIP)	58,747		\$1,981	\$116,377,807
Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)	53,510		\$562	\$30,072,620
Supplemental Nutrition Assistance Program (SNAP)	446,664		\$2,280	\$1,018,393,920
Temporary Assistance for Needy Families (TANF)	16,486		\$1,665	\$27,449,190
Supplemental Security Income (SSI)	64,226		\$7,504	\$481,951,904
Federal Rental Assistance	N/A	35,294	\$9,344	\$329,787,136
Totals	1,265,993	35,294	N/A	\$7,708,919,457
Source: USCIS analysis.				
Notes: Calculations may not be exact due to rounding.				
¹ Neither HHS nor DHS are able to disaggregate emergency and non-emergency Medicaid expenditures. Therefore, this rule considers overall Medicaid expenditures. Note that per enrollee Medicaid costs vary by eligibility group and State.				

As shown in Table IV.13, applying the same calculations using the low estimate of 3.3 percent, DHS estimates that the total annual reduction in transfer payments paid by the Federal Government to individuals who may choose to disenroll from or forgo enrollment in public benefits programs

would be approximately \$2.48 billion for an estimated 407,128 individuals and 11,350 households across the public benefits programs examined. For the high estimate of 17.3 percent DHS estimates that the total annual reduction in transfer payments paid by the Federal Government to individuals who may

choose to disenroll from or forgo enrollment in public benefits programs would be approximately \$12.94 billion for an estimated 2,124,753 individuals and 59,235 households across the public benefits programs examined.

Table IV.13. Comparison of the High, Low, and Primary Total Estimated Reduction in Transfer Payments Paid by the Federal Government Due to Disenrollment or Forgone Enrollment in Public Benefits Programs			
Public Benefits Program	Estimated Annual Reduction in Transfer Payments Based on a 3.3% Rate of Disenrollment or Forgone Enrollment	Estimated Annual Reduction in Transfer Payments Based on a 10.3% Rate of Disenrollment or Forgone Enrollment	Estimated Annual Reduction in Transfer Payments Based on a 17.3% Rate of Disenrollment or Forgone Enrollment
Medicaid	\$1,834,624,440	\$5,704,886,880	\$9,574,666,596
Children's Health Insurance Program (CHIP)	\$37,425,052	\$116,377,807	\$195,320,657
Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)	\$9,670,896	\$30,072,620	\$50,471,534
Supplemental Nutrition Assistance Program (SNAP)	\$327,503,760	\$1,018,393,920	\$1,709,202,000
Temporary Assistance for Needy Families (TANF)	\$8,827,830	\$27,449,190	\$46,068,885
Supplemental Security Income (SSI)	\$154,987,616	\$481,951,904	\$808,878,672
Federal Rental Assistance	\$106,054,400	\$329,787,136	\$553,491,840
Totals	\$2,479,093,994	\$7,708,919,457	\$12,938,100,184
Source: USCIS analysis.			
Note: Calculations may not be exact due to rounding.			

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DHS acknowledges prior studies that examine disenrollment or forgone enrollment due to public charge regulatory effects, which reported higher disenrollment rates. Particularly the 2019 Final Rule referenced studies on the impact of PRWORA in 1996 that observed a reduction in enrollment from 21 to 54 percent. DHS also appreciates the concern expressed in public comments regarding not using a disenrollment rate as high as 54 percent in the disenrollment and forgone enrollment rates described in this analysis. However, while these studies estimated a reduction in public benefits usage, as stated in the NPRM, it was unclear how many individuals would disenroll from or forgo enrollment in public benefits programs as a direct result of the 2019 Final Rule.

Furthermore, DHS does not believe observed disenrollment or forgone enrollment rates will be this high as a direct result of this final rule. DHS

referenced a number of independent and peer-reviewed studies that observed disenrollment rates between 2016 and 2025, none of which reported rates as high as 54 percent as a direct result of a public charge rule.³⁵⁸ Therefore, DHS uses the average of these same studies, focusing only on studies conducted between 2022 and 2025, in this final rule, as it represents the uncertainty in disenrollment and forgone enrollment of the specific population discussed in this rule.³⁵⁹ Finally, DHS recognizes that the estimated reductions in transfer payments are approximations and could be influenced by external factors unrelated to this rule. For example, the recent changes to Medicaid and SNAP

³⁵⁸ Capps et al. (2020); Bernstein et al. (2021); Pillai et al. (2022); KFF (2025); Bernstein, Gonzalez et al. (2022); Gonzalez et al. (2023); and Gonzalez, Bernstein et al. (2023).

³⁵⁹ Pillai et al. (2022); KFF (2025); Bernstein, Gonzalez et al. (2022); Gonzalez et al. (2023); and Gonzalez, Bernstein et al. (2023).

included in H.R. 1 are expected to impact enrollment rates, adding complexity to quantification efforts.³⁶⁰ DHS anticipates that disenrollment or forgone enrollment rates may fluctuate independently of this rule, potentially affecting the transfer payment estimates presented in this analysis. While DHS appreciates the concern regarding these external factors expressed in public comments, any enrollment changes as a result of H.R. 1 are attributable to the bill, not this rule. These external factors are separate and independent of this rule.

ii. Indirect Impacts of the Regulatory Changes

DHS notes that, as described in the 2019 and 2022 Final Rules, the rule may produce indirect effects. For example, a reduction in transfer payments from the

³⁶⁰ See H.R. 1 Reconciliation Bill, *e.g.*, secs. 10108 (SNAP Eligibility); 71109 (Alien Medicaid Eligibility); Public Law 119-21 (July 4, 2025).

Federal Government to individuals who receive public benefits due to increased disenrollment or forgone enrollment in public benefit programs may have indirect effects. DHS is generally not able to estimate all the additional indirect costs that would likely be incurred because of follow-on economic effects of the initial indirect costs identified in the rule due to the wide range of these costs. DHS requested comments on other possible indirect impacts of the rule and appropriate methodologies for quantifying these non-monetized potential impacts but did not receive any comments on how to quantify these potential impacts. However, DHS did receive additional qualitative impacts and have expanded the list of potential qualitative impacts in this analysis.

A likely impact of the rule relative to the baseline is that various individuals and other entities will incur costs associated with familiarization with the provisions of the rule. Familiarization costs involve the time spent reviewing a rule. An alien might review the rule to determine whether they are subject to the rule. To the extent an individual who is directly regulated by the rule incurs familiarization costs, those familiarization costs are a direct cost of the rule.

In addition to those being directly regulated by the rule, a wide variety of other entities would likely choose to read the rule and incur familiarization costs. For example, immigration lawyers, immigration advocacy groups, benefits providing agencies, nonprofit organizations, non-governmental organizations, and religious organizations, among others, may want to become familiar with the provisions of this rule. DHS believes such nonprofit organizations and other advocacy groups might choose to read the rule to provide information to aliens and associated households who may be subject to the rule. Familiarization costs incurred by those not directly regulated are indirect costs. Indirect impacts are borne by entities that are not specifically regulated by this rule but may incur costs due to changes in behavior related to this rule.

DHS estimates that the time necessary to read the rule is approximately 8 to 9 hours per person, resulting in opportunity costs of time. DHS assumes the average professional reads technical documents at a rate of about 250 to 300 words per minute. An entity, such as a nonprofit or advocacy group, may have more than one person who reads the rule. Using the average total rate of compensation as \$48.05 per hour for all occupations, DHS estimates that the

opportunity cost of time will range from about \$384.40 to \$432.45 per individual who must read and review the rule.³⁶¹ Due to data limitations, DHS is unable to estimate or quantify the number of individuals who will familiarize themselves with this rule. DHS requested comments on appropriate methodologies for quantifying the number of individuals who would choose to familiarize themselves with this rule and did not receive any comments regarding this matter. Therefore, the analysis remains unchanged in this final rule.

Another source of indirect costs of the rule would be costs to various entities associated with familiarization of and compliance with the provisions of the rule, such as for hospitals or state Medicaid agencies. Regulatory compliance costs are all the costs entities incur in order to ensure they are aware of and follow all applicable government regulations. Compliance costs may include salaries of employees who monitor current and potential regulations, opportunity costs of time related to understanding the requirements of regulations, disseminating information to the rest of an organization (*e.g.*, training sessions), and developing or modifying information technology (IT) systems as needed. For example, health systems, hospitals, and post-acute care (PAC) providers in the U.S. may choose to become familiar with the provisions of this rule. In response to comments received, DHS further clarifies that these familiarization and administrative costs could be ongoing rather than a one-time cost for entities who chose to make changes to their business practices on a continuing basis.

Additionally, reduced access to public benefit programs by eligible individuals, including aliens and U.S. citizens in mixed-status households, may lead to downstream effects on

public health, community stability, and resilience, to include:

- Worse health outcomes, such as increased prevalence of obesity and malnutrition (especially among pregnant or breastfeeding women, infants, and children), reduced prescription adherence, and increased use of emergency rooms for primary care due to delayed treatment.
- Higher prevalence of communicable diseases, including among U.S. citizens who are not vaccinated.
- Increased rates of uncompensated care, where treatments or services are not paid for by insurers or patients.
- Increased poverty, food insecurity and hunger, housing instability and homelessness, reduced productivity, lower educational attainment, and reduced participation in school meal programs.

DHS recognizes that reductions in Federal and State transfers under public benefit programs may also affect State and local economies, businesses, and individuals. For example, reduced enrollment in programs like Medicaid and SNAP could lead to:³⁶²

- Lower revenues for healthcare providers participating in Medicaid, to include hospitals, medical providers, and pharmacies, and/or loss of Medicaid reimbursement for special education services.
- Reduced income for companies manufacturing medical supplies or pharmaceuticals.
- Decreased sales for grocery retailers participating in SNAP, to include farmer's markets, and agricultural producers.
- Economic impacts on agricultural producers supplying SNAP-eligible foods.
- Financial strain on landlords participating in federally funded housing programs, such as increased tenant turnover and higher administrative costs.

In the 2019 Final Rule, DHS acknowledged that reduced disposable income and increased poverty could disproportionately affect certain families and children, including U.S. citizen children. 84 FR 41292, 41493 (Aug. 14, 2019). One academic provided an estimate in a court filing that as many as 3.2 million fewer individuals might receive Medicaid due to fear and confusion surrounding the 2019 Final Rule, potentially leading to 4,000 excess

³⁶¹ Calculation: (Average total compensation for all occupations) * (Time to read rule – lower bound) = (Opportunity cost of time [OCT] to read rule) = \$48.05 * 8 hours = \$384.40 OCT per individual to read rule, 8 hours (rounded) = (approximately 138,348 words/300)/60.

Calculation: (Average total compensation for all occupations) * (Time to read rule – upper bound) = (Opportunity cost of time [OCT] to read rule) = \$48.05 * 9 hours = \$432.45 OCT per individual to read rule, 10 hours = (approximately 138,348 words/250)/60.

Average total compensation for all occupations (\$48.05): See BLS, Economic News Release, "Employer Cost for Employee Compensation (June 2025)," Table 1. Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Civilian workers, by major occupational and industry group, https://www.bls.gov/news.release/archives/eccec_09122025.pdf (last updated Sept. 12, 2025).

³⁶² See "Public Charge Final Rule ECON_RIA" contained within the docket of the 2019 Final Rule. 84 FR 41292, 41493 (Aug. 14, 2019).

deaths annually.³⁶³ Another academic projected in a court filing that 1.8 million fewer people would use SNAP benefits, many of whom are U.S. citizens.³⁶⁴ Loss of Federal housing security could further exacerbate health issues and reliance on other social safety net programs.

Furthermore, during the notice and comment period of the 2022 Public Charge Rule, DHS received comments from several states highlighting the administrative costs associated with the 2019 Final Rule. These disruptions led to increased “churn,” where eligible individuals and families cycle on and off public benefit programs more frequently enrolling during times of need and disenrolling due to fear or confusion. This churn increased administrative costs for states, which allocated resources for outreach and education to address misconceptions about the Public Charge rule. Outreach efforts often require materials in individuals’ native languages and dissemination through social networks. States also reported dedicating hundreds of hours to planning and

training caseworkers and call center staff to address issues stemming from the 2019 Final Rule. DHS anticipates similar administrative costs under this rule but cannot precisely estimate the burden states will face due to increased churn.

Finally, DHS appreciates concerns expressed in public comments we received about the negative impacts that are associated with a reduction in public benefits enrollment and recognizes that the final rule could produce various other unanticipated consequences and indirect costs not described within this economic analysis. However, DHS reiterates that this final rule does not regulate or circumscribe the ability to offer public benefits to immigrants. Similarly, this final rule neither prohibits public benefits providing agencies from providing benefits to immigrants nor prohibits any category of immigrants from receiving any benefits for which they are eligible. Aliens entitled to public benefits under Federal, State, or local law may elect to receive such benefits.

c. Estimated Reduced Transfer Payments

To compare costs over time, DHS applied a 3- and a 7-percent discount rate to the total estimated costs associated with the rule. DHS presents the total estimated quantified reduction in transfer payments from the Federal Government, the State Governments, and a combined reduction in Tables IV.14, VI.15, and VI.16, respectively. The total estimated costs are presented in undiscounted dollars, at 3- and 7-percent discount rates.

Table IV.14 shows the Federal share of the total estimated amount of transfer payments of the rule. The 10-year undiscounted amount of Federal transfer payments based on the provisions of this rule is about \$7.71 billion annually. The 10-year discounted amount of Federal transfer payments based on the provisions of this rule is approximately \$65.76 billion at a 3-percent discount rate and about \$54.14 billion at a 7-percent discount rate.

Table IV.14. Total Estimated Reduction in Transfer Payment from the Federal Government to Members of Households that Include Aliens Who May Be Receiving Public Benefits Based on A 10.3% Rate of Disenrollment or Forgone Enrollment		
Source of Costs	Federal Share of the Total Estimated Annual Reduction in Transfer Payments (Undiscounted) ¹	Federal Share of the Total Estimated Reduction in transfer Payments Over A 10-Year Period
Estimated reduced transfer payments due to disenrollment / forgone enrollment from public benefits programs	\$7,708,919,457	\$77,089,194,570
Total Undiscounted Transfer Reductions	\$7,708,919,457	\$77,089,194,570
Total Transfer Reductions at 3 Percent Discount Rate		\$65,758,646,621
Total Transfer Reductions at 7 Percent Discount Rate		\$54,144,224,399
Source: USCIS Analysis		
Note:		
¹ The amount of transfer payments presented includes the estimated amounts of transfer payments to the Federal Government.		

In addition, since the State share of FFP varies from State to State, DHS uses the average of the FMAP across all

States and U.S. territories of 59 percent³⁶⁵ to estimate the amount of State transfer payments. See 87 FR

74429 (Dec. 5, 2022). Table IV.15 shows the State share of the total estimated amount of transfer payments of the rule.

³⁶³ Leighton Ku, Health Affairs, New Evidence Demonstrates That the Public Charge Rule Will Harm Immigrant Families and Others (Oct. 9, 2019), <https://www.healthaffairs.org/doi/10.1377/hblog20191008.70483/full>.

³⁶⁴ *Id.*
³⁶⁵ Under section 1905(b) of the Social Security Act, 42 U.S.C. 1396d(b), FMAP is calculated as “100 per centum less the State percentage.” In other

words, the FMAP is the Federal Government’s share of Medicaid expenditures.

Table IV.15. State Share of the Total Estimated Reduction in Transfer Payment from the State Governments to Members of Households that Include Aliens Who May Be Receiving Public Benefits Based On A 10.3% Rate of Disenrollment or Forgone Enrollment

Source of Costs	State Share of the Total Estimated Annual Reduction in Transfer Payments (Undiscounted) ¹	State Share of the Total Estimated Reduction in Transfer Payments Over 10-Year Period
Estimated reduced transfer payments due to disenrollment / forgone enrollment from public benefits programs	\$5,336,147,802	\$53,361,478,020
Total Undiscounted Transfer Reductions	\$5,336,147,802	\$53,361,478,020
Total Transfer Reductions at 3-Percent Discount Rate		\$45,518,423,118
Total Transfer Reductions at 7-Percent Discount Rate		\$37,478,869,202
Source: USCIS Analysis Note: ¹ The amount of transfer payments presented includes the estimated amounts of transfer payments to State governments from aliens and their households who may disenroll or forgo enrollment in public benefits programs. DHS recognizes that WIC is a Federal program that is fully funded by the Federal Government and States are not required to match a share of the funds. Therefore, WIC is not included in the calculations of the State transfer payments.		

The 10-year undiscounted amount of State transfer payments based on the provisions of this rule is about \$5.34 billion annually. The 10-year discounted amount of State transfer

payments based on the provisions of this rule is approximately \$45.52 billion at a 3-percent discount rate and about \$37.48 billion at a 7-percent discount rate.

Finally, DHS presents the combined total estimated quantified reduction in transfer payments from the Federal and State governments of the rule in Table IV.16.

Table IV.16. Total Estimated Reduction in Transfer Payment from the Federal and State Governments to Members of Households that Include Aliens Who May Be Receiving Public Benefits Based on A 10.3% Rate of Disenrollment or Forgone Enrollment

Source of Costs	Total Estimated Annual Reduction in Transfer Payments (Undiscounted) ¹	Total Estimated Reduction in transfer Payments Over A 10-Year Period
Estimated reduced transfer payments due to disenrollment / forgone enrollment from public benefits programs	\$13,045,067,259	\$130,450,672,590
Total Undiscounted Transfer Reductions	\$13,045,067,259	\$130,450,672,590
Total Transfer Reductions at 3 Percent Discount Rate		\$111,277,069,739
Total Transfer Reductions at 7 Percent Discount Rate		\$91,623,093,601
Source: USCIS Analysis Note: ¹ The amount of transfer payments presented includes the estimated amounts of transfer payments to the Federal Government and to State governments from aliens and their households who may disenroll or forgo enrollment in public benefits programs. DHS assumes that the State government's share of the total amount of transfer payments is 59 percent of the estimated total transfer payments to the Federal Government. For a breakout of the estimated total Federal and State transfer payment amounts, see Table IV.14 and Table IV.15.		

Over the first 10 years of implementation, DHS estimates the total quantified reduction in transfer payments from the Federal and State

governments to members of households that include aliens could be about \$130.45 billion (undiscounted). In addition, DHS estimates that the 10-year

discounted transfers of this rule are approximately \$111.28 billion at a 3-percent discount rate and about \$91.62 billion at a 7-percent discount rate due

to disenrollment or forgone enrollment in various Federal public benefits programs.³⁶⁶

Disenrollment or forgone enrollment in public benefits programs could occur whether or not such aliens are directly affected by the provisions of the rule, however, DHS was unable to determine the exact percentage of individuals who would disenroll or forgo enrollment. DHS also reiterates that removal of 8 CFR 212.21 and 212.22, the core elements of the 2022 Final Rule may cause some aliens to disenroll from or forgo enrollment in public benefit programs beyond those included in the estimates of this analysis. However, DHS cannot quantify the number of individuals affected across all programs.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires Federal agencies to consider the potential impact of regulations on small businesses, small governmental jurisdictions, and small organizations during the development of their rules. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.³⁶⁷

The rule does not directly regulate small entities and is not expected to have a direct effect on small entities. It does not mandate any actions or requirements for small entities in the process of an alien applying for adjustment of status. Rather, this rule regulates individuals, and individuals are not defined as “small entities” by the RFA. While some employers could experience costs or transfer effects, these impacts would be indirect. DHS recognizes these indirect effects to various entities that this rule does not regulate, such as to hospital systems, and other organizations that provide public assistance to aliens and their households. However, based on the evidence presented in this analysis and throughout this preamble, DHS certifies that this rule would not have a

significant economic impact on a substantial number of small entities.

C. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (UMRA) is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and Tribal governments. Title II of UMRA requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed rule, or final rule for which the agency published a proposed rule, that includes any Federal mandate that may result in a \$100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. See 2 U.S.C. 1532(a). The inflation adjusted value of \$100 million in 1995 is approximately \$213 million in 2025 based on the Consumer Price Index for All Urban Consumers (CPI-U).³⁶⁸

This final rule does not contain a Federal mandate as the term is defined under UMRA as it does not impose any enforceable duty upon any other level of government or private sector entity.³⁶⁹ Any downstream effects on such entities would arise solely due to their voluntary choices and would not be a consequence of an enforceable duty imposed by this rule. Similarly, any costs or transfer effects on State and local governments would not result from a federal mandate as that term is defined under UMRA.³⁷⁰ The requirements of title II of UMRA, therefore, do not apply, and DHS has not prepared a statement under UMRA. DHS has, however, analyzed many of the potential effects of this action in the RIA above.

³⁶⁸ See DOL Bureau of Labor Statistics, “Historical Consumer Price Index for All Urban Consumers (CPI-U): U.S. city average, all items, by month,” https://data.bls.gov/timeseries/CUUR0000SA0?years_option=all_years (last visited Feb. 6, 2026). Calculation of inflation: (1) Calculate the average monthly CPI-U for the reference year (1995) and the current year (2025); (2) Subtract reference year CPI-U from current year CPI-U; (3) Divide the difference of the reference year CPI-U and current year CPI-U by the reference year CPI-U; (4) Multiply by 100 = [(Average monthly CPI-U for 2025 – Average monthly CPI-U for 1995) ÷ (Average monthly CPI-U for 1995)] × 100 = [(324.054 – 152.383) ÷ 152.383] = (171.671/152.383) = 1.127 × 100 = 112.7 percent = 113 percent. Calculation of inflation-adjusted value: \$100 million in 1995 dollars × 2.13 = \$213 million in 2025 dollars.

³⁶⁹ The term “Federal mandate” means a Federal intergovernmental mandate or a Federal private sector mandate. See 2 U.S.C. 1502(1), 658(6).

³⁷⁰ See 2 U.S.C. 1502(1), 658(6).

D. Small Business Enforcement Fairness Act of 1996 (Congressional Review Act)

The Congressional Review Act was included as part of SBREFA by section 804 of SBREFA, Public Law 104–121, 110 Stat. 847, 868, *et seq.* This final rule would be a major rule as defined by section 804 of SBREFA because it is expected to result in an annual effect on the economy of \$100 million or more. See 5 U.S.C. 804(2)(A). Accordingly, this final rule will be effective at least 60 days after the date on which Congress receives a report submitted by DHS as required by 5 U.S.C. 801(a)(1).

E. Executive Order 13132 (Federalism)

This final rule would 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. Therefore, in accordance with section 6 of E.O. 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

F. Executive Order 12988 (Civil Justice Reform)

This final rule was drafted and reviewed in accordance with E.O. 12988, Civil Justice Reform. This rule was written to provide a clear legal standard for affected conduct and was reviewed carefully to eliminate drafting errors and ambiguities, so as to minimize litigation and undue burden on the Federal court system. DHS has determined that this rule meets the applicable standards provided in section 3 of E.O. 12988.

G. Family Assessment

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. Agencies must assess whether the regulatory action: (1) impacts the stability or safety of the family, particularly in terms of marital commitment; (2) impacts the authority of parents in the education, nurture, and supervision of their children; (3) helps the family perform its functions; (4) affects disposable income or poverty of families and children; (5) if the regulatory action financially impacts families, are justified; (6) may be carried out by State or local government or by the family; and (7) establishes a policy concerning the relationship between the behavior and personal responsibility of youth and the norms of society. If the

³⁶⁶ DHS reiterates that the estimated reductions in transfer payments are approximations and could be influenced by external factors unrelated to this rule. DHS anticipates that disenrollment or forgone enrollment rates may fluctuate independently of this rule, potentially affecting the transfer payment estimates presented in this analysis.

³⁶⁷ A small business is defined as any independently owned and operated business not dominant in its field of operation that qualifies as a small business per the Small Business Act, 15 U.S.C. 632.

determination is affirmative, then the Agency must prepare an impact assessment to address criteria specified in the law. DHS has determined that this final rule may decrease disposable income and increase the poverty of certain families and children, including U.S. citizen children. DHS continues to believe that the benefits of the action justify the financial impact on the family. Additionally, because the final rule will result in DHS officers considering public benefits for purposes of the inadmissibility determination that were not considered under the 2022 Final Rule, DHS has determined that the aliens found inadmissible under section 212(a)(4) of the INA, 8 U.S.C. 1182(a)(4), will likely increase over time. However, this potential impact is mitigated by two factors. First, as discussed elsewhere in this rule, Congress, through Public Law 119–21 has further limited immigration-status-based eligibility for certain public benefits that would be considered under this rule but were excluded from consideration under the 2022 Final Rule. Second, given the compelling need for this rulemaking, including but not limited to ensuring self-sufficiency and minimizing the incentive to immigrate based on the U.S. social safety net, DHS determined that this rulemaking's impact is justified and no further actions are required. DHS also determined that this rule will not have any impact on the autonomy or integrity of the family as an institution.

H. Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

This final rule will not have Tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it will not have a substantial direct effect 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.

I. National Environmental Policy Act

DHS and its components analyze regulatory actions to determine whether NEPA, 42 U.S.C. 4321 *et seq.*, applies and, if so, what degree of analysis is required. DHS Directive 023–01 Rev. 01 “Implementing the National Environmental Policy Act” (Dir. 023–01 Rev. 01) and Instruction Manual 023–01–001–01 Rev. 01 (Instruction Manual)³⁷¹ establish the policies and procedures that DHS and its components use to comply with NEPA.

NEPA allows Federal agencies to establish, in their NEPA implementing procedures, categories of actions (“categorical exclusions”) that experience has shown do not, individually or cumulatively, have a significant effect on the human environment and, therefore, do not require an environmental assessment or environmental impact statement. *See* 42 U.S.C. 4336(a)(2), 4336e(1). The Instruction Manual, Appendix A lists the DHS Categorical Exclusions.³⁷²

Under DHS NEPA implementing procedures, for an action to be categorically excluded, it must satisfy each of the following three conditions: (1) the entire action clearly fits within one or more of the categorical exclusions; (2) the action is not a piece of a larger action; and (3) no extraordinary circumstances exist that create the potential for a significant environmental effect.³⁷³

³⁷¹ The Instruction Manual contains DHS's procedures for implementing NEPA and was issued November 6, 2014, <https://www.dhs.gov/ocrso/eed/epb/nepa>.

³⁷² *See* Instruction Manual, Appendix A, Table 1.

³⁷³ Instruction Manual at V.B(2)(a) through (c).

This final rule is limited to removing existing regulatory criteria pertaining to public charge inadmissibility determinations. This rule is strictly administrative and procedural and will amend DHS's existing regulations to remove most of the provisions put into place by the 2022 Final Rule, however, DHS officers will continue to make public charge inadmissibility determinations governed by existing law. DHS has reviewed this rule and finds no significant impact on the environment, or any change in environmental effect would result from the amendments in this rule.

Accordingly, DHS finds that this rule's amendments to current regulations clearly fit within categorical exclusion A3 established in DHS's NEPA implementing procedures as an administrative change with no change in environmental effect, is not part of a larger Federal action, and does not present extraordinary circumstances that create the potential for a significant environmental effect.

J. Paperwork Reduction Act

Under the PRA, 44 U.S.C. 3501–3512, DHS must submit to OMB for review and approval, any reporting requirements inherent in a rule, unless they are exempt. Please see the accompanying PRA documentation for the full analysis. Table IV.17 lists the information collections that are part of this rulemaking. In compliance with the PRA, DHS published a notice of proposed rulemaking on Nov 19, 2025 (90 FR 52168), in which comments on the revisions to the information collections associated with this rulemaking were requested. DHS responded to those comments in section III. O. 3 of this final rule.

Table IV.17. Information Collections			
OMB Control No.	Form No.	Form Name	Type of PRA Action
1615-0023	I-485	Application to Register Permanent Residence or Adjust Status	Revision of a Currently Approved Collection
1615-0143	I-945	Public Charge Bond	Revision of a Currently Approved Collection for Which Approval has Expired
1615-0141	I-356	Request for Cancellation of Public Charge Bond	Revision of a Currently Approved Collection

List of Subjects

8 CFR Part 103

Administrative practice and procedure, Authority delegations (Government agencies), Fees, Freedom of information, Immigration, Privacy, Reporting and recordkeeping requirements, Surety bonds.

8 CFR Part 212

Administrative practice and procedure, Aliens, Immigration, Passports and visas, Reporting and recordkeeping requirements.

Accordingly, DHS amends chapter I of title 8 of the Code of Federal Regulations as follows:

PART 103—IMMIGRATION BENEFIT REQUESTS; USCIS FILING REQUIREMENTS; BIOMETRIC REQUIREMENTS; AVAILABILITY OF RECORDS

■ 1. The authority citation for part 103 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a; 8 U.S.C. 1101, 1103, 1184, 1185 note, 1304, 1356, 1365b, 1372, 1801–1815; 31 U.S.C. 9701; 48 U.S.C. 1806; Pub. L. 107–296, 116 Stat. 2135 (6 U.S.C. 1 *et seq.*); E.O. 12356, 47 FR 14874, 15557, 3 CFR, 1982 Comp., p. 166;

8 CFR part 2; Pub. L. 112–45, 125 Stat. 550; 31 CFR part 223.

■ 2. Section 103.6 is amended by revising paragraph (c)(1) to read as follows:

§ 103.6 Immigration bonds.

* * * * *

(c) *Cancellation and breach*—(1) *Public charge bonds*—(i) *Cancellation*. A public charge bond may be cancelled after the proper filing of a request for cancellation of a public charge bond on a form designated by USCIS for that purpose. The public charge bond will remain in effect until the form is filed and USCIS reviews the evidence supporting the basis for cancellation and renders a decision regarding the breach of the bond, or a decision to cancel the bond. The following are the bases for the cancellation of a public charge bond:

(A) A public charge bond posted for an alien will be cancelled when the alien dies, departs permanently from the United States, or is naturalized, provided the alien did not breach such bond pursuant to paragraph (c)(1)(ii) of this section.

(B) A public charge bond may also be cancelled in order to allow substitution of another bond.

(C) A public charge bond will be cancelled by USCIS upon review following the fifth anniversary of the admission or adjustment of status of the alien, provided that the alien has filed a request for cancellation of public charge bond on a form designated by USCIS for that purpose, has complied with all conditions on the bond, and USCIS finds that the alien did not breach the bond, as set forth in paragraph (c)(1)(ii) of this section.

(ii) *Breach*. A public charge bond submitted on or after September 18, 2026 is breached if the bonded alien receives any means-tested public benefit prior to death, permanent departure, or naturalization, or is otherwise noncompliant with any conditions of the public charge bond. A public charge bond submitted before September 18, 2026 is breached if the bonded alien receives public cash assistance for income maintenance or long-term institutionalization at government expense, or is otherwise noncompliant with any condition of the public charge bond. A final public charge bond breach determination may be appealed by a surety under paragraph (f) of this section or by an alien under § 103.3.

* * * * *

**PART 212—DOCUMENTARY
REQUIREMENTS: NONIMMIGRANTS;
WAIVERS; ADMISSION OF CERTAIN
INADMISSIBLE ALIENS; PAROLE**

■ 3. The authority citation for part 212 continues to read as follows:

Authority: 6 U.S.C. 111, 202(4) and 271; 8 U.S.C. 1101 and note, 1102, 1103, 1182 and note, 1184, 1187, 1223, 1225, 1226, 1227, 1255, 1359; section 7209 of Pub. L. 108–458 (8 U.S.C. 1185 note); Title VII of Pub. L. 110–229 (8 U.S.C. 1185 note); Pub. L. 115–218; 8 CFR part 2.

Section 212.1(q) and (r) also issued under section 702, Pub. L. 110–229, 122 Stat. 754, 854.

§§ 212.20 through 212.23 [Removed]

■ 4. Remove §§ 212.20 through 212.23.

Markwayne Mullin,
Secretary, U.S. Department of Homeland Security.

[FR Doc. 2026–14539 Filed 7–16–26; 11:15 am]

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Part III

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reclassification of the Hawaiian Stilt (Kukuluae'o or Ae'o) From Endangered to Threatened With a Section 4(d) Rule; Final Rule

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17**

[Docket No. FWS–R1–ES–2020–0079;
FXES1113090FEDR–267–FF09E22000]

RIN 1018–BE02

**Endangered and Threatened Wildlife
and Plants; Reclassification of the
Hawaiian Stilt (Kukuluae’o or Ae’o)
From Endangered to Threatened With
a Section 4(d) Rule**

AGENCY: Fish and Wildlife Service,
Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are reclassifying the Hawaiian stilt (kukuluae’o or ae’o, *Himantopus mexicanus knudseni*; a subspecies of the black-necked stilt (*Himantopus mexicanus*)) from endangered to threatened (downlist) under the Endangered Species Act of 1973, as amended (Act). This action is based on our evaluation of the best scientific and commercial data available, which indicates that the subspecies’ status has improved such that it is not in danger of extinction throughout all or a significant portion of its range, but that it is still likely to become so within the foreseeable future. We also finalize protective regulations under the authority of section 4(d) of the Act that are necessary and advisable to provide for the conservation of the Hawaiian stilt. We recognize the Hawaiian names kukuluae’o and ae’o as additional common names.

DATES: This rule is effective August 19, 2026.

ADDRESSES: This final rule is available on the internet at <https://www.regulations.gov>. Comments and materials we received are available for public inspection at <https://www.regulations.gov> at Docket No. FWS–R1–ES–2020–0079.

Availability of supporting materials: Supporting materials we used in preparing this rule, including the 5-year review and the recovery plan, are available at <https://www.regulations.gov> at Docket No. FWS–R1–ES–2020–0079.

FOR FURTHER INFORMATION CONTACT:

Direct all questions or requests for additional information to: Aaron Nadig, Deputy Field Supervisor, U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office; telephone 808–792–9400, aaron_nadig@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a

speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish a rule. Under the Act, a species warrants reclassification from endangered to threatened if it no longer meets the definition of an endangered species (in danger of extinction throughout all or a significant portion of its range). The Hawaiian stilt is listed as endangered, and we are reclassifying (downlisting) the Hawaiian stilt as threatened. We have determined that the Hawaiian stilt does not meet the Act’s definition of an endangered species, but it does meet the definition of a threatened species (likely to become an endangered species throughout all or a significant portion of its range within the foreseeable future). Reclassifying a species as a threatened species can be completed only by issuing a rule through the Administrative Procedure Act rulemaking process (5 U.S.C. 551 *et seq.*).

What this document does. This rule reclassifies the Hawaiian stilt from endangered to threatened with a rule issued under section 4(d) of the Act, based on the subspecies’ current status. Additionally, this rule formally recognizes the Hawaiian names for the Hawaiian stilt as additional common names: “kukuluae’o” or “ae’o” for short.

The basis for our action. Under the Act, we may determine that a species is an endangered species or threatened species because of any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. We may reclassify a species if the best scientific and commercial data available indicate the species no longer meets the applicable definition in the Act. Based on the status review, the current threats analysis, and evaluation of conservation measures discussed in this rule, we conclude that the Hawaiian stilt no longer meets the Act’s definition of an endangered species and should be reclassified to a threatened species. The Hawaiian stilt is no longer in danger of extinction throughout all or a significant

portion of its range but is likely to become so within the foreseeable future.

We have determined that the Hawaiian stilt is a threatened species due to the following threats: predation, overgrowth of nonnative plants, inappropriate water levels (*i.e.*, too high or too low) that do not support Hawaiian stilt nesting, disease (primarily botulism), urban development, water extraction and diversion, and environmental contaminants. Sea level rise resulting from climate change is an emerging threat and is projected to impact the Hawaiian stilt’s population within the foreseeable future.

Previous Federal Actions

On March 25, 2021, we published a proposed rule to reclassify the Hawaiian stilt from endangered to threatened (86 FR 15855). The proposed rule opened a 60-day public comment period, ending May 24, 2021. During that open comment period, we received a request for a public hearing, and on June 23, 2021, we reopened the public comment period for an additional month and announced a public informational meeting and a public hearing to allow the public an additional opportunity to provide comments (86 FR 32857). We held a virtual public hearing on July 7, 2021. Please refer to the proposed rule to reclassify the Hawaiian stilt (86 FR 15855) for a description of Federal actions related to this subspecies that occurred prior to the proposed rule’s publication.

Peer Review

In accordance with our joint policy with the National Marine Fisheries Service on peer review that published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review of listing and recovery actions under the Act (<https://www.fws.gov/sites/default/files/documents/peer-review-policy-directors-memo-2016-08-22.pdf>), we solicited independent scientific review of the scientific data and interpretation contained in our proposed rule. We sent the proposed rule to five independent peer reviewers and received four responses. The peer reviews can be found at <https://www.regulations.gov> at Docket No. FWS–R1–ES–2020–0079. In preparing this final rule, we incorporated the results of these reviews, as appropriate. A summary of the peer review comments and our responses can be found in the Summary of Comments and Recommendations below.

Summary of Changes From the Proposed Rule

We made several changes in this final rule in response to public comments we received on the March 25, 2021, proposed rule (86 FR 15855). In incorporating the primary changes resulting from public input, we:

- Completed minor editorial changes and reorganized various sections of the rule to increase readability.
- Updated the following sections to incorporate the most recent data from peer review publications and species expert comments on the proposed rule: *Range, Abundance, and Population Trends; Criterion 3 for Downlisting; Criterion 4 for Downlisting; and Current Voluntary and Regulatory Conservation Efforts*.
- Updated figures and text to reflect newly received survey data and associated analyses, including updated (with the inclusion of 2016–2023 census data) population trend analyses (Gorresen et al. 2024, entire).
- Updated the following discussions under Summary of Biological Status and Threats: *Predation, Sea Level Rise, Tropical Cyclone Intensity and Frequency, Ground and Surface Water Alterations Resulting from Urban Development, and Environmental Contaminants* to incorporate the most current peer reviewed research and information received through peer review and species expert comments on the proposed rule.
- Added kukuluāeʻo as an official Hawaiian common name for the subspecies, as well as retaining the corrected short form of this name, aeʻo, as outlined in the proposed rule.
- Changed the foreseeable future timeframe from present-to-2040, to present-to-2080, based primarily on increased confidence in regional sea level rise projections, and on the newly published, updated, and peer-reviewed population viability analysis (PVA) which projects Hawaiian stilt viability through 2080.
- Revised table 1 to provide more details (where available) regarding the types of management implemented at each of the core wetlands, the year the core wetland received protection, and details regarding methods of each type of management.
- Added an exception for take under the 4(d) rule that was accidentally overlooked in our proposed downlisting rule. This take exception under 50 CFR 17.31(b) allows any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, a State conservation agency, or a federally

recognized Tribe, who is designated by their agency or Tribe for such purposes, when acting in the course of their official duties, to take Hawaiian stilt without a permit if such action is necessary to aid a sick, injured, or orphaned Hawaiian stilt, dispose of a dead Hawaiian stilt, or salvage a dead Hawaiian stilt specimen that may be useful for scientific study. In addition, any employee or agent of the Service, of the National Marine Fisheries Service, or of a State conservation agency that is operating a conservation program pursuant to the terms of an approved cooperative agreement with the Service that covers the Hawaiian stilt in accordance with section 6(c) of the Act, who is designated by their agency for such purposes, may, when acting in the course of their official duties, also take Hawaiian stilt.

- Removed proposed take exception (3) of the 4(d) rule that specifically applied to State and local government law enforcement for the take of Hawaiian stilts for the purposes of aiding or euthanizing sick, injured, or orphaned Hawaiian stilts, because any person who finds a sick, injured, or orphaned endangered migratory bird may, without a permit, take and possess the bird in order to immediately transport it to a permitted rehabilitator, according to 50 CFR 17.21(c)(7).
- Made minor edits to the final 4(d) regulatory text for clarity, which did not result in any changes to its substance or intent.

The information we received during the comment period for the proposed rule did not change our previous analysis of the magnitude or severity of threats facing the subspecies or our determination that the Hawaiian stilt is no longer an endangered species but meets the Act's definition of a threatened species.

Summary of Comments and Recommendations

In the proposed rule published on March 25, 2021 (86 FR 15855), we requested that all interested parties submit written comments on the proposal by May 24, 2021. We also contacted appropriate Federal and State agencies, scientific experts and organizations, and other interested parties and invited them to comment on the proposal. Newspaper notices inviting general public comment were published in the Honolulu Star Advertiser. We received a request for a public hearing, held a virtual public hearing on July 7, 2021, and reopened the public comment period from June 23, 2021, to July 23, 2021 (86 FR 32857). We reviewed all comments provided

during the comment periods and the public hearing to identify substantive information. All substantive information has either been incorporated directly into this final determination or is addressed below.

Peer Reviewer Comments

As discussed in Peer Review above, we received comments on the proposed rule (86 FR 15855, March 25, 2021) from four peer reviewers. We reviewed all comments we received from the peer reviewers for substantive issues and new information. Peer reviewer comments are addressed in the following summary and were incorporated into this final rule as appropriate. The changes we made as a result of peer review consisted of adding new peer-reviewed data published since the proposed rule regarding reproductive success, management efficacy, and threats (predation and sea level rise); clarifications and corrections, including typographical edits; revising descriptions of our analysis; and expanding some risk information related to predation, sea level rise, tropical cyclone intensity and frequency. The reviewers' comments did not result in changes to our resiliency analysis or conclusions.

(1) *Comment:* All four peer reviewers reiterated that the Hawaiian stilt is management dependent in that it relies on human intervention to mitigate threats (particularly predation by nonnative mammals, birds, and reptiles; overgrowth of nonnative plants; inappropriate water levels; avian botulism; and sea level rise).

Our Response: We agree that management is essential for long-term viability of the Hawaiian stilt. Our goal is to work with partners to maintain our current adaptive management efforts while simultaneously increasing our understanding and application of effective management tools, particularly in response to sea level rise.

(2) *Comment:* Two peer reviewers commented that the reclassification of the Hawaiian stilt may be premature and could result in decreased public interest, protection, and conservation efforts for the subspecies, ultimately resulting in an increase in threats and subsequently a decline in population viability.

Our Response: We are aware of the perception that conservation benefits afforded to the Hawaiian stilt would be reduced as a result of this final reclassification to threatened with an associated 4(d) rule. However, the determination to downlist a species from endangered to threatened status must be based solely on the best

scientific and commercial data, which for the Hawaiian stilt indicates that the subspecies is not currently in danger of extinction (endangered) but is likely to become endangered within the foreseeable future (threatened).

In addition, the combined purpose of these rules is to provide the Hawaiian stilt continued protections, while also facilitating conservation of Hawaiian stilt and furthering its recovery by giving our conservation partners management flexibility to more efficiently implement predator control and habitat management intended to benefit the subspecies via the 4(d) rule. Upon the effective date of this final reclassification and associated 4(d) rule, Hawaiian stilts will still receive protection under the Act. Section 4(d) rules do not change the consultation requirements under section 7 of the Act. Section 7(a)(2) of the Act requires Federal agencies, including the Service, to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. These requirements are the same for a threatened species regardless of what is included in its 4(d) rule.

Although this final 4(d) rule allows for select exceptions to prohibitions, as outlined under Protective Regulations Under Section 4(d) of the Act, this rule only addresses requirements under the Act, and does not change the Hawaii Endangered Species Law. Current State of Hawaii law (Hawaii Revised Statutes (HRS) section 195D–4) requires the issuance of a temporary license for the take of endangered and threatened animal species, if the activity otherwise prohibited is for scientific or conservation purposes or incidental to an otherwise lawful activity. As a result, upon the effective date of this final 4(d) rule, certain activities excepted under the Act remain subject to State law prohibitions and so State authorization will continue to be required. Please see Final Rule Issued Under Section 4(d) of the Act for more details on State law and associated requirements (e.g., license, permit, Safe Harbor Agreement, Habitat Conservation Plan).

(3) *Comment:* Two peer reviewers commented that downlisting the Hawaiian stilt may be premature as the subspecies will require an increase in conservation planning and actions to mitigate for habitat loss and degradation resulting from sea level rise. Both peer reviewers cited a recent scientific paper (Harmon et al. 2021a, entire) published since publication of the proposed rule

that indicates that a 3.3 feet (ft) (1 meter (m)) rise in sea level by 2100 will result in a 27 percent (4,564 acre (ac) (1,847 hectare (ha))) loss of potential waterbird nesting habitat due to marine inundation, and a 2 percent (336 ac (136 ha)) loss of potential nesting habitat due to groundwater inundation, for a total of 29 percent loss of potential waterbird nesting habitat across the Hawaiian Islands. Further, all core wetlands on Kauai, Oahu, Maui Nui, and Hawaii outlined in the recovery plan are projected to be fully or partially inundated due to sea level rise by 2100 (Harmon et al. 2021a, entire).

Our Response: We have revised our discussion on sea level rise under Summary of Biological Status and Threats to reflect recently published reports (e.g., Harmon et al. 2021a, entire; Intergovernmental Panel on Climate Change (IPCC) 2022, entire; National Oceanic and Atmospheric Administration (NOAA) 2022, entire). The Hawaiian stilt demonstrates plasticity with a high tolerance to salinity, a broad range of foraging habitat, relatively substantial movement between islands, a current population range that includes all of the main Hawaiian Islands (except Kahoolawe), and a relatively stable population since 2005. Further, we do not expect the estimated current vital rates reported in the updated PVA to change considerably within the foreseeable future (present through 2080). Therefore, we conclude that with ongoing management in collaboration with Federal and State partners, and some private partners, the Hawaiian stilt is not currently at risk of extinction but is at risk of extinction within the foreseeable future due to ongoing threats and future threats associated with sea level rise.

(4) *Comment:* One peer reviewer commented that a full assessment of the risks of climate change has not been carried out for the Hawaiian stilt; in particular, the likely effects of salinification in wetlands due to climate change is a risk factor that was not assessed in the downlisting proposal.

Our Response: In this final rule, we revised our discussions on *Sea Level Rise* and *Tropical Cyclone Intensity and Frequency* under Summary of Biological Status and Threats to incorporate recently published scientific findings relevant to the Hawaiian stilt and its habitat from climate change, and to provide additional information requested by peer reviewers.

Regarding salinification, Hawaiian stilts use a wide range of water salinity ranging from 0 to 200 parts per thousand (ppt) (e.g., Hono'uli'uli Unit at

Pearl Harbor National Wildlife Refuge (NWR)) (Coleman 1981, p. 48; Reed et al. 2011a, p. 4; Nadig 2017, pers. comm.). Because of its tolerance for a wide range of salinities, salinification of wetlands due to sea level rise is unlikely to occur to such a great extent and at such a rapid rate in the near-term future to put Hawaiian stilt populations at risk. Therefore, while the impact of salinification on Hawaiian stilt viability in the longer-term future is more difficult to project, we do not anticipate salinity to be a substantial factor influencing the near-term extinction risk for the Hawaiian stilt.

(5) *Comment:* One peer reviewer commented that our discussion on tropical cyclone intensity and frequency in the proposed rule did not provide any information about the effects of hurricanes on the stilt population size, even though population data exist. The reviewer notes that whether there is an effect on stilt numbers is ultimately what matters and, thus, is more important than any habitat effects.

Our Response: We revised Tropical Cyclone Intensity and Frequency under Summary of Biological Status and Threats to incorporate a more thorough discussion on the history of hurricanes and tropical storms in Hawaii and the Hawaiian stilt population index values following hurricane and tropical storm events since 1986 (the year the Hawaii Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) Annual Waterbird Survey became standardized).

(6) *Comment:* Two peer reviewers commented that recovery criterion 1, which states that all core wetlands be protected and managed for threats to the subspecies, has not been met and recommended that the Service postpone the reclassification of the Hawaiian stilt until this criterion has been fully met. One of these peer reviewers cited the lack of protection and management of core wetlands in accordance with management practices outlined in the recovery plan. Examples given included all wetlands on Niihau (lack of protection and management), Kakahai'a NWR on Molokai (lack of management), and Kawai'e Waterbird Sanctuary on Kauai (not all recovery plan management practices being implemented). Further, both peer reviewers cited new data that show all core wetlands on Kauai, Oahu, Maui Nui, and Hawaii outlined in the recovery plan are projected to be fully or partially inundated due to sea level rise by 2100 (Harmon et al. 2021a, entire).

Our Response: Recovery plans provide roadmaps to species recovery

but are not required in order to achieve recovery of a species or to evaluate it for delisting. In addition, recovery plans are also nonbinding documents that rely on voluntary participation from landowners, land managers, and other recovery partners. A determination of whether a valid, extant species should be delisted is made solely on the question of whether it meets the Act's definitions of an "endangered species" or a "threatened species." We have determined that Hawaiian stilt meets the definition of a threatened species.

(7) *Comment:* Two peer reviewers commented that we should provide more details regarding the progress cited for recovery criterion 1 (all core wetlands are protected and managed). One of these peer reviewers specifically requested that the Service include more information regarding the methods used for predator control and habitat management activities at each of the core wetlands, as well as provide an overview of the data on efficacy of each method and the year such actions were initiated at each of the core wetlands.

Our Response: We have updated table 1 to distinguish between vegetation control and water level control management at each of the core wetlands. We do not have a comprehensive dataset on all predator control methods and habitat management methods implemented in all managed core wetlands, nor do we have the temporal data for the year that individual methods were initiated or their subsequent frequency of implementation across core wetlands. In summary, predator control is most effective if implemented during the nesting season, and the control of rats, cats, and mongooses has increased nest success at multiple sites (Underwood et al. 2013, entire; Underwood et al. 2014, entire). Kauai and Oahu support the largest amount of wetland habitat and receive the most wetland management, followed by Maui, Molokai, and Hawaii, respectively. We are unaware of predator control and habitat management activities on Niihau. Wetland management addresses three key threats (predator control, overgrowth of vegetation, and water levels), as well as botulism outbreaks when they arise. However, not all of these actions are implemented at all of the core wetlands that receive management, nor are they implemented all of the time.

The recovery plan outlines the total area of core wetlands on each island as well as the total area of managed core wetlands. Although we did not have available all the information required to conduct an analysis as suggested,

Hawaiian stilts are resilient and rebound after a stochastic disturbance (Reed et al. 1998a, p. 43). For example, Keālia NWR is one of the most important core wetlands for Hawaiian stilt nesting habitat. Since management efforts to eliminate nonnative feral pigs and axis deer, both of which began heavily degrading nesting habitat and threatening eggs during the nesting season, were initiated in 2018, Keālia has supported a large number of Hawaiian stilts. This example demonstrates how Hawaiian stilts are highly plastic and respond positively to management. Lastly, Hawaiian stilts are believed to have reached a population equilibrium with respect to the available area of nesting habitat (van Rees et al. 2020, p. 217; Paxton et al. 2021, p. 434). As such, in order to increase the population size, we must first increase the available area of protected and managed nesting habitat, which we intend to facilitate with this downlisting's accompanying 4(d) rule that allows for increased flexibility for management strategies that benefit Hawaiian stilts.

(8) *Comment:* Two peer reviewers commented that recovery criterion 2, which states that at least 50 percent of supporting wetlands should be protected and managed in accordance with management practices outlined in the recovery plan, has not been met, and that 11 supporting wetlands are projected to be fully or partially inundated by sea level rise (Harmon et al. 2021a, entire).

Our Response: We acknowledge that criterion 2 from the recovery plan has not yet been achieved. Recovery plans provide guidelines for possible pathways toward recovery, but meeting recovery criteria and accomplishing recovery actions are not required in order to achieve recovery of a species, or to evaluate it for downlisting or delisting. While supporting wetlands are important because they provide habitat for smaller Hawaiian stilt populations, or are seasonally important, the Hawaiian stilt has demonstrated flexibility regarding requirements for foraging habitat (Kawasaki et al. 2020, entire), moves freely between islands, and has maintained a stable population under ongoing management of core wetlands (Paxton et al. 2021, p. 432; DOFAW 2022, unpaginated). Despite the protection and management goals defined in criterion 2 being only partially achieved, landowners are increasingly engaging in conservation (Goodale 2021, pers. comm.), and we are constantly seeking new conservation partnerships with private and

government (State and Federal) landowners and offer several competitive funding sources for such landowners to carry out beneficial management actions for both core and supporting wetlands. We and our conservation partners are actively working toward solutions to maintain and expand Hawaiian stilt nesting habitat in the face of sea level rise, as well as the other threats outlined in this final rule (see *Current Voluntary and Regulatory Conservation Efforts*).

Further, we are aware that 29 percent of potential waterbird nesting habitat may be partially or fully inundated by marine and groundwater inundation by 2100 (Harmon et al. 2021a, entire). While sea level rise may cause some wetlands to expand, and new wetlands may be formed as a result of marine and groundwater inundation, urban development and uncertainty regarding landowner interest and willingness to implement management for waterbirds in areas into which wetlands may migrate may obstruct the management of newly formed wetland areas. However, because the greatest impacts to the Hawaiian stilt associated with sea level rise are a decade or more away, we do not consider them immediate threats to the subspecies. We therefore conclude that reclassification of the Hawaiian stilt from endangered (at risk of extinction) to threatened status (at risk of becoming endangered within the foreseeable future) is warranted, and accounts for the future impacts of sea level rise to habitat.

(9) *Comment:* Two peer reviewers commented that the PVA does not adequately demonstrate that the Hawaiian stilt population has achieved long-term viability, and that the subspecies has not met the population threshold for reclassification that was identified in the recovery plan.

Our Response: The PVA included a sensitivity analysis to the vital rates used in the PVA. The sensitivity analysis showed that the most important predictors of extinction were adult mortality, juvenile mortality, percent of adult females breeding, and nest failure. These analyses showed rapid change in the probability of extinction if these parameters changed even a small amount. The PVA is an optimistic best-case scenario, and we focused on the qualitative nature of the results (meaning the relative proximity of differential vital rates to thresholds of population decline or extinction) (van Rees and Reed 2021, in litt.). This highlights a somewhat fragile aspect of the Hawaiian stilt's long-term viability. While we recognize this fragility and the conservation reliance of the Hawaiian

stilt and the nature of future threats associated with sea level rise and climate change, the population has remained relatively stable since approximately 2005 (after increasing previously) and is unlikely to change in the immediate future as current management continues. Because of the threats we have outlined in this final rule, we conclude that the Hawaiian stilt meets the definition of a threatened species and not that of an endangered species. Long-term Hawaiian stilt viability will require continued management, which will include the implementation of management techniques to address future threats associated with sea level rise.

Further, the PVA found that the Hawaiian stilt has reached a population equilibrium constrained by available managed wetland habitat across the main Hawaiian Islands and that, in order for the Hawaiian stilt population to increase and sustain a population of 2,000 birds or greater, we must increase the amount of managed wetland habitat for the Hawaiian stilt. Both the Service and DOW are actively working to expand management in core wetland habitat across the main Hawaiian Islands (e.g., James Campbell NWR and Mānā Plains Wildlife Sanctuary).

(10) Comment: Two peer reviewers commented that the preliminary results from the PVA cited in the proposed rule concluded that the Hawaiian stilt population is currently not at risk of extinction, and that to be at risk of extinction, mortality rates would have to be at or above 20 percent for adults and 40 percent for juveniles, and nest failure rates would have to be at or above 50 percent. They disagree that the Hawaiian stilt is not at risk of extinction, pointing out that the probability of extinction reaches 1 (100 percent likelihood of extinction) when these rates reach or exceed 34 percent, 79 percent, and 75 percent, respectively.

Our Response: The PVA quantified Hawaiian stilt viability by employing Hawaiian stilt vital rates from managed wetlands (van Rees et al. 2022, p. 11) and concluded that Hawaiian stilt viability is sensitive to changes in estimated vital rates, meaning that changes in these vital rates could increase the model's outcomes on probability of extinction by 2100 (van Rees et al. 2022, p. 9). We acknowledge that several of the key vital rates (as derived from best-case-scenario estimates on managed populations) are close to levels that could result in simulated extinction (van Rees and Reed 2021, in litt.), and that vital rates can vary widely among nesting sites and nesting years.

However, most successful breeding attempts occur in managed wetlands, and the PVA indicates that the likelihood of extinction is very low for the Hawaiian stilt based on vital rates from managed wetlands. Managed wetland habitat has enabled the Hawaiian stilt population to remain relatively stable since 2005, and we do not expect a significant change in the estimated current vital rates in the near future given ongoing management. However, we recognize that current vital rates could change in the foreseeable future in response to the threats affecting the subspecies, but the subspecies' threatened status accounts for potentially reduced viability in the foreseeable future.

(11) Comment: One peer reviewer commented that the initial (Reed et al. 1998a, entire) and 2019 (Reed and van Rees 2019, entire) PVAs used a juvenile mortality rate that was a 2-year mean of juvenile mortality measured from the point at which chicks were banded to the point at which they reached 2 years of age (which is a time period with comparatively higher survival than the period prior to banding). The reviewer therefore states that the juvenile mortality input values included in the PVA do not account for mortality that occurs before the chicks are large enough to band (which is a time period during which chicks appear to experience very high mortality).

Our Response: Hawaiian stilt, like many other avian species, experience high mortality prior to reaching banding age (approximately 10 days old for Hawaiian stilt) (Goodale 2021, pers. comm.). However, mortality prior to banding age was built into the van Rees et al. (2022) updated PVA model, which starts with brood size data in the stochastic reproductive modeling step rather than with clutch size. Thus, the loss of eggs due to hatching failures and loss of chicks prior to banding age are implicit in the model (van Rees and Reed 2021, in litt.). We also note that despite high rates of chick mortality in the first 10 days of life, the Hawaiian stilt has maintained a relatively stable population since 2005.

(12) Comment: Two peer reviewers commented that stochastic events, such as botulism outbreaks or hurricanes, were not built into the PVA. The reviewer stated that botulism is an ongoing source of adult mortality in Hawaiian stilt, though it is highly variable among sites.

Our Response: According to the authors of the PVA, catastrophic events, such as disease outbreaks or hurricanes, are unlikely to be as influential as sea level rise (van Rees and Reed 2018,

entire; Reed and van Rees 2019, entire) on the Hawaiian stilt's viability. While botulism and hurricanes occur in Hawaii and may result in loss of individual birds, particularly chicks, data suggest that neither of these have a catastrophic effect on the Hawaiian stilt population (van Rees et al. 2022, p. 10; Uyehara 2018, in litt.). The PVA model is stochastic, individual-based, and has environmental stochasticity explicitly built into its simulations (van Rees and Reed 2021, in litt.; van Rees et al. 2022, p. 4). However, quantitative outputs of the study warrant caution and should be taken only as a best-case scenario, and reduced management actions would result in less favorable vital rates and therefore a greater extinction risk (van Rees and Reed 2021, in litt.). The sensitivity analysis in the updated PVA shows that a small change in vital rates would increase the probability of extinction. However, with ongoing management, and substantial impacts associated with sea level rise still a decade or more away, we conclude that such a change in vital rates is not likely to occur in the near future, as the subspecies has maintained a relatively stable population since 2005 under current management.

(13) Comment: Two peer reviewers commented that recovery criterion 4 has not been met and that reclassification should not occur until the subspecies has multiple self-sustaining breeding populations on the island group of Kauai and Niihau; the island of Oahu; the island group of Maui, Molokai, and Lanai; and the island of Hawaii. The reviewers state that the population of the Hawaiian stilt is not self-sustaining or thriving and that the lack of change in overall reproductive success over time, the stabilization of the population at roughly between 1,600 and 2,000 individuals over the last 15 years, and the results of the 2019 updated PVA all suggest that the population may be limited by habitat availability and limitations to reproductive output as a result of predation.

Our Response: The recovery plan defines a self-sustaining breeding population as a population that is large enough to make extirpation from stochastic forces unlikely and that is able to remain stable or grow with little human intervention except for predator control and vegetation management (Service 2011, p. 121). There are relatively larger, self-sustaining (albeit conservation-reliant) breeding populations of Hawaiian stilt on Kauai, Oahu, and Maui, with smaller, self-sustaining populations on the islands of Lanai, Molokai, and Hawaii (see *Range, Abundance, and Population Trends*). In

addition, the broad distribution of Hawaiian stilts across multiple islands provides the subspecies with the resiliency and redundancy necessary to withstand stochastic (e.g., single wetland) or catastrophic (e.g., islandwide) events, respectively, which was the overall intent of criterion 4 of the recovery plan. The Hawaiian stilt population has remained relatively stable since 2005 under current management, with population growth primarily limited by available managed wetland habitat. The Hawaiian stilt is density-independent below a population threshold of approximately 900 to 1,000 birds but reaches a State-wide equilibrium population below the recommended target of 2,000 birds listed in the recovery plan. Therefore, in order to increase the Hawaiian stilt population size, we must increase management within managed wetlands and initiate management at currently unmanaged wetlands.

(14) *Comment:* Two peer reviewers commented that new preliminary research indicates that even with improvement in predator control and vegetation management techniques since the 1970s, overall reproductive success has not changed over time on Oahu (Idle 2023, p. 16). One reviewer also stated that this fact, when coupled with the stabilization of the adult population reported by the DOFAW annual counts, indicates that reproductive success may be a limiting factor toward population growth.

Our Response: We agree that reproductive success may be a limiting factor toward population growth. Recent data indicate that the Hawaiian stilt has reached a population equilibrium with the current amount of available managed wetlands (Reed and van Rees 2019, entire; van Rees et al. 2020, p. 217; van Rees et al. 2022, p. 11; Paxton et al. 2021, p. 434). Hawaiian stilts are territorial during their nesting season and, as a result, the population becomes density-dependent as it exceeds approximately 1,000 birds, and reaches a population equilibrium under 2,000 birds, within the currently available managed habitat. As such, if reproductive success were to improve by means of nest success, chick survival, or recruitment (or any combination thereof), the Hawaiian stilt population would still face limited nesting habitat and may not increase in size until the amount of managed nesting habitat is expanded.

The 4(d) rule component of this final rule is intended to make implementing predator control and habitat management for the Hawaiian stilt more streamlined for our conservation

partners, so that together we can continue to improve the status of the Hawaiian stilt and further its recovery.

(15) *Comment:* One peer reviewer commented that the winter counts in the DOFAW Waterbird Population Index Database in 2018 and 2019 have fallen below 1,500 Hawaiian stilts and that most recent data show a consistent downward trend in numbers, which should be grounds to delay the downlisting of this subspecies until the downward trend is shown to have reversed for several years.

Our Response: An early release of data from DOFAW's Annual Waterbird Survey data for the 2018 and 2019 surveys was missing important count data from several NWRs due to government shutdowns in January 2018 and January 2019. The survey data have since been updated and are provided in figure 1. Depending on the winter or summer survey, the raw count data for these years are either right around or below 1,500 individuals. However, we do not yet have the state-space modeling results available for the raw count data, which is therefore not corrected for imperfect detectability. As such, these raw data represent a minimum population count. The recent model represents the best available information regarding the Hawaiian stilt population size and supports our conclusion that the Hawaiian stilt population is currently just under 2,000 individuals (Paxton et al. 2021, p. 434).

(16) *Comment:* One reviewer commented that based on annual waterbird counts, the updated PVA, and the protection status of core and supporting wetlands in Hawaii, the conditions for the Hawaiian stilt population are the same as when the 2011 recovery plan was created (i.e., the population is in the same state as it was in 2011). The reviewer claims that the criteria established within the 2011 recovery plan are still relevant and warrant actions to meet those criteria in order to recover this population, and that none of the 2011 recovery plan criteria have been met completely.

Our Response: Part of our rationale for downlisting the Hawaiian stilt is the observed stability of the population since 2005 (figure 1). In 2011 when the recovery plan was finalized, long-term stability of the population had not yet been confirmed. Further, since 2011, a PVA (van Rees et al. 2022; van Rees and Reed 2021, in litt.) and other analyses described in this rule, such as those related to carrying capacity (van Rees et al. 2020, entire), have further refined our understanding of Hawaiian stilt recovery needs. The Hawaiian stilt appears to have reached a population

equilibrium under current available managed habitat conditions, and we and our partners are actively working to restore wetland habitat to expand the population and further the recovery of the subspecies (see *Current Voluntary and Regulatory Conservation Efforts*).

(17) *Comment:* Two peer reviewers commented that the number of feral cats on the landscape has increased. They further state that weak laws and/or lack of enforcement allow for the feeding of feral cat colonies, often near core and supporting wetlands, and that many endangered waterbirds are lost to predation by feral cats annually. They state that at the Hanalei NWR, in a 4-year period from 2014 to 2018, over 250 native waterbirds were killed by feral cats. They state that if not mediated, feral cats will continue to have a direct and negative impact on stilt populations.

Our Response: We agree that feral cats will continue to have direct and negative impacts on Hawaiian stilts in wetlands lacking mammalian predator-proof enclosures. The Service and DOFAW are actively working to address predation of the Hawaiian stilt. For example, mammalian predator-proof fences at the Hono'uli'uli Unit of Pearl Harbor NWR, the Ki'i Unit of James Campbell NWR, the Kanahā Wildlife Sanctuary (Maui), and Pouhala Marsh (Oahu) will help reduce predation on Hawaiian stilts from feral cats and other mammals. In addition, the threat to the subspecies from predation was factored into our status determination.

(18) *Comment:* One peer reviewer commented that the cumulative threats to the Hawaiian stilt should be included in the decision-making process.

Our Response: We agree with the commenter and have considered in our status determination the cumulative nature of the threats to the Hawaiian stilt, as discussed under *Cumulative Effects*.

State Agency Comments

(19) *Comment:* The Office of Hawaiian Affairs (OHA) stated that the proposed downlisting does not include an assessment of the impacts of climate-associated environmental changes such as sea level rise, reduced rainfall trends, and more frequent extreme weather events on the Hawaiian stilt or its habitat, or recent management challenges such as the adoption and promotion of trap-neuter-release as the sole means of feral cat control despite the threat to Hawaiian stilt from feral cat predation.

Our Response: We recognize that there will be management challenges to maintain safe nesting habitat to support

a viable Hawaiian stilt population in light of sea level rise and that ongoing and future threats, such as an increase in hurricane frequency and intensity, compound the threats to the Hawaiian stilt. The Service is actively working with multiple partners to identify the best conservation decisions to help native habitats and species adapt to these threats and to manage predation, including that from feral cats. We have incorporated new scientific data acquired since the publication of the proposed rule into this final rule related to threats to the Hawaiian stilt and its habitat, including an updated analysis on sea level rise and other effects of climate change (see Summary of Biological Status and Threats).

(20) *Comment:* The OHA shared that the Hawaiian stilt has a unique cultural significance to Native Hawaiians (OHA 2021, in litt.) and suggested that the Service consider its historical and cultural significance in our decision-making process and consult and collaborate with Native Hawaiian and local communities with regard to the proposed 4(d) rule. They also stated that restoring Hawaiian wetland agro-systems (lo'i) could help compensate for projected losses of wetland habitat due to sea level rise and potentially aid in the recovery of the Hawaiian stilt. They requested that we include an exception in the final 4(d) rule for take related to Native Hawaiian resource management techniques.

Our Response: The Service appreciates the cultural significance of the Hawaiian stilt and values Native Hawaiian resource management techniques, and it is our goal to include demonstrated traditional ecological knowledge in our decision-making processes. We met with several Hawaiian traditional agroecology practitioners who view the presence of Hawaiian stilts in their farms as a symbol of ecosystem health, and these practitioners shared no interest in such a take exception out of concern for the stilt.

(21) *Comment:* OHA suggested that the Service consider recognizing the Hawaiian stilt by its full name in the Hawaiian language, the kukulu'ae'o, as opposed to the shortened version of this word, ae'o.

Our Response: While the name "ae'o" has been used consistently in most of our past documents, as well as in State and other partner documents regarding this subspecies, we note that both "ae'o" and "kukulu'ae'o" are found in the Hawaiian Dictionary (Pukui and Elbert 1986, pp. 4, 178) as Hawaiian names for the bird. To avoid any confusion that may arise from changing the widely

recognized Hawaiian name (ae'o) for the bird, including its use in the recovery plans for the subspecies, upon the finalization of this rule, both "kukulu'ae'o" and "ae'o" will be entered as the official Hawaiian names for the subspecies on the Federal List of Endangered and Threatened Wildlife (50 CFR 17.11).

(22) *Comment:* The DOFAW commented that recovery criterion 3 states that an updated PVA should be conducted to demonstrate a stable or increasing population of Hawaiian stilts above 2,000 birds. They stated that the proposed rule references an unpublished updated PVA, but that they did not have an opportunity to review it and therefore could not comment on the population stability or extinction risk of the Hawaiian stilt based on the current analysis. Additionally, they commented that the Service has not yet defined the population size deemed necessary for long-term survival of the subspecies and that although State-wide trends over the past 31 years show an increasing population trend, the data are not sufficiently robust to define a trend for the past 11 years with any confidence (Paxton et al. 2021, entire). They also stated that while populations on Kauai and Molokai (representing 30 percent of the population) are increasing, the population trend of the other 70 percent of the population occurring on other islands is either unknown or decreasing. They stated that although State-wide populations appear to be close to 2,000 individuals, the apparent downward trends on some islands, including Oahu, are concerning.

Our Response: With respect to earlier access to the updated PVA, all references cited in the proposed rule, including the 2019 PVA, are posted to <https://www.regulations.gov> under the docket number provided in the proposed rule (FWS-R1-ES-2020-0079). With regard to a minimum viable population (MVP) size and analysis of short-term and long-term population trends for the Hawaiian stilt, please see revised discussions under *Criterion 3 for Downlisting*, *Criterion 4 for Downlisting*, and *Range, Abundance, and Population Trends*. While the 2019 PVA did not explicitly state an MVP, 1,000 individuals is the recommended MVP size perceived to be adequate to allow for retaining evolutionary potential for fitness in perpetuity (Frankham et al. 2014, entire), and we have concluded that it is reasonable to apply this MVP for the Hawaiian stilt. Further, the updated PVA (van Rees et al. 2022, entire) determined that the carrying capacity for the Hawaiian stilt is likely closer to 1,500 individuals, and that the

2,000-individual recovery target is likely unattainable given current habitat availability (van Rees et al. 2022, table 2, p. 11). While population trends have generally been increasing over time, they appear to have plateaued, indicating that the Hawaiian stilt may have reached its carrying capacity in existing wetlands. Further, the suggestion that the Hawaiian stilt population may have reached population equilibrium is in alignment with the recent density dependent analysis (van Rees et al. 2020, entire). We acknowledge that the short-term population trend is slightly declining, but the long-term trend is still increasing. Though short-term trends have fluctuated, the population has remained relatively stable since approximately 2005 (Gorresen et al. 2024, table 3, figure 4).

(23) *Comment:* The Hawaii DOFAW commented that populations of the Hawaiian stilt may have reached the carrying capacity of existing available and adequately managed habitat, and therefore, additional acres of habitat in protected wetlands will need to be restored and managed to increase Hawaiian stilt populations and achieve long-term recovery.

Our Response: We agree that there is more conservation work to do to advance recovery of the subspecies. This final reclassification and the associated 4(d) rule are expected to provide our conservation partners increased flexibility to implement predator control and habitat management aimed at furthering the recovery of the Hawaiian stilt.

Public Comments

(24) *Comment:* Multiple commenters stated that our sea level rise analysis in the proposed rule was incomplete, that sea level rise is a substantial threat, and that anticipated habitat loss should warrant keeping the subspecies listed as endangered versus threatened. Several commenters stated that an increase in the frequency and intensity of hurricanes and tropical depressions will threaten the viability of the Hawaiian stilt and that there will be more breaches that inundate Hawaiian stilt habitat. They stated that Hawaiian waterbird habitat is limited, questioned whether there would be space for new wetlands to form through natural or human-induced processes (Harmon et al. 2021a, entire), and asked whether or not there are plans in place to acquire suitable lands to mitigate this loss.

Our Response: A thorough analysis of wetland loss and gain across the main Hawaiian Islands resulting from sea level rise has not been conducted.

However, we updated our discussion under *Sea Level Rise* to include the most recent findings and our interpretation of how this threat will impact Hawaiian stilt viability. Climate data predict an increase in intensity and frequency of hurricanes (tropical cyclones) and tropical storms that will result in high surf that breaches sand berms around the lower elevation wetlands within the foreseeable future. To date, while hurricanes and tropical storms can result in nest failure and chick mortality, we are unaware of data that show that hurricanes or tropical storms currently influence the population trend for the Hawaiian stilt. Please see *Sea Level Rise* for more information, and for mitigation efforts in response to sea level rise, please see *Current Voluntary and Regulatory Conservation Efforts*. While we acknowledge that sea level rise may result in decreased viability for the Hawaiian stilt in the foreseeable future, sea level rise is not currently a threat to the viability of the subspecies. Therefore, we determined in this final rule that there will likely be negative impacts to Hawaiian stilt viability due to sea level rise impacts in the foreseeable future, which supports our determination that the Hawaiian stilt is threatened (likely to become endangered within the foreseeable future) rather than endangered (at risk of extinction).

(25) *Comment:* Several commenters noted the shortcomings of the DOFAW Annual Waterbird Survey. They noted several problems with the count data, specifically that the data is not a true census but instead representative of population trends, and that the quality of the count data and how it affects the sensitivity of the PVA models should be considered. Another commenter stated that the DOFAW Annual Waterbird Survey lacks the level of accuracy needed to downlist the subspecies. Commenters cited Camp et al. (2014, entire) and stated that there are other methods that are used for seabird and shorebird counts that balance statistical precision with limitations in available survey effort.

Our Response: We agree that the DOFAW Annual Waterbird Survey is valuable as an index of the population trend but should not be considered a true estimate of population size. We discuss this, as well as the value of a new model (Paxton et al. 2021, entire) that accounts for error and bias associated with count data (Camp et al. 2014, entire) to develop a more accurate estimate, under *Range, Abundance, and Population Trends*. Despite its limitations, the survey data, especially when coupled with a modeling approach that compensates for some of

its inadequacies, represents the most useful and best scientific and commercial data available at this time for determining approximate minimum population size and general short-term and long-term population trends, and indicates that the Hawaiian stilt population is stable at just under 2,000 individuals.

(26) *Comment:* One commenter stated that in the section of the proposed rule titled *Range, Abundance, and Population Trends*, we describe population trends but do not describe trends in reproductive success. They state that reproductive success is an indicator of the health of the population and that it should be considered in our decision to downlist the Hawaiian stilt.

Our response: The updated PVA included reproductive data collected primarily in protected and managed core wetlands and can be found in the cited publications (Reed et al. 1998a, entire; Reed and van Rees 2019, entire; van Rees et al. 2022, entire). Additionally, we have incorporated recent research and information (Christensen et al. 2021, entire; Goodale 2021, pers. comm.; Harmon et al. 2021b, entire; Idle 2023, entire) into our discussions regarding Hawaiian stilt reproductive success under *Predation* and throughout the document as appropriate.

(27) *Comment:* One commenter stated that Hawaiian stilt reproduction had been monitored at Keālia Pond NWR from at least 1995 to 2013 and that nesting attempts at this site have been declining since 2008.

Our Response: We have reports regarding Hawaiian stilt reproduction at Keālia Pond NWR through 2014, and these data were included in our analyses, as well as the updated 2019 PVA. The PVA incorporated numerous Refuge reports, as well as all other available sources on reproductive data for the Hawaiian stilt (e.g., Pittman-Robertson reports) (Reed et al. 1998b, entire; Reed and van Rees 2019, entire; van Rees et al. 2022, entire).

(28) *Comment:* Two commenters stated that additional details about the type and intensity of management occurring at each managed wetland (e.g., staffing levels at refuges, acreages within each wetland being managed with each management type) should be added to the rule and that management is not consistent across the entirety of each, or among the various, managed wetland site(s).

Our Response: Not all of the information that the commenters requested is currently available. However, we updated table 1 with available data regarding management

type and methods. Further, we are aware that not all managed wetlands are managed for all Hawaiian stilt threats with the same intensity at all times. However, as this variation in management efforts has existed in the past and will likely continue to exist into the foreseeable future, it does not change our assessment regarding the status of the Hawaiian stilt as threatened or endangered under the Act.

(29) *Comment:* A commenter perceived there were errors in the 2019 PVA (Reed and van Rees 2019, entire) related to details provided by the authors about Hawaiian stilts at Keālia Pond NWR, such as locations of nesting sites, and a large chick mortality event that the commenter claims did not occur at Keālia Pond NWR.

Our Response: The updated PVA (van Rees et al. 2022, entire) has now been peer reviewed and published and is referred to in this final rule as such. The PVA represents some of the best scientific and commercial data available regarding Hawaiian stilt population viability. However, we do not base our decision to reclassify the Hawaiian stilt from endangered to threatened solely on the PVA. We also base our decision on the DOFAW Annual Waterbird Survey, the recent modeling by Paxton et al. (2021, entire), and our confidence in continued management of core wetland habitat. Further, we investigated the chick mortality error that the commenter referenced and found that the 50 dead Hawaiian stilt chicks were documented at Pearl Harbor NWR (not Keālia Pond NWR) and were a result of high nesting density (Nadig 2021, pers. comm.).

(30) *Comment:* One commenter stated that the proposed rule implies that the quality and quantity of managed wetlands has been maximized and that any additional management implemented at this point would not have any additional effect on the Hawaiian stilt. They requested we clarify why we claim that Hawaii's wetland habitats have reached carrying capacity for the Hawaiian stilt while also stating that the population may be slightly increasing. They also asked that we address whether or not Hawaiian stilt numbers will decline if wetlands, which are already at carrying capacity, are flooded by sea level rise. Other commenters also stated that there are data suggesting that current population levels are not stable but declining, demonstrating the need for more conservation management measures and protections instead of fewer.

Our Response: The best available scientific and commercial data indicate that the Hawaiian stilt population has

currently reached a population equilibrium under the current amount of available habitat. The State-wide Hawaiian stilt population is stable at just above 1,500 individuals and likely won't increase to 2,000 individuals without an increase in the availability of managed habitat. As such, the best way to increase the population size is to increase the amount of managed wetland habitat. Further, this final downlisting rule is aimed at encouraging and facilitating additional management efforts by maximizing the ease at which management actions beneficial to the Hawaiian stilt can be carried out via the 4(d) rule associated with this downlisting. In regard to the population's response to sea level rise, we acknowledge in our discussion under *Sea Level Rise* that there is uncertainty surrounding how this threat will impact Hawaiian stilt viability and that it does not currently appear to be impacting Hawaiian stilt viability. However, we also state that we expect that sea level rise could lead to population-level impacts resulting from habitat loss for the Hawaiian stilt in the foreseeable future and therefore contributes to its threatened status.

(31) *Comment:* Several commenters stated that the PVA considered populations and reproductive success but is missing critical analyses such as impacts from botulism, sea level rise, and other variables associated with climate change.

Our Response: The updated PVA employs the best available information and is based on a best-case scenario that depends upon the Hawaiian stilt population maintaining current vital rates (Reed and van Rees 2019, entire; van Rees and Reed 2021, in litt.; van Rees et al. 2022, p. 9). The population has remained relatively stable with current vital rates since approximately 2005 under current management (Paxton et al. 2021, p. 432; DOFAW 2022, unpaginated). Sea level rise was intentionally left out of the updated PVA (van Rees et al. 2022, entire) for reasons outlined in our revised discussion under *Sea Level Rise*. In short, there were multiple reasons sea level rise was not incorporated into the PVA, in part related to the uncertainty about how sea level rise will affect overall wetland habitat availability (gain and loss) in the future, and in part related to how sea level rise will impact the Hawaiian stilt given the subspecies' frequent movement among wetlands, habitat plasticity, and tolerance to salinity. The authors of the PVA reasoned that to make a more accurate statement of extinction risk, a more in-depth analysis that was spatially

explicit would be necessary, including site-specific vital rates for different types of habitats (e.g., refuges, taro lo'i, unmanaged areas); average estimates of annual movement rates between those habitats, especially movement related to breeding; and an accurate, defensible, and mechanistically modeled estimate of the changes in breeding habitat availability and quality given future sea level rise (van Rees and Reed 2021, in litt.). Much of these data are not available, to our knowledge. However, a recent PVA on the Hawaiian common gallinule (*Gallinula galeata sandvicensis*), a more vulnerable species with less plasticity than the Hawaiian stilt, included habitat loss associated with sea level rise and found that this more vulnerable species is not likely to be extirpated due to habitat loss associated with sea level rise even by 2160 (van Rees and Reed 2018, entire). Although we do not anticipate that the estimated current Hawaiian stilt vital rates for managed habitats employed in the PVA will change in the near future, the threatened determination for the Hawaiian stilt accounts for potential impacts to habitat from sea level rise in the foreseeable future.

(32) *Comment:* Several commenters stated that nonnative plants are a threat to Hawaiian stilt nesting habitat and that more nonnative plant management is needed to improve habitat conditions for the subspecies.

Our Response: We agree that invasive plants are a threat to Hawaiian stilts and that an increase in vegetation control across wetlands in Hawaii is needed to improve habitat conditions for this subspecies. We are actively working with partners to restore wetlands, which includes vegetation management. Further, the intent of the 4(d) rule associated with this downlisting is to facilitate and, thereby, increase management activities that promote Hawaiian stilt viability.

(33) *Comment:* Several commenters stated that an increase in the intensity and duration of drought may threaten the Hawaiian stilt by negatively altering core and supporting wetland habitat.

Our Response: While Hawaii has been experiencing severe drought conditions, especially since the turn of the century (Eischeid et al. 2022, p. 3997), the Hawaiian stilt population has remained relatively stable during that period despite those conditions (Paxton et al. 2021, p. 432). To date, drought has not been mentioned frequently in the body of literature, nor during meetings with species and subject matter experts, as one of the viability-altering threats to the Hawaiian stilt. Because the incidence and duration of drought may

increase in the foreseeable future due to climate change, we consider drought a threat that may impact the Hawaiian stilt in the foreseeable future, which supports our finding that the Hawaiian stilt is a threatened species (i.e., at risk of becoming endangered within the foreseeable future).

(34) *Comment:* A few commenters expressed concern that the proposed downlisting will impact funding of current and future site management.

Our Response: We have no reason to believe that there will be a decrease in funding for wetland habitat management as a result of this final rule to downlist the Hawaiian stilt. The threatened status affords the Hawaiian stilt all of the same protections (e.g., under section 7) as that of an endangered status, but in addition, the 4(d) rule that accompanies the threatened status includes exceptions for take associated with predator control and habitat management that have a net benefit to the subspecies. As such, upon finalization of this reclassification and 4(d) rule, our conservation partners will have greater flexibility to implement essential habitat management and predator control, and therefore, we expect an increase in conservation management efforts for the Hawaiian stilt. Because the downlisting of the Hawaiian stilt does not dramatically decrease protections, and implementation of predator and habitat management practices will become more streamlined and likely increase with the 4(d) rule, we have no reason to expect a decrease in funding or management for the subspecies.

(35) *Comment:* Many commenters stated that downlisting the Hawaiian stilt is premature because none of the four recovery criteria have been fully met. Some of these commenters requested that the final rule to downlist the Hawaiian stilt be delayed.

Our Response: Please see our revised discussion of our progress related to the criteria outlined in the recovery plan under Recovery Criteria. As outlined in the proposed rule and this final rule, recovery criteria are guides to recovery and represent conditions that would likely accompany the recovery of the species, as best we can determine at the time of creating the recovery plan. Regarding the perceived disparity between the recovery criteria and the definition of endangered, a decision to revise the status of a species is ultimately based on an analysis of the best scientific and commercial data available to determine whether a species is no longer an endangered species or a threatened species, regardless of what guidelines are outlined in the recovery

plan. Recovery may be achieved without all of the criteria in a recovery plan being fully met. For example, one or more criteria may be exceeded while other criteria may not yet be accomplished, or new information received since the creation of the recovery plan may indicate that some targets originally outlined in the plan are not as appropriate as other targets to demonstrate recovery. Data show that Hawaiian stilt has maintained a relatively stable population since 2005 under current management (Paxton et al. 2021, p. 432; DOFAW 2022, unpaginated), and we do not anticipate the estimated current vital rates used in the PVA within managed habitats to change in the near future. Our conclusion that the data show the status of the Hawaiian stilt has improved so that it no longer meets the definition of an endangered species, but rather that of a threatened species, does not mean that we think the species has fully recovered and no longer warrants protection or management, only that the species is no longer at risk of extinction presently, although it remains at risk of extinction (*i.e.*, becoming endangered) in the foreseeable future. In addition, through the 4(d) rule finalized here, we have made all of the protections available to endangered species applicable to the Hawaiian stilt as a threatened species, with exceptions for take only for those activities that support important conservation efforts for the benefit of the subspecies.

(36) *Comment:* One commenter requested that we designate critical habitat for the subspecies and improve habitat quality prior to downlisting.

Our Response: Critical habitat is outside the scope of this rulemaking, and though we are not designating critical habitat at this time, we may do so in the future. This final rule will provide immediate benefits to the Hawaiian stilt by giving our conservation partners the flexibility they need to more efficiently implement beneficial predator control and habitat management actions directed at protecting the subspecies. This flexibility is achieved through the section 4(d) rule that applies to threatened species but not to endangered species. The final downlisting with a 4(d) rule is intended to make management practices that are essential to the recovery of this management-dependent subspecies easier to implement and conservation outcomes more readily achieved (*e.g.*, by facilitating the development and protection of additional habitat for the Hawaiian stilt).

Final Reclassification Determination Background

Only those topics directly related to downlisting the Hawaiian stilt are discussed in this rule, and, as a result, our citations do not represent the entire body of literature pertaining to the subspecies. Our comprehensive review of the biological information on the Hawaiian stilt including taxonomy, life history, ecology, and conservation activities, as well as threats facing the subspecies or its habitat, is presented in our recent Hawaiian stilt 5-year status review (Service 2020, entire) and the Recovery Plan for Hawaiian Waterbirds (Service 2011, entire), which are available at <https://www.regulations.gov> under Docket No. FWS-R1-ES-2020-0079. We prefer to, and will, include Hawaiian language spellings, including diacritical marks, to the degree possible and appropriate in the preambles of our **Federal Register** documents. For the text to be codified in the Code of Federal Regulations (CFR), however, we will omit diacritical marks to ensure that no errors are inadvertently incorporated during the codification process. Further, for consistency, we will use Hawaiian stilt throughout the preamble of this final rule due to the use of Hawaiian stilt as the common name used in the preamble of the proposed rule.

Taxonomy and Species Description

The Hawaiian stilt (*kukuluā'e'o* or *ae'o*, *Himantopus mexicanus knudseni*) is a waterbird endemic to the Hawaiian Islands (Stejneger 1887, entire). The Hawaiian stilt is widely recognized as a subspecies of the black-necked stilt (*Himantopus mexicanus*) (American Ornithology Union 1998). The Hawaiian stilt is black and white with long, pink legs (Bryan 1901, p. 26; Shallenberger 1977, p. 24), slender in appearance, and grows to about 16 inches (in) (40 centimeters (cm)) in height. Plumage is black on the back and white on the front and underside of the bird. Juveniles have a brownish back and more extensive white on the cheeks and forehead than adults. Chicks are well camouflaged in a downy plumage that is tan with black speckling (Coleman 1981, pp. 33, 35, 86–87). The Hawaiian stilt is a long-lived vertebrate, as the life span can reach at least 30 years (Reed et al. 2014, p. 4).

Range, Abundance, and Population Trends

Hawaiian stilts were historically known from the main Hawaiian Islands (*i.e.*, Niihau, Kauai, Oahu, Maui, Molokai, and Hawaii) except Lanai

(until recently) and Kahoolawe. Hawaiian stilts move between islands, resulting in sudden large increases in numbers at certain sites (from several hundred to a thousand or more) and concurrent decreases at other sites (Engilis and Pratt 1993, pp. 142, 156, 148; Banko 1988, p. 6). Hawaiian stilts began colonizing the island of Lanai in the 1980s, following construction of a water treatment plant that provided foraging and breeding habitat (Engilis and Pratt 1993, p. 147; Pyle and Pyle 2017, unpaginated). The subspecies currently consists of one single population dispersed across the main Hawaiian Islands (except Kahoolawe), and individuals move freely between wetlands and islands (Munro 1944, pp. 59–60; Telfer and Burr 1979, p. 8; Coleman 1981, pp. 7–8; Reed et al. 1998a, pp. 36, 38; Reed et al. 1998b, pp. 791–796; Battista 2008, p. 2; Nishimoto 2014, p. 3; Paxton and Kawasaki 2015, in litt.; Dibben-Young 2017, in litt.). Hawaiian stilts disperse readily, exploit seasonally flooded wetlands, and readily colonize newly restored or created habitats (van Rees et al. 2020, p. 3). The population naturally fluctuates according to climatic and hydrologic conditions (Banko 1988, pp. 2–7; Engilis and Pratt 1993, pp. 145, 147; Reed et al. 1998b, pp. 791–797). Because the subspecies consists of one large population, any discussion regarding the subspecies' needs (below) also addresses the population's needs.

The Hawaii DOFAW, conducts a biannual waterbird population index (count), and those data offer the best available information to assess population trends and relative abundance for the Hawaiian stilt (DOFAW 2022, unpaginated). Count data from these surveys can indicate presence and relative abundance of the subspecies but importantly cannot be used to produce a true population estimate (Paxton et al. 2021, pp. 434–435). Data from this ongoing survey effort were available from 1986 through 2016 for our analysis in the proposed rule. Since the publication of the proposed rule, data for the 2017 through 2023 survey years have also been analyzed (Gorresen et al. 2024, entire).

Winter and summer surveys for Hawaiian stilt show a fluctuating population, which generally increased from 1987 to 2005, and since then has been roughly stable at 1,500 to 2,000 individuals (Paxton et al. 2021, p. 432; Gorresen et al. 2024, figure 4). Years where counts surpassed 2,000 individuals have been followed in the subsequent year by a decrease of 300 to 700 birds (DOFAW 2022, unpaginated). In the proposed downlisting rule, we

reported long-term (1986 through 2016) and short-term (2006 through 2016) population trend analyses (Paxton et al. 2021, entire) that indicate that the 5-year minimum average population estimate for Hawaiian stilts was 1,932

birds [1,552–2,385] from 1986 to 2016 (Paxton et al. 2021, p. 430). This analysis has since been updated with data from 2016 to 2023 and indicates that while the short-term (2013–2023) trend shows a modest decline, the long-

term trend is still increasing (figure 1; Gorresen 2024 et al., table 3 and figure 4), with the 5-year minimum average abundance estimate at 1,511 birds (Gorresen 2024 et al., table 1 and figure 2).

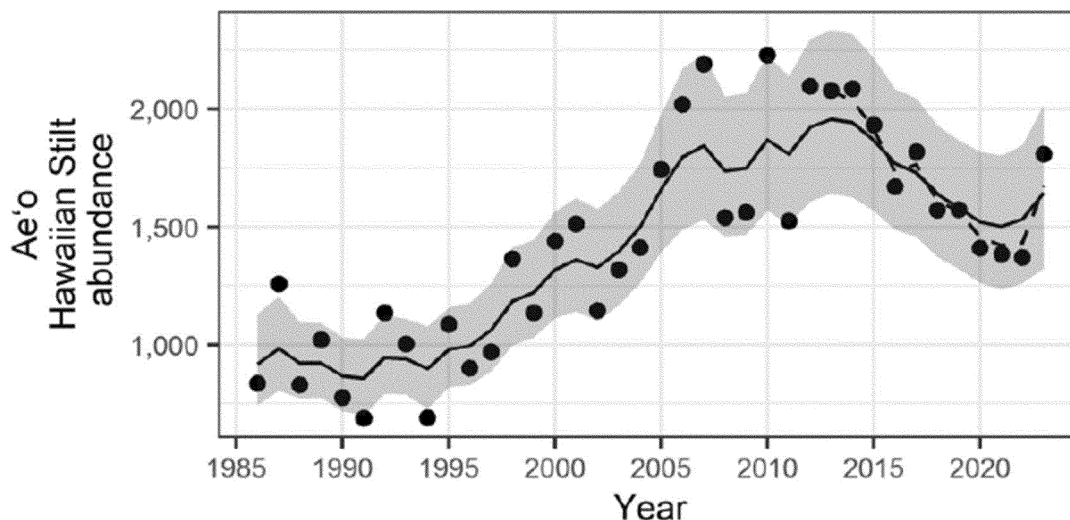


Figure 1. State-wide Hawaiian stilt survey counts (points), estimated minimum population size (line), with 95 percent credible intervals (shaded area) from 1986 to 2023 (Gorresen et al. 2024, figure 4). Dotted line represents the short-term (2013–2023) population trend. The survey count data does not correct for detectability, and therefore, these estimates represent minimum population size.

This model supports our conclusion that the Hawaiian stilt population is stable between 1,500 and 2,000 birds. Further, the Hawaiian stilt population is unlikely to increase over 2,000 birds until there is an expansion of managed wetland habitat because the subspecies has likely reached a population equilibrium (*i.e.*, the population size that the landscape can currently support) within existing managed wetland habitat (van Rees et al. 2022, p. 11; Paxton et al. 2021, p. 434). Under current management efforts on core and supporting wetlands, the updated PVA suggests that the State-wide carrying capacity for the Hawaiian stilt is below 2,000 individuals and likely closer to 1,500 individuals (van Rees et al. 2022, table 2).

With regard to future trend projections, the updated PVA indicates that if current management practices continue and environmental conditions are relatively stable over the course of the projection, and if all other model assumptions and parameter estimates are correct, the Hawaiian stilt has almost no chance of extinction, and the mean population size will be just under 1,600 individuals by 2100 (van Rees et

al. 2022, p. 7). However, the authors of the 2019 PVA performed a sensitivity analysis for the vital rates used in the PVA, and their analysis showed a rapid change in the probability of extinction if these parameters changed a small amount (van Rees et al. 2022, p. 10). As such, the 2019 PVA authors note that the current vital rates are very close to the thresholds of population decline or extinction, which highlights the fragile nature of the Hawaiian stilt's long-term viability (van Rees and Reed 2021, in litt.).

Habitat and Life History Requirements

The Hawaiian stilt primarily occurs from sea level up to 656 feet (ft) (200 meters (m)) in elevation, in natural and human-made lowland coastal wetlands (Perkins 1903, p. 452; Shallenberger 1977, pp. 23–25; Coleman 1981, pp. 8–18; Griffin et al. 1989, p. 1169; Engilis and Pratt 1993, pp. 155–156; Evans et al. 1994, p. 6; Service 2005, p. 31; Service 2011, pp. 50–60). However, Hawaiian stilts are not restricted to lowland coastal wetlands, as they have been observed at slightly higher elevations and outside of coastal wetlands, such as foothill impoundments, reservoirs, and

other wetlands (Service 2005, pp. 28–29; Kawasaki et al. 2020, p. 431). Hawaiian stilts use areas of sparse, low-growing (up to 18 in (46 cm) tall) perennial vegetation or exposed tidal flats for nesting and breeding, and sometimes foraging (Smith and Polhemus 2003, p. 61; United States Department of Agriculture—Natural Resources Conservation Service (USDA–NRCS) 2009, p. 5 and Appendix B; Gee 2007, pp. 70–71). The most common foraging depth for adults appears to be 5 in (13 cm) or less below the surface of the water (Ohashi and Burr 1977, p. 3; Smith and Polhemus 2003, pp. 60–61; Gee 2007, p. 62; Reed et al. 2011a, pp. 3–4). Shallow water (approximately 2–3 in (7.6 cm)) and wet mudflats are particularly important for foraging chicks (Morin 1998, p. 11; USDA–NRCS 2009, p. 4; Reed et al. 2011a, p. 4; Reed 2017, in litt.).

Hawaiian stilts use a wide range of water salinity ranging from zero to 200 ppt (*e.g.*, Waiawa Unit at Pearl Harbor NWR (Coleman 1981, p. 48; Reed et al. 2011a, p. 4; Nadig 2017, pers. comm.)). While adults have a tolerance to salinity, young Hawaiian stilt chicks that are unable to fly require a nearby

freshwater source (Nadig 2022, in litt.). There are many freshwater springs scattered along the coastlines of the main Hawaiian Islands, particularly on the island of Oahu, which are adjacent to or within wetlands, that provide chicks with fresh water (Nadig 2022, in litt.).

Hawaiian stilts typically begin breeding at age 2 (Reed et al. 1998a, p. 36). Nests are simple scrapes on the ground (Coleman 1981, p. 53; Smith and Polhemus 2003, p. 61; Gee 2007, p. 98). Pairs usually lay three to four eggs that are incubated for approximately 24 days (Coleman 1981, p. 56; Chang 1990, p. 43). Chicks are precocial, leaving the nest within 24 hours of hatching. Within a few hours after the last chick hatches, parents lead their brood to shallow feeding areas (Coleman 1981, p. 77). Foraging areas may be directly adjacent to the nest site or a distance away (Coleman 1981, p. 77; Engilis and Pratt 1993, pp. 155–156; Reed and Oring 1993, p. 57), depending in part on food availability (Reed and Oring 1993, p. 57). Adults with 3-day-old chicks have been observed foraging 0.3 mile (0.5 kilometer) from the nest site (Reed and Oring 1993, p. 57). Chicks fledge (can fly) approximately 28 days post-hatching (Reed et al. 1999, p. 478), but young may remain with both parents for several months after hatching (Coleman 1981, pp. 83–84).

Hawaiian stilts are opportunistic feeders that eat a wide variety of invertebrates and other aquatic organisms found in shallow water and mudflats (Perkins 1903, p. 452; Shallenberger 1977, pp. 23–25; Robinson et al. 1999, pp. 8–9; Service 2011, p. 58). Managed wetlands with desirable water depth are common foraging sites (Underwood et al. 2013, p. 6). They also sometimes forage in grasslands adjacent to wetlands. Hawaiian stilts move intra-island and inter-island as they exploit food resources (Engilis and Pratt 1993, pp. 155–156).

The specific breeding and rearing conditions described above are necessary to both individuals and to the subspecies as a whole. The Hawaiian stilt is a conservation-reliant subspecies (Reed et al. 2012, p. 888; Underwood et al. 2013, p. 1), meaning that it will require active management into perpetuity because of our inability to eliminate the dominant threats, which include introduced predators and invasive vegetation (Scott et al. 2005, pp. 383–389; Scott et al. 2010, pp. 92–93; Goble et al. 2012, pp. 869–872). It is also considered conservation-reliant because it relies almost solely upon managed wetlands for successful

nesting and breeding (Reed et al. 2012, p. 888; Underwood et al. 2013, p. 1). The accepted management regime for creating and maintaining optimal Hawaiian stilt breeding and rearing habitat has three major components: control of predators; control of invasive introduced plant species; and manipulation of water levels to mimic natural hydrological processes and meet life-history needs (Service 2011, pp. 163–169; Underwood et al. 2014, p. 32 and supporting references). More information on the subspecies' management dependency is presented in the Summary of Biological Status and Threats, below.

Recovery Criteria

Section 4(f) of the Act directs us to develop and implement recovery plans for the conservation and survival of endangered and threatened species unless we determine that such a plan will not promote the conservation of the species. Under section 4(f)(1)(B)(ii), recovery plans must, to the maximum extent practicable, include objective, measurable criteria which, when met, would result in a determination, in accordance with the provisions of section 4 of the Act, that the species be removed from the Lists of Endangered and Threatened Wildlife and Plants.

Recovery plans provide a roadmap for us and our partners on methods of enhancing conservation and minimizing threats to listed species, as well as measurable criteria against which to evaluate progress towards recovery and assess the species' likely future condition. However, they are not regulatory documents and do not substitute for the determinations and promulgation of regulations required under section 4(a)(1) of the Act. A decision to revise the status of a species, or to delist a species, is ultimately based on an analysis of the best scientific and commercial data available to determine whether a species is no longer an endangered species or a threatened species, regardless of whether that information differs from the recovery plan.

There are many paths to accomplishing recovery of a species, and recovery may be achieved without all of the criteria in a recovery plan being fully met. For example, one or more criteria may be exceeded while other criteria may not yet be accomplished. In that instance, we may determine that the threats are minimized sufficiently and that the species' viability is such that it no longer meets the definition of an endangered species or a threatened species. In other cases, we may discover

new recovery opportunities after having finalized the recovery plan. Parties seeking to conserve the species may use these opportunities instead of methods identified in the recovery plan. Likewise, we may learn new information about the species after we finalize the recovery plan that may change the extent to which existing criteria are appropriate for identifying recovery of the species. The recovery of a species is a dynamic process requiring adaptive management that may, or may not, follow all of the guidance provided in a recovery plan.

For the purposes of this discussion, we assess the progress of Hawaiian stilt recovery relative to recovery targets in the second revision of the Recovery Plan for Hawaiian Waterbirds (Service 2011, entire). The 2011 revision included specific recovery recommendations for the Hawaiian stilt and modified population target levels. In developing recovery criteria for the Hawaiian stilt, we used a 1998 PVA for the subspecies (Reed et al. 1998a, entire) as the basis for population target levels. For Hawaiian stilt recovery criteria, we also assessed and categorized wetlands on each island into core and supporting wetlands. Core wetlands provide habitat essential for the larger populations of Hawaiian waterbirds that comprise the bulk of the numbers recommended for recovery. Supporting wetlands are additional areas that provide habitat important for smaller populations or provide habitat needed seasonally by segments of the population during part of their life cycle. Wetlands identified as “protected” (whether core, supporting, or neither) are those considered secure from development. In general, protected wetlands are NWRs, State-owned wildlife sanctuaries, or mitigation wetlands, where the primary purpose of management is wildlife conservation or does not conflict with the goal of wildlife conservation. The core and supporting wetlands identified in the 2011 recovery plan are the sites on each island that provide the greatest potential for recovery of the Hawaiian stilt (Service 2011, p. 114; Service 2020 pp. 2–3).

The overall goal for recovery of the Hawaiian stilt is to restore and maintain multiple self-sustaining breeding populations within the subspecies' historical range (Service 2011, p. 120). The plan provides four criteria for reclassifying the Hawaiian stilt from endangered to threatened status and two additional criteria for delisting the subspecies. We describe and assess the recovery criteria as they relate to evaluating the status of the Hawaiian stilt below.

Criterion 1 for Downlisting

Criterion 1 states that all core wetlands on the island groups of Kauai–Niihau, Oahu, Maui–Molokai, and Hawaii are protected and managed in accordance with the management practices outlined in the recovery plan

(Service 2011, pp. 124, 126, 163–165). The plan states that it is crucial for wetlands at these sites to be secure from conversion to non-wetland conditions and to have sufficient enduring management to recover waterbirds in Hawaii.

Currently, of the recovery plan's 17 identified core wetlands, 14 are protected from development and have some predator and habitat management activities in place. Three core wetlands lack protection from development and predator and habitat management (table 1).

TABLE 1—STATUS AND CHARACTERISTICS OF CORE WETLANDS IDENTIFIED FOR THE RECOVERY OF THE HAWAIIAN STILT

Wetland name/ location	Island	Hectares (acres)	Protected ¹	Managed	Water management infrastructure ²	Responsibility ³	Year protected/management initiated (if known)
Kaloko–Honokōhau, National Historic Park.	Hawaii ...	22 (55)	X	predators and habitat	partial	NPS	1978.
Loko Waka Ponds	Hawaii ...	10 (24.5)	.....	.....	partial	Private.	
Hanalei NWR	Kauai	371 (917)	X	predators and habitat	yes	Service	1979 (hau control, water infrastructure, but not managed wetlands); 1989 (opportunistic predator control in response to sightings and bird kills).
Hulē'ia NWR	Kauai	98 (241)	X	predators and habitat	partial	Service	2006 (began to open up units for managed wetlands; some predator control).
Lumaha'i Valley Wetlands.	Kauai	51 (125)	.....	.....	partial	Private.	
Mānā Plains Forest Reserve (formerly Kawai'ele Wild Bird Sanctuary).	Kauai	14 (35)	X	predators and habitat	yes	DOFAW	2003.
Kanahā Pond Wildlife Sanctuary.	Maui	59 (145)	X	predators and habitat	partial	DOFAW	1951.
Keālia Pond NWR	Maui	280 (692)	X	predators and habitat	partial	Service	1992.
Kakahā'a NWR	Molokai ..	18 (45)	X	predators and habitat	partial	Service	1977.
'Ōhi'apilo Pond Bird Sanctuary.	Molokai ..	10 (25)	X	predators and habitat	partial	County.	
Playa Lakes (wetland complex).	Niihau	769 (1,900)	.....	.....	no	Private.	
Hāmākua Marsh Waterbird Sanctuary.	Oahu	35.6 (88)	X	predators and habitat	partial	DOFAW	1997.
James Campbell NWR, Ki'i and Punamanō Units.	Oahu	66 (164)	X	predators and habitat	partial	Service	1976.
Kawainui Marsh	Oahu	304 (750)	X	predators and habitat	partial	DOFAW	2007.
Marine Corps Base Hawaii, Nu'upia Ponds.	Oahu	196 (483)	X	predators and habitat	no	MCBH	1982.
Pearl Harbor NWR, Hono'uli'uli and Waiawa Units.	Oahu	25 (61)	X	predators and habitat	yes	Service	1972.
Pouhala Marsh Waterbird Sanctuary.	Oahu	28 (78)	X	predators and habitat	partial	DOFAW	1995.

Legend:

¹ Protected refers to wetland areas that are secure from development.

² Water level control capacity varies between core wetlands. In some core wetlands, control of water output (withdrawal) and flood (input) can be implemented with water control structures like impoundments, but these may or may not have the capacity for water input. Some core wetlands have access to pull water from wells, some have access to pull from rivers, while some rely solely on surface waters. For example, at James Campbell NWR, the Punamanō Unit is combined with the Ki'i Unit. However, Ki'i has full water management capabilities (withdrawal and input), while the Punamanō Unit does not. Both Hāmākua (U.S. Army Corps of Engineers ponds) and Keālia NWR (fish ponds) have full management in smaller impoundments, but the larger main ponds do not.

³ Responsibility: DOFAW = Hawaii Division of Forestry and Wildlife; MCBH = Marine Corps Base Hawaii; NPS = National Park Service; Service = U.S. Fish and Wildlife Service; County = County Government; State = State Government entity; Private = private landowner(s).

For example, the Playa Lakes (Lake Hālālai'i and Lake Halulu) on the island of Niihau make up the largest of the core wetlands (table 1) and is one of the three core wetland sites that lack protections. These wetlands, dependent upon rainfall, are considered ephemeral and are inaccessible for monitoring and management even though pigs, sheep, cattle, and other exotic animals reportedly roam the island (Niihau Cultural Heritage Foundation 2022,

entire). As such, while the Playa Lakes are thought to have a substantial role in the viability of the Hawaiian stilt, their current conservation value to the subspecies is unknown due to inaccessibility.

Although Criterion 1 has not been fully achieved as originally defined in the recovery plan, we have made substantial progress in protecting and managing core wetland areas. The ongoing management on core wetlands

has contributed toward the stabilization of the Hawaiian stilt population and helped to further the recovery of the subspecies, as evidenced by its total population range-wide remaining stable at between 1,500 and 2,000 birds over the past 20 or more years (Paxton et al. 2021, p. 432; DOFAW 2022, unpaginated).

Criterion 2 for Downlisting

Criterion 2 states that at least 50 percent of the supporting wetlands on the islands of Kauai, Oahu, Maui–Molokai–Lanai, and Hawaii are protected and managed in accordance with the management practices outlined in the recovery plan. The plan states

that protection and management of these wetlands is required to recover waterbirds in Hawaii, but there is more flexibility regarding which sites must be managed, as it is possible that other sites may fulfill the same needs as those identified.

The recovery plan identified 34 sites as supporting wetlands throughout the

State; of these, 15 are protected, 11 have predator or habitat management or both (4 of which are not protected), and 7 of the 34 supporting wetlands are in protective status with some form of management (table 2). Therefore, this criterion has been partially met.

TABLE 2—SUPPORTING WETLANDS AND CHARACTERISTICS IDENTIFIED FOR RECOVERY OF THE HAWAIIAN STILT

Wetland name/location	Island	Hectares (acres)	Protected ¹	Managed	Responsibility ²
Kealahou (Kona) Sewage Treatment Plant	Hawaii ...	12 (30)	.....	predators	County.
Ke'anae Pond (Kea'au/Shipman)	Hawaii ...	2.9 (7.2)	X	.....	Private.
Keanakolu Road Stock Ponds (1–5) (Part of Kohala–Mauna Kea Ponds and Streams).	Hawaii ...	18+ (45+)	.....	.....	Private/State.
Ōpae'ula Pond	Hawaii ...	3 (7.5)	.....	.....	Private.
Waiākea Pond	Hawaii ...	16 (39.5)	.....	.....	State/County.
Waimanu Valley	Hawaii ...	(*)	.....	.....	County.
Waipi'o Valley	Hawaii ...	(*)	X	.....	County.
Hanalei Trader Taro Fields (Hanalei River and Taro fields that are not part of Hanalei NWR).	Kauai	40.4 (100)	.....	.....	Private/State.
Hanapepe Salt Ponds	Kauai	20 (50)	.....	.....	Private/DOFAW.
Mānā Base Pond and Wetlands (Part of Mānā Plain)	Kauai	81 (200)	X	predators and habitat ..	Private/State.
Ōpaeka'a Marsh	Kauai	20 (50)	.....	.....	Private/DOFAW.
Smith's Tropical Paradise	Kauai	1.9 (4.7)	X	.....	Private/State.
Wailua River Bottoms	Kauai	20 (50)	.....	.....	Private/State.
Waima River System	Kauai	64 (158)	.....	.....	Private/State.
Wainiha Valley River and Taro Fields	Kauai	44 (109)	.....	.....	Private/County.
Waitā Reservoir	Kauai	151 (373)	.....	.....	Private.
Lāna'i Sewage Treatment Ponds	Lanai	3 (7.4)	.....	predators	Private/County.
Ke'anae Point	Maui	1.5 (3.7)	X	.....	State.
Waihe'e Coastal Dunes and Wetlands (Waihe'e Refuge)	Maui	101 (250)	X	predators and habitat ..	Private.
Kaunakakai Wastewater Reclamation Facility Ponds	Molokai ..	1.5 (3.7)	X	predators	County.
Kualapu'u Reservoir	Molokai ..	30 (74)	X	.....	State.
Paialoa Fish Ponds	Molokai ..	2 (5)	.....	.....	Private.
Hale'iwa Lotus and Taro Fields	Oahu	4.2 (10.6)	.....	.....	Private/County.
Hale'iwa Waiākea Lotus Fields	Oahu	30 (75)	.....	.....	Private.
He'eia Marsh	Oahu	162 (400)	X	predators and habitat ..	DOFAW.
Ka'elepulu Mitigation Pond (Enchanted Lake)	Oahu	2.2 (5.6)	X	predators and habitat ..	Private.
Kahuku Prawn Farm (Includes Amoriant and Kahuku Aquaculture Farms)	Oahu	41 (100)	.....	.....	Private.
Lā'ie Wetlands	Oahu	81 (200)	X	.....	Private.
Lualualei RTF, Niuli'i Ponds	Oahu	16 (40)	X	predators and habitat ..	USN.
Paikō Lagoon Wildlife Sanctuary	Oahu	13 (33)	X	predators and habitat ..	DOFAW.
Punaho'olapa Marsh	Oahu	41 (100)	X	.....	Private.
Turtle Bay, Kuilima Wastewater Treatment Plant	Oahu	5 (12.4)	X	.....	Private.
Ūko'a Marsh	Oahu	122 (300)	.....	predators and habitat ..	Private.
Waihe'e Marsh	Oahu	10 (25)	.....	predators and habitat ..	Private.

Legend:

¹ Protected refers to wetland areas that are secure from development.

² Responsibility: DOFAW = Hawaii Division of Forestry and Wildlife; USN = U.S. Navy; County = County Government; State = State Government entity; Private = Private Landowner(s).

* Large area of intermixed wetlands, agricultural lands, and/or upland habitat, where habitat area extent cannot be determined.

Criterion 3 for Downlisting

Criterion 3 states that a PVA should be conducted to update the findings of Reed et al. (1998a, entire) and determine the population size necessary for long-term viability of the Hawaiian stilt, and that the State-wide surveyed number of the Hawaiian stilts indicates a stable or increasing trend and has not declined below 2,000 birds (or an alternative target based on the updated PVA) for at least 5 consecutive years.

The Hawaiian stilt PVA was updated in 2019 (van Rees et al. 2022, entire) using multiple modeling techniques to analyze data collected since 1998 and by incorporating additional peer-reviewed data on adult survival rates, variances in adult and juvenile survival

rates (Reed et al. 2014, entire), and individual movement patterns (Reed et al. 1998b, entire). While the 2019 PVA did not explicitly establish a MVP for the Hawaiian stilt, it did conclude that the 2,000-individual target identified in the recovery plan (Service 1978, entire; Service 2011, entire) is inappropriate, as there is a very low (approximately 3 percent) probability that the 2,000-individual target could be attained given the amount of suitable habitat currently available (van Rees et al. 2022, table 2). The 2019 PVA estimated that the carrying capacity (or population equilibrium size) for the Hawaiian stilt is fewer than 2,000 individuals and may be closer to 1,500–1,600 individuals (van Rees et al. 2022, tables 1 and 2).

In general, 1,000 individuals is a commonly recommended MVP, as it is perceived to be the smallest number of individuals required to retain evolutionary potential for fitness in perpetuity, though the MVP may vary by species (Frankham et al. 2014, entire). Genetic diversity is an important factor to consider when determining MVP: when low, the MVP is likely to be greater than 1,000 individuals, but if genetic diversity is moderate or high, 1,000 is likely adequate (Frankham et al. 2014, entire). While there are no genetic studies for the Hawaiian stilt, genetic studies have been conducted on the Hawaiian coot ('ālae ke'oke'o, *Fulica americana alai*), which is another endemic waterbird in Hawaii that has experienced simultaneous population

declines over 100 or more years, and thus may serve as a surrogate for the Hawaiian stilt. The Hawaiian coot exhibits low levels of structure at microsatellite loci but high gene flow among islands (Sonsthagen et al. 2018, p. 863). If we use the Hawaiian coot as a surrogate species for the Hawaiian stilt, as both the Hawaiian stilt and Hawaiian coot have similar abundance (just under 2,000 individuals) and move between islands (Riggs 2016, entire), we can reasonably assume that the Hawaiian stilt is not at increased risk of the loss of genetic diversity. We conclude that an MVP size of 1,000 individuals (Frankham et al. 2014, entire) is an appropriate MVP for the Hawaiian stilt given adequate genetic diversity within the subspecies. Further, density-dependent population dynamics on managed wetlands affects Hawaiian stilt population growth beginning at approximately 1,000 individuals (Reed and van Rees 2019, entire; van Rees et al. 2020, entire).

The Hawaiian stilt population was increasing from 1986 to 2004 but appears to have plateaued since 2005, indicating that the subspecies has reached carrying capacity within managed wetland habitat (Paxton et al. 2021, pp. 432, 434; Gorresen et al. 2024, figure 4). The 5-year estimated average abundance reported as the minimum size of the Hawaiian stilt population in 2016 was 1,932 birds (Paxton et al. 2021, pp. 430), and that estimate for the 2019–2023 time period was 1,511 birds (Gorresen et al. 2024, table 1).

We therefore conclude that Criterion 3 (*i.e.*, to update the PVA, reassess the

population size needed for long-term viability, and show that stable State-wide survey trends do not decline below an appropriate target based on the updated PVA for 5 consecutive years) has been met. As described in the recovery criterion, a new PVA has been produced that indicates that the carrying capacity for the subspecies is fewer than 2,000 individuals and likely closer to 1,500–1,600 individuals. The Hawaiian stilt population has been roughly stable at a minimum of 1,500 individuals since 2004 (Paxton et al. 2021, p. 432; Gorresen et al. 2024, figure 4), and we’ve determined that an appropriate MVP for the subspecies is closer to 1,000 individuals than 2,000 (and that the subspecies is currently in population equilibrium).

Criterion 4 for Downlisting

Criterion 4 states that there should be multiple self-sustaining breeding populations on at least the following: the island group of Kauai and Niihau; the island of Oahu; the island group of Maui, Molokai, and Lanai; and the island of Hawaii. Because the Hawaiian stilt exists in one intermixed population, we refer to breeding populations solely to distinguish groups of Hawaiian stilts that breed at a specific wetland on a specific island at any given time.

The recovery plan defines a self-sustaining breeding population as a population that is large enough to make extirpation from stochastic forces unlikely, and that is able to remain stable or grow with little human intervention except for predator control

and vegetation management (Service 2011, p. 121). The recovery strategy further strengthens this concept by incorporating the need to satisfy two widely recognized and scientifically accepted goals for promoting viable self-sustaining breeding populations: (1) By increasing the population size and distribution across the islands, a single or series of catastrophic events will not result in the extinction of the subspecies; and (2) increasing the population size throughout its range to a level where the threats of genetic, demographic (population dynamics), and normal environmental uncertainties are diminished (Service 2011, p. 112).

As previously summarized, the State-wide population was stable or slightly increasing through approximately 2004 and has remained relatively stable since 2005 (Service 2011, pp. 48–49; Service 2020, pp. 5, 18; van Rees et al. 2020, p. 3; DOFAW 2022, unpaginated; Paxton et al. 2021, p. 432). Hawaiian stilt breeding population sizes fluctuate, and some wetlands are favored over others during different years; therefore, monitoring such trends is important to understanding the conservation needs of the subspecies. Hawaiian stilt populations trends on each of the islands that support at least one breeding population fluctuate in the short-term, but the long-term (1986 to 2016) population trends are increasing on all islands except for Oahu (where the long-term trend is indeterminate) (table 3). In addition, the State-wide population is also increasing in the long-term trend (Paxton et al. 2021, p. 430).

TABLE 3—SUMMARY OF ISLAND-SPECIFIC HAWAIIAN STILT POPULATION SHORT-TERM AND LONG-TERM INDEX TRENDS [Paxton et al. 2021, p. 431]

Island	Short-term (2006–2016) trend	Long-term (1986–2016) trend
Kauai	Increasing	Increasing.
Oahu	Decreasing	Indeterminant.
Lanai	Decreasing	Increasing.
Molokai	Increasing	Increasing.
Maui	Indeterminant	Increasing.
Hawaii	Decreasing	Increasing.

The establishment, protection, and active management of wetlands for waterbirds is likely the largest contributor to the marked increase in abundance in Hawaiian stilt and the other listed waterbirds species since the late 1980s; however, these increases appear to have plateaued or may even be reversing recently, which may indicate that the population has reached its carrying capacity within existing

managed wetlands (Paxton et al. 2021, p. 434; Rounds 2020, in litt.).

Present distribution of the Hawaiian stilt encompasses all islands where they were historically known (Niihau/Kauai, Oahu, Maui, Molokai, and Hawaii), as well as the island of Lanai due to the expansion in range that occurred in the mid-1980s from the development of the Lanai wastewater treatment facility. There are multiple breeding populations on each of the islands/island groups

outlined in the recovery plan (Oahu, Hawaii, Kauai/Niihau, and Maui/Molokai/Lanai), and long-term population trends are increasing in each of these areas except for Oahu (where the trend is indeterminate) (Paxton et al. 2021, p. 431). Even though we lack data demonstrating that breeding populations in each of these areas are stable (*i.e.*, “self-sustaining”) as specifically targeted in the recovery plan, the State-wide population was

stable or slightly increasing through approximately 2005 and has remained relatively stable since (Service 2011, pp. 48–49; Service 2020, pp. 5, 18; van Rees et al. 2020, p. 3; DOFAW 2022, unpaginated, Paxton et al. 2021, p. 432). The wide distribution of the Hawaiian stilt population, spread out across the multiple islands, provides the subspecies with the resiliency and redundancy necessary to withstand a stochastic (e.g., single wetland) or catastrophic (e.g., islandwide) event, respectively, which was the intent of this recovery criterion. As such, we conclude that the specific targets outlined in the recovery plan for this criterion have been at least partially satisfied, and that the overall intent of this recovery criterion has been achieved.

Discussion/Summary of Downlisting Criteria Assessment

The downlisting criteria in the recovery plan (Service 2011, entire) represented our best assessment at the time of conditions that would result in a determination that the Hawaiian stilt could be considered for reclassification under the Act as threatened rather than endangered. While achieving each of the downlisting criteria in a recovery plan is not required for downlisting, we have made substantial progress on those recovery criteria: (1) Ongoing management is occurring at most core wetlands (Criterion 1); (2) protection has been secured for about 40 percent of supporting wetlands, and about 33 percent of the supporting wetlands are being managed (Criterion 2); (3) an updated PVA was performed and reassessed population targets are being met (Criterion 3) (van Rees et al. 2022, entire); and (4) the range-wide population has been stable to increasing from 1986 through 2019, with relatively large and stable breeding populations on most of the historically-occupied islands, indicating adequate resiliency and redundancy to withstand stochastic and catastrophic events (Criterion 4). However, it appears that the population has likely reached equilibrium (van Rees et al. 2020, entire; van Rees et al. 2022, p. 11; Paxton et al. 2021, p. 434), and other factors may be contributing toward a plateau in population trend (Christensen et al. 2021, entire; Harmon et al. 2021b, entire; Paxton et al. 2021, p. 434). Additionally, we recognize the need to continue recovery actions to further improve the status of the Hawaiian stilt across its range.

Delisting Criteria

We provided two delisting criteria in our recovery plan. The first delisting

criterion aims for protection and management in accordance with the management practices outlined in the recovery plan be in place for at least 85 percent of the supporting wetlands on the islands of Kauai, Oahu, Maui–Molokai–Lanai, and Hawaii. The second delisting criterion is defined as the State-wide surveyed number of Hawaiian stilts having a stable or increasing trend and not having declined below 2,000 birds (or some alternative target based on an updated PVA) for at least 10 consecutive years. The information presented above for the downlisting criteria indicates that the criteria for delisting have not yet been fully met, and we provide a summary of information relating to the delisting criteria below.

With regard to Criterion 1, the Service finds that progress towards securing management actions on supporting wetlands has been made and is showing success, but the criterion has not been fully realized to date. For supporting wetland sites, producing long-term and sustained Hawaiian stilt habitat management is complicated by the following factors. First, many supporting wetlands are owned or managed by multiple entities, which complicates coordination and intensity of management efforts. Additionally, the primary purpose of many of these sites is not waterbird conservation, but instead purposed for water reclamation facilities, wastewater retention, taro production, and flood control, and, therefore, management for conditions conducive to Hawaiian stilt breeding is secondary. Finally, long-term management efforts on many of these sites are more tenuous than at core and supporting sites owned by Federal and/or State conservation agencies; this is due to a general lack of secured and dedicated funding sources and lack of internal operational capacity. Partnerships at supporting wetland sites have contributed to recovery progress for the Hawaiian stilt and other waterbirds (see *Current Voluntary and Regulatory Conservation Efforts*). Progress toward achieving this criterion is ongoing but not yet at a level of permanency or extent that would achieve the greatest conservation outcomes targeted by this criterion.

With regard to delisting Criterion 2, winter and summer surveys for the Hawaiian stilt show a fluctuating population, which generally increased from 1986 to 2004 and has been roughly stable at 1,500 to 2,000 individuals since 2005 (see *Range, Abundance, and Population Trends*). An updated PVA indicates that the carrying capacity (and therefore an appropriate abundance

target) for the Hawaiian stilt is fewer than 2,000 individuals and likely closer to 1,500 individuals (van Rees et al. 2022, table 2). Because the Hawaiian stilt population has been essentially stable at or above 1,500 individuals since 2005, delisting Criterion 2 has been fulfilled.

As previously described, recovery of a species may be achieved without all of the criteria in a recovery plan being fully met. We may learn new information about the species after a recovery plan is finalized, and the new information may change the extent to which the originally defined recovery criteria are appropriate for identifying recovery of the species. Therefore, we use the regulatory definitions of the Act when determining the appropriate classification of a species listed under the Act.

Regulatory and Analytical Framework

Regulatory Framework

Section 4 of the Act (16 U.S.C. 1533) and the implementing regulations in title 50 of the CFR set forth the procedures for determining whether a species is an endangered species or a threatened species, issuing protective regulations for threatened species, and designating critical habitat for threatened and endangered species. On April 5, 2024, jointly with the National Marine Fisheries Service, we issued a final rule that revised the regulations in 50 CFR part 424 regarding how we add, remove, and reclassify endangered and threatened species and what criteria we apply when designating listed species' critical habitat (89 FR 24300). On the same day, we published a final rule revising our protections for endangered species and threatened species at 50 CFR part 17 (89 FR 23919, April 5, 2024). These final rules are now in effect and are incorporated into the current regulations. Our analysis for this final decision applied our current regulations. Given that we proposed downlisting this species under our prior regulations (revised in 2019), we have also undertaken an analysis of whether our decision would be different if we had continued to apply the 2019 regulations; we concluded that the decision would be the same. The document comparing the analyses under the regulations currently in effect and the 2019 regulations are available on <https://www.regulations.gov> at Docket No. FWS–R1–ES–2020–0079.

The Act defines an “endangered species” as a species that is in danger of extinction throughout all or a significant portion of its range and a “threatened species” as a species that is

likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether any species is an endangered species or a threatened species because of any of the following factors:

(A) The present or threatened destruction, modification, or curtailment of its habitat or range;

(B) Overutilization for commercial, recreational, scientific, or educational purposes;

(C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or

(E) Other natural or manmade factors affecting its continued existence.

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species' continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects. We consider these same five factors in downlisting a species from endangered to threatened.

We use the term "threat" to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term "threat" includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term "threat" may encompass—either together or separately—the source of the action or condition or the action or condition itself.

However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an "endangered species" or a "threatened species." In determining whether a species meets either definition, we must evaluate all identified threats by considering the species' expected response and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its expected effects on the species, then analyze the cumulative effect of all of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive effects on the species, such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets

the definition of an "endangered species" or a "threatened species" only after conducting this cumulative analysis and describing the expected effect on the species.

The Act does not define the term "foreseeable future," which appears in the statutory definition of "threatened species." Our implementing regulations at 50 CFR 424.11(d) set forth a framework for evaluating the foreseeable future on a case-by-case basis, which is further described in the 2009 Memorandum Opinion on the foreseeable future from the Department of the Interior, Office of the Solicitor (M-37021, January 16, 2009; "M-Opinion," available online at <https://www.doi.gov/sites/doi.opengov.ibmcloud.com/files/uploads/M-37021.pdf>). The foreseeable future extends as far into the future as the Service can make reasonably reliable predictions about the threats to the species and the species' responses to those threats. We need not identify the foreseeable future in terms of a specific period of time. We will describe the foreseeable future on a case-by-case basis, using the best scientific and commercial data available and taking into account considerations such as the species' life-history characteristics, threat-projection timeframes, and environmental variability. In other words, the foreseeable future is the period of time over which we can make reasonably reliable predictions. "Reliable" does not mean "certain"; it means sufficient to provide a reasonable degree of confidence in the prediction, in light of the conservation purposes of the Act.

Analytical Framework

To assess Hawaiian stilt viability, we used the three conservation biology principles of resiliency, redundancy, and representation (Shaffer and Stein 2000, pp. 306–310). Briefly, resiliency is the ability of the species to withstand environmental and demographic stochasticity (for example, wet or dry, warm or cold years), redundancy is the ability of the species to withstand catastrophic events (for example, droughts, large pollution events), and representation is the ability of the species to adapt to both near-term and long-term changes in its physical and biological environment (for example, climate conditions, pathogens). In general, species viability will increase with increases in resiliency, redundancy, and representation (Smith et al. 2018, p. 306). Using these principles, we identified the species' ecological requirements for survival and reproduction at the individual,

population, and species levels, and described the beneficial and risk factors influencing the species' viability.

Summary of Biological Status and Threats

In this discussion, we review the biological conditions of the Hawaiian stilt and its resources, and the threats that influence the subspecies' current and future condition, in order to assess the subspecies' overall viability and the risks to that viability. In addition, the 5-year review (Service 2020, entire) documents our comprehensive biological status review for the subspecies, including an assessment of the potential threats to the subspecies.

The sources cited in this final rule represent the best scientific and commercial data available concerning the current status of the subspecies, including the past, present, and future threats. We used this information to evaluate the current and future resiliency, redundancy, representation, and viability of the Hawaiian stilt. (See Regulatory and Analytical Framework.) The effects of conservation actions were also assessed as part of the current condition of the subspecies. We note that overutilization for commercial, recreational, scientific, or educational purposes (Factor B) was not identified as a threat at the time of listing, and we have no additional information to suggest it is currently, or will become, a threat in the foreseeable future; hunting of the subspecies has been prohibited since the 1940s. Furthermore, in this final rule, we consider regulatory mechanisms (Factor D) with respect to how both regulatory and volunteer conservation measures might reduce or ameliorate threats to the subspecies, rather than in the context of a potential stand-alone threat. Threats to the subspecies are reduced by voluntary and regulatory actions initiated by the Service, Federal agencies, DOFAW, and voluntary actions by a large network of organizations interested in wetland and waterbird conservation range wide. A summary of these efforts is found in *Current Voluntary and Regulatory Conservation Efforts*.

We assessed the impact of threats on the Hawaiian stilt into the foreseeable future. The foreseeable future is the extent into the future for which we can make reasonably reliable predictions about the threats to the Hawaiian stilt and its response to those threats. In the proposed rule, we considered the foreseeable future timeframe to extend out to 2040 primarily due to uncertainty related to physical processes (e.g., changes in Greenland and Antarctic ice sheets) and future societal actions

employed to reduce greenhouse gas emissions (global warming), and because climate models in earlier IPCC reports begin to diverge considerably around this year depending on the greenhouse gas emission scenario (IPCC 2014, pp. 9, 11). However, since the drafting of the proposed rule, the IPCC has published updated reports using the most current climate data, and subsequently, NOAA published revised sea level rise scenarios with increased confidence in regional projections (IPCC 2021 SPM–15, entire; NOAA 2022, entire). Both the updated IPCC and NOAA reports show increased confidence in climate and sea level rise projections through the near-term (2050) and long-term (2100).

Though we now have increased confidence in sea level rise projections out to 2100, we have less confidence in the subspecies' response to the climate-related threats to their habitat that far out into the future. Hawaiian stilt resiliency currently relies greatly on habitat management activities, and it will continue to rely on habitat management especially under future sea level rise scenarios. Our confidence in the continuation of habitat management activities into the future is more limited than our confidence in sea level rise projections into the future. However, we are reasonably confident that we can project Hawaiian stilt resiliency further out into the future than 2040, to approximately 2080, based on: the most recently published sea level rise data (NOAA 2022, p. 60) which lends higher confidence to both shorter- and longer-term sea level rise projections in Hawaii; the most recently published, updated, peer-reviewed PVA (van Rees et al. 2022, entire) which projects the probability of extinction of the Hawaiian stilt through 2100; and the more limited reliability of the continuation of ongoing management practices that support Hawaiian stilt resiliency and the typical lifespan and generation time of the Hawaiian stilt.

The primary threats to the Hawaiian stilt are habitat loss and degradation (due to urban development, ground and surface water alterations that affect core and supporting wetlands, nonnative plants, and foreseeable changes in habitat quality and quantity due to sea level rise (such as groundwater flooding and inundation and coastal flooding and inundation)) (Factor A); nonnative predators (Factor C); avian disease (Factor C); environmental contaminants (Factor E); and increased tropical cyclone intensity and frequency resulting from increasing temperatures (Factor E).

These threats are considered in the context of the life history and biological characteristics of the Hawaiian stilt, a stable and resilient subspecies indicated from surveys over the past several decades, and peer-reviewed studies including past (Reed et al. 1998a, entire) and most recent (van Rees et al. 2022, entire) PVA analyses, and radio telemetry studies (Kawasaki et al. 2020, p. 431). Below we discuss these threats and their relationship to the Hawaiian stilt current and future condition.

Habitat Loss and Degradation Due to Urban Development

Some of the largest core wetlands have been lost over the past century. On Oahu, wetlands at Waikiki, Pearl Harbor, Ka'elepulu (now Enchanted Lake), and Salt Lake were lost to development, each with only remnants left behind, some of which, like Waikiki, are no longer able to support the Hawaiian stilt. A small preserve (Ka'elepulu Wetland Preserve, 3 ac (1.2 ha)) was set aside in 1955, a remnant of the once expansive Ka'elepulu wetland. Pearl Harbor wetlands have also been greatly degraded and diminished by means of filling, urban development, nonnative plant overgrowth, and water pollution. The Mānā Plains on Kauai, once the largest wetland in Hawaii at over 1,600 ac (650 ha) (circa 1910) was reduced to only 200 ac (80 ha) by 2006, primarily due to water diversions for sugar cane (Munro 1944, p. 59; Shallenberger 1977, p. 218; Erickson and Puttock 2006, p. 40). Within these last 200 ac (80 ha), 35 ac (14 ha) are designated as the Mānā Plains Forest Reserve (formerly the Kawai'e Waterbird Sanctuary). Although magnitudes smaller in size, it is still considered a core wetland (Service 2011, pp. 207, 214). The greater Mānā Plain area is also an important supporting wetland habitat for the Hawaiian stilt due to remaining scattered ephemeral (temporary) wetlands (Nadig 2017, pers. comm.). The adjacent Navy wastewater treatment facility at the Pacific Missile Range Facility also serves to support the subspecies as a supporting (albeit human-made) wetland. Most wetland losses in Hawaii have been human induced, ranging from water diversions, discharging fill, damming, channelizing, pumping, grubbing (the removal of trees, shrubs, stumps, and rubbish from a site), grading, deep ripping, and other agricultural or military land use practices (Erickson and Puttock 2006, p. 40). Wetland habitat loss since human settlement has been estimated at 15 percent across the islands, 44 percent in coastal areas, and as high as 65 percent

on some islands (van Rees and Reed 2014, p. 335).

Many of Hawaii's wetlands, including core and supporting wetlands occupied by Hawaiian stilts, occur in coastal areas that are highly valued for development and are becoming increasingly urbanized. Although the rate of permanent losses of coastal wetlands has significantly slowed due to wetland protection laws, suitable Hawaiian stilt breeding wetland sites continue to be subject to degradation effects from adjacent urbanization and other incompatible land uses, water extraction, and diversion (Paxton et al. 2021, p. 426). This continuous encroachment raises concerns regarding human disturbance, urban runoff impacts on water quality, and an increased incidence of domestic cats and dogs in wildlife areas (Stone 1989, pp. 129–130, 134; Wright et al. 2006, pp. 13–60). Further, ongoing urbanization could limit or prohibit the inland movement of coastal wetlands, as areas are inundated with groundwater and marine water resulting from sea level rise, because there are generally more impermeable surfaces in urbanized areas (Clausen and Clausen 2014, p. 177).

Ground and Surface Water Alterations Resulting From Urban Development

Ground and surface water alterations, such as flood control and channelization, often make wetland habitat less suitable or unusable for Hawaiian stilts by altering both water depth and timing of water level fluctuations. Nearly all surface-water features (e.g., streams, lakes, reservoirs, wetlands, and estuaries) interact with groundwater (United States Geological Survey (USGS) 1998, p. III). As a result, withdrawal of water from streams can deplete groundwater. Similarly, pumping of groundwater can deplete water in streams, lakes, and wetlands (USGS 1998, p. III). Hawaiian stilts are not always able to adjust their breeding behavior to accommodate such modifications, which results in decreased reproductive success and therefore decreased resiliency. Alternatively, water released after prolonged diversion can negatively impact habitat for the Hawaiian stilt (Morin 1998, p. 27; Underwood 2017, pers. comm.; Conlon 2021, pers. comm.; Nishimoto 2021, in litt.).

For example, in 2014, water disputes on west Maui resulted in less upstream water diversion for agriculture, and subsequently a higher flow into Keālia Pond NWR. The increase in water input decreases the amount of Hawaiian stilt habitat (i.e., by flooding mudflats and

shallow water areas) and occasionally requires release of water into the ocean, which has resulted in the flooding of Hawaiian stilt nests close to the outflow channel (Conlon 2021, pers. comm.; Underwood 2017, pers. comm.; Nishimoto 2021, in litt.). Prior to this surface water alteration, Keālia Pond was a common breeding site for the Hawaiian stilt (sometimes supporting over 1,000 individuals) (Nishimoto 2006, p. 40; Nishimoto 2014, p. 1; Underwood 2017, pers. comm.; Nishimoto 2021, in litt.). The shift to deeper, year-round water has resulted in a reduction of Hawaiian stilt numbers at Keālia Pond (Underwood 2017, pers. comm.; Nishimoto 2021, in litt.). The natural cycle of seasonal inundation and evaporation of fresh or brackish water mudflats has been altered, resulting in a decrease in quality of habitat. More recently, Keālia has increased the use of water management practices focused on supporting Hawaiian stilt viability and is starting to see more stilts on the NWR again, although in low numbers (Conlon 2021, pers. comm.). The Keālia Pond NWR continues to face uncertainty regarding the amount of upstream water that flows into the wetland, and water management at Keālia remains a multifaceted resource management challenge.

The depletion of freshwater aquifers also causes saltwater intrusion into coastal groundwater, resulting in changes to salinity levels in associated wetlands. Changes in salinity may alter the composition of the vegetation and invertebrate communities, which subsequently may affect food availability at such sites for Hawaiian stilts (Chang 1990, pp. 65, 71, 73; Morin 1998, p. 27; Wirwa 2007, pp. 86, 91; Silbernagle 2008, pers. comm. cited in Service 2011, p. 80). Further, invertebrate die-offs from salinity changes could trigger a botulism outbreak (see *Avian Disease*, below) (Morin 1998, p. 27). Records of salinity in Hawaii's wetlands range from 0 ppt up to 200 ppt (Ueoka et al. 1979, p. 6; Coleman 1981, pp. 12, 15, 18; Wirwa 2007, p. 91; Nadig 2017, pers. comm.). For example, over the last few decades, the Kona side of the island of Hawaii has experienced a large increase in urban development. There has been a concentration of urban development upslope from the Kaloko-Honokōhau NHP, which has resulted in an increase in water diversion from groundwater sources leading to increasing salinity levels within the already brackish water in 'Aimakapā pond (Okī et al. 1999, entire; Okī 2021, entire; Beavers and Zimpfer 2022, pers. comm.). While adult Hawaiian stilts have a tolerance to

a range of water salinities, Hawaiian stilt chicks require a nearby freshwater source (Beavers and Zimpfer 2022, pers. comm.; Nadig 2022, in litt.). In summary, the Hawaiian stilt is generally tolerant to changes in salinity at the scale most likely to occur due to sea level rise in the near-term future, but longer-term future salinity changes could be more significant and may have the potential to negatively impact Hawaiian stilt habitat and viability.

Habitat Loss and Degradation by Nonnative Plants

Hawaii experiences a year-round growing season; therefore, management of invasive wetland plants, and sometimes native plants, must be constant to provide good habitat for the Hawaiian stilt (Underwood et al. 2013, p. 1; Nadig 2017, pers. comm.). Invasive plant species such as California grass, pickleweed, water hyacinth (*Eichhornia crassipes*), Indian fleabane (*Pluchea indica*), and mangrove (*Rhizophora mangle*) present serious problems in most Hawaiian wetlands by outcompeting native species and eliminating open water, mudflats, and shallow water areas (Shallenberger 1977, pp. 154, 184, 238; Griffin 1989, p. 1171; Henry 2006, p. 26). At least one native plant, 'ae'ae (*Bacopa monnieri*), may also need management as it too has the potential to smother wetland habitat (Nadig 2017, pers. comm.). The alteration of wetland plant communities due to extensive, blanketing overgrowth of invasive plants can greatly reduce the usefulness of wetland areas for native waterbirds, including the Hawaiian stilt (Shallenberger 1977, pp. 154, 184, 238; Griffin 1989, p. 1171; Morin 1994, p. 69; Morin 1998, p. 21; Pacific Rim Conservation 2012, p. 6; Jenkins 2016, in litt.). The establishment of nonnative red mangrove may facilitate the use of wetlands by introduced cattle egrets (*Bubulcus ibis*) and the indigenous black-crowned night-heron or 'auku'u (*Nycticorax nycticorax*), thereby increasing the threat of predation on Hawaiian stilts (Rauzon and Drigot 2002, p. 240). Efforts to remove such invasive plant species are expensive and require ongoing vegetation management as well as periodic sweeps for removing seedlings. Nonnative plant control is a key problem facing wetland managers in the State of Hawaii (Service 2011, p. 80).

Sea Level Rise

Global mean sea level (GMSL) is rising and is expected to continue to rise for centuries due to thermal expansion, even if all nations ceased production of greenhouse gasses today (Meehl et al. 2012, p. 576; Golledge et al. 2015, pp.

421, 424; DeConto and Pollard 2016, p. 591; IPCC 2021, p. SPM–28). This expected rise in GMSL is because of the warming that has already occurred. Additionally, GMSL may rise even more due to warming that is yet to occur caused by the still uncertain level of future greenhouse gas emissions (NOAA 2017, p. 1; IPCC 2021, p. SPM–28–SPM–29; NOAA 2022, entire). The IPCC's recent report states that the global surface temperature will continue to increase until at least mid-century under all emission scenarios considered, and that global warming (ambient global temperature increase) of 1.5 degrees Celsius (°C) (2.7 degrees Fahrenheit (°F)) and 2 °C (3.6 °F) will be exceeded during the 21st century unless deep reductions in greenhouse gasses occur (IPCC 2021, pp. SMP–15, SMP–17).

The current projection for GMSL rise is 1 ft (0.3 m) by 2050, with more uncertainty toward the turn of the century (2100), ranging from 1.3 to 2.3 ft (0.4 to 0.7 m) under the scenario of a global mean temperature increase of 2.0 °C (3.6 °F) above 1850–1900 levels (NOAA 2022, p. 20). Depending on the emission scenario, the NOAA projections for sea level rise in 2100 range from low (1 ft (0.3 m)), intermediate-low (1.6 ft (0.5 m)), intermediate (3.3 ft (1.0 m)), intermediate-high (5 ft (1.5 m)) and high (6.6 ft (2 m)) (NOAA 2022, p. 10). Sea level rise in Hawaii is projected to be 2 to 4 in (5 to 10 cm) lower than the GMSL rise (NOAA 2022, p. 60).

Marine flooding and inundation resulting from sea level rise is anticipated to result in some coastal flooding in Hawaii by as early as 2040 (Kane and Fletcher 2013, pp. 1–33, and Appendix). Marine flooding and inundation is expected to occur through a combination of storm surge (rising sea level associated with a storm), marine overwash (waves overtopping sand dunes), and tidal waves (periodic tidal fluctuations caused by gravitational pull), intensified by sea level rise and increases in tropical storm frequency and intensity (see Tropical Cyclone Intensity and Frequency) (Fletcher et al. 1995, p. 193). These forces can change coastal geomorphology, increasing the risks of flooding on the coastal floodplain (Theuerkauf et al. 2014, p. 5146) and low-island overwash (Hoeke et al. 2013, p. 137). Especially in coastal wetlands with no significant barrier from the ocean, marine inundation is expected to impact Hawaiian stilt habitat (Kane and Fletcher 2013, p. 16; Jenkins 2016, in litt.) and poses a substantial threat to Hawaiian stilt reproduction. Flooding from marine

overwash during the breeding season (February through September) can destroy nests with eggs (Coleman 1981, p. 57; Kane et al. 2015, entire; Anderson et al. 2018, entire; Price 2021, in litt.), although Hawaiian stilts may re-nest if nest failure occurs early in the breeding season (Coleman 1981, p. 59; Uyehara 2018, in litt.). If nest overwash without re-nesting were to occur over many years at wetlands on Kauai, Oahu, and Maui, the resiliency and redundancy of the Hawaiian stilt could decrease due to lack of natural recruitment (Reed et al. 2007, p. 616).

Marine flooding and inundation also will cause an increase in salinity levels, changing the composition of vegetation in coastal wetlands (Kane et al. 2014, p. 1685). This could impact shallow foraging and nesting mudflat areas by allowing invasive, salt-tolerant, emergent vegetation to become established, which could in turn reduce nesting habitat for the Hawaiian stilt. However, Hawaiian stilts currently occupy core wetlands that are hypersaline (e.g., the Waiawa unit of Pearl Harbor NWR), as springs are often scattered across the islands and provide a nearby freshwater source even in ocean tidal zones.

Sea level rise is of particular concern for conservation of the Hawaiian stilt because most of Hawaii's wetlands are located just inland of a narrow coastal strand and are dependent upon natural or pumped groundwater sources to maintain pond water levels (Kane 2014, p. 7 and references therein). Some of the most vulnerable wetlands in Hawaii are on the south shore of Molokai. Pālā'au and Kahanui wetlands—both Hawaiian stilt supporting wetlands—may be inundated at 1 ft (0.3 m) and 2 to 3 ft (0.6 to 0.9 m) of sea level rise, respectively, and Ohiapilo may similarly be inundated at 2 ft (0.6 m) of sea level rise (Jenkins 2016, in litt.). Sea level rise impacts will rapidly accelerate after a particular increase of sea level occurs, and this is defined as a critical elevation point. At Kanahā State Wildlife Sanctuary on Maui, the critical elevation point is 0.7 ft (0.2 m), and it is predicted to be exceeded by 2028 [+25 years] (Kane and Fletcher 2013, p. 18). The critical elevation point at Keālia Pond NWR (Maui) and James Campbell NWR (Oahu) is 2 ft (0.6 m) and is predicted to be exceeded by 2066 [+16 years] (Kane and Fletcher 2013, p. 18).

Sea level rise is already beginning to impact some wetlands in Hawaii (Kane et al. 2015, p. 353; Htun et al. 2016, pp. 50–51; van Rees and Reed 2018, pp. 2–3; Reed and van Rees 2019, p. 4; van Rees and Reed 2020, in litt.; Harmon et

al. 2021a, entire). The Service has collaborated with multiple Federal agencies to implement appropriate responses to a wide variety of impacts associated with sea level rise and other climate change phenomena. Such responses include wetland restoration projects, which are also implemented by Hawaii DOFAW on State lands (see *Current Voluntary and Regulatory Conservation Efforts*). The combination of ongoing adaptive management, the formation of new wetland habitat, and wetland accretion at existing wetlands may help ameliorate the threat of sea level rise to the Hawaiian stilt.

Sea level rise was intentionally left out of the updated PVA (van Rees et al. 2022, entire). The authors of the PVA reasoned that to make a more accurate statement of extinction risk, a more in-depth analysis that was spatially explicit would be necessary, including site-specific vital rates for different types of habitats; average estimates of annual movement rates between those habitats, especially movement related to breeding; and finally, an accurate, defensible, and mechanistically modeled estimate of the changes in breeding habitat availability and quality given future sea level rise (van Rees and Reed 2021, in litt.). Much of this data is not available, to our knowledge. While sea level rise was incorporated into a recent Hawaiian gallinule ('ālae 'ūla) PVA (van Rees and Reed 2018, entire), the relationship between Hawaiian stilt viability and storm surge, salinity, sea level, and habitat quality and quantity is not as straightforward as it is for the gallinule. For example, whereas any area inundated or encroached upon by saltwater represents an effective loss of habitat for the gallinule, we cannot make the same assumption for Hawaiian stilts because they have a tolerance for salinity and do not rely on specific vegetation types for nesting. Unquestionably, there will be Hawaiian stilt habitat loss that results from sea level rise in the future, but it is unclear how much until physical modeling of the environment (sediment dynamics, freshwater lens, storm surge, vegetation dynamics) is done, and where there may be gains or losses.

Regardless, even at the lowest estimates projected by NOAA and the IPCC, a substantial amount of Hawaiian stilt habitat may be lost or degraded by the turn of the century. The most recent analysis of sea level rise impacts on listed waterbird habitat in Hawaii reports a 29 percent loss (27 percent from marine inundation and 2 percent from groundwater inundation) in potential waterbird nesting habitat across the main Hawaiian Islands by

2100 under a 3.3 ft (1 m) sea level rise scenario (Harmon et al. 2021a, entire). Therefore, while it is not currently a population-level threat to the subspecies, sea level rise is likely to lead to population-level impacts for the Hawaiian stilt in the foreseeable future and contributes to its threatened status.

Tropical Cyclone Intensity and Frequency

Tropical cyclone frequency and intensity are projected to change as a result of increasing temperature and changing circulation associated with climate change (Vecchi and Soden 2007, pp. 1068–1069, figures 2 and 3; Emanuel et al. 2008, p. 360, figure 8; Yu et al. 2010, p. 1371, figure 14). A projected shift in the path of the subtropical jet stream northward, away from Hawaii, will increase the number of storms reaching the Hawaiian Islands from an easterly direction, similar to Hurricane Iselle in 2014 (Murakami et al. 2013, p. 751). This shift may result in extreme rainfall events and associated flooding impacts to core and supporting wetland sites located on the northern and eastern shores of the affected islands.

The earliest documentation of a major hurricane resulting in widespread damage in Hawaii comes from 1871. This hurricane, conservatively classified as a category-3 storm, resulted in substantial damage on the islands of Hawaii and Maui (Businger et al. 2018, entire). Between 1950 and 1997, 22 hurricanes passed near or over the Hawaiian Islands; five of these, most notably Category 4 Iniki (1992), caused serious damage to the islands, including stilt habitat (Businger 1998, in litt.; Nugent et al. 2020, p. E955). To this day, Hurricane Iniki is the strongest storm in recorded history to make landfall in Hawaii. In the last decade, Hawaii has experienced 11 close encounters with tropical cyclones (NOAA 2021, unpaginated). Most of these storms either dissipated or bypassed the islands with minimal to no impacts or were substantially downgraded, resulting in only minor environmental damage. However, several hurricanes have resulted in damage to the islands. Recently, Hurricane Douglas (2020) passed just north of the Hawaiian Islands, resulting in heavy rainfall and gusty winds across the State. It is widely recognized among subspecies experts that flooding resulting from hurricanes can destroy Hawaiian stilt eggs (*i.e.*, nest failure) and chicks. However, when considering the more reliable summer Hawaiian stilt count data recorded in DOFAW's Annual Waterbird Survey (figure 1), the Hawaiian stilt population

index trend does not appear to decrease in the subsequent years following hurricane events dating back to 1986. Hawaii's hurricane season is June through November, while the Hawaiian stilt nesting season is February through September, overlapping during the months of June through September. However, most Hawaiian stilt nesting occurs in March with most chicks being fully fledged (able to fly) by the end of August; most of the hurricanes to make a direct or indirect impact in Hawaii occurred during the months of July through September. Damaging heavy rains are not always affiliated with a tropical cyclone. For example, the record-breaking severe flood event on Kauai in April 2018 resulted in flooding of nests, which caused nest failure and chick mortality (Uyehara 2018, in litt.). Because Hawaiian stilts can have multiple nest attempts each nesting season, such events may not correlate with declines in the population index. However, early nesters are the most successful (Harmon et al. 2021b, entire). It is unknown if the cumulative impacts from hurricanes and heavy rain episodes during 2018 influenced the Hawaiian stilt population trends, as the survey data for subsequent years are either incomplete and inconclusive or have not yet been processed. We recognize that impacts from tropical cyclones can degrade and destroy habitat as well as cause direct mortality of eggs and chicks in various ways such as flooding of nests with eggs, directly killing chicks, separation of chicks from parents which can result in death, and depletion of natural food sources during periods of high flood frequencies (e.g., shearing of the benthic layer and invertebrates), resulting in a decrease in nutrition for successful waterbird reproduction (Uyehara 2018, in litt.).

Groundwater Inundation and Flooding

As sea level rises, the water table will rise simultaneously, eventually rising above the land surface, creating new wetlands and expanding others (Rotzoll and Fletcher 2012, p. 477). This will subsequently change surface drainage, saturate the soil, and inundate land in lower lying areas (Rotzoll and Fletcher 2012, p. 447). The rising groundwater table will change certain aspects of spatial configuration and vegetative zonation in some wetlands, and the freshwater resources will degrade in quality due to the underlying saltwater intrusion (Polhemus 2015, p. 21 and references therein). While ecogeomorphic (interactions between organisms and the development of landforms) feedbacks will allow some coastal wetlands to adapt to the lower

estimates of sea level rise, more rapid and higher estimates of sea level rise will likely submerge many wetlands by the year 2100 (Kirwan et al. 2010, pp. 1–5; Langley et al. 2009, p. 6182).

Effects of groundwater flooding may already be occurring at Kealia Pond NWR and in wetlands with similar characteristics (Kane 2014, p. 13), but the net effect, or expected rate of change, of groundwater flooding on the narrow band of habitat suitable for the Hawaiian stilt has not been specifically analyzed and remains unclear. Some actively managed wetlands, such as NWR units in Hawaii, will have some management flexibility to maintain both foraging and breeding habitat for the Hawaiian stilt at least during the early stages of groundwater inundation. However, as marine flooding and inundation exacerbates this threat, NWR units may run out of land area to meet the needs of the Hawaiian stilt. Other core and supporting wetland managers may not be able to manage for adaptation as readily due to lack of funding or support, or they may find there is no land left for which to manage.

Although the upslope expansion or creation of new wetlands from groundwater and marine flooding and inundation (ecogeomorphic feedback) could help to counteract at least some habitat losses from sea level rise, many of these sites would be outside of current landownership as well as predator control programs on current core or supporting wetlands. To take advantage of these changes, State and Federal agencies would need to commit and potentially increase funding to adjust predator control programs at newly created or expanded core and supporting wetlands and perhaps acquire new lands; historically, predator control funding has not always been consistent (Nadig 2018, pers. comm.). Additionally, urban development directly adjacent to coastal wetlands, or surrounding wetlands as is the situation at Kanahā Pond State Wildlife Sanctuary, will limit or prohibit such wetlands from a natural landward migration or ecogeomorphic shift (Kane 2014, p. 29).

Because Hawaiian stilts compete for nesting ground and brood territories in mudflats and shallow water, reduction of this habitat may have negative impacts on the population, specifically reduced resiliency, redundancy, representation, and therefore reduced viability. Hawaiian stilts that are forced to use nest sites and brood-rearing habitat outside predator control areas are likely to suffer higher mortality (Price 2020, p. 10).

Predation

Predation by nonnative animals is one of the greatest threats influencing the overall viability of the Hawaiian stilt (Service 2011, p. v; Underwood et al. 2013, pp. 1–2; Underwood et al. 2014, pp. 32–38; Price 2020, p. 1; Harmon 2020, in litt.; Christensen et al. 2021, entire; Harmon et al. 2021b, entire). Introduced predators have negatively influenced the overall viability of the Hawaiian stilt since the mid-1800s (Griffin et al. 1989, pp. 1165–1174). Birds in the Hawaiian Islands evolved in the absence of mammalian predators and are consequently highly vulnerable to these introduced animals. Predators of the Hawaiian stilt include both introduced and native animals, including mongooses (*Herpestes javanicus*), black rats (*Rattus rattus*), feral cats (*Felis catus*), feral dogs (*Canis lupus familiaris*), black-crowned night herons (*Nycticorax nycticorax*), cattle egrets (*Bubulcus ibis*), Hawaiian short-eared owl or pueo (*Asio flammeus sandwichensis*), barn owls (*Tyto alba*), common mynas (*Acridotheres tristis*), and bullfrogs (*Rana catesbeiana*) (Coleman 1981, pp. 70–73; Robinson et al. 1999, p. 13; Eijzen 2009, entire; Service 2011, p. 58).

Mongooses were first introduced to the island of Hawaii in 1883 and subsequently to Oahu, Maui, and Molokai. They do not seem to have established on Kauai, although sightings continue to be reported (Phillips and Lucey 2016, pp. 1–23). Mongoose are a serious threat to the Hawaiian stilt where they occur, taking eggs, young birds, and nesting adults. Feral cats became established in Hawaii shortly after European contact and were common in Oahu forests as early as 1892 (Tomich 1986, pp. 101–102). Feral cats range from sea level to at least 2,900 m (9,500 ft) on the island of Hawaii (Hu et al. 2001, p. 236) and 3,055 m (10,000 ft) on Maui (Hodges and Nagata 2001, pp. 308, 312). The proliferation of feral cat feeding stations near parks and other areas that support Hawaiian stilts contributes toward predation. Cats have been observed taking adult Hawaiian stilts and are presumed to take chicks as well (Dibben-Young 2017, in litt.). Since 2020, Humane Societies across the Hawaiian Islands have stopped accepting feral cats, which has led to an increase in the number of stray cats on the landscape (Raine 2021, in litt.). Weak laws and lack of enforcement allow for the feeding of feral cat colonies, often near core and supporting wetlands (Raine 2021, in litt.). Many endangered waterbirds are being lost to predation annually; for example, in a 4-

year period from 2014 to 2018 at the Hanalei NWR, over 250 native waterbirds were killed by feral cats (Raine 2021, in litt.). If not mediated, feral cats will continue to have a direct and negative impact on Hawaiian stilt populations.

Rats prey on eggs and young Hawaiian stilts (Underwood et al. 2014, pp. 32, 37). Other introduced species, such as the cattle egret, bullfrog, and barn owl, prey on Hawaiian waterbirds. The introduced bullfrog is considered a voracious predator of all small animals (Berger 1981, p. 86; Adams and Pearl 2007, p. 680; Robinson et al. 1999, p. 13; Eijzen 2009, entire). Underwood and Letchworth (2016, pp. 380–383) hypothesize that improving bullfrog trapping will result in the improved survival of waterbird chicks. Cattle egrets play an unquantified role as a predator of nestling birds. Nonnative cats, rats, mongooses, dogs, and, to a lesser extent, pigs, barn owls, cattle egrets, predatory fish, and bullfrogs all directly prey on either eggs, young, or adult Hawaiian waterbirds (Underwood et al. 2013, p. 1).

The implementation of adaptive management predator control practices, including installation of mammalian predator-proof fencing, over the last decade at multiple core wetland sites has demonstrated that the response of the subspecies to predator control is positive, with higher productivity and overall improvements in population densities of the Hawaiian stilt compared with unmanaged sites (Underwood et al. 2014, p. 35; Price 2020, p. 10; Christensen et al. 2021, entire). For example, the recent installation of a mammalian predator-proof enclosure around the Hono'uli'uli Unit of the Pearl Harbor NWR, a core wetland, has resulted in an increased number of Hawaiian stilt eggs per nest and hatch rate (number of eggs hatched per nest), and such fencing has been subsequently employed for other core wetlands and wetlands adjacent to urban areas to increase Hawaiian stilt nest success (Christensen et al. 2021, entire; Raine 2021, in litt.). Managed wetlands using mammal exclusion fences result overall in a greater number of chicks hatched than managed wetlands that rely solely on mammalian trapping methods (Price 2020, p. 7; Christensen 2020, in litt. in Harmon 2020, in litt.; Christensen et al. 2021, entire). However, new trapping technologies (e.g., automatic self-resetting traps) that are less labor-intensive to implement allow for increased effective trapping areas and the subsequent reduction of predator populations over broader areas.

The effect of predation on reproductive success is a known point of vulnerability for the viability of Hawaiian stilt breeding populations and, if unmanaged, could result in range-wide population declines. Nest abandonment is also a common cause of nest failure and is often related to predation when it results from the presence of or harassment by predators (Price 2020, p. 19). Without active predator control, Hawaiian stilt survival is expected to be lower, particularly in hatch-year individuals (Reed et al. 2014, p. 183). Further, some predation of hatch-year individuals continues to occur even where extensive predator control programs are in effect (Coleman 1981, p. 89). For example, hatching success (number of nests that hatched at least one chick per number of total nests) averaged between 40 and 60 percent across wetlands, with predation being the cause of 65 percent of all nest failures on managed wetlands with predator removal programs (Harmon 2020, in litt.; Harmon et al. 2021b, entire). Similarly, even with improvement in predator control and vegetation management techniques since the 1970s, overall reproductive success has not changed over time on Oahu (Idle 2023, p. 16). Despite the installation of a ground predator-proof fence, reproductive success can still be low, especially when the main predators are not excluded by fencing. For example, avian predators and bullfrogs are not excluded by fencing, and other control methods for avian predators may not be ideal because they can also negatively impact the Hawaiian stilt (Goodale 2021, pers. comm.). However, in general, predation is expected to be higher in areas without predator control, and the reproductive success resulting in part from predator control has been sufficient to support a stable population trend since 2005.

The PVA indicates that the successful reproduction and survival of stilts occurs almost exclusively at protected and managed wetlands, and consequently, a reduction in management efforts would increase the probability of extinction and therefore decrease the subspecies' viability (van Rees et al. 2022, p. 9). Predator control programs continue to be implemented in most core wetland areas (See Recovery Criteria and table 1), and the resulting reproductive success has been sufficient to support stable to increasing population indices from 1986 through approximately 2004 and relatively stable trends since 2005. Improvements in predator control continue to be implemented, and for core and

supporting wetlands under Federal or State control, we expect predator control efforts to continue. Effective management has resulted in a stable Hawaiian stilt population to the point at which the population is approaching equilibrium (See Recovery Criteria discussion above).

The insights from the PVA justify the need for long-term conservation actions such as managing habitat conditions and controlling predation. The stability of Hawaiian stilt populations on core managed wetlands and the efficacy of management efforts focused on producing conditions that result in the survival of nests, chicks, and adults, are well established. For example, although the Service's NWR units contain only 15 percent of the total coastal plan wetland acreage in the State, they supported between 37 and 47 percent of the total Hawaiian stilt State-wide population according to data from 1986 through 2007 (Underwood et al. 2013, p. 6). Effective and sustained habitat and predator management significantly mitigates risk to the subspecies and improves its resiliency into the foreseeable future. Continuation and expansion of predator control and habitat management will further the stability (and expansion) of the conservation-reliant Hawaiian stilt population and its ability to withstand stochastic (i.e., resiliency) and catastrophic (i.e., redundancy) events, as well as maintain its widespread distribution on multiple islands (i.e., representation) and therefore its long-term viability. Long-term commitment towards conservation management actions is essential to continued progress towards Hawaiian stilt recovery.

Avian Disease

Avian botulism is the most prevalent disease affecting waterbirds in Hawaii, including Hawaiian stilts, and has been documented at two dozen or more wetlands (including many core and supporting wetlands) across the State (Dibben-Young 2016, p. 4; Service 2016, in litt.). Avian botulism is caused by a toxin produced by the anaerobic bacteria *Clostridium botulinum* type C in stagnant water. The disease may reappear annually and can affect all native and migratory waterbirds, causing paralysis evidenced by staggering and the eventual loss of use of legs. Mortality is often caused by respiratory failure or drowning from the inability to hold their head above water.

Some wetlands have more recurrence of avian botulism than others (e.g., Kauai: Hanalei NWR; Oahu: James Campbell NWR, Ka'elepulu Pond,

Kawainui Marsh; Maui: Kanahā Pond State Wildlife Sanctuary, Keālia Pond NWR; Molokai: Ōhiʻāpilo Pond) (Dibben-Young 2016, p. 4). Since December 2011, Hanalei NWR has experienced year-round avian botulism type C and has reported deaths of Hawaiian stilts from this disease (Service 2016, in litt.). Additionally, the Navy recently stated that oxidation ponds at the wastewater treatment facility located at the Pacific Missile Range Facility produce overflow that presents botulism risk.

Botulism is an ongoing issue for mortality risk, and we have no specific data or information suggesting the degree of threat will change in the future. Procedures have been developed for response to botulism outbreaks through Hawaii's State Wildlife Action Plan, in coordination with the DOFAW, wildlife centers, and veterinarians. For example, the Service is increasing efforts to detect and mitigate botulism outbreaks using conservation dogs (scent-detecting dogs) (Browning 2022, in litt.). Improvements in response to outbreaks may benefit in reducing mortality rates, as quick carcass disposal is essential to contain the disease's spread. This threat remains persistent and range-wide.

Highly pathogenic avian influenza, also known as bird flu, was confirmed from a backyard flock of domestic birds in Oahu in November 2024, and from wastewater treatment plants on the islands of Hawaii and Kauai shortly after, and represents the first confirmed detection of bird flu in Hawaii. This virus strain was found to be of a different genotype than that which has recently infected birds and livestock on the U.S. mainland (Hawaii Department of Health 2025, unpaginated). Shorebirds and other waterbirds are known reservoirs of bird flu, which can also cause disease and mortality in these species, with outbreaks being most common among gregarious waterbird species (Marchowski et al. 2024, p 23). Bird flu is not currently a threat to the Hawaiian stilt but could potentially become a threat in the foreseeable future.

Environmental Contaminants

Many wetlands in Hawaii are adjacent to urban development (Kane 2014, p. 29). This proximity results in potential for the Hawaiian stilt to be exposed to contaminants from storm drains and roadside ditches that empty into streams, wetlands, and the ocean (Stone 1989, p. 132; Wright et al. 2006, pp. 13–60). Some wetlands used as flood control basins, such as Kawai Nui marsh, are expected to accumulate

contaminants from urban runoff. Non-point source pollution from septic wastewater, agricultural runoff, roads, and contaminated storm water can overwhelm the filtering capacity of wetlands, including wetlands in Hawaii, impacting downstream coastal waters (DeCarlo and Anthony 2002, p. 490; Zhang and Zhang 2011, entire; DOFAW 2015, in litt.; Einoder et al. 2018, p. 102; van Rees 2018, p. 38; Beavers and Zimpfer 2022, pers. comm.). For example, over the last few decades, the Kona side of the island of Hawaii has experienced a large increase in urban development. Urban development upslope from the Kaloko-Honokōhau NHP, and the associated increase in septic tanks, has resulted in contaminated groundwater that flows into the park waters (Beavers and Zimpfer 2022, pers. comm.). Consequently, the core wetlands at this site, in effect, act as a tertiary wastewater treatment (Beavers and Zimpfer 2022, pers. comm.).

Several core wetlands are on or adjacent to military installations and airports, which further increases the risk of contaminants (Fry 2020, in litt.). Contaminants in wetlands can enter the diet of waterbirds, resulting in accumulation of toxins (Ratner 2000, entire; Einoder et al. 2018, p. 103). In Switzerland, polychlorinated biphenyls have been detected in waterbirds at levels within the range that could result in reproductive impairment (Zimmerman et al. 1997, p. 1379). Due to ocean current patterns and Hawaii's location in the Pacific Ocean, Hawaii receives an enormous amount of plastic marine debris each year. This debris not only impacts Hawaii's beaches but also pollutes Hawaii's coastal wetlands. At this time, we are not aware of any contaminant surveys being conducted in Hawaii wetlands or specific information about contaminant effects on the Hawaiian stilt; however, because Hawaiian stilts eat fish and aquatic invertebrates, they are particularly at risk from elevated concentrations of contaminants that accumulate in streams around Hawaii, many of which are tributaries to Hawaii's coastal wetlands (Brasher and Wolff 2007, p. 284).

Cumulative Effects

The Hawaiian stilt is threatened by ongoing predation, combined with loss or degradation of habitat resulting from urban development, ground and surface water alterations associated with urban development, nonnative plants, and flooding and inundation of habitat resulting from sea level rise. Threats such as botulism, flooding of nests

resulting from heavy rain, and environmental contaminants are also range-wide and persistent. Torrential rains associated with increases in hurricane frequency and intensity will increase urban runoff of oil, heavy metals, and other undesirable chemicals into Hawaii's lowland coastal wetlands, as well as result in nest failure and chick mortality. Similarly, torrential rain will increase sedimentation which, among other factors (increased temperature, pH, and salinity), is linked to increased botulism outbreak events (Rocke and Samuel 1999, pp. 1250, 1255–1256). The impacts associated with climate change, particularly sea level rise, may not be revealed for decades or more to come but may exacerbate other negative influences on the subspecies such as flooding of habitat and associated botulism risk, invasive plant proliferation, contaminant runoff, and hurricane and other storm-related impacts. However, Hawaiian stilts have demonstrated strong resilience and plasticity, as long as active management of predators, vegetation, and water levels provide safe and suitable habitat to meet their needs for breeding, foraging, and sheltering. More wetlands are being fenced to exclude mammalian predators, and most core wetlands are managed with predator control, vegetation control, and some capacity of water level control to assist in the recovery of the Hawaiian stilt (see table 1 and Recovery Criteria).

Management helps mitigate all of the aforementioned threats by attenuating the burden of predation, habitat loss and modification, and disease. Continuing the current level of habitat management and predation control efforts has resulted in a relatively stable population to a point at which the subspecies may have reached an equilibrium population size (the maximum number of birds the existing habitat can support) (See Recovery Criteria discussion above). Expansion of management on additional acreage and at additional locations should create enhanced stability (and expansion) of the Hawaiian stilt population range wide. Further, expansion and continuation of these essential actions will better equip the subspecies to withstand stochastic (*i.e.*, resiliency) and catastrophic (*i.e.*, redundancy) events by providing essential habitat that can support large, healthy breeding populations across its range. Similarly, maintaining and expanding core wetlands across the main Hawaiian Islands also gives the subspecies some environmental diversity and possibly even genetic diversity (as demonstrated in

Sonsthagen et al. 2018, entire) (*i.e.*, representation). Reproductively successful breeding populations (resiliency) at multiple wetlands (redundancy) across the main Hawaiian Islands (representation—where range across multiple islands is a surrogate for environmental and genetic diversity, as both may factor into the representation for the subspecies) increases its long-term viability. Additionally, as outlined under voluntary and regulatory conservation efforts, below, the Service is actively strategizing and planning to address impacts associated with climate change to promote the maintenance of Hawaiian stilt viability into the future.

Current Voluntary and Regulatory Conservation Efforts

The State of Hawaii and the DOD have been important partners in the Service's efforts to protect, manage, conserve, and restore the significant wetland habitats that have supported the Hawaiian stilt population over the last 30 years. The State is currently expanding their wetland restoration efforts. In addition to the ongoing management of multiple State-owned core wetlands (table 1) and several State-owned supporting wetlands (table 2), the State has plans to expand wetland restoration into sections of existing wetlands that are not currently as intensively managed to enhance restoration within existing managed areas (Hawaii Office of Planning (HOP) 1996, p. III–231; HOP 2010, p. 163; DOFAW 2011, entire; U.S. Army Corps of Engineers 2012, entire; Szuster and Ghen 2014, entire; HOP 2016, entire; U.S. Army Corps of Engineers 2021, entire; Smith 2021, pers. comm.; DOFAW 2022, in litt.). Planned State wetland restoration projects include: (1) expanding management into areas adjacent to current management areas (Kawaiiele Waterbird Sanctuary) in the Mānā Plain Wetlands on Kauai; (2) installation of a mammalian predator-proof fence around Kanahā Wildlife Sanctuary on Maui; (3) expanding management into areas adjacent to current management areas within Pouhala Marsh on Oahu, and installation of a mammalian predator-proof fence; and (4) expanding management into areas adjacent to current management areas within Kawainui Marsh on Oahu.

For decades, U.S. Marine Corps Base Hawaii (MCBH) has worked to maintain Hawaiian stilt habitat on its properties and facilitated events that promote Hawaiian stilt conservation, involving both the public and military personnel (U.S. Army Corps of Engineers 2009, entire; MCBH 2017, entire; MCBH 2020,

entire). Their overall goal is to contribute to regional recovery efforts of the Hawaiian stilt by building regional partnerships and strengthening the Hawaiian stilt population outside of the core habitat on the Marine Corps Base. In 2021, the Marine Corps Base phased out the use of the amphibious vehicles that were traditionally used to create mudflats for Hawaiian stilts. Whether or not this change in operations at the Base will result in fewer habitat resources available to the Hawaiian stilt remains unknown.

The Navy's Pacific Missile Range Facility on Kauai has committed to habitat restoration and management actions in important nearby wetland habitat in proximity to actions involving military readiness associated with implementation of their INRMP and associated section 7 biological opinions. Also, in accordance with section 7 and implementation of their INRMP, the Joint Base Pearl Harbor–Hickam (Navy) manages wetland habitat on Oahu regularly used by Hawaiian stilts, where they implement predator control, invasive species removal, and native out-planting. Title 16 of the United States Code (U.S.C.) section 670, commonly referred to as the "Sikes Act," is a law requiring the DOD to develop and implement INRMPs for military installations across the United States, when appropriate. Several wastewater treatment facilities across the islands conduct predator control to protect nesting Hawaiian stilts and adults with chicks (see table 2). Local and county governments also contribute to conservation actions.

In addition to the Act, the Hawaiian stilt is protected under a variety of other laws, including the Migratory Bird Treaty Act (MBTA). The MBTA (16 U.S.C. 703–712), is a domestic law that implements the U.S. commitment to four international conventions (with Canada, Japan, Mexico, and Russia) for the protection of shared migratory bird resources; see 50 CFR 10.13 for the list of migratory birds addressed by the MBTA. The MBTA prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Service.

The Hawaii Endangered Species law (HRS 195D) prohibits take, possession, sale, transport, or commerce in designated species. This State law also recognizes as endangered or threatened those species determined to be endangered or threatened pursuant to the Act. This Hawaii law states that a threatened species (under the Act) or an indigenous species may be determined to be an endangered species under State

law. Protection of these species is under the authority of Hawaii's Department of Land and Natural Resources, and under administrative rule (Hawaii Administrative Rules (HAR) 13–124–11). Incidental take of threatened and endangered species may be authorized through the issuance of a temporary license as part of a safe harbor agreement (SHA) or habitat conservation plan (HCP) (HRS 195D–21, HCPs; 195D–22, SHAs). Although this State law can address threats such as habitat modification, collisions, and other human-caused mortality through HCPs that address the effects of individual projects or programs on Hawaiian stilt, it does not address the pervasive threats to the Hawaiian stilt posed by introduced mammalian predators.

The Federal Clean Water Act (CWA; 33 U.S.C. 1251 *et seq.*) was designed, in part, to protect surface waters of the United States from unregulated pollution from point sources. The CWA also provides some benefit to the Hawaiian stilt through the regulation of discharge of dredged or fill material into surface waters through a permitting process. The CWA has significantly slowed the permanent loss of wetlands throughout Hawaii.

The Service also facilitates recovery implementation through interagency consultation, HCPs, and cooperative agreements. For example, the Service worked with the Chevron Refinery on Oahu from 1993 to 2004 to establish a cooperative agreement that implemented terms to manage Rowland's Pond to maintain it as nesting habitat for the Hawaiian stilt. These efforts included predator control and vegetation management at Rowland's Pond, the impounding basin, and oxidation ponds. From 2004 through 2016, Chevron Refinery continued to manage the refinery grounds for the benefit of the Hawaiian stilt and 'ālae ke'oke'o under a SHA. As a result of this agreement, at least 419 Hawaiian stilt chicks fledged at Chevron Refinery during this period.

In addition to the Federal and State regulatory programs discussed above, a variety of voluntary conservation partnerships have been formed to protect and manage waterbird habitat, including Hawaiian stilt habitat. Examples of such partnership opportunities include the Service's Partners for Fish and Wildlife Program, Coastal Program (*e.g.*, Molokai wetland restoration project with Pacific Birds Habitat Joint Venture (PBHJV)), and SHAs; the multiagency Coastal America program; restoration plans for hazardous materials spills that target waterbird habitat; and the Natural Resources

Conservation Service's wetland restoration programs. Partnerships aim to encourage landowners and private citizens to protect and preserve waterbirds and their habitats through cooperative agreements and funding for habitat restoration and creation.

Numerous conservation organizations and academic researchers voluntarily contribute to the recovery of Hawaii's endangered waterbirds, including the Hawaiian stilt. The Nature Conservancy (TNC) manages several ecological preserves in the State, including assisting toward the restoration and management of He'eia (TNC 2022, *entire*). 'Ahahui Mālama I Ka Lōkahi and Kawai Nui Heritage Foundation are watchdog organizations that oversee the future of Kawainui Marsh on Oahu, providing additional confidence that management of this important wetland will continue into the foreseeable future. They also sponsor and lead educational tours and coordinate plant restoration projects at Nā Pōhaku o Hauwahine. The PBHJV has wetland restoration projects ongoing at varying stages across the main Hawaiian Islands (PBHJV 2021, p. 10). The Nature Center, The Wildlife Society, and researchers at the University of Hawaii all work on waterbird recovery issues, ranging from aiding injured or sick birds to conducting research on waterbird life history, threats, and habitat. Private landowners that also contribute to waterbird recovery include Kamehameha Schools, Midler Family Trust, Arleone Dibben-Young (Nene O Molokai), and Ka'elepulu Wetland Preserve. Additionally, Ducks Unlimited, a nonprofit wetlands conservation organization, works cooperatively with State and Federal agencies as well as with private landowners and local corporations on wetlands conservation and habitat restoration and protection efforts (Ducks Unlimited 2022, *entire*). Multiple academic researchers produce data that help guide Hawaiian stilt management actions and inform related policy, and are now fostering a growing number of new academic researchers who also focus on the ecology and conservation of the Hawaiian stilt and wetland conservation in Hawaii (*e.g.*, Price and Harmon 2019, *entire*; Kawasaki et al. 2020, *entire*; Harmon et al. 2021b, *entire*; Opie 2022, *entire*; van Rees et al. 2022, *entire*). This growing interest in Hawaiian stilts and wetland conservation raises awareness of stilt conservation challenges and will help inform adaptive management for the subspecies in the future.

The Service has worked with a variety of partners implementing management

techniques that benefit the Hawaiian stilt throughout its range. Habitat management activities for the conservation of the Hawaiian stilt include activities that maintain suitable habitat conditions (*e.g.*, DOFAW 2011, *entire*; Underwood et al. 2013, *entire*; Underwood et al. 2014, *entire*; Service 2020, *entire*; Christensen et al. 2021, *entire*). These include vegetation management activities (for example, weeding, mowing, herbicide application, out-planting of native plants, mud-flat creation), activities that maintain water levels suitable for breeding or that maintain water quality (for example, irrigating wetland habitat for conservation purposes), activities for minimizing disease outbreaks (for example, monitoring for and addressing dead or decaying animals, emergency botulism outbreak responses), and large-scale restoration of native habitat (*e.g.*, removing feral ungulates, rats, cats, bullfrogs, and mongooses; and fencing).

Most recently, the Service's Coastal Program has helped fund and is collaborating with the PBHJV to restore wetland habitat on Kauai (Makauwahi Cave wetland habitat), Oahu (a small wetland on the North Shore), and Molokai (a multi-organizational partnership that is in the initial phase of a landscape-scale wetland restoration project which focuses on miles of coastal wetland habitat along the southern shore of the island). The many organizations that are contributing toward this effort make up the recently formed Molokai Wetland Partnership. The goal of this collaboration is to create a mosaic of restored wetland habitat that provides managed nesting habitat for the Hawaiian stilt and other listed waterbirds adjacent to restored lo'i kalo (traditional agroecology practice of wetland taro farming), while also providing flood control to mitigate flooding associated with sea level rise and a healthy wetland ecosystem that serves as a carbon sink. Further, the Service's Fish Habitat Program contributed funds toward He'eia wetland restoration efforts. The Service also has a Science Support Partnership grant with USGS for the following project: "Vegetation and climate reconstructions from central Pacific Island refuges to inform essential restoration of lowland plant communities and assist in climate-smart planning." This project involves taking sediment cores from James Campbell NWR and Kakahai'a NWR (and Palmyra and Laysan Atolls) to gain an understanding of what the vegetation was like before humans settled, how it has changed over thousands of years,

and how this information can help us better plan for the future to mitigate climate change and storm surge impacts to these refuges (Goodale 2021, *pers. comm.*).

The Service is working with Honolulu City and Honolulu County to remove 21 ac (8.5 ha) of mangroves adjacent to the Hono'uli'uli Unit of Pearl Harbor NWR, which will expand waterbird habitat in the area (Service 2022, *in litt.*). A strong predator control program will be implemented in this newly cleared area. At James Campbell NWR, the Punamano Unit (133 ac (54 ha)) will be restored and managed for predator control, and the inland side of James Campbell NWR will expand outward by 193 ac (78 ha), as the recently purchased shrimp ponds will be restored to nesting and foraging habitat for the Hawaiian stilt and other listed waterbirds. This expansion at James Campbell NWR, like that at the State's Kawainui wetland (discussed above), are particularly important as expansion of wetland habitat allows important space to accommodate sea level rise (at least under the projections through 2100) (see Sea Level Rise under Summary of Biological Status and Threats) (NOAA 2022; Service 2022, *in litt.*). The expansion of wetland habitat, as well as effective predator and vegetation control methods (*e.g.*, mammalian exclusion fencing, trapping methods, and vegetation control) into more core and supporting wetlands, may increase the carrying capacity or equilibrium population size for the subspecies and further improve the status of the Hawaiian stilt into the foreseeable future.

In collaboration with multiple other Federal agencies, the Service has adopted the resist-accept-direct framework to identify the best conservation decisions to help native habitats and species adapt to climate change (Morton 2019, *entire*; Schuurman et al. 2020, *entire*; Lynch et al. 2021, *entire*). "Resist" refers to making management decisions based on historical or acceptable current conditions; "accept" means to allow ecosystems to function or change autonomously without intervening; and "direct" refers to attempts to actively shape change in ecosystems toward preferred new conditions. Through the 4(d) rule associated with this reclassification, we are providing partners with greater flexibility to implement predator control and habitat management into existing and additional areas for the Hawaiian stilt.

Voluntary and regulatory conservation actions over the last 30 years have contributed toward the protected status of most of the core

wetlands and a portion of the supporting wetlands. Most management efforts are directed at the widely accepted, proven management triad of predator control, vegetation control, and water level control (Underwood et al. 2013, entire; Underwood et al. 2014, entire). Wetland habitat management and predator control strategies have become increasingly sophisticated as wetland managers embrace new science and technology (e.g., field cameras that detect motion which helps identify predators). Management plans have been developed for some wetlands sites; however, many of these plans are currently either outdated or their updated versions are currently in draft form. Our recent analysis of the current status of the Hawaiian stilt placed moderate weight on the ongoing management of core wetlands in Hawaii, as the management triad has been implemented for decades across the State and is anticipated to continue at a similar scope and intensity into the foreseeable future. Our analysis did not rely upon planned or future conservation actions that are not yet occurring and might occur in the future because the current status of the Hawaiian stilt is considered relatively stable under current management efforts that are expected to continue.

Determination of Hawaiian Stilt Status

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species meets the definition of an endangered species or a threatened species. The Act defines an “endangered species” as a species in danger of extinction throughout all or a significant portion of its range and a “threatened species” as a species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether a species meets the definition of endangered species or a threatened species because of any of the following factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) Overutilization for commercial, recreational, scientific, or educational purposes; (C) Disease or predation; (D) The inadequacy of existing regulatory mechanisms; or (E) Other natural or manmade factors affecting its continued existence.

Status Throughout All of Its Range

We have carefully assessed the best scientific and commercial data available regarding the past, present, and future threats to the Hawaiian stilt and its

habitat. After evaluating threats to the subspecies and assessing the cumulative effect of the threats under the section 4(a)(1) factors, we conclude that threats identified in the earlier 5-year status review (Service 2010, entire) and the recovery plan (Service 2011, entire) are ongoing at similar to increasing levels (Service 2020, p. 20). The main threats to the Hawaiian stilt continue to be the loss and degradation of habitat, including urban development, alteration in ground and surface water associated with urban development, invasion of habitat by nonnative plants, and sea level rise (Factor A); predation by a variety of introduced mammals, birds, bullfrogs, and the native black-crowned night heron (Factor C); botulism (Factor C); and environmental contaminants (Factor E). Tropical cyclones (hurricanes) flood habitat, which can subsequently result in nest failure and chick fatalities. However, historical tropical cyclone events over the past 30 years do not appear to have played a role in the overall trajectory of the Hawaiian stilt population. This trend may change, as Hawaii is anticipated to experience an increase in frequency and intensity of tropical cyclones in the foreseeable future due to climate change (Factor A). A variety of voluntary and regulatory conservation measures have helped to limit or reduce the impact of these threats on the subspecies and are anticipated to continue into the foreseeable future. A summary of these efforts is outlined in *Current Voluntary and Regulatory Conservation Efforts*, above. The best available information does not suggest that collection of the Hawaiian stilt is a current or future concern (Factor B).

The three key aspects of successful management of Hawaiian stilt breeding populations are predator control, vegetation management to provide more open nesting and loafing areas, and water-level controls. These actions are in place for the vast majority of the core wetlands (see Recovery Criteria and table 1). Further, 15 of the 34 supporting wetlands are in protected status, and 11 have some form of either habitat or predator management (see Recovery Criteria and table 2).

Based on predictions of groundwater and coastal flooding and inundation in Hawaiian coastal wetlands, sea level rise is likely to continue to progressively affect Hawaiian stilt habitat (Factor A), as by 2040, wetlands that exist at elevations near sea level without dune barriers may be most affected (Kane and Fletcher 2013, p. 10). The resulting groundwater and marine flooding and inundation can change the amount of available Hawaiian stilt foraging and

breeding habitat. Expansion of current wetlands and newly created wetlands from rising groundwater will create some new shallow water and mudflat areas for foraging and breeding; however, currently existing shallow water and mudflat areas will also be flooded (Rotzoll and Fletcher 2012, p. 477). Coastal plain wetlands are also at risk of marine flooding and inundation by storm surges, marine overwash, and high tides due to coastal erosion from rising sea levels that elevate normal tides (Fletcher et al. 1995, p. 203; Theuerkauf et al. 2014, p. 5146), and inundation can cause mortality to eggs and chicks (Coleman 1981, p. 57; Kane et al. 2015, p. 353). Creation of new or expansion of existing wetlands due to marine flooding and inundation may also change the salinity in wetlands, which may encourage the expansion of salt-tolerant nonnative plants on mudflats. Increased vegetation on mudflats can reduce available Hawaiian stilt nesting habitat. Marine inundation and groundwater inundation will modify wetland habitat, but whether there will be a net gain or loss of habitat is unknown (Polhemus 2015, p. 25). Increases in foraging and breeding habitat from expanding or newly created wetlands could offset losses from sea level rise; however, this may occur outside of the area of current predator control programs (Factor C). State and Federal land managers may need to adjust existing programs and/or acquire lands in order to effectively support Hawaiian stilt habitat in the new areas.

Avian botulism (Factor C) continues to be documented at wetlands State-wide as a cause of mortality events in Hawaiian stilt and other waterbird and waterfowl species (Dibben-Young 2016, pp. 4–5). Environmental contaminants (Factor E) may also be a threat to the Hawaiian stilt using wetland habitats near urban areas.

As previously stated, the Hawaiian stilt is a conservation-reliant subspecies (Reed et al. 2012, p. 888; Underwood et al. 2013, p. 1), which means that it will require active management in perpetuity (Scott et al. 2005, pp. 383–389; Scott et al. 2010, pp. 92–93; Goble et al. 2012, pp. 869–872). Management actions aimed at reducing or eliminating predators and control of both vegetation and water levels occur in the majority of the core wetlands. Sea level rise due to climate change adds a high degree of uncertainty to the net gain or loss of foraging and breeding habitat, which will likely challenge current management strategies.

Despite these ongoing threats, the Hawaiian stilt population demonstrated a stable to increasing population trend

from 1986 through 2004 and a relatively stable population trend from 2005 through 2023 (Reed et al. 2011b, pp. 475–476, 478–479; Service 2011, p. iv; DOFAW 2022, unpaginated, Paxton et al. 2021, p. 432; Gorresen et al. 2024, figure 4). We conclude that the Hawaiian stilt population has maintained resiliency, redundancy, and representation over the past few decades. Having multiple breeding populations spread out across the main Hawaiian Islands affords the subspecies some protection from both stochastic and catastrophic events. Additionally, the subspecies will continue to be monitored in the biannual waterbird count, as well as at numerous NWRs across the State, to detect any changes that reflect a change in the current status of the subspecies. The current status of the subspecies has improved from the time of listing.

After evaluating threats to the species and assessing the cumulative effect of the threats under the Act's section 4(a)(1) factors, including the stability of the population demonstrated over decades, the new data presented in the updated 2019 PVA, and the demonstrated adaptability and resiliency of the subspecies, in combination with the expectation that existing conservation actions at their present scope and intensity will continue into the foreseeable future, we conclude that the Hawaiian stilt is not in danger of extinction throughout all of its range.

We therefore proceed with determining whether the Hawaiian stilt is likely to become endangered within the foreseeable future throughout all of its range.

To determine if a species is considered a threatened species under the Act, we look to future threats facing the species and how the species will likely respond to those threats. The foreseeable future considers population status, trends, and threats for the species. Collective management efforts aimed at the subspecies for the conservation of the Hawaiian stilt have been sufficient to maintain a stable population, and it appears that the subspecies is at or near carrying capacity—limited primarily by the amount of managed wetland habitat as this is a conservation-reliant subspecies. Hawaiian stilts continue to face significant ongoing threats, as discussed under Summary of Biological Status and Threats. The threat of predation of Hawaiian stilt eggs, chicks, and adults is ongoing, despite implementation of predator control at most core wetlands and many supporting wetlands (tables 1 and 2). Impacts of sea level rise are

expected to progressively increase, resulting in moderate impacts on coastal habitat as early as 2040. Alteration of ground and surface water continues with ongoing urban development. Although the results from the PVA predict a 0 percent chance of extinction by 2100 as long as current management practices continue, it also notes that the population is sensitive to changes in vital rates (van Rees et al. 2022, p. 10). The PVA has several limitations and is only one tool used in our consideration of reclassification. Foremost is that the PVA does not account for changes in quality or availability of currently managed habitat due to the effects of sea level rise.

The Hawaiian stilt remains vulnerable to the continuing threats of predation and habitat loss and degradation by several means, and maintaining current population levels (and viability) is contingent upon ongoing commitment to management of wetland habitat and predators at their present scope and intensity. In particular, the demographic data used to provide working assumptions of the results of the 2019 PVA derives from studies at sites with active habitat and predator management, so reducing management efforts would render its conclusions less applicable; risk of extinction appears particularly sensitive to increases in adult mortality (van Rees et al. 2022, p. 9). Sustained management commitments are necessary to keep these vital rates at manageable levels (e.g., below 34 percent annual adult mortality). Expansion of existing efforts on current core and supporting wetlands and expansion of habitat and predator management onto new sites (other core, other supporting wetlands, or other suitable locations) would greatly enhance the recovery potential of this subspecies.

The threat of sea level rise will increase over time and can be expected to alter the spatial distribution and quality of wetland habitats and require adaptive changes in which sites will be the focus of management. The most current data project the global mean sea level rise to be 1 ft (0.3 m) by 2050, and Hawaii is projected to be 2 to 4 in (5 to 10 cm) below the global mean (NOAA 2022, pp. 10, 60). Toward 2100, projections become less certain and largely depend on the emission scenario. Additional uncertainties come from the lack of understanding of the Greenland and Antarctic ice sheet melt processes (NOAA 2022, pp. 10–11). The demonstrated plasticity of the Hawaiian stilt, including the adult Hawaiian stilt's tolerance to a broad range of water salinity, frequent interisland movement,

and broad foraging habitat, in conjunction with ongoing management in most core wetlands (table 1) and some supporting wetlands (table 2), indicates that the Hawaiian stilt population has some adaptive capacity regarding changes in wetland spatial distribution (e.g., wetlands gains and losses) anticipated within the foreseeable future. Thus, after assessing the best scientific and commercial data available, we conclude that the Hawaiian stilt is not in danger of extinction (endangered) but is likely to become in danger of extinction within the foreseeable future throughout all of its range.

Status Throughout a Significant Portion of Its Range

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so within the foreseeable future throughout all or a significant portion of its range. The court in *Center for Biological Diversity v. Everson*, 435 F.Supp.3d 69 (D.D.C. 2020) (*Everson*) vacated the provision of the Services' Final Policy on Interpretation of the Phrase "Significant Portion of its Range" in the Endangered Species Act's Definitions of "Endangered Species" and "Threatened Species" (hereafter "Final Policy"; 79 FR 37578, July 1, 2014) that provided that if the Service determines that a species is threatened throughout all of its range, the Service will not analyze whether the species is endangered in a significant portion of its range.

Therefore, we proceed to evaluating whether the species is endangered throughout a significant portion of its range—that is, whether there is any portion of the species' range for which both (1) the portion is "significant"; and (2) the species is in danger of extinction in that portion. We can choose to address either question first. Regardless of which question we address first, if we reach a negative answer with respect to the first question that we address, we do not need to evaluate the other question for that portion of the species' range.

Following the court's holding in *Everson*, we now consider whether there are any significant portions of the subspecies' range where the subspecies is in danger of extinction (i.e., endangered). In undertaking this analysis for the Hawaiian stilt, we choose to address the status question first.

We evaluated the range of the Hawaiian stilt to determine if the species is in danger of extinction throughout any portion of its range. Based upon the best scientific and

commercial data available, Hawaiian stilts disperse frequently between the main Hawaiian Islands, and they readily colonize newly restored or created habitats, suggesting that Hawaiian stilts in Hawaii constitute one single population (van Rees et al. 2020, p. 209, with supporting literature). Therefore, the subspecies range-wide functions as a single undifferentiated population where individuals move between and among breeding populations and islands, both inter- and intra-annually. The fluid nature of the Hawaiian stilt population across its range means that even if certain breeding population sites or geographical areas experience an increase in exposure to a certain threat at a given time and location, the movement of individuals among breeding sites and islands throughout the range would prevent any one group of individuals from being disproportionately affected. Thus, there is no biologically meaningful way to break this subspecies' range into portions, and the threats that the subspecies faces affect the subspecies throughout its entire range. As a result, there are no portions of the subspecies' range where the subspecies has a different biological status from its range-wide biological status. Therefore, we conclude that there are no portions of the subspecies' range that warrant further consideration, and the subspecies is not in danger of extinction in any significant portion of its range. Furthermore, we determine that the subspecies is likely to become in danger of extinction within the foreseeable future throughout all of its range. This does not conflict with the courts' holdings in *Desert Survivors v. Department of the Interior*, 321 F. Supp. 3d 1011, 1070–74 (N.D. Cal. 2018), and *Center for Biological Diversity v. Jewell*, 248 F. Supp. 3d 946, 959 (D. Ariz. 2017) because, in reaching this conclusion, we did not apply the aspects of the Final Policy, including the definition of "significant" that those court decisions held were invalid.

Determination of Status

Based on the best scientific and commercial data available, we determine that the Hawaiian stilt no longer meets the Act's definition of an endangered species but does meet the Act's definition of a threatened species because it is likely to become in danger of extinction within the foreseeable future throughout all of its range. Therefore, we are reclassifying the Hawaiian stilt from an endangered species to a threatened species in accordance with sections 3(20) and 4(a)(1) of the Act.

Available Conservation Measures

The primary purpose of the Act is the conservation of endangered and threatened species and the ecosystems upon which they depend. The ultimate goal of such conservation efforts is the recovery of these listed species, so that they no longer need the protective measures of the Act. Once we have downlisted the Hawaiian stilt, conservation measures will continue to be provided to species listed as threatened species under the Act including recognition as a listed species, planning and implementation of recovery actions, requirements for Federal protection, and prohibitions against certain practices. As discussed above, the overall goal for recovery of the Hawaiian stilt is to restore and maintain multiple self-sustaining breeding populations within the subspecies' historical range by way of habitat and predator management. In addition, section 7(a)(1) and 7(a)(2) responsibilities of Federal agencies remain.

Section 7 of the Act is titled, "Interagency Cooperation," and it mandates all Federal action agencies to use their existing authorities to further the conservation purposes of the Act and to ensure that their actions are not likely to jeopardize the continued existence of listed species or adversely modify critical habitat. Regulations implementing section 7 are codified at 50 CFR part 402.

Section 7(a)(2) states that each Federal action agency shall, in consultation with the Secretary, ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. Each Federal agency shall review its action at the earliest possible time to determine whether it may affect listed species or critical habitat. If a determination is made that the action may affect listed species or critical habitat, formal consultation is required (50 CFR 402.14(a)), unless the Service concurs in writing that the action is not likely to adversely affect listed species or critical habitat. At the end of a formal consultation, the Service issues a biological opinion, containing its determination of whether the federal action is likely to result in jeopardy or adverse modification.

Examples of discretionary actions for the Hawaiian stilt that may be subject to consultation procedures under section 7 are management of Federal lands administered by the DOD or the NPS, for example, as well as actions that

require a Federal permit (such as a permit from the U.S. Army Corps of Engineers under section 404 of the CWA (33 U.S.C. 1251 *et seq.*)) or actions funded by Federal agencies such as the Federal Highway Administration, Federal Aviation Administration, or the Federal Emergency Management Agency. Federal actions not affecting listed species or critical habitat—and actions on State, Tribal, local, or private lands that are not federally funded, authorized, or carried out by a Federal agency—do not require section 7 consultation. Federal agencies should coordinate with the local Service Field Office (see **FOR FURTHER INFORMATION CONTACT**) with any specific questions on Section 7 consultation and conference requirements.

Please let us know if you are interested in participating in recovery efforts for the Hawaiian stilt. Additionally, we invite you to submit any new information on this species whenever it becomes available and any information you may have for recovery implementation purposes (see **FOR FURTHER INFORMATION CONTACT**).

Section 9 of the Act provides a specific list of prohibitions for endangered species but does not provide these same prohibitions for threatened species. Instead, pursuant to section 4(d) of the Act, for any species listed as a threatened species, the Secretary must issue protective regulations that are "necessary and advisable to provide for the conservation of such species" (these are referred to as "4(d) rules"). Additional measures for the Hawaiian stilt are described below (see Protective Regulations Under Section 4(d) of the Act, below).

We may issue permits to carry out otherwise prohibited activities involving threatened wildlife under certain circumstances. Regulations governing permits for threatened wildlife are codified at 50 CFR 17.32, and general Service permitting regulations are codified at 50 CFR part 13. With regard to threatened wildlife, a permit may be issued for: scientific purposes, enhancing the propagation or survival of the species, or take incidental to otherwise lawful activities. The statute also contains certain exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

It is the policy of the Service, as published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the extent known at the time a species is listed, specific activities that will not be considered likely to result in violation of section 9 of the Act. To the

extent possible, activities that will be considered likely to result in violation will also be identified in as specific a manner as possible. The intent of this policy is to increase public awareness of the effect of a listing on proposed and ongoing activities within the range of the species. Although most of the prohibitions in section 9 of the Act apply to endangered species, sections 9(a)(1)(G) and 9(a)(2)(E) of the Act prohibit the violation of any regulation under section 4(d) pertaining to any threatened species of fish or wildlife, or threatened species of plant, respectively. Section 4(d) of the Act directs the Secretary to promulgate protective regulations that are necessary and advisable for the conservation of threatened species. As a result, when we list a species as a threatened species, to the extent possible, we identify activities that will or will not be considered likely to result in violation of the protective regulations under section 4(d) for that species.

At this time, we are unable to identify specific activities that will or will not be considered likely to result in violation of section 9 of the Act beyond what is already clear from the descriptions of prohibitions and exceptions established by protective regulation under section 4(d) of the Act.

Questions regarding whether specific activities would constitute violation of section 9 of the Act should be directed to the Pacific Islands Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Protective Regulations Under Section 4(d) of the Act

Background

As discussed in Available Conservation Measures, section 9 of the Act provides a specific list of prohibitions for endangered species but does not provide these same prohibitions for threatened species. Instead, pursuant to section 4(d) of the Act, for any species listed as a threatened species, the Secretary must issue protective regulations that are “necessary and advisable to provide for the conservation of such species” (these are referred to as “4(d) rules”). Section 4(d) of the Act contains two sentences. The first sentence states: “[the] Secretary shall issue such regulations as they deem necessary and advisable to provide for the conservation” of species listed as threatened. Conservation is defined in the Act to mean the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided

pursuant to the Act are no longer necessary. Additionally, the second sentence of section 4(d) of the Act states that the Secretary may by regulation prohibit with respect to any threatened species any act prohibited under section 9(a)(1), in the case of fish or wildlife, or section 9(a)(2), in the case of plants. With these two sentences in section 4(d), Congress delegated broad authority to the Secretary to determine what protections would be necessary and advisable to provide for the conservation of threatened species, and an even broader authority to put in place any of the section 9 prohibitions, for a given species.

Courts have recognized the extent of the Secretary’s discretion under section 4(d) to develop regulations that are appropriate for the conservation of threatened species. For example, courts have upheld, as a valid exercise of agency authority, rules developed under section 4(d) that included limited prohibitions against takings (see *Alsea Valley Alliance v. Lautenbacher*, 2007 WL 2344927 (D. Or. 2007); *Washington Environmental Council v. National Marine Fisheries Service*, 2002 WL 511479 (W.D. Wash. 2002)). Courts have also upheld 4(d) rules that do not address all of the threats a species faces (see *State of Louisiana v. Verity*, 853 F.2d 322 (5th Cir. 1988)). As noted in the legislative history when the Act was initially enacted, “once an animal is on the threatened list, the Secretary has an almost infinite number of options available to [them] with regard to the permitted activities for those species. [They] may, for example, permit taking, but not importation of such species, or [they] may choose to forbid both taking and importation but allow the transportation of such species” (H.R. Rep. No. 412, 93rd Cong., 1st Sess. 1973).

Under our section 4(d) authorities, we put in place protections intended to both prevent a threatened species from becoming an endangered species and to promote its recovery. Section 4(d) rules explain what is prohibited for a threatened species, thus making the activity unlawful without a permit or authorization under the Act for the prohibited activity unless otherwise excepted in the 4(d) rule and may also include affirmative requirements. Section 4(d) rules are therefore directly related to what actions may require permits in the future. As discussed in Available Conservation Measures, permits may be issued for purposes described in our threatened species permitting regulations at 50 CFR 17.32, including for recovery actions, conservation benefit agreements

(previously referred to as candidate conservation agreements with assurances and SHAs), or HCPs. We may also except otherwise prohibited activities through a 4(d) rule itself, in which case threatened species permits would not be required for those activities. For example, there are two categories of exceptions that we frequently include in 4(d) rules, and these are for otherwise prohibited acts or forms or amounts of “take” that are: (1) unavoidable while conducting beneficial actions for the species, or (2) considered inconsequential (de minimis) to the conservation of the species. For otherwise prohibited take or activities that require permits under section 10 of the Act, programmatic approaches—such as general conservation plans and template habitat conservation plans—may be available as another way for project proponents to comply with take prohibitions or requirements applicable to one or more species while reducing the time that would otherwise be associated with developing individual permit applications. In addition, the Service and project proponents can reduce the need for such permits by developing standardized conservation measures that avoid the risk of “take.”

The provisions of this subspecies’ protective regulations under section 4(d) of the Act are one of many tools that we will use to promote the conservation of the Hawaiian stilt. Section 4(d) rules do not change in any way the recovery planning provisions of section 4(f) of the Act or the consultation requirements under section 7 of the Act. As mentioned previously in Available Conservation Measures, Section 7(a)(2) of the Act requires Federal agencies, including the Service, to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. These requirements are the same for a threatened species regardless of what is included in a 4(d) rule.

Section 4(d) rules do not alter section 7 obligations, including the criteria for informal or formal consultations or the analytical process used for biological opinions or concurrence letters. Section 7 consultation is required for Federal actions that “may affect” a listed species regardless of whether take caused by the activity is prohibited or excepted by a 4(d) rule. For example, as with an endangered species, if a Federal agency determines that an action is “not likely to adversely affect” a threatened species, this will require the Service’s

written concurrence (50 CFR 402.13(c)). Similarly, if a Federal agency determines that an action is “likely to adversely affect” a threatened species, the action will require formal consultation with the Service and the formulation of a biological opinion (50 CFR 402.14(a)). Because consultation obligations and processes are unaffected by 4(d) rules, we may consider developing tools to streamline future intra-Service and inter-Agency consultations for actions that result in forms of take that are not prohibited by the 4(d) rule (but that still require consultation). These tools may include consultation guidance, online consultation processes via the Service’s digital project planning tool (Information for Planning and Consultation; <https://ipac.ecosphere.fws.gov/>), template language for biological opinions, or programmatic consultations.

Provisions of the 4(d) Rule

Exercising the Secretary’s authority under section 4(d) of the Act, we have developed a rule that is designed to address the Hawaiian stilt’s conservation needs. As discussed under Summary of Biological Status and Threats, we have concluded that the Hawaiian stilt is likely to become in danger of extinction within the foreseeable future primarily due to predation by nonnative animals (*i.e.*, mongooses, rats, cats, dogs, carnivorous birds, and bullfrogs); habitat loss and degradation by urban development, altered ground and surface water for urban expansion, overgrowth of nonnative plants, and sea level rise associated with climate change (both coastal and groundwater flooding and inundation); disease, primarily botulism caused by the bacterium *Clostridium botulinum* (type C); and environmental contaminants. Additionally, Hawaiian stilt habitat is anticipated to be negatively impacted in the near future by an increase in frequency and intensity of hurricanes associated with climate change, which may also directly harm individuals, eggs, or nesting success through flooding. Section 4(d) requires the Secretary to issue such regulations as they deem necessary and advisable to provide for the conservation of each threatened species and authorizes the Secretary to include among those protective regulations any of the prohibitions that section 9(a)(1) of the Act prescribes for endangered species (*In re: Polar Bear Endangered Species Act Listing and 4(d) Rule Litigation*, 818 F. Supp. 2d 214, 228 (D.D.C. 2011) (citing *Sweet Home Chapter of Cmty. for a Great Or. v.*

Babbitt, 1 F.3d 1, 8 (D.C. Cir. 1993), *rev’d on other grounds*, 515 U.S. 687 (1995))). Our necessary and advisable determination includes consideration of conservation and economic impacts (*Kansas Natural Resources Coalition, et al. v. USFWS, et al.* 780 F. Supp. 3d 650 (W.D. Tex. 2025)). We explain below why we find that the prohibitions and exceptions in this rule as a whole satisfy the requirement in section 4(d) of the Act to issue regulations deemed necessary and advisable to provide for the conservation of the Hawaiian stilt.

The protective regulations for Hawaiian stilt incorporate prohibitions from section 9(a)(1) to address threats to the species. We include the following prohibitions of section 9(a)(1) of the Act, and implementing regulations codified at 50 CFR 17.21, which make it illegal for any person subject to the jurisdiction of the United States to commit, to solicit another to commit, or cause to be committed, any of the following acts with regard to any endangered wildlife: (1) import into, or export from, the United States; (2) take (which includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) within the United States, within the territorial sea of the United States, or on the high seas; (3) possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any such wildlife that has been taken illegally; (4) deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of commercial activity; or (5) sell or offer for sale in interstate or foreign commerce. This protective regulation includes these prohibitions because the Hawaiian stilt is at risk of extinction within the foreseeable future, and putting these prohibitions in place is intended to decrease synergistic, negative effects from ongoing and future threats.

As discussed above under Summary of Biological Status and Threats, we have concluded that the Hawaiian stilt is likely to become in danger of extinction in the foreseeable future primarily due to habitat loss and degradation (associated with urban development, ground and surface water alterations, nonnative plants, and changes in habitat quality and quantity due to sea level rise), nonnative predators, avian disease, environmental contaminants, and increased tropical cyclone intensity and frequency resulting from increasing temperatures. Therefore, regulating activities associated with impacts to the Hawaiian stilt from these threats is essential for their conservation. In addition, although

collection and commercial trade of the Hawaiian stilt is not currently a threat to the Hawaiian stilt, the section 9 prohibitions related to trade and commerce through our application of 50 CFR 17.21(b), (e), and (f) will help limit any loss of individuals and assist in maintaining population dynamics for the subspecies.

Under the Act, “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Some of these provisions have been further defined in regulation at 50 CFR 17.3. Take can result knowingly or otherwise, by direct and indirect impacts, intentionally or incidentally. Regulating take will help preserve the Hawaiian stilt population and decrease synergistic, negative effects from other threats. Therefore, we are prohibiting take of the Hawaiian stilt, except for take resulting from those actions and activities specifically excepted by the 4(d) rule.

We include the prohibition of import, export, interstate and foreign commerce, and sale or offering for sale in such commerce of the Hawaiian stilt in this final rule to complement and support the prohibition of take. Because the Hawaiian stilt is not known to be held in captivity for commercial, recreational, scientific, or educational purposes, any such exchange of the subspecies would require removing one or more individuals (including eggs), resulting in take. Additionally, because the Hawaiian stilt is a conservation-reliant subspecies and likely to become in danger of extinction within the foreseeable future due to the threats discussed above and under Summary of Biological Status and Threats, any major reduction in population size by intentional removal of individuals would negatively impact the viability of the subspecies. Therefore, regulating the possible future import, export, and interstate and foreign commerce of Hawaiian stilt will help to preserve their population.

Although the Hawaiian stilt population is currently stable, it is considered a conservation-reliant subspecies and requires active management to maintain this stability. The Hawaiian stilt is not thriving to the degree that its population is considered capable of sustaining unrestricted capture or collection from the wild without the likelihood of negative impacts to the long-term viability of the subspecies. Because capture and collection of the Hawaiian stilt remains prohibited as discussed above, maintaining the complementary prohibition on possession and other acts

with illegally taken Hawaiian stilts will further discourage such illegal take. Thus, this rule prohibits the possession, sale, offering for sale, delivery, receiving, carrying, transporting, or shipping of illegally taken Hawaiian stilts intrastate (within State), interstate (between States), and internationally in order to maintain the viability of the Hawaiian stilt population. Regulating these human activities will contribute to the preservation of the subspecies.

The activities and forms of take described above are currently regulated for the Hawaiian stilt, and permits are currently available for these otherwise prohibited activities according to section 10 of the Act and regulations for endangered wildlife at 50 CFR 17.22. Should anyone wish to engage in these activities going forward, the permitting requirements at 50 CFR 17.32 are less than those currently required, and we therefore anticipate reduced regulatory costs associated with these prohibitions.

The 4(d) rule provides for the conservation of the species by allowing exceptions that are intended to incentivize conservation actions or actions that are not expected to rise to the level that would have a negative impact (*i.e.*, would have only de minimis impacts) on the species' conservation. Exceptions to the prohibitions include the exceptions to the prohibition for endangered wildlife, as set forth in 50 CFR 17.21(c)(2)–(4), (c)(6), (c)(7), (d)(2)–(4) and exceptions for threatened wildlife at 50 CFR 17.31(c). This includes allowing for any person to take Hawaiian stilt in defense of their own life or the lives of others and for law enforcement to possess and conduct other acts with illegally taken Hawaiian stilt. This also includes several exceptions for aiding migratory birds (*e.g.*, any person acting under a valid migratory bird rehabilitation permit may take Hawaiian stilt without a permit if such action is necessary to aid a sick, injured, or orphaned individual, provided the permittee is adhering to the conditions of the migratory bird rehabilitation permit; any person who finds a sick, injured, or orphaned Hawaiian stilt may, without a permit, take and possess the bird in order to immediately transport it to a permitted rehabilitator).

To further the conservation of the species, any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, a State conservation agency, or a federally recognized Tribe, who is designated by their agency or Tribe for such purposes, may, when acting in the course of their official duties, take threatened wildlife

without a permit if such action is necessary to: (i) Aid a sick, injured, or orphaned specimen; (ii) dispose of a dead specimen; (iii) salvage a dead specimen that may be useful for scientific study; or (iv) remove specimens that constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner. Such taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live capturing and releasing the specimen unharmed, in an appropriate area. Any taking must be reported in writing to the Office of Law Enforcement, via contact methods listed at <https://www.fws.gov>, within 5 calendar days. The specimen may only be retained, disposed of, or salvaged under directions from the Office of Law Enforcement.

We recognize the special and unique relationship that we have with our State natural resource agency partners in contributing to conservation of listed species. State agencies often possess scientific data and valuable expertise on the status and distribution of endangered, threatened, and candidate species of wildlife and plants. State agencies, because of their authorities and their close working relationships with local governments and landowners, are in a unique position to assist us in implementing all aspects of the Act. In this regard, section 6 of the Act provides that we must cooperate to the maximum extent practicable with the States in carrying out programs authorized by the Act. Therefore, any qualified employee or agent of a State conservation agency that is a party to a cooperative agreement with the Service in accordance with section 6(c) of the Act, who is designated by their agency for such purposes, would be able to conduct activities designed to conserve Hawaiian stilt that may result in otherwise prohibited take without additional authorization.

In addition, any employee or agent of the Service or of the National Marine Fisheries Service, who is designated by their agency for such purposes, may, when acting in the course of their official duties, take those species.

We also include several additional exceptions that are intended to incentivize conservation actions or that, while they may have some minimal level of take of the Hawaiian stilt, are not expected to rise to the level that would have a negative impact (*i.e.*, would have only de minimis impacts) on the species' conservation. By allowing take under these circumstances, the rule provides needed

protection to the subspecies while allowing management flexibility to benefit the subspecies' long-term conservation. The following take exceptions described below apply to any qualified biologist (as defined in the rule) or personnel working under their direct supervision, or any other person who procures and implements technical assistance from a qualified biologist on nonnative predator control or habitat management methods and protocols prior to and during the application of these methods, while carrying out these activities for Hawaiian stilt conservation purposes, provided that reasonable care is practiced to minimize negative effects to the Hawaiian stilt.

Take Exceptions

1. Take that is incidental to conducting lawful nonnative predator control; and

2. Take that is incidental to conducting lawful habitat management activities (from a Service- and DOFAW-approved list of predator control and habitat management activities) for the conservation benefit of Hawaiian stilt or other native waterbirds.

Rationale: Control of introduced predators and habitat management are identified as primary recovery actions for the Hawaiian stilt (Service 2011, p. 10). Predation is the greatest threat to the Hawaiian stilt, followed by habitat loss and degradation or modification. This rule includes a take exception for the incidental take of stilts during control of predators (*e.g.*, mongoose, dogs (feral and domestic), feral pigs, cats (feral and domestic), rats, bullfrogs, cattle egrets, and barn owls) designed to protect stilts (or other native waterbirds) or habitat management activities designed to protect stilts (or other native waterbirds). These exceptions to the prohibition of take will help to reduce or eliminate the depredation of Hawaiian stilt during all life stages, provide sufficient nesting habitat to support the reproductive needs of the population, and provide our conservation partners the flexibility to practice adaptive management to meet the needs of the subspecies. The Service and DOFAW will maintain a list of acceptable habitat conservation management activities and predator management activities; for the current lists, contact the Service (see **FOR FURTHER INFORMATION CONTACT**) or DOFAW. These exceptions to take will apply year-round.

Predators are managed using a variety of methods, including fencing, trapping, shooting, and toxicants. All methods must be used in compliance with State and Federal regulations. In addition to

the application of the above tools, predator control as defined includes activities related to predator control, such as performing efficacy surveys, trap checks, and maintenance duties. Nesting success is higher for Hawaiian stilts that nest earlier in the season; therefore, implementing predator control during this time may be most beneficial to the subspecies (Price 2020, p. 1).

During lawful predator control, or lawful habitat management activities from the Service- and DOWAW-approved lists, incidental take of Hawaiian stilts (eggs, chicks, fledglings, or adults) may occur in the form of temporary displacement due to human presence, unintentional injury, or death (e.g., accidental ingestion of chemical approved for predator control, collision or crushing by means of mechanical machinery). Reasonable care must be practiced to minimize the effects of such taking and should include, but is not limited to, compliance with all applicable regulations and principles of integrated pest management and habitat management, and judicious use of methods and tool adaptations to reduce hazards to Hawaiian stilts (e.g., harm from ingesting bait, injury or death from an interaction with mechanical devices).

Finally, we may under certain circumstances issue permits to carry out one or more otherwise prohibited activities, including those described above. The regulations that govern permits for threatened wildlife state that the Director may issue a permit authorizing any activity otherwise prohibited with regard to threatened species. These include permits issued for the following purposes: for scientific purposes, to enhance propagation or survival, for economic hardship, for zoological exhibition, for educational purposes, for incidental taking, or for special purposes consistent with the purposes of the Act (50 CFR 17.32). As mentioned above, the permitting requirements for threatened species are less than those for endangered species. The statute also contains certain exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

The 4(d) rule provides for the conservation of the Hawaiian stilt because it will regulate activities that pose a threat to the species or that may become a threat in the future. The Hawaiian stilt is currently an endangered species, and all section 9(a)(1) prohibitions currently apply with limited exceptions (50 CFR 17.21). While these prohibitions will continue to apply, the 4(d) rule provides increased flexibilities in management

for the Hawaiian stilt through additional exceptions (e.g., at 50 CFR 17.31(b) and several other exceptions). The 4(d) rule also provides for reduced permitting requirements for otherwise prohibited activities through permitting regulations at 50 CFR 17.32 instead of 50 CFR 17.22 (current permitting as an endangered species). Please see our “Consideration of Economic Impacts for the 4(d) Rule for the Hawaiian Stilt” on <https://www.regulations.gov> for our consideration of economic impacts. The 4(d) rule’s increased flexibilities and reduced permitting requirements result in an overall reduction in any potential economic impact due to these reduced regulatory requirements. Where there is a Federal nexus, the 4(d) rule does not change any obligations under section 7 of the Act. Therefore, after considering the conservation needs of the species and the economic impacts of the 4(d) rule, we have determined that the 4(d) rule is necessary and advisable to provide for the conservation of the species.

Required Determinations

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; title II of Pub. L. 104–121, March 29, 1996), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the RFA to require Federal agencies to provide a certification statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities.

While we do not conduct RFA analyses on our classification determinations under the Act, in accordance with recent case law (*Kansas Natural Resources Coalition, et al. v. USFWS, et al.*, 780 F. Supp. 3d 650 (W.D. Tex. 2025)) we comply with RFA through consideration of conservation and economic impacts when promulgating 4(d) rules. Under the RFA, as amended, and as understood in light of recent court decisions, Federal

agencies are required to evaluate the potential incremental impacts of rulemaking on those entities directly regulated by the rulemaking itself; in other words, the RFA does not require agencies to evaluate the potential impacts to indirectly regulated entities.

Some of the actions regulated by the 4(d) rule are likely to involve Federal action agencies. 4(d) rules do not alter any obligations for Federal agencies under section 7 of the Act. Federal agencies, in consultation with the Service, are required to ensure that any action authorized, funded, or carried out by the agency is not likely to destroy or adversely modify critical habitat. Therefore, under section 7, only Federal action agencies are directly subject to the specific regulatory requirements. Consequently, it is our position that only Federal action agencies would be directly regulated during section 7 consultations (regardless of what is prohibited in 4(d) rules). The RFA does not require evaluation of the potential impacts to entities not directly regulated. Moreover, Federal agencies are not small entities.

During the development of this final rule, we reviewed and evaluated all information submitted during the comment period on the proposed rule (86 FR 15855, March 25, 2021) that may pertain to our consideration of the probable impacts of the 4(d) rule. As discussed above, there are no new regulatory requirements due to the 4(d) rule. The Hawaiian stilt is currently an endangered species, and all section 9(a)(1) prohibitions currently apply with limited exceptions. This 4(d) rule will provide increased flexibilities in management and reduced permitting requirements for the Hawaiian stilt. Please see our “Consideration of Economic Impacts for the 4(d) Rule for the Hawaiian Stilt” on <https://www.regulations.gov> for our consideration of economic impacts. We have examined this proposed rule’s potential effects on small entities as required by the RFA. For the above reasons and based on currently available information, we certify that the 4(d) rule will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not required.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

Regulations adopted pursuant to section 4(a) of the Act are exempt from the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) and do not require an environmental analysis under NEPA. We published a notice outlining our reasons for this

determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This includes listing, delisting, and reclassification rules, as well as critical habitat designations and species-specific protective regulations promulgated concurrently with a decision to list or reclassify a species as threatened. The courts have upheld this position (e.g., *Douglas County v. Babbitt*, 48 F.3d 1495 (9th Cir. 1995) (critical habitat); *Center for Biological Diversity v. U.S. Fish and Wildlife Service*, 2005 WL 2000928 (N.D. Cal. Aug. 19, 2005) (concurrent 4(d) rule)).

Government-to-Government Relationship With Tribes

In accordance with the President’s memorandum of April 29, 1994 (“Government-to-Government Relations with Native American Tribal Governments”; 59 FR 22951, May 4, 1994), E.O. 13175 (Consultation and Coordination with Indian Tribal Governments), the President’s memorandum of November 30, 2022 (“Uniform Standards for Tribal Consultation”; 87 FR 74479, December 5, 2022), and the Department of the Interior’s manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with federally recognized Tribes and Alaska Native Corporations on a government-to-government basis. In accordance with

S.O. 3206 of June 5, 1997 (“American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act”), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to Tribes.

There are no federally recognized Native American Tribal Governments in Hawaii. However, consistent with joint Secretary Order 3403 (November 15, 2021), the Service acknowledges that the Native Hawaiian Community has a government-to-sovereign relationship and uses Native Hawaiian organizations as its informal representatives. Based upon these relationships, Indian Tribes and Native Hawaiian organizations can engage directly with the Department of the Interior to address matters of mutual interest in the management of Federal lands. Native Hawaiian organizations can engage directly with the Service to address matters of mutual interest in the management of Service-managed lands such as the NWRs, as the Service implements this rule.

References Cited

A complete list of references cited in this rulemaking is available on the internet at <https://www.regulations.gov>

and upon request from the Pacific Islands Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Plants, Reporting and recordkeeping requirements, Transportation, Wildlife.

Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

- 1. The authority citation for part 17 continues to read as follows:
Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.
- 2. Amend § 17.11 in paragraph (h), the List of Endangered and Threatened Wildlife, by removing the entry for “Stilt, Hawaiian” under Birds and adding the entry “Stilt, Hawaiian (kukuluaeo, aeo)” in its place to read as follows:

§ 17.11 Endangered and threatened wildlife.
* * * * *
(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules		
*	*	*	*	*	*	*
Birds						
*	*	*	*	*	*	*
Stilt, Hawaiian (kukuluaeo, aeo).	<i>Himantopus mexicanus knudseni</i> .	Wherever found.	T	35 FR 16047, 10/13/1970; 91 FR [Insert Federal Register page where the document begins], 7/20/2026; 50 CFR 17.41(j). ^{4d}		
*	*	*	*	*	*	*

- 3. Amend § 17.41 by adding paragraph (j) to read as follows:

§ 17.41 Species-specific—birds.

* * * * *

(j) Hawaiian stilt (*Himantopus mexicanus knudseni*) (kukuluaeo, aeo). (1) *Definition.* For the purposes of this paragraph (j), “qualified biologist” means an individual with a combination of academic training in the area of wildlife biology or related discipline and demonstrated field experience in the identification and life history of the Hawaiian stilt.

(2) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to the Hawaiian stilt. Except as provided under paragraph (j)(3) of this section and §§ 17.4 through 17.6, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this subspecies:

- (i) Import or export, as set forth at § 17.21(b) for endangered wildlife.
- (ii) Take, as set forth at § 17.21(c)(1) for endangered wildlife.

- (iii) Possession and other acts with unlawfully taken specimens, as set forth at § 17.21(d)(1) for endangered wildlife.
- (iv) Interstate or foreign commerce in the course of commercial activity, as set forth at § 17.21(e) for endangered wildlife.
- (v) Sale or offer for sale, as set forth at § 17.21(f) for endangered wildlife.

(3) *Exceptions from prohibitions.* In regard to this subspecies, you may:

- (i) Conduct activities as authorized by a permit under § 17.32.
- (ii) Take, as set forth at § 17.21(c)(2) through (4) for endangered wildlife and

(c)(6) and (7) for endangered migratory birds.

(iii) Take as set forth at § 17.31(b).

(iv) Possess and engage in other acts with unlawfully taken specimens, as set forth at § 17.21(d)(2) through (4) for endangered migratory birds.

(v) Take Hawaiian stilt incidental to an otherwise lawful activity caused by nonnative predator control or habitat management activities for Hawaiian stilt or other native waterbird conservation purposes. A qualified biologist or personnel working under their direct supervision, or any other person who procures and implements technical assistance from a qualified biologist on predator control or habitat management methods and protocols prior to and during the application of these methods, may incidentally take Hawaiian stilt in the course of carrying out these activities for Hawaiian stilt conservation purposes if reasonable care is practiced to minimize negative effects to the Hawaiian stilt as follows:

(A) Nonnative predator control activities for the conservation of the Hawaiian stilt, or other native Hawaiian waterbirds, which may include the use of fencing, trapping, shooting, and toxicants to control predators, and related activities such as performing efficacy surveys, trap checks, and maintenance duties. Reasonable care for predator control activities should

include, but is not limited to, compliance with all State and Federal regulations and guidelines for application of predator control methods, and judicious use of methods and tool adaptations to reduce the likelihood of Hawaiian stilts ingesting bait or being injured or dying from interaction with mechanical devices. A list of currently acceptable methods for predator control activities is available by contacting the Service or State of Hawaii Department of Land and Natural Resources, Division of Forestry and Wildlife.

(B) Habitat management activities for the conservation of the Hawaiian stilt, or other native waterbirds, as long as the activities benefit the Hawaiian stilt, which may include: weeding, mowing, fertilizing, herbicide application, water level maintenance, water quality monitoring and maintenance, sedimentation and dead or decaying animal monitoring and maintenance, out-planting native plants, creating mudflats, and irrigating wetland habitat for conservation purposes (if mechanical mowing of pastures adjacent to wetlands for conservation management purposes is not feasible, alternate methods of keeping grass short may be used, such as grazing); emergency botulism outbreak responses; and large-scale restoration of native habitat (*e.g.*, feral ungulate control, fencing). Reasonable care for habitat

management should include, but is not limited to, documented best efforts to minimize Hawaiian stilt exposure to hazards (*e.g.*, predation, crushing by vehicle or machinery). A list of currently acceptable methods for habitat management activities is available by contacting the Service or State of Hawaii Department of Land and Natural Resources, Division of Forestry and Wildlife.

(4) *Reporting and disposal requirements.* Any injury or mortality of a Hawaiian stilt associated with the actions listed under paragraphs (j)(3)(v) of this section must be reported to the Service and authorized State wildlife officials within 48 hours, and specimens may be disposed of only in accordance with directions from the Service. Reports should be made to the Service's Office of Law Enforcement (contact information is at 50 CFR 10.22) or the Service's Pacific Islands Fish and Wildlife Office (contact information for the Service regional offices is at 50 CFR 2.2). Alternatively, the State of Hawaii Department of Land and Natural Resources, Division of Forestry and Wildlife, may be contacted.

* * * * *

Brian Nesvik,

Director, U. S. Fish and Wildlife Service.

[FR Doc. 2026-14550 Filed 7-17-26; 8:45 am]

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Part IV

Office of the United States Trade Representative

Notice of Action: Brazil's Acts, Policies, and Practices Related to Digital Trade and Electronic Payment Services; Unfair, Preferential Tariffs; Anti-Corruption Enforcement; Intellectual Property Protection; Ethanol Market Access; and Illegal Deforestation

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Action: Brazil's Acts, Policies, and Practices Related to Digital Trade and Electronic Payment Services; Unfair, Preferential Tariffs; Anti-Corruption Enforcement; Intellectual Property Protection; Ethanol Market Access; and Illegal Deforestation

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Notice of action.

SUMMARY: The United States Trade Representative (Trade Representative) has determined under Section 301(b) and Section 304(a) of the Trade Act of 1974, as amended (Trade Act), that certain of Brazil's acts, policies, and practices at issue in this investigation are actionable and that action by the United States is appropriate. In accordance with the specific direction of the President, the Trade Representative is taking action by imposing 25 percent tariffs on all imports of Brazil, with certain exemptions.

DATES: *July 22, 2026:* As set out in Annex I to this notice, the additional duty is applicable with respect to products that are entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 eastern time on July 22, 2026.

FOR FURTHER INFORMATION CONTACT: For general questions about this notice, contact Philip Butler and Megan Grimball, Chairs of the Section 301 Committee; or Megan Paster, Assistant General Counsel, at (202) 395-5725.

SUPPLEMENTARY INFORMATION:

I. Background

At the specific direction of the President, on July 15, 2025, the Trade Representative initiated an investigation under Section 301(b) of Trade Act into acts, policies, and practices of Brazil related to digital trade and electronic payment services; unfair, preferential tariffs; anti-corruption enforcement; intellectual property protection; ethanol market access; and illegal deforestation. USTR published a **Federal Register** notice announcing the initiation of this investigation. 90 FR 34069 (published July 18, 2025). On June 1, 2026, the Trade Representative determined that certain of Brazil's acts, policies, and practices at issue in this investigation are actionable under Section 301(b) and Section 304(a) of the Trade Act; proposed to determine that action is appropriate and that appropriate action would include tariffs on all goods of

Brazil, with certain exemptions; and invited comments from the public. USTR published a **Federal Register** notice setting out these determinations and proposals. 91 FR 33854 (published June 4, 2026) (the June 4, 2026 FRN).

The June 4, 2026 FRN invited public comment on the proposed action in the investigation: applying tariffs of 25 percent on all goods of Brazil, with exemptions for certain goods, including informational materials, donations, accompanied baggage, all articles and parts of articles subject to tariffs under Section 232 of the Trade Expansion Act of 1962, and certain products identified in the Annex to the June 4, 2026 FRN (the June 4, 2026 Annex). As explained in the June 4, 2026 FRN, the proposed exemptions included: (a) raw materials that, if subject to the proposed additional tariffs, could lead to the unavailability of domestic supply; (b) products that could cause economy-wide disruptions if subject to additional tariffs; (c) certain products that cannot be grown or produced in sufficient quantities in the United States or obtained from other sources; and (d) articles for which additional tariffs may not contribute substantially to the elimination of Brazil's acts, policies, and practices determined to be actionable.

Interested persons were invited to provide comments regarding the scope of tariff coverage (including the proposed excluded products identified in the June 4, 2026 Annex). As stated in the June 4, 2026 FRN, in considering whether certain articles should be subject to additional duties under Section 301 of the Trade Act, USTR will consider the needs of the U.S. economy. In commenting on the inclusion or removal of particular tariff subheadings subject to the proposed action, USTR requested that comments address specifically whether the products under the tariff subheading are necessary raw materials or are available from alternative sources at reasonable prices or sufficient quantities outside of Brazil; whether additional tariffs would cause serious dislocations in the supply of the products and could cause economy-wide disruptions, or other similar factors; and whether imposing additional tariffs on products under the tariff subheading would be practical or effective in obtaining the elimination of Brazil's acts, policies, and practices. USTR also invited views on U.S. engagement with Brazil in the context of the ongoing Special 301 review (19 U.S.C. 2242) and the subjects of that engagement.

In response to the notice of proposed action, interested persons filed over 360

written submissions. USTR and the Section 301 Committee held a two-day public hearing on July 6–7, 2026. During the hearing, 77 witnesses provided testimony and responded to questions. The public submissions are available at: <https://comments.ustr.gov/s/> at docket numbers USTR–2026–0331 and USTR–2026–0397. Transcripts of the hearing are available on USTR's website.

II. Determination on Appropriate Action

On June 1, 2026, the Trade Representative determined that certain acts, policies, and practices under investigation are unreasonable or discriminatory and burden or restrict U.S. commerce, and thus are actionable under Section 301(b) of the Trade Act. Section 301(b) provides that upon determining that the acts, policies, and practices under investigation are actionable and that action is appropriate, the Trade Representative shall take all appropriate and feasible action authorized under Section 301(c), subject to the specific direction, if any, of the President regarding such action, and all other appropriate and feasible action within the power of the President that the President may direct the Trade Representative to take under Section 301(b) to obtain the elimination of that act, policy, or practice. Section 301(b) provides further that actions “within the power of the President” may include “[a]ctions . . . with respect to trade in any goods or services, or with respect to any other area of pertinent relations with the foreign country.”

Section 301(c) of the Trade Act authorizes the Trade Representative to take certain, specific actions for purposes of carrying out the provisions of Section 301(b). For example, Section 301(c)(1)(B) authorizes the Trade Representative to “impose duties or other import restrictions on the goods” of the foreign country subject to the investigation. Section 301(c)(3)(A) provides that actions that the Trade Representative is authorized to take may be taken against any goods or economic sector on a non-discriminatory basis or solely against the foreign country concerned. Section 301(c)(3)(B) empowers the Trade Representative to take actions against any goods and economic sector “without regard to whether or not such goods or economic sector were involved in the act, policy, or practice that is the subject of such action.”

USTR and the Section 301 Committee have carefully reviewed the public comments and testimony regarding the proposed action. The Trade Representative informed the President

of his proposed responsive action, including a 25 percent tariff on the products of Brazil, with exemptions for certain goods. The Trade Representative also advised the President that, after considering significant comments and testimony on the proposed action, certain products warranted exemption from the tariff imposed in connection with this action as they are (a) raw materials that if subject to these tariffs could lead to the unavailability of domestic supply; (b) products that could cause economy-wide disruptions if subject to these tariffs; (c) products that cannot be grown or produced in sufficient quantities or at reasonable prices in the United States or obtained from other sources; or (d) articles for which these tariffs may not contribute substantially to the elimination of the acts, policies, and practices of Brazil determined to be actionable in the investigation. The Trade Representative also advised the President that he has continued to consult with the Government of Brazil to obtain the elimination of these acts, policies, and practices, but those consultations have not satisfactorily resolved U.S. concerns.

On July 15, 2026—after considering and taking account of the information and advice provided by the Trade Representative; the information, findings, and determinations in the June 4, 2026 FRN; the need to obtain the elimination of the acts, policies, and practices of Brazil found to be actionable; and other pertinent information—the President issued a memorandum (Memorandum) directing that:

(a) The Trade Representative shall impose a tariff of 25 percent on all goods of Brazil, with exemptions for certain goods as discussed in subsection (b) of this section.

(b) The Trade Representative shall exempt from the tariff directed in subsection (a) of this section the products identified in the Annex to this memorandum. I determine that each of these products constitutes (a) raw materials that if subject to these tariffs could lead to the unavailability of domestic supply; (b) products that could cause economy-wide disruptions if subject to these tariffs; (c) products that cannot be grown or produced in sufficient quantities or at reasonable prices in the United States or obtained from other sources; or (d) articles for which these tariffs may not materially contribute to the elimination of the acts, policies, and practices of Brazil found to be actionable in the investigation described above. After weighing the relevant considerations, including potential economic harm and efficacy of tariffs, I determine that the products identified in the Annex to this memorandum shall be exempted from the tariff directed in subsection (a) of this section.

The Memorandum further directs that in the President's judgment, the tariff of 25 percent on all goods of Brazil, with the exemptions for certain goods as discussed in Section (1)(b) of the Memorandum, is appropriate and feasible to obtain the elimination of the acts, policies, and practices of Brazil found to be actionable under Section 301. The Memorandum also states the President's determination that alternatives to the action directed by the President, such as a lower tariff rate, negotiation without the imposition of tariffs, and action under other statutory authority without action under Section 301 of the Trade Act, would be less effective and less preferable than the action directed in the Memorandum. In the President's judgment, the specific direction in the Memorandum is consistent with the purposes of Section 301 of the Trade Act. The Memorandum will be published in the **Federal Register**.

Considering the public comments and testimony, and the advice of the Section 301 Committee, pursuant to Sections 301(b) and 304(a) of the Trade Act, the Trade Representative has determined that action is appropriate in this investigation. In accordance with the specific direction of the President, and considering the public comments and testimony, and the advice of the Section 301 Committee, the Trade Representative has determined pursuant to Sections 301(b), 301(c), and 304(a) of the Trade Act that appropriate and feasible action in this investigation is the application of tariffs of 25 percent to all imports of Brazil, with certain exemptions as detailed in Annex I and II to this notice. Exempting these products is appropriate as each of these products constitutes (a) raw materials that if subject to these tariffs could lead to the unavailability of domestic supply; (b) products that could cause economy-wide disruptions if subject to these tariffs; (c) products that cannot be grown or produced in sufficient quantities or at reasonable prices in the United States or obtained from other sources; or (d) articles for which these tariffs may not contribute substantially to the elimination of the acts, policies, and practices of Brazil found to be actionable in the investigation.

Any product of Brazil that is subject to the additional duty imposed by this action, and that is admitted into a U.S. foreign trade zone, except any product that is eligible for admission under "domestic status" as defined in 19 CFR 146.43, only may be admitted as "privileged foreign status," as defined in 19 CFR 146.41, effective as of the date that the additional duty is imposed.

III. Responses to Significant Comments

The Trade Representative has determined to exempt all of the products proposed for exemption in the June 4, 2026 Annex, except high-purity dissolving pulp and the non-pharmaceutical applications of certain products proposed for exemption. Further, the Trade Representative has determined to exempt additional products, including aluminum hydroxide; antiques, collectibles, and art; ash containing precious metals or precious metal compounds; certain animal hides, furskins, and leather; certain seafood products; certain additional pharmaceuticals and pharmaceutical ingredients; certain wood products; iron and steel waste and scrap; organic honey; pig iron; unflavored instant coffee; and used clothing. The Trade Representative has determined not to exempt certain products requested for exemption from the tariffs. For these products, the Trade Representative determined that exemption from the tariffs was not warranted.

Below, USTR responds to comments on the proposed action that raise significant issues.

A. Discussion of Comments on the Proposed Exemption List

USTR received a variety of comments on the proposed exemption list, including support for the products included on the proposed exemption list and requests to remove certain products from the proposed exemption list. These comments are discussed below.

Support for products on the proposed exemption list. A number of comments expressed support for maintaining certain proposed exemptions. Numerous commenters, including in the animal nutrition, automotive, electrical, medical equipment, and wood sectors, expressed support for maintaining the proposed exemptions from Section 301 tariffs for products that are subject to Section 232 tariffs. These commenters noted that the absence of such an exemption could increase capital costs for utilities, and this exemption helps avoid duplicative tariff treatment. With respect to medical equipment, commenters noted that an exemption for products subject to Section 232 tariffs would avoid tariff complexity and unintended harm.

Numerous commenters also expressed support for maintaining the exemptions proposed for products and industries such as aluminum oxide, wood and wood products, dietary supplements, oranges and orange inputs, iron ore

pellets, and stone. Commenters supporting these proposed exemptions, such as with respect to iron ore pellets, certain types of wood and wood products, and aluminum oxide, asserted an insufficiency of supply from U.S. or other non-Brazilian sources. Comments related to wood and wood products noted that many species native to Brazil are unique tropical woods that cannot be grown domestically or in other countries. Such comments also noted that species grown in Brazil have unique attributes that satisfy particular performance, safety, or structural requirements, such as fire ratings, durability, or moisture resistance, and thus could not easily be substituted for other species. Another reason given for supporting these proposed exemptions, such as for certain stone products and high-purity dissolving pulp, was that imports of these products contribute to investment in the United States and U.S. employment.

As noted, considering the public comments and the advice of the Section 301 Committee—and in accordance with the specific direction of the President—the Trade Representative has determined to exempt from this tariff action all of the products proposed for exemption in the June 4, 2026 Annex, except high-purity dissolving pulp and the non-pharmaceutical applications of certain products proposed for exemption, as each of these products constitutes (a) raw materials that if subject to these tariffs could lead to the unavailability of domestic supply; (b) products that could cause economy-wide disruptions if subject to these tariffs; (c) products that cannot be grown or produced in sufficient quantities or at reasonable prices in the United States or obtained from other sources; or (d) articles for which these tariffs may not contribute substantially to the elimination of the acts, policies, and practices of Brazil found to be actionable in the investigation.

Determination to remove certain products from the proposed exemption list. Considering the public comments and the advice of the Section 301 Committee—and in accordance with the specific direction of the President—the Trade Representative has determined to maintain the above-referenced, proposed exemptions, but to remove high-purity dissolving pulp from the list of products for which an exemption was proposed and to limit the exemption for certain other products to their pharmaceutical applications.

Regarding high-purity dissolving pulp, USTR received testimony recommending that USTR remove this product from the exemption list,

alleging that Brazilian producers of this product benefit from illegal deforestation, which lowers land and input costs relative to the United States. Commenters argued that domestic supply of this product is unreliable, and noted that U.S. sources cannot provide the same variety or quality as other sources. Other testimony asserted, however, that there are limited downstream users of this product, who all have access to alternative domestic supply. Testimony also indicated that applying tariffs on high-purity dissolving pulp would align with the Administration's broader efforts to address unfair trade in such products.

Regarding the limitation of certain proposed exemptions on certain chemicals and chemical products to their pharmaceutical applications, comments supporting proposed exemptions noted the health-related applications of products proposed for exemption such as cellulose, acai preparations, and phosphoaminolipids, and stated that certain ingredients that support U.S. manufacturing of healthcare products are not available in the United States in sufficient quantities to meet domestic demand. Limiting exemptions for these proposed chemical products to their pharmaceutical applications is consistent with the proposal in the June 4, 2026 FRN because an exemption for all applications is broader than necessary to cover goods that have limited availability outside Brazil.

Considering the public comments and the advice of the Section 301 Committee—and in accordance with the specific direction of the President—the Trade Representative has determined to maintain the above-referenced, proposed exemptions, but to remove high-purity dissolving pulp from the list of products for which an exemption was proposed and to limit the exemption for certain other products to their pharmaceutical applications, as high-purity dissolving pulp and the non-pharmaceutical applications of certain exempted products are not (a) raw materials that if subject to these tariffs could lead to the unavailability of domestic supply; (b) products that could cause economy-wide disruptions if subject to these tariffs; (c) products that cannot be grown or produced in sufficient quantities or at reasonable prices in the United States or obtained from other sources; or (d) articles for which these tariffs may not contribute substantially to the elimination of the acts, policies, and practices of Brazil found to be actionable in the investigation.

Requests to remove other products from exemption list. Some commenters requested to remove other products from the proposed exemption list or otherwise more broadly advocated for narrowly tailored exemptions. Industries or products for which commenters expressed opposition to proposed exemptions include iron ore pellets, beef, chemical wood pulp, fresh oranges, certain wood products, and chemicals and petrochemicals. Commenters suggested, for example, that beef, wood pulp, and certain wood and wood products are linked to certain acts, policies, and practices found actionable in this investigation, and that exempting these products would fail to hold Brazil accountable for such acts, policies, and practices. There remains limited availability of these products outside of Brazil, however, and Section 301(c)(3)(B) provides that the Trade Representative is authorized to take action against any goods or economic sector “without regard to whether or not such goods or economic sector were involved in the act, policy, or practice that is the subject of such action.”

With respect to iron ore pellets, commenters suggested that production from Brazil had weakened the domestic industry by dictating prices, pointed to recent and anticipated expansion in U.S. production capabilities, and suggested that subjecting imports of this product to tariffs could support investment and employment in the United States. Other commenters argued, however, that iron ore pellets are not presently produced in the United States in sufficient quantities and cannot be obtained from other sources outside Brazil.

Considering the public comments and the advice of the Section 301 Committee—and in accordance with the specific direction of the President—the Trade Representative has determined not to remove products other than high-purity dissolving pulp and the non-pharmaceutical applications of certain products from the proposed exemption list, as these other products do not constitute (a) raw materials that if subject to these tariffs could lead to the unavailability of domestic supply; (b) products that could cause economy-wide disruptions if subject to these tariffs; (c) products that cannot be grown or produced in sufficient quantities or at reasonable prices in the United States or obtained from other sources; or (d) articles for which these tariffs may not contribute substantially to the elimination of the acts, policies, and practices of Brazil found to be actionable in the investigation.

B. Determination To Expand the Proposed Exemption List

As noted above, considering the public comments and the advice of the Section 301 Committee—and in accordance with the specific direction of the President—the Trade Representative has determined to exempt from this tariff action all of the products proposed for exemption in the June 4, 2026 Annex except high-purity dissolving pulp and the non-pharmaceutical applications of certain products proposed for exemption, as well as to expand the list to include aluminum hydroxide; antiques, collectibles, and art; ash containing precious metals or precious metal compounds; certain animal hides, furskins, and leather; certain seafood products; certain additional pharmaceuticals and pharmaceutical ingredients; certain wood products; iron and steel waste and scrap; organic honey; pig iron; unflavored instant coffee; and used clothing.

With respect to aluminum hydroxide, commenters noted that the sole U.S. supplier of aluminum hydroxide is unable to meet U.S. demand and that approximately 40 percent of U.S. supply is sourced from Brazil. According to comments, aluminum hydroxide is an essential, non-substitutable raw material used in critical applications such as sanitation of drinking water, production of flame-retardant polymer materials used in defense and industrial applications, production of oil and gas, and refining of aluminum. Companies that use aluminum hydroxide in these and other applications require a stable and cost-effective supply of aluminum hydroxide, including from Brazil.

Regarding ash containing precious metals or precious metal compounds, comments noted that tariffs on these items would not address the acts, policies, and practices at issue and would increase costs and disrupt supply chains for products needed to protect U.S. national security. Brazil is a significant supplier to the United States of ash containing precious metals or precious metal compounds, with more than 50 percent of total imports to the United States of this raw material coming from Brazil.

Comments regarding antiques, collectibles, and art noted that these products are typically not newly produced, and many of them are not products of Brazil. Applying tariffs on these products would not be effective in obtaining the elimination of the acts, policies, and practices of Brazil determined to be actionable in this investigation, and in fact, could increase

demand for newly-produced goods, including newly-produced goods from Brazil.

Comments regarding certain animal hides, furskins, and leather asserted that alternative sources of leather are not available at comparable prices, quality, or scale those available in Brazil, and that production could not easily be moved to the United States. Comments also emphasized that these products are manufacturing inputs in a wide range of downstream commercial products, including automotive, furniture, and footwear products. Commenters noted that applying tariffs on these products would undermine the competitiveness of U.S. firms.

With respect to certain seafood products, commenters pointed to catch limits, quotas, and spawning-season closures in the United States as limiting the availability of domestic supply, and noted that imports accounted for about 80 percent of the seafood that Americans ate in 2023. They observed that seafood products imported to the United States from Brazil meet particular demands of commercial sale and consumer preferences, and that restaurants, retailers, and others depend on seafood products compatible with North American consumption to maintain operations.

Regarding requests to exempt additional pharmaceuticals and pharmaceutical ingredients to those proposed in the June 2, 2026 Annex, commenters suggested that these products are ingredients that support U.S. manufacturing and cannot be obtained in the United States. Comments further observed that these products were used for health purposes similar to uses for products already proposed for exemption from tariffs.

With respect to wood products, including certain types of softwood plywood and engineered hardwood flooring, commenters noted that there is limited-to-no domestic availability; that the products are harvested in compliance with Brazilian forestry laws and regulations; and that tariffs would harm U.S. consumers, importers, distributors, and builders, as they are inputs with a wide range of important applications in the construction and industrial sectors. Commenters additionally noted that, while certain unfinished tropical-wood inputs were proposed to be exempted, the finished wood products were not, and suggested that this would simply shift costs to U.S. value-added products, while not providing a meaningful incentive for Brazil to change its conduct. Commenters also noted that, with respect to certain wood products and

other sectors, stacking Section 301 tariffs on top of Section 232 tariffs would not contribute to security, offer little additional policy benefit, and instead would disrupt supply chains and raise consumer costs. While other comments advocated for the application of tariffs on certain plywood products, arguing that such products may be derived from illegally deforested timber or timber sourced from Brazilian tree plantations containing non-native species that have contributed to illegal deforestation, such comments do not address the potential impacts of tariffs on consumers or the domestic availability of these products.

With respect to iron and steel waste and scrap, comments noted that this product is similar to other products that were proposed to be exempted from tariffs applied pursuant to this action. Like other products already proposed for exemption, iron and steel waste and scrap is an important input for carbon and alloy steel production, and there is no viable domestic supply for this product.

Regarding organic honey, commenters assert that there is almost no domestic production of organic honey despite demand, noting that U.S. production satisfies only 3 percent of annual domestic demand, while as much as 80 percent of U.S. imports of organic honey is sourced from Brazil. Commenters further explain that domestic production of organic honey cannot easily be increased given requirements for large quantities of pesticide-free land and native vegetation that does not exist in the United States, as well as the unique natural disease-resistance of Brazilian bee varieties. Commenters suggest that organic honey is a non-substitutable input for many downstream, processed products.

With respect to pig iron, historically, more than 95 percent of domestic pig iron production is consumed internally by U.S. integrated steel producers, meaning that iron foundries (like electric arc furnace steel producers) are reliant on imported pig iron. Commenters also noted that other third-country sources of pig iron were limited given that China consumes virtually all of the pig iron it produces, and supply from Russia and Ukraine has been affected by the Russia-Ukraine war. Commenters also stated that pig iron is an essential raw material for iron foundry operations, and it is melted and mixed with scrap iron and other alloys to produce cast iron. They observed that there is no substitute for pig iron, and that additional tariffs on pig iron imports would exacerbate competition they already face from imports of

downstream products. In contrast, some commenters advocated for tariffs on pig iron—suggesting that the United States has the raw materials and production capacity to replace imported pig iron from Brazil. However, very little domestically produced pig iron is currently sold in the U.S. market, so imports from Brazil are important to satisfy U.S. demand.

Comments regarding *unflavored* instant coffee observed that Brazil is the largest producer globally of coffee, including bulk, unflavored instant coffee, and that unflavored instant coffee is not available from domestic sources (emphasis added). These comments also maintained that alternative sources of supply cannot reliably replace the volume of unflavored instant coffee that Brazilian producers supply to the United States due to factors including the inability to meet technical specifications required by U.S. manufacturers. Commenters also noted that the June 4, 2026 Annex proposed to exempt *flavored* instant coffee from tariffs; contended that there is no rationale for treating flavored and unflavored instant coffee differently; and argued that treating these products differently could create market distortions (emphasis added).

With respect to used clothing—as with antiques, collectibles, and art—comments noted that these products are typically not newly produced, and often are not products of Brazil. Applying tariffs on these products would not be effective in obtaining the elimination of the acts, policies, and practices of Brazil determined to be actionable in this investigation, and in fact, could increase demand for newly-produced goods, including newly-produced goods from Brazil.

Accordingly, the Trade Representative has determined to add aluminum hydroxide; antiques, collectibles, and art; ash containing precious metals or precious metal compounds; certain animal hides, furskins, and leather; certain seafood products; certain additional pharmaceuticals and pharmaceutical ingredients; certain additional wood products; iron and steel waste and scrap; organic honey; pig iron; unflavored instant coffee; and used clothing to the list of products exempted from tariffs imposed in connection with this investigation. These products constitute (a) raw materials that if subject to these tariffs could lead to the unavailability of domestic supply; (b) products that could cause economy-wide disruptions if subject to these tariffs; (c) products that cannot be grown or produced in sufficient quantities or at reasonable

prices in the United States or obtained from other sources; or (d) articles for which these tariffs may not contribute substantially to the elimination of the acts, policies, and practices of Brazil found to be actionable in the investigation.

C. Commenter Requests for Additions to the Exemption List

USTR received numerous comments requesting that additional products be added to the exemption list and exempted from tariffs. These comments related to industries or products including agricultural machinery, apparel, electrical machinery, footwear, gardening tools, mining-related equipment, paper, steel, organic sugar, other various agricultural products, various manufactured goods, and wood and wood products. These commenters presented a number of significant arguments for these requests, as discussed in the following paragraphs. We set forth responses to those arguments made by these commenters below.

Not available from U.S. sources. Numerous comments, such as those related to compressors, gardening tools, organic sugar, and stone, suggested that the product for which an exemption was requested was not available from U.S. sources. For example, comments related to organic sugar noted that domestic production supplied only a small portion of U.S. demand. With respect to stone, commenters pointed to the unique nature of the products sourced from Brazil, particularly colors and patterns not available in the United States. Other commenters in this category made similar arguments. Tariffs applied pursuant to this investigation will be applied only to products of Brazil, however, and products that are not available from the United States may be available from third-country sources.

Limits on third-country sourcing. Several comments, including comments requesting exemptions for rubber components of machinery and vehicles, and footwear, suggested the availability of supply for a particular product from sources outside Brazil may be limited. With respect to rubber components of machinery and vehicles, commenters noted that these components were part of established production programs that have been validated and approved by manufacturers and customers. With respect to footwear, comments and witness testimony focused on the fact that substitutions would not be available at the same quality and scale as products from Brazil. Such commenters do not suggest that

substitution of products from U.S. or third-country sources was not possible, however, and the announcement of proposed tariffs on June 1, 2026, indicated that products from Brazil may be subject to tariffs and, as such, importers of such products have been on notice that seeking alternative sources may be appropriate.

Increased costs. Other comments, including comments related to apparel, chemicals and petrochemicals, electrical equipment, footwear, and stone products, suggested that application of tariffs on certain products from Brazil could increase costs for U.S. consumers or manufacturers. Comments related to stone products noted that tariffs could be passed along in increased home prices. With respect to electrical equipment, commenters noted that tariffs could raise the overall cost for establishing infrastructure for artificial intelligence applications. Regarding footwear, commenters suggested tariffs could have an adverse impact on American retailers, particularly small retailers. Regarding chemicals and petrochemicals, commenters asserted that tariffs would raise costs for downstream U.S. manufacturers, highlighted the ubiquity of chemicals in consumer products, and suggested that imports from Brazil would shift to other, less desirable foreign markets. A number of different factors may affect costs, however, and in any event, a number of these comments also concern consumer goods that are generally available from third countries.

Competitive disadvantage for U.S. businesses. Some comments, such as those related to agricultural machinery and vehicle parts, suggested that tariffs would put U.S. producers at a competitive disadvantage as compared to foreign producers who may import Brazilian imports without tariffs. With respect to vehicle parts, for example, commenters noted that U.S. manufacturers are attempting to diversify supply chains, but this process takes time. Comments related to agricultural machinery suggested that a tariff on goods of Brazil would force U.S. producers to choose between absorbing a cost disadvantage or reducing capital investment. However, a competitive disadvantage does not indicate unavailability of domestic supply or that the products cannot be produced in sufficient quantities or at reasonable prices in the United States or from other sources. Products may still be imported from third-country sources, meaning that any competitive disadvantage may only apply for producers who continue sourcing from Brazil. Additionally, a competitive

disadvantage does not indicate that the tariffs will cause an economy-wide disruption. Moreover, regarding vehicle parts, any products already subject to Section 232 tariffs are exempt from additional tariffs pursuant to this action.

Products unrelated to the acts, policies, and practices investigated. Some comments, such as those related to stone, machinery, and animal hides, furskins, and leather, noted that the products for which they requested exemption from tariffs were not related to the acts, policies, and practices found actionable in this investigation.

Comments regarding stone, for example, noted that quarrying does not contribute to deforestation. Commenters requesting exemptions for machinery observed that there is no causal connection between the importation of Brazilian industrial machinery to the United States and the acts, policies, and practices determined to be actionable in this investigation. However, imposing tariffs on imports from Brazil can create greater leverage to obtain the elimination of the investigated acts, policies, and practices, and as described above, Section 301(c)(3)(B) of the Trade Act authorizes the Trade Representative to take action against any goods or economic sector of the foreign country concerned regardless of whether or not such goods or economic sector are involved in the act, policy, or practice subject to investigation.

Tariffs would not shift production to the United States. Some comments, such as those related to construction machinery, opposed imposition of tariffs on certain products, arguing that production of those products would not shift production to the United States. Comments with respect to construction machinery, for example, noted that tariffs on products from Brazil would apply to U.S. or multinational companies that were importing from their own Brazilian manufacturing operations. These requests for exclusion may suggest limited availability for a particular company, but do not suggest a general unavailability of products outside of Brazil.

Considering the public comments and the advice of the Section 301 Committee—and in accordance with the specific direction of the President—the Trade Representative has determined to not add these and other products to the list of products exempted from tariffs, as these products are not (a) raw materials that if subject to these tariffs could lead to the unavailability of domestic supply; (b) products that could cause economy-wide disruptions if subject to these tariffs; (c) products that cannot be grown or produced in sufficient quantities or at

reasonable prices in the United States or obtained from other sources; or (d) articles for which these tariffs may not contribute substantially to the elimination of the acts, policies, and practices of Brazil found to be actionable in the investigation.

D. Comments Regarding the Form of the Action

USTR received a number of comments regarding the form of the action to be taken in this investigation. The vast majority of comments did not express disagreement with the form of the action proposed. Some comments suggested that the proposed action represented an appropriate remedy given the findings, and in certain cases specifically requested that tariffs be maintained on particular products or categories of products. For example, one comment expressed support for the proposed tariff and specifically requested the continued application of tariffs on wood moldings and millwork products. These commenters presented a number of significant arguments for these requests, as discussed in the following paragraphs. We set forth responses to such arguments below.

Comments regarding the tariff rate. Other comments addressed the proposed tariff rate of 25 percent specifically, and expressed mixed perspectives on the appropriateness of the rate. For example, commenters from the U.S. ethanol industry remarked that a 25 percent tariff on all goods of Brazil was an appropriate action in this case, was consistent with the findings of the investigation, and would allow the United States to recoup the market value it had lost due to Brazil's imposition of ethanol tariffs.

Some commenters who were opposed to the imposition of a 25 percent tariff remarked that this rate would significantly increase the cost of imported products from Brazil, which would result in disproportionate impacts on small businesses in particular, potentially causing them to stop hiring or even lay off workers. For ethanol specifically, testimony argued that, when considering the proposed 25 percent tariff rate alongside actions proposed in other investigations under Section 301 of the Trade Act, the total applied rate on Brazilian ethanol could be as high as 37.5 percent, which would be much higher than Brazil's tariff on U.S. ethanol and lead to further instability on the ethanol market. Other comments emphasized that, should tariffs be imposed, they should be carefully tailored and limited in size, scope, and duration and specifically structured to avoid unnecessary harm to

U.S. stakeholders. Such comments also recommended that tariffs be subject to a transparent exclusions process, and that they be proportionate to the specific acts, policies, and practices addressed in this investigation.

As noted above, the President directed imposition of a 25 percent tariff on all goods of Brazil, with exemptions for certain goods, finding that alternatives such as a lower tariff rate, negotiation without the imposition of tariffs, and action under other statutory authority without action under Section 301 would be less effective and less preferable. Consistent with this direction, acts, policies, and practices found actionable in this investigation have persisted for years despite ongoing engagement with Brazil and other attempts to address these issues. The acts, policies, and practices found to be actionable in this investigation also have broad impacts on the U.S. economy. The imposition of a significant tariff on all products of Brazil, with certain exemptions, is appropriate to create leverage and obtain the removal of those acts, policies, and practices. USTR has carefully considered public comments on the proposed exemption list and has adjusted that list in the final action to avoid imposing tariffs on (a) raw materials that if subject to these tariffs could lead to the unavailability of domestic supply; (b) products that could cause economy-wide disruptions if subject to these tariffs; (c) products that cannot be grown or produced in sufficient quantities or at reasonable prices in the United States or obtained from other sources; or (d) articles for which these tariffs may not contribute substantially to the elimination of the acts, policies, and practices of Brazil determined to be actionable in the investigation.

Comments regarding Special 301 engagement. Regarding U.S. engagement with Brazil in the context of the ongoing Special 301 review (19 U.S.C. 2242) and the subjects of that engagement, numerous commenters expressed agreement with the Trade Representative's determination with respect to intellectual property protection as set out in the June 4, 2026 FRN. Comments noted continued concern with Brazil's approach to intellectual property protection and enforcement and urged USTR to press Brazil to address these longstanding issues. Comments also opined that concerns related to Brazil's intellectual property protection and enforcement could most durably be eliminated through specific, verifiable commitments. The imposition of tariffs

in this investigation occurs alongside other efforts, such as the preparation of the annual Special 301 Report.

Comments suggesting action other than tariffs. Several other comments suggested the Trade Representative should take action other than (or in addition to) the imposition of tariffs in this investigation. Some commenters suggested that the Trade Representative should suspend the action or close the investigation entirely. Some commenters suggested that the United States undertake bilateral negotiations with Brazil, or multilateral negotiations with Brazil and others, rather than or alongside the imposition of tariffs. Some testimony also similarly suggested that bilateral engagement would be more appropriate than tariffs and any tariff—even at a rate lower than 25 percent—would be inappropriate. Other commenters suggested that imposing tariffs would undermine the goals of the investigation, or questioned whether tariffs alone would obtain the elimination of certain acts, policies, and practices found actionable in this investigation. Another commenter suggested that the Trade Representative reconsider the findings stated in the June 4, 2026 FRN and engage in constructive dialogue. Other comments advocated for capacity building, technical cooperation or technical assistance, and similar non-tariff responsive actions. Certain commenters also proposed phase-in periods, exclusion processes, calibrated measures, and time limits or periodic review for tariffs. Some comments, such as those from U.S. ethanol producers, urged USTR to consider taking specific additional non-tariff actions to address certain non-tariff acts, policies, and practices of Brazil.

As noted above, the President directed imposition of a 25 percent tariff

on all goods of Brazil, with exemptions for certain goods, finding that alternatives such as a lower tariff rate, negotiation without the imposition of tariffs, and action under other statutory authority without action under Section 301 would be less effective and less preferable. Consistent with this direction, acts, policies, and practices found actionable in this investigation have persisted for years, and negotiations and cooperative engagement alone have not proven sufficient to bring about their elimination, and the 25 percent tariff imposed in connection with this investigation reflects the broad impact of the acts, policies, and practices determined to be actionable in this investigation and is appropriate to create leverage and obtain their removal. The imposition of tariffs in this investigation does not preclude continued negotiations with Brazil. The Trade Representative will continue to monitor the issues raised in this investigation pursuant to Section 301 of the Trade Act and will consider whether modifications are appropriate. The Section 301 statute itself provides for the modification of actions, including a provision on review of necessity at Section 307(c) of the Trade Act (19 U.S.C. 2417(c)). Section 307 of the Trade Act provides that “[t]he Trade Representative may modify or terminate any action, subject to the specific direction, if any, of the President with respect to such action, that is being taken under [Section 301] if . . . the burden or restriction on United States commerce . . . of the acts, policies, and practices, that are the subject of such action has increased or decreased or [if] such action is being taken under [Section 301(b)] of this title and is no longer appropriate.”

Action by Brazil that decreases the burden or restriction on U.S. commerce may indicate that U.S. action at this level is no longer appropriate to obtain the elimination of Brazil’s acts, policies, and practices determined to be actionable in this investigation. Likewise, action by Brazil that increases the burden or restriction on U.S. commerce—such as increases in duties on goods of the United States, as opposed to addressing U.S. concerns with the unfair practices found in the investigation—may indicate that U.S. action at this level is not sufficient to obtain the elimination of Brazil’s acts, policies, and practices determined to be actionable in this investigation. Finally, the application of Section 301 tariffs in response to a particular act, policy, or practice does not preclude the application of other remedies pursuant to Section 301 of the Trade Act or other authorities, as appropriate and provided for under those other authorities.

Jennifer Thornton,
General Counsel, Office of the United States Trade Representative.

Annex I

A. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern time on July 22, 2026, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified as follows:

1. The following new headings are inserted in numerical sequence, with the material in each new heading inserted in the columns of the HTSUS labeled “Heading/Subheading”, “Article Description”, “Rates of Duty 1—General”, “Rates of Duty 1—Special” and “Rates of Duty 2”, respectively:

Heading/ subheading	Article description	Rates of duty		
		1		2
		General	Special	
“9903.05.01 ...	Except for products described in headings 9903.05.02–9903.05.09, articles the product of Brazil, as provided for in subdivision (a) of U.S. note 50 to this subchapter.	The duty provided in the applicable subheading + 25%.	The duty provided in the applicable subheading + 25%.	The duty provided in the applicable subheading.
9903.05.02	Articles the product of Brazil that (1) were loaded onto a vessel at the port of loading and in transit on the final mode of transit prior to entry into the United States before 12:01 a.m. eastern time on July 22, 2026; and (2) are entered for consumption, or withdrawn from warehouse for consumption, before 12:01 a.m. eastern time on July 29, 2026.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.
9903.05.03	Articles the product of Brazil, as provided for in subdivision (a)(ii) of U.S. note 50 to this subchapter.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.

Heading/ subheading	Article description	Rates of duty		
		1		2
		General	Special	
9903.05.04	Articles the product of Brazil, as provided for in subdivision (a)(iii) of U.S. note 50 to this subchapter.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.
9903.05.05	Articles of civil aircraft (all aircraft other than military aircraft); their engines, parts and components; their other parts, components and subassemblies; and ground flight simulators and their parts and components of Brazil, as provided for in subdivision (a)(iv) of U.S. note 50 to this subchapter.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.
9903.05.06	Articles the product of Brazil that are articles for use in pharmaceutical applications, as provided for in subdivision (a)(v) of U.S. note 50 to this subchapter.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.
9903.05.07	Articles of aluminum, of steel, or of copper or derivative aluminum or steel articles; passenger vehicles (sedans, sport utility vehicles, crossover utility vehicles, minivans, and cargo vans) and light trucks; parts of passenger vehicles (sedans, sport utility vehicles, crossover utility vehicles, minivans, and cargo vans) and light trucks; medium- and heavy-duty vehicles; parts of medium- and heavy-duty vehicles; wood products; and semiconductor articles, of Brazil, as provided in subdivision (a)(vi) of U.S. note 50 to this subchapter.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.
9903.05.08	Articles the product of Brazil that are donations by persons subject to the jurisdiction of the United States, such as food, clothing and medicine, intended to be used to relieve human suffering.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.
9903.05.09	Articles the product of Brazil that are informational materials, including but not limited to publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks and news wire feeds.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.	The duty provided in the applicable subheading.

2. The following new U.S. note 50 is inserted:

“50. (a) (i) Except as provided in headings 9903.05.02–9903.05.09 and in subdivisions (a)(ii) through (a)(vi) of this note, and other than products for personal use included in accompanied baggage of persons arriving in the United States, heading 9903.05.01 imposes an additional *ad valorem* rate of duty on imports of all products of Brazil. Notwithstanding U.S. note 1 to this subchapter, all products that are subject to the additional *ad valorem* rate of duty imposed by this heading shall also be subject to the general rates of duty imposed under subheadings in chapters 1 to 97 of the tariff schedule. Except as provided in subdivisions (a)(ii) through (a)(vi) of this note, all products that are subject to the additional *ad valorem* rate of duty imposed by heading 9903.05.01 shall also be subject to any additional duty

provided for in this subchapter or in subchapter IV of chapter 99. Products that are eligible for special tariff treatment under general note 3(c)(i) to the tariff schedule, or that are eligible for temporary duty exemptions or reductions under subchapter II to chapter 99, shall be subject to the additional *ad valorem* rate of duty imposed by heading 9903.05.01, except as otherwise provided in this subdivision.

The additional duty imposed by heading 9903.05.01 shall not apply to goods for which entry is properly claimed under a provision of chapter 98 of the tariff schedule pursuant to applicable regulations of U.S. Customs and Border Protection (“CBP”), and whenever CBP agrees that entry under such a provision is appropriate, except for goods entered under heading 9802.00.80 or subheadings 9802.00.40, 9802.00.50 or 9802.00.60. For goods

entered under subheadings 9802.00.40, 9802.00.50 and 9802.00.60, the additional duty applies to the value of repairs, alterations or processing performed, as described in the applicable subheading. For goods entered under heading 9802.00.80, the additional duty applies to the value of the article assembled abroad, less the cost or value of such products of the United States, as described.

Products that are provided for in heading 9903.05.01 shall continue to be subject to antidumping, countervailing, or other duties, taxes, fees, exactions and charges that apply to such products, as well as to the additional *ad valorem* rate of duty imposed by this heading.

(ii) As provided in heading 9903.05.03, the additional duty imposed by heading 9903.05.01 shall not apply to articles the product of Brazil that are classifiable in the following subheadings of the HTSUS:

0201.10.05	0904.22.73	2707.40.00	2849.20.10	4001.10.00	7501.10.00
0201.10.10	0904.22.76	2707.50.00	2849.20.20	4001.21.00	7502.10.00
0201.10.50	0904.22.80	2707.91.00	2849.90.30	4001.22.00	7502.20.00
0201.20.02	0905.10.00	2707.99.10	2853.90.10	4001.29.00	7503.00.00
0201.20.04	0905.20.00	2707.99.20	2853.90.90	4001.30.00	7504.00.00
0201.20.06	0906.11.00	2707.99.40	2903.19.05	4104.11.20	7508.90.50
0201.20.10	0906.19.00	2707.99.51	2903.19.10	4104.41.50	7901.11.00
0201.20.30	0906.20.00	2707.99.55	2903.19.30	4104.49.10	7901.12.10
0201.20.50	0907.10.00	2707.99.59	2903.19.60	4104.49.50	7901.12.50
0201.20.80	0907.20.00	2707.99.90	2915.29.30	4107.11.20	7901.20.00
0201.30.02	0908.11.00	2708.10.00	2936.21.00	4107.12.20	7902.00.00
0201.30.04	0908.12.00	2708.20.00	2936.22.00	4302.19.60	7903.90.30
0201.30.06	0908.21.00	2709.00.10	2936.23.00	4403.41.00	7907.00.60
0201.30.10	0908.22.20	2709.00.20	2936.24.01	4403.42.00	8001.10.00
0201.30.30	0908.22.40	2710.12.15	2936.25.00	4403.49.02	8001.20.00
0201.30.50	0908.31.00	2710.12.18	2936.26.00	4407.21.00	8002.00.00
0201.30.80	0908.32.00	2710.12.25	2936.27.00	4407.22.00	8007.00.50
0202.10.05	0909.21.00	2710.12.45	2936.28.00	4407.23.01	8101.10.00
0202.10.10	0909.22.00	2710.12.90	2936.29.10	4407.25.00	8101.97.00
0202.10.50	0909.31.00	2710.19.06	2936.29.16	4407.26.00	8103.20.00
0202.20.02	0909.32.00	2710.19.11	2936.29.20	4407.27.00	8103.30.00
0202.20.04	0909.61.00	2710.19.16	2936.29.50	4407.28.00	8103.91.00
0202.20.06	0909.62.00	2710.19.24	2936.90.01	4407.29.02	8103.99.00
0202.20.10	0910.11.00	2710.19.25	2937.11.00	4407.99.0295	8104.11.00
0202.20.30	0910.12.00	2710.19.26	2937.12.00	4408.31.01	8104.19.00
0202.20.50	0910.20.00	2710.19.30	2937.19.00	4408.39.02	8104.20.00
0202.20.80	0910.30.00	2710.19.35	2937.21.00	4409.22.05	8104.30.00
0202.30.02	0910.91.00	2710.19.40	2937.22.00	4409.22.10	8104.90.00
0202.30.04	0910.99.07	2710.19.45	2937.23.10	4409.22.25	8105.20.30
0202.30.06	0910.99.10	2710.19.90	2937.23.25	4409.22.40	8105.20.60
0202.30.10	0910.99.20	2710.20.05	2937.23.50	4409.22.50	8105.20.90
0202.30.30	0910.99.40	2710.20.10	2937.29.10	4409.22.60	8105.30.00
0202.30.50	0910.99.50	2710.20.15	2937.29.90	4409.22.65	8105.90.00
0202.30.80	0910.99.60	2710.20.25	2937.50.00	4409.22.90	8106.10.00
0206.10.00	1003.90.40	2710.91.00	2937.90.05	4412.31.06	8106.90.00
0206.21.00	1008.30.00	2710.99.05	2937.90.10	4412.31.26	8108.20.00
0206.22.00	1008.40.00	2710.99.10	2937.90.20	4412.31.42	8108.30.00
0206.29.00	1008.60.00	2710.99.16	2937.90.40	4412.31.45	8108.90.30
0210.20.00	1106.20.90	2710.99.21	2937.90.45	4412.31.48	8108.90.60
0302.32.00	1106.30.20	2710.99.31	2937.90.90	4412.31.52	8110.10.00
0302.34.00	1108.14.00	2710.99.32	2939.11.00	4412.31.61	8110.20.00
0302.44.00	1108.19.00	2710.99.39	2939.19.10	4412.31.92	8110.90.00
0302.47.00	1203.00.00	2710.99.45	2939.19.20	4412.41.00	8111.00.47
0302.71.11	1207.91.00	2710.99.90	2939.19.50	4412.51.10	8111.00.49
0302.71.50	1513.11.00	2711.11.00	2939.20.00	4412.51.31	8112.21.00
0302.89.50	1513.19.00	2711.12.00	2939.30.00	4412.51.41	8112.22.00
0303.23.00	1521.10.00	2711.13.00	2939.41.00	4412.51.51	8112.29.00
0303.89.00	1521.90.20	2711.14.00	2939.42.00	4412.91.06	8112.41.10
0304.31.00	1602.50.05	2711.19.00	2939.44.00	4412.91.10	8112.41.50
0306.11.00	1602.50.07	2711.21.00	2939.45.00	4412.91.31	8112.49.00
0409.00.0005	1602.50.08	2711.29.00	2939.49.03	4412.91.41	8112.59.00
0508.00.00	1602.50.21	2712.10.00	2939.59.00	4412.91.51	8112.92.10
0702.00.20	1602.50.60	2712.20.00	2939.62.00	4601.22.40	8112.92.30
0702.00.40	1602.50.90	2712.90.10	2939.63.00	4601.22.80	8112.92.40
0702.00.60	1801.00.00	2712.90.20	2939.69.00	4601.22.90	8112.92.60
0709.99.05	1802.00.00	2713.11.00	2939.72.00	4601.29.40	8112.92.65
0709.99.10	1803.10.00	2713.12.00	2939.79.00	4601.93.01	8112.99.10
0710.80.15	1803.20.00	2713.20.00	2941.10.10	4601.93.05	8112.99.20
0711.90.30	1804.00.00	2713.90.00	2941.10.20	4601.93.20	8112.99.91
0712.32.00	1805.00.00	2714.10.00	2941.10.30	4602.12.05	8422.40.9181
0712.34.10	1903.00.20	2714.90.00	2941.10.50	4602.12.14	8471.30.01
0712.34.20	1903.00.40	2715.00.00	2941.20.10	4602.12.16	8471.41.01
0713.34.20	2001.90.45	2716.00.00	2941.20.50	4602.12.23	8471.49.00
0713.34.40	2005.91.60	2801.20.00	2941.30.00	4602.12.25	8471.50.01
0714.10.10	2006.00.40	2804.29.00	2941.40.00	4602.12.35	8471.60.10
0714.10.20	2007.99.40	2804.50.00	2941.50.00	4602.12.45	8471.60.20
0714.40.10	2007.99.50	2804.61.00	2941.90.10	4703.11.00	8471.60.70
0714.40.20	2008.19.15	2804.69.10	2941.90.30	4703.19.00	8471.60.80
0714.40.50	2008.20.00	2804.69.50	2941.90.50	4703.21.00	8471.60.90
0714.40.60	2008.30.35	2804.80.00	3001.20.00	4703.29.00	8471.70.10
0714.50.10	2008.91.00	2804.90.00	3001.90.01	4704.11.00	8471.70.20
0714.50.20	2008.99.13	2805.19.10	3002.12.00	4704.19.00	8471.70.30
0714.50.60	2008.99.15	2805.19.20	3002.13.00	4704.21.00	8471.70.40
0714.90.42	2008.99.40	2805.19.90	3002.14.00	4704.29.00	8471.70.50
0714.90.44	2008.99.45	2805.30.00	3002.15.00	4705.00.00	8471.70.60
0714.90.46	2008.99.91	2811.11.00	3002.41.00	4706.10.00	8471.70.90

0714.90.48	2009.11.00	2811.19.10	3002.42.00	4706.20.00	8471.80.10
0714.90.61	2009.12.25	2811.29.10	3002.49.00	4706.30.00	8471.80.40
0801.11.00	2009.12.45	2811.29.20	3002.51.00	4706.91.00	8471.80.90
0801.12.00	2009.19.00	2812.19.00	3002.59.00	4706.92.01	8471.90.00
0801.19.01	2009.39.20	2813.90.10	3002.90.10	4706.93.01	8473.30.11
0801.21.00	2009.49.40	2815.20.00	3002.90.52	5607.21.00	8473.30.20
0801.22.00	2101.11.21	2816.10.00	3003.10.00	6309.00.00	8473.30.51
0801.31.00	2101.11.29	2816.40.10	3003.20.00	6802.99.00	8473.30.91
0801.32.00	2101.12.90	2816.40.20	3003.39.10	7103.10.20	8486.10.00
0802.41.00	2101.20.20	2817.00.00	3003.39.50	7103.10.40	8486.20.00
0802.42.00	2106.90.48	2818.10.10	3003.41.00	7106.91.10	8486.30.00
0802.61.00	2202.99.30	2818.10.20	3003.42.00	7108.11.00	8486.40.00
0802.62.00	2202.99.35	2818.20.00	3003.49.00	7108.12.10	8486.90.00
0802.70.10	2504.10.10	2818.30.00	3003.90.01	7108.12.50	8505.11.0070
0802.70.20	2504.10.50	2820.10.00	3004.10.10	7108.13.10	8517.13.00
0802.80.10	2504.90.00	2821.10.00	3004.10.50	7108.13.55	8517.62.00
0802.80.20	2507.00.00	2821.20.00	3004.20.00	7108.13.70	8523.51.00
0802.91.10	2510.10.00	2822.00.00	3004.31.00	7108.20.00	8524.11.10
0802.91.90	2510.20.00	2823.00.00	3004.32.00	7110.11.00	8524.11.90
0802.92.10	2511.10.10	2825.20.00	3004.39.00	7110.19.00	8524.12.00
0802.92.90	2511.10.50	2825.30.00	3004.41.00	7110.21.00	8524.19.00
0803.10.10	2519.10.00	2825.40.00	3004.42.00	7110.29.00	8524.91.10
0803.10.20	2519.90.10	2825.50.30	3004.49.00	7110.31.00	8524.91.90
0803.90.00	2519.90.20	2825.60.00	3004.50.10	7110.39.00	8524.92.00
0804.30.20	2524.90.00	2825.80.00	3004.50.20	7110.41.00	8524.99.00
0804.30.40	2525.10.00	2825.90.15	3004.50.30	7110.49.00	8528.52.00
0804.30.60	2529.21.00	2825.90.20	3004.50.40	7112.30.01	8537.10.9170
0804.40.00	2529.22.00	2825.90.30	3004.50.50	7112.92.01	8541.10.00
0804.50.40	2530.20.10	2825.90.90	3004.60.00	7115.90.05	8541.21.00
0804.50.60	2530.20.20	2826.12.00	3004.90.10	7115.90.30	8541.29.00
0804.50.80	2530.90.10	2826.30.00	3004.90.92	7118.90.00	8541.30.00
0805.10.00	2530.90.20	2826.90.90	3006.30.10	7201.10.00	8541.41.00
0805.50.30	2530.90.80	2827.31.00	3006.30.50	7201.20.00	8541.49.10
0805.50.40	2601.11.00	2827.39.25	3006.60.00	7201.50.30	8541.49.70
0807.20.00	2601.12.00	2827.39.45	3006.93.10	7201.50.60	8541.49.80
0808.40.20	2602.00.00	2827.39.60	3006.93.20	7202.11.10	8541.49.95
0808.40.40	2603.00.00	2827.39.90	3006.93.50	7202.11.50	8541.51.00
0810.50.00	2604.00.00	2827.41.00	3006.93.60	7202.19.10	8541.59.00
0810.60.00	2605.00.00	2827.49.50	3101.00.00	7202.19.50	8541.90.00
0810.90.27	2606.00.00	2827.59.51	3102.10.00	7202.30.00	8542.31.00
0810.90.46	2608.00.00	2827.60.10	3102.21.00	7202.41.00	8542.32.00
0811.90.10	2609.00.00	2827.60.51	3102.29.00	7202.49.10	8542.33.00
0811.90.25	2610.00.00	2833.21.00	3102.30.00	7202.49.50	8542.39.00
0811.90.30	2611.00.30	2833.24.00	3102.40.00	7202.50.00	8542.90.00
0811.90.40	2611.00.60	2833.25.00	3102.50.00	7202.60.00	9701.21.00
0811.90.50	2612.10.00	2833.27.00	3102.60.00	7202.80.00	9701.22.00
0811.90.52	2612.20.00	2833.29.10	3102.80.00	7202.91.00	9701.29.00
0812.90.40	2613.90.00	2833.29.45	3102.90.01	7202.93.40	9701.91.00
0901.11.00	2614.00.30	2833.29.51	3103.11.00	7202.93.80	9701.92.00
0901.12.00	2614.00.60	2834.21.00	3103.19.00	7202.99.20	9701.99.00
0901.21.00	2615.90.30	2834.29.20	3103.90.01	7203.10.00	9702.10.00
0901.22.00	2615.90.60	2834.29.51	3104.20.00	7203.90.00	9702.90.00
0901.90.10	2616.10.00	2836.60.00	3104.30.00	7204.21.00	9703.10.00
0901.90.20	2617.10.00	2836.91.00	3104.90.01	7204.30.00	9703.90.00
0902.10.10	2620.30.00	2836.92.00	3105.10.00	7204.41.00	9704.00.00
0902.10.90	2620.99.50	2836.99.10	3105.20.00	7314.19.01	9705.10.00
0902.20.10	2701.11.00	2836.99.50	3105.30.00	7401.00.00	9705.21.00
0902.20.90	2701.12.00	2839.19.00	3105.40.00	7402.00.00	9705.22.00
0902.30.00	2701.19.00	2841.80.00	3105.51.00	7403.11.00	9705.29.00
0902.40.00	2701.20.00	2841.90.20	3105.59.00	7403.12.00	9705.31.00
0903.00.00	2702.10.00	2844.10.10	3105.60.00	7403.13.00	9705.39.00
0904.11.00	2702.20.00	2844.10.20	3105.90.00	7403.19.00	9706.10.00
0904.12.00	2703.00.00	2844.20.00	3204.17.20	7403.21.00	9706.90.00
0904.21.20	2704.00.00	2844.30.20	3206.11.00	7403.22.00	
0904.21.40	2705.00.00	2844.30.50	3206.19.00	7403.29.01	
0904.21.60	2706.00.00	2846.10.00	3301.12.00	7404.00.30	
0904.21.80	2707.10.00	2846.90.20	3301.90.50	7404.00.60	
0904.22.20	2707.20.00	2846.90.40	3606.90.30	7405.00.10	
0904.22.40	2707.30.00	2846.90.80	3818.00.00	7405.00.60	

(iii) As provided in heading 9903.05.04, the additional duty imposed by heading 9903.05.01 shall not apply to

the following particular articles the product of Brazil:

(1) Etrogs (classifiable in subheading 0805.90.01);

(2) Tropical fruit, nesoi, frozen, whether or not previously steamed or boiled (classifiable in subheading 0811.90.80);

(3) Date palm branches, Myrtus branches or other vegetable material, for religious purposes only (classifiable in subheading 1404.90.90);

(4) Bread, pastry, cakes, biscuits and similar baked products nesoi, and puddings, whether or not containing chocolate, fruit, nuts or confectionery, for religious purposes only (classifiable in subheading 1905.90.10);

(5) Bakers' wares, communion wafers, sealing wafers, rice paper and similar products, nesoi, for religious purposes only (classifiable in subheading 1905.90.90);

(6) Acai (classifiable in subheading 2008.99.21);

(7) Citrus juice of any single citrus fruit (other than orange, grapefruit or

lime), of a Brix value not exceeding 20, concentrated, unfermented, except for lemon juice (classifiable in subheading 2009.31.60);

(8) Coconut water or juice of acai (classifiable in subheading 2009.89.70);

(9) Coconut water juice blends, not from concentrate, packaged for retail sale (classifiable in subheading 2009.90.40);

(10) Acai preparations for the manufacture of beverages (classifiable in subheading 2106.90.99); and

(11) Essential oils other than those of citrus fruit, nesoi, for religious purposes only (classifiable in subheading 3301.29.51).

(iv) As provided in heading 9903.05.05, the additional duty imposed

by heading 9903.05.01 shall not apply to articles the product of Brazil that are civil aircraft (all aircraft other than military aircraft); their engines, parts and components; their other parts, components and subassemblies; and ground flight simulators and their parts and components, that otherwise meet the criteria of general note 6 of the HTSUS and are classifiable in the following provisions of the HTSUS, but regardless of whether a product is entered under a provision for which the rate of duty "Free (C)" appears in the "Special" sub-column:

3917.21.00	7608.10.00	8421.29.00	8502.39.00	8529.90.55	9025.80.50
3917.22.00	7608.20.00	8421.31.00	8502.40.00	8529.90.63	9025.90.06
3917.23.00	8302.10.60	8421.32.00	8504.10.00	8529.90.68	9026.10.20
3917.29.00	8302.10.90	8421.39.01	8504.31.20	8529.90.73	9026.10.40
3917.31.00	8302.20.00	8424.10.00	8504.31.40	8529.90.77	9026.10.60
3917.33.00	8302.42.30	8425.11.00	8504.31.60	8529.90.78	9026.20.40
3917.39.00	8302.42.60	8425.19.00	8504.32.00	8529.90.81	9026.20.80
3917.40.00	8302.49.40	8425.31.01	8504.33.00	8529.90.83	9026.80.20
3926.90.45	8302.49.60	8425.39.01	8504.40.40	8529.90.87	9026.80.40
3926.90.94	8302.49.80	8425.42.00	8504.40.60	8529.90.88	9026.80.60
3926.90.96	8302.60.30	8425.49.00	8504.40.70	8529.90.89	9026.90.20
3926.90.99	8307.10.30	8426.99.00	8504.40.85	8529.90.93	9026.90.40
4008.29.20	8307.90.30	8428.10.00	8504.40.95	8529.90.95	9026.90.60
4009.12.00	8407.10.00	8428.20.00	8504.50.40	8529.90.97	9029.10.80
4009.22.00	8408.90.90	8428.33.00	8504.50.80	8529.90.98	9029.20.40
4009.32.00	8409.10.00	8428.39.00	8507.10.00	8531.10.00	9029.90.80
4009.42.00	8411.11.40	8428.90.03	8507.20.80	8531.20.00	9030.10.00
4011.30.00	8411.11.80	8443.31.00	8507.30.80	8531.80.15	9030.20.05
4012.13.00	8411.12.40	8443.32.10	8507.50.00	8531.80.90	9030.20.10
4012.20.10	8411.12.80	8443.32.50	8507.60.00	8536.70.00	9030.31.00
4016.10.00	8411.21.40	8479.89.10	8507.80.82	8539.10.00	9030.32.00
4016.93.50	8411.21.80	8479.89.20	8507.90.40	8539.51.00	9030.33.34
4016.99.35	8411.22.40	8479.89.65	8507.90.80	8543.70.42	9030.33.38
4016.99.60	8411.22.80	8479.89.70	8511.10.00	8543.70.45	9030.39.01
4017.00.00	8411.81.40	8479.89.95	8511.20.00	8543.70.60	9030.40.00
4504.90.00	8411.82.40	8479.90.41	8511.30.00	8543.70.80	9030.84.00
4823.90.10	8411.91.10	8479.90.45	8511.40.00	8543.70.91	9030.89.01
4823.90.20	8411.91.90	8479.90.55	8511.50.00	8543.70.95	9030.90.25
4823.90.31	8411.99.10	8479.90.65	8511.80.20	8543.90.12	9030.90.46
4823.90.40	8411.99.90	8479.90.75	8511.80.40	8543.90.15	9030.90.66
4823.90.50	8412.10.00	8479.90.85	8511.80.60	8543.90.35	9030.90.68
4823.90.60	8412.21.00	8479.90.95	8514.20.40	8543.90.65	9030.90.84
4823.90.67	8412.29.40	8483.10.10	8516.80.40	8543.90.68	9030.90.89
4823.90.70	8412.29.80	8483.10.30	8516.80.80	8543.90.85	9031.80.40
4823.90.80	8412.31.00	8483.10.50	8517.14.00	8543.90.88	9031.80.80
4823.90.86	8412.39.00	8483.30.40	8517.61.00	8544.30.00	9031.90.21
6812.80.90	8412.80.10	8483.30.80	8517.69.00	8801.00.00	9031.90.45
6812.99.10	8412.80.90	8483.40.10	8517.71.00	8802.11.01	9031.90.54
6812.99.20	8412.90.90	8483.40.30	8518.10.40	8802.12.01	9031.90.59
6812.99.90	8413.19.00	8483.40.50	8518.10.80	8802.20.01	9031.90.70
6813.20.00	8413.20.00	8483.40.70	8518.21.00	8802.30.01	9031.90.91
6813.81.00	8413.30.10	8483.40.80	8518.22.00	8802.40.01	9032.10.00
6813.89.00	8413.30.90	8483.40.90	8518.29.40	8805.29.00	9032.20.00
7007.21.11	8413.50.00	8483.50.40	8518.29.80	8806.10.00	9032.81.00
7304.31.30	8413.60.00	8483.50.60	8518.30.10	8806.21.00	9032.89.20
7304.31.60	8413.70.10	8483.50.90	8518.30.20	8806.22.00	9032.89.40
7304.39.00	8413.70.20	8483.60.40	8518.40.10	8806.23.00	9032.89.60
7304.41.30	8413.81.00	8483.60.80	8518.40.20	8806.24.00	9032.90.21
7304.41.60	8413.91.10	8483.90.10	8518.50.00	8806.29.00	9032.90.41
7304.49.00	8413.91.20	8483.90.20	8519.81.10	8806.91.00	9032.90.61
7304.51.10	8413.91.90	8483.90.30	8519.81.20	8806.92.00	9033.00.90
7304.51.50	8414.10.00	8483.90.50	8519.81.25	8806.93.00	9104.00.05
7304.59.10	8414.20.00	8483.90.80	8519.81.30	8806.94.00	9104.00.10
7304.59.20	8414.30.40	8484.10.00	8519.81.41	8806.99.00	9104.00.20

7304.59.60	8414.30.80	8484.90.00	8519.89.10	8807.10.00	9104.00.25
7304.59.80	8414.51.30	8501.20.50	8519.89.20	8807.20.00	9104.00.30
7304.90.10	8414.51.90	8501.20.60	8519.89.30	8807.30.00	9104.00.40
7304.90.30	8414.59.30	8501.31.50	8521.10.30	8807.90.90	9104.00.45
7304.90.50	8414.59.65	8501.31.60	8521.10.60	9001.90.40	9104.00.50
7304.90.70	8414.80.05	8501.31.81	8521.10.90	9001.90.50	9104.00.60
7306.30.10	8414.80.16	8501.32.20	8522.90.25	9001.90.60	9109.10.50
7306.30.30	8414.80.20	8501.32.55	8522.90.36	9001.90.80	9109.10.60
7306.30.50	8414.80.90	8501.32.61	8522.90.45	9001.90.90	9109.90.20
7306.40.10	8414.90.10	8501.33.20	8522.90.58	9002.90.20	9401.10.40
7306.40.50	8414.90.30	8501.33.30	8522.90.65	9002.90.40	9401.10.80
7306.50.10	8414.90.41	8501.33.61	8522.90.80	9002.90.70	9403.20.00
7306.50.30	8414.90.91	8501.34.61	8526.10.00	9002.90.85	9403.70.40
7306.50.50	8415.10.60	8501.40.50	8526.91.00	9002.90.95	9403.70.80
7306.61.10	8415.10.90	8501.40.60	8526.92.10	9014.10.10	9405.11.40
7306.61.30	8415.81.01	8501.51.50	8526.92.50	9014.10.60	9405.11.60
7306.61.50	8415.82.01	8501.51.60	8528.42.00	9014.10.70	9405.11.80
7306.61.70	8415.83.00	8501.52.40	8528.62.00	9014.10.90	9405.19.40
7306.69.10	8415.90.40	8501.52.80	8529.10.21	9014.20.20	9405.19.60
7306.69.30	8415.90.80	8501.53.40	8529.10.40	9014.20.40	9405.19.80
7306.69.50	8418.10.00	8501.53.60	8529.10.91	9014.20.60	9405.61.20
7306.69.70	8418.30.00	8501.61.01	8529.90.04	9014.20.80	9405.61.40
7312.10.05	8418.40.00	8501.62.01	8529.90.05	9014.90.10	9405.61.60
7312.10.10	8418.61.01	8501.63.01	8529.90.06	9014.90.20	9405.69.20
7312.10.20	8418.69.01	8501.71.00	8529.90.09	9014.90.40	9405.69.40
7312.10.30	8419.50.10	8501.72.10	8529.90.13	9014.90.60	9405.69.60
7312.10.50	8419.50.50	8501.72.20	8529.90.16	9020.00.40	9405.92.00
7312.10.60	8419.81.50	8501.72.30	8529.90.19	9020.00.60	9405.99.20
7312.10.70	8419.81.90	8501.72.90	8529.90.21	9025.11.20	9405.99.40
7312.10.80	8419.90.10	8501.80.10	8529.90.24	9025.11.40	9620.00.50
7312.10.90	8419.90.20	8501.80.20	8529.90.29	9025.19.40	9620.00.60
7312.90.00	8419.90.30	8501.80.30	8529.90.33	9025.19.80	9802.00.40
7322.90.00	8419.90.50	8502.11.00	8529.90.36	9025.80.10	9802.00.50
7324.10.00	8419.90.85	8502.12.00	8529.90.39	9025.80.15	9802.00.60
7324.90.00	8421.19.00	8502.13.00	8529.90.43	9025.80.20	9802.00.80
7326.20.00	8421.21.00	8502.20.00	8529.90.46	9025.80.35	9818.00.05
7413.00.90	8421.23.00	8502.31.00	8529.90.49	9025.80.40	9818.00.07

(v) As provided in heading 9903.05.06, the additional duty imposed by heading 9903.05.01 shall not apply to articles the product of Brazil for use in

pharmaceutical applications, and that are classifiable in the following provisions of the HTSUS, but regardless of whether a product is entered under

a provision for which the rate of duty “Free (K)” appears in the “Special” sub-column:

2804.10.00	2907.19.10	2918.22.50	2923.10.00	2933.29.10	2934.99.30
2804.30.00	2907.19.20	2918.23.10	2923.20.10	2933.29.20	2934.99.39
2806.10.00	2907.19.40	2918.23.30	2923.20.20	2933.29.35	2934.99.44
2807.00.00	2907.19.80	2918.23.50	2923.30.00	2933.29.43	2934.99.47
2809.20.00	2907.29.90	2918.29.20	2923.40.00	2933.29.45	2934.99.70
2811.12.00	2908.19.10	2918.29.22	2923.90.01	2933.29.60	2934.99.90
2811.22.50	2908.19.35	2918.29.65	2924.11.00	2933.29.90	2935.50.00
2812.12.00	2908.19.60	2918.29.75	2924.12.00	2933.31.00	2935.90.06
2814.10.00	2908.99.12	2918.30.10	2924.19.11	2933.33.01	2935.90.10
2814.20.00	2908.99.15	2918.30.15	2924.19.80	2933.34.00	2935.90.13
2815.11.00	2908.99.25	2918.30.25	2924.21.16	2933.35.00	2935.90.15
2815.12.00	2909.11.00	2918.30.30	2924.21.20	2933.36.00	2935.90.20
2815.30.00	2909.19.18	2918.30.70	2924.21.45	2933.37.00	2935.90.29
2825.10.00	2909.19.60	2918.30.90	2924.21.50	2933.39.08	2935.90.30
2827.39.65	2909.20.00	2918.99.05	2924.23.70	2933.39.10	2935.90.32
2827.60.20	2909.30.40	2918.99.30	2924.23.75	2933.39.20	2935.90.33
2832.10.00	2909.30.60	2918.99.43	2924.24.00	2933.39.21	2935.90.42
2832.30.10	2909.49.05	2918.99.47	2924.25.00	2933.39.23	2935.90.48
2833.11.50	2909.49.10	2918.99.50	2924.29.01	2933.39.25	2935.90.60
2833.19.00	2909.49.15	2919.10.00	2924.29.03	2933.39.27	2935.90.75
2833.22.00	2909.49.20	2919.90.30	2924.29.05	2933.39.31	2935.90.95
2834.10.10	2909.49.60	2919.90.50	2924.29.10	2933.39.41	2938.10.00
2835.22.00	2909.50.20	2920.19.40	2924.29.23	2933.39.61	2938.90.00
2835.24.00	2909.50.40	2920.19.50	2924.29.26	2933.39.92	2939.43.00
2836.20.00	2909.50.45	2920.21.00	2924.29.28	2933.41.00	2939.51.00
2836.30.00	2909.50.50	2920.22.00	2924.29.33	2933.49.08	2939.61.00
2836.40.20	2910.10.00	2920.23.00	2924.29.57	2933.49.10	2939.80.00
2837.20.51	2910.30.00	2920.24.00	2924.29.62	2933.49.15	2940.00.60
2841.90.40	2910.40.00	2920.29.00	2924.29.65	2933.49.17	2942.00.03
2842.10.00	2910.50.00	2920.30.00	2924.29.71	2933.49.20	2942.00.05
2842.90.90	2910.90.10	2920.90.20	2924.29.77	2933.49.26	2942.00.10
2843.29.01	2910.90.20	2920.90.51	2924.29.80	2933.49.30	2942.00.35

2843.30.00	2910.90.91	2921.11.00	2924.29.95	2933.49.60	2942.00.50
2843.90.00	2911.00.10	2921.14.00	2925.12.00	2933.49.70	3003.31.00
2844.41.00	2911.00.50	2921.19.11	2925.19.42	2933.52.10	3003.43.00
2844.42.00	2912.19.50	2921.19.61	2925.19.91	2933.52.90	3003.60.00
2844.43.00	2912.29.60	2921.29.00	2925.21.00	2933.53.00	3004.43.00
2844.44.00	2912.49.26	2921.30.10	2925.29.10	2933.54.00	3006.70.00
2845.20.00	2912.60.00	2921.30.30	2925.29.18	2933.55.00	3006.92.00
2845.30.00	2914.11.10	2921.30.50	2925.29.20	2933.59.10	3006.93.80
2845.90.01	2914.19.00	2921.41.10	2925.29.60	2933.59.15	3203.00.80
2847.00.00	2914.29.30	2921.41.20	2925.29.70	2933.59.18	3204.13.60
2850.00.50	2914.29.50	2921.42.65	2925.29.90	2933.59.21	3204.13.80
2853.10.00	2914.39.90	2921.42.90	2926.30.10	2933.59.22	3204.18.00
2853.90.50	2914.40.40	2921.43.40	2926.40.00	2933.59.36	3204.90.00
2901.10.40	2914.40.90	2921.45.60	2926.90.14	2933.59.46	3401.30.10
2902.19.00	2914.50.10	2921.45.90	2926.90.43	2933.59.53	3402.42.10
2902.90.30	2914.50.30	2921.46.00	2926.90.48	2933.59.59	3402.42.20
2903.12.00	2914.50.50	2921.49.38	2926.90.50	2933.59.70	3402.42.90
2903.13.00	2914.62.00	2921.49.43	2927.00.40	2933.59.80	3402.50.11
2903.22.00	2914.69.21	2921.49.45	2927.00.50	2933.59.85	3507.90.70
2903.41.10	2914.69.90	2921.49.50	2928.00.10	2933.59.95	3802.10.00
2903.42.10	2914.71.00	2921.59.40	2928.00.15	2933.69.50	3808.59.40
2903.43.10	2914.79.10	2921.59.80	2928.00.25	2933.69.60	3808.59.50
2903.44.10	2914.79.40	2922.11.00	2928.00.30	2933.72.00	3808.61.50
2903.45.10	2914.79.60	2922.12.00	2928.00.50	2933.79.04	3808.94.10
2903.46.10	2914.79.90	2922.14.00	2929.90.05	2933.79.08	3808.94.50
2903.47.10	2915.21.00	2922.15.00	2929.90.15	2933.79.15	3812.31.00
2903.48.00	2915.24.00	2922.16.00	2929.90.20	2933.79.20	3815.11.00
2903.49.00	2915.29.50	2922.17.00	2929.90.50	2933.79.30	3815.12.00
2903.51.10	2915.32.00	2922.18.00	2930.10.01	2933.79.40	3815.90.50
2903.59.10	2915.36.00	2922.19.09	2930.20.20	2933.79.85	3824.81.00
2903.59.90	2915.39.10	2922.19.20	2930.20.90	2933.91.00	3824.82.10
2903.69.10	2915.39.31	2922.19.33	2930.30.60	2933.99.01	3824.82.90
2903.69.90	2915.39.35	2922.19.60	2930.40.00	2933.99.02	3824.83.00
2903.71.01	2915.39.40	2922.19.70	2930.60.00	2933.99.05	3824.84.00
2903.77.00	2915.39.45	2922.19.90	2930.70.00	2933.99.06	3824.85.00
2903.78.00	2915.39.47	2922.19.96	2930.90.29	2933.99.08	3824.86.00
2903.79.90	2915.39.70	2922.21.10	2930.90.49	2933.99.11	3824.87.00
2903.81.00	2915.39.90	2922.21.25	2930.90.92	2933.99.12	3824.88.00
2903.89.15	2915.40.10	2922.21.40	2931.41.00	2933.99.14	3824.89.00
2903.89.20	2915.40.20	2922.21.50	2931.42.00	2933.99.16	3824.91.00
2903.89.70	2915.40.30	2922.29.03	2931.43.00	2933.99.17	3824.92.00
2903.92.00	2915.40.50	2922.29.06	2931.44.00	2933.99.22	3824.99.25
2903.93.00	2915.50.20	2922.29.08	2931.45.00	2933.99.24	3824.99.29
2903.94.00	2915.90.10	2922.29.10	2931.46.00	2933.99.26	3824.99.49
2903.99.20	2915.90.14	2922.29.13	2931.47.00	2933.99.42	3824.99.50
2903.99.80	2915.90.18	2922.29.15	2931.48.00	2933.99.46	3824.99.55
2904.10.32	2915.90.20	2922.29.20	2931.49.00	2933.99.51	3824.99.93
2904.10.50	2915.90.50	2922.29.26	2931.51.00	2933.99.53	3826.00.30
2904.20.10	2916.16.00	2922.29.27	2931.52.00	2933.99.55	3827.13.00
2904.20.15	2916.19.30	2922.29.29	2931.53.00	2933.99.58	3827.14.00
2904.20.20	2916.19.50	2922.29.61	2931.54.00	2933.99.61	3827.40.00
2904.20.30	2916.20.50	2922.29.81	2931.59.00	2933.99.65	3901.90.90
2904.20.35	2916.31.30	2922.31.00	2931.90.22	2933.99.70	3902.90.00
2904.20.40	2916.31.50	2922.39.05	2931.90.30	2933.99.75	3904.61.00
2904.20.45	2916.39.15	2922.39.10	2931.90.60	2933.99.79	3905.91.10
2904.20.50	2916.39.17	2922.39.14	2931.90.90	2933.99.82	3905.91.50
2904.99.04	2916.39.46	2922.39.17	2932.11.00	2933.99.85	3905.99.80
2904.99.08	2916.39.79	2922.39.25	2932.14.00	2933.99.89	3906.90.50
2904.99.15	2917.13.00	2922.39.45	2932.19.10	2933.99.90	3907.10.00
2904.99.20	2917.19.10	2922.39.50	2932.19.51	2933.99.97	3907.21.00
2904.99.30	2917.19.15	2922.41.00	2932.20.05	2934.10.10	3907.29.00
2904.99.35	2917.19.17	2922.42.10	2932.20.20	2934.10.20	3907.30.00
2904.99.40	2917.19.20	2922.42.50	2932.20.25	2934.10.70	3907.61.00
2904.99.47	2917.19.23	2922.43.10	2932.20.30	2934.10.90	3907.69.00
2904.99.50	2917.19.27	2922.43.50	2932.20.45	2934.20.40	3907.70.00
2905.11.20	2917.19.30	2922.44.00	2932.20.50	2934.20.80	3907.99.50
2905.12.00	2917.19.35	2922.49.05	2932.95.00	2934.30.18	3908.10.00
2905.13.00	2917.19.40	2922.49.10	2932.99.04	2934.30.23	3908.90.20
2905.19.10	2917.19.70	2922.49.26	2932.99.08	2934.30.27	3909.10.00
2905.19.90	2917.20.00	2922.49.30	2932.99.21	2934.30.43	3909.40.00
2905.22.10	2917.34.01	2922.49.37	2932.99.32	2934.30.50	3910.00.00
2905.22.20	2917.37.00	2922.49.43	2932.99.35	2934.91.00	3911.20.00
2905.22.50	2917.39.30	2922.49.49	2932.99.39	2934.92.00	3911.90.25
2905.29.90	2918.11.51	2922.49.60	2932.99.55	2934.99.01	3911.90.45
2905.31.00	2918.12.00	2922.49.80	2932.99.61	2934.99.03	3911.90.91
2905.32.00	2918.13.50	2922.50.07	2932.99.70	2934.99.05	3912.20.00

2905.39.90	2918.14.00	2922.50.10	2932.99.90	2934.99.06	3912.31.00
2905.49.20	2918.16.50	2922.50.11	2933.11.00	2934.99.07	3912.39.00
2905.49.50	2918.18.00	2922.50.13	2933.19.08	2934.99.08	3912.90.00
2905.51.00	2918.19.15	2922.50.14	2933.19.35	2934.99.09	3913.90.20
2905.59.10	2918.19.20	2922.50.17	2933.19.37	2934.99.11	3913.90.50
2905.59.90	2918.19.31	2922.50.19	2933.19.43	2934.99.12	3914.00.20
2906.11.00	2918.19.60	2922.50.25	2933.19.45	2934.99.15	3914.00.60
2906.19.50	2918.19.90	2922.50.35	2933.19.90	2934.99.16	
2906.29.60	2918.21.10	2922.50.40	2933.21.00	2934.99.18	
2907.11.00	2918.22.10	2922.50.50	2933.29.05	2934.99.20	

(vi) As provided in heading 9903.05.07, the additional duty imposed by heading 9903.05.01 shall not apply to:

(1) articles of aluminum, of steel or of copper, nor to derivative aluminum or steel articles provided for in headings 9903.82.02 and 9903.82.04–9903.82.26;

(2) passenger vehicles (sedans, sport utility vehicles, crossover utility vehicles, minivans and cargo vans) and light trucks provided for in headings 9903.94.01, 9903.94.02 (as applied to the U.S. content of passenger vehicles and light trucks described in subdivision 33(d) of this subchapter upon approval from the Secretary of Commerce), 9903.94.03, 9903.94.31, 9903.94.40, 9903.94.41, 9903.94.50, 9903.94.51, 9903.94.60 and 9903.94.61;

(3) parts of passenger vehicles (sedans, sport utility vehicles, crossover utility vehicles, minivans and cargo vans) and parts of light trucks provided for in headings 9903.94.05, 9903.94.06 (as applied to parts of passenger vehicles that are eligible for special tariff treatment under the United States-Mexico-Canada Agreement (USMCA) other than automobile knock-down kits or parts compilations), 9903.94.07, 9903.94.32, 9903.94.33, 9903.94.42, 9903.94.43, 9903.94.44, 9903.94.45, 9903.94.52, 9903.94.53, 9903.94.54, 9903.94.55, 9903.94.62, 9903.94.63, 9903.94.64, 9903.94.65, 9903.94.66, 9903.94.67, 9903.94.68 and 9903.94.69, and parts of passenger vehicles (sedans, sport utility vehicles, crossover utility vehicles, minivans and cargo vans) and parts of light trucks subject to an import adjustment offset pursuant to

Proclamation 10925 of April 29, 2025 (90 FR 18899), as amended;

(4) wood products provided for in headings 9903.76.01, 9903.76.02, 9903.76.03, 9903.76.20, 9903.76.21, 9903.76.22, 9903.76.23 and 9903.76.24;

(5) medium- and heavy-duty vehicles, buses and other vehicles provided for in headings 9903.74.01, 9903.74.02, 9903.74.03 and 9903.74.06;

(6) medium- and heavy-duty vehicle parts provided for in headings 9903.74.08, 9903.74.09 and 9903.74.10, and parts of medium- and heavy-duty vehicles subject to an import adjustment offset pursuant to Proclamation 10984 of October 17, 2025 (90 FR 48451); and

(7) semiconductor articles provided for in heading 9903.79.01.”

B. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern time on July 31, 2026, subchapter III of chapter 99 of the HTSUS is modified as follows:

1. The article description of heading 9903.05.07 is modified by inserting “patented pharmaceutical articles;” after “wood products;” and

2. Subdivision (a)(vi) of U.S. note 50 is modified:

a. by deleting the word “and” at the end of item (6);

b. by deleting the period at the end of item (7) and by inserting “; and” in lieu thereof; and

c. by inserting the following new item (8) in numerical order: “(8) patented pharmaceutical articles provided for in headings 9903.04.60–9903.04.66.”

Annex II

Note: All products that are properly classified in the provisions of the

Harmonized Tariff Schedule of the United States (HTSUS) that are listed in this Annex are not covered by the action, except as provided in the “Scope Limitation” column. The product descriptions that are contained in this Annex are provided for informational purposes only, and are not intended to delimit in any way the scope of the action. In the product descriptions, the abbreviation “nesoi” means “not elsewhere specified or included.” Any questions regarding the scope of particular HTSUS provisions should be referred to U.S. Customs and Border Protection.

Notes on certain HTSUS provisions for which only a portion of the provision is covered in this Annex, as provided in the “Scope Limitations” column:

- A subheading marked with “Ex” is defined and limited by the product description.

- A subheading marked with “Aircraft” includes only articles of civil aircraft (all aircraft other than military aircraft); their engines, parts, and components; their other parts, components, and subassemblies; and ground flight simulators and their parts and components, that otherwise meet the criteria of general note 6 of the HTSUS, regardless of whether a product is entered under a provision for which the rate of duty “Free (C)” appears in the “Special” sub-column.

- A subheading marked with “Pharma” includes only articles for use in pharmaceutical applications, regardless of whether a product is entered under a provision for which the rate of duty “Free (K)” appears in the “Special” sub-column.

BILLING CODE 3390-F4-P

HTSUS	Description	Scope Limitations
0201.10.05	Bovine carcasses and halves, fresh or chilled, described in general note 15 of the HTSUS	
0201.10.10	Bovine carcasses and halves, fresh or chilled, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0201.10.50	Bovine carcasses and halves, fresh or chilled, other than described in general note 15 or additional U.S. note 3 to chapter 2 of the HTSUS	
0201.20.02	High-quality beef cuts, with bone in, processed, fresh or chilled, described in general note 15 of the HTSUS	
0201.20.04	Bovine meat cuts (except high-quality beef cuts), with bone in, processed, fresh or chilled, described in general note 15 of the HTSUS	
0201.20.06	Bovine meat cuts, with bone in, not processed, fresh or chilled, described in general note 15 of the HTSUS	
0201.20.10	High-quality beef cuts, with bone in, processed, fresh or chilled, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0201.20.30	Bovine meat cuts (except high-quality beef cuts), with bone in, processed, fresh or chilled, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0201.20.50	Bovine meat cuts, with bone in, not processed, fresh or chilled, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0201.20.80	Bovine meat cuts, with bone in, fresh or chilled, not described in general note 15 or additional U.S. note 3 to chapter 2 of the HTSUS	
0201.30.02	High-quality beef cuts, boneless, processed, fresh or chilled, described in general note 15 of the HTSUS	
0201.30.04	Bovine meat cuts (except high-quality beef cuts), boneless, processed, fresh or chilled, described in general note 15 of the HTSUS	
0201.30.06	Bovine meat cuts, boneless, not processed, fresh or chilled, described in general note 15 of the HTSUS	
0201.30.10	High-quality beef cuts, boneless, processed, fresh or chilled, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0201.30.30	Bovine meat cuts (except high-quality beef cuts), boneless, processed, fresh or chilled, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0201.30.50	Bovine meat cuts, boneless, not processed, fresh or chilled, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0201.30.80	Bovine meat cuts, boneless, fresh or chilled, not described in general note 15 or additional U.S. note 3 to chapter 2 of the HTSUS	
0202.10.05	Bovine carcasses and halves, frozen, described in general note 15 of the HTSUS	

HTSUS	Description	Scope Limitations
0202.10.10	Bovine carcasses and halves, frozen, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0202.10.50	Bovine carcasses and halves, frozen, other than described in general note 15 or additional U.S. note 3 to chapter 2 of the HTSUS	
0202.20.02	High-quality beef cuts, with bone in, processed, frozen, described in general note 15 of the HTSUS	
0202.20.04	Bovine meat cuts (except high-quality beef cuts), with bone in, processed, frozen, described in general note 15 of the HTSUS	
0202.20.06	Bovine meat cuts, with bone in, not processed, frozen, described in general note 15 of the HTSUS	
0202.20.10	High-quality beef cuts, with bone in, processed, frozen, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0202.20.30	Bovine meat cuts (except high-quality beef cuts), with bone in, processed, frozen, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0202.20.50	Bovine meat cuts, with bone in, not processed, frozen, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0202.20.80	Bovine meat cuts, with bone in, frozen, not described in general note 15 or additional U.S. note 3 to chapter 2 of the HTSUS	
0202.30.02	High-quality beef cuts, boneless, processed, frozen, described in general note 15 of the HTSUS	
0202.30.04	Bovine meat cuts (except high-quality beef cuts), boneless, processed, frozen, described in general note 15 of the HTSUS	
0202.30.06	Bovine meat cuts, boneless, not processed, frozen, described in general note 15 of the HTSUS	
0202.30.10	High-quality beef cuts, boneless, processed, frozen, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0202.30.30	Bovine meat cuts (except high-quality beef cuts), boneless, processed, frozen, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0202.30.50	Bovine meat cuts, boneless, not processed, frozen, described in additional U.S. note 3 to chapter 2 of the HTSUS	
0202.30.80	Bovine meat cuts, boneless, frozen, not described in general note 15 or additional U.S. note 3 to chapter 2 of the HTSUS	
0206.10.00	Edible offal of bovine animals, fresh or chilled	
0206.21.00	Tongues of bovine animals, frozen	
0206.22.00	Livers of bovine animals, frozen	
0206.29.00	Edible offal of bovine animals, except tongues or livers, frozen	
0210.20.00	Meat of bovine animals, salted, in brine, dried or smoked	

HTSUS	Description	Scope Limitations
0302.32.00	Yellowfin tunas, fresh or chilled, excluding fillets, other meat portions, livers and roes	
0302.34.00	Bigeye tunas (<i>Thunnus obesus</i>), fresh or chilled, excluding fillets, other meat portions, livers and roes	
0302.44.00	Mackerel, excl. fillets, livers & roes, fresh or chilled	
0302.47.00	Swordfish, fresh or chilled, excluding livers and roes	
0302.71.11	Tilapias, excl. fillets, livers and roes, fresh or chilled, scaled, in immediate containers weighing with their contents <6.8 kg	
0302.71.50	Tilapias, excl. fillets, livers & roes, fresh or chilled, not scaled, or scaled in immediate containers over 6.8 kg	
0302.89.50	Fish, nesoi, excl. fillets, livers & roes, fresh or chilled, not scaled, or scaled in immediate containers over 6.8 kg	
0303.23.00	Tilapias, frozen, excluding fillets, other meat portions, livers and roes	
0303.89.00	Smelts, cusk, pollock, shad, sturgeon, atkafish, fresh-water fish, etc. frozen, excluding fillets, other meat portions, livers and roes	
0304.31.00	Tilapias, fillets, fresh or chilled	
0306.11.00	Rock lobster and other sea crawfish, cooked in shell or uncooked, dried, salted or in brine, frozen	
0409.00.0005	Certified organic natural honey	
0508.00.00	Coral, shells, cuttlebone and similar materials, unworked or simply prepared but not cut to shape; powder and waste thereof	
0702.00.20	Tomatoes, fresh or chilled, if entered during the period from March 1 to July 14, or the period from September 1 to November 14 in any year	
0702.00.40	Tomatoes, fresh or chilled, if entered during the period from July 15 to August 31 in any year	
0702.00.60	Tomatoes, fresh or chilled, if entered during the period from November 15, in any year, to the last day of February of the following year	
0709.99.05	Jicamas and breadfruit, fresh or chilled	
0709.99.10	Chayote (<i>Sechium edule</i>), fresh or chilled	
0710.80.15	Bamboo shoots and water chestnuts (other than Chinese water chestnuts), uncooked or cooked by steaming or boiling in water, frozen	
0711.90.30	Capers, provisionally preserved but unsuitable in that state for immediate consumption	
0712.32.00	Dried wood ears (<i>Auricularia</i> spp.), whole, cut, sliced, broken or in powder, but not further prepared	
0712.34.10	Air dried or sun dried shiitake	
0712.34.20	Dried (other than air dried or sun dried) shiitake	
0713.34.20	Dried Bambara beans, shelled, if entered for consumption during the period from May 1 through August 31, inclusive, in any year	

HTSUS	Description	Scope Limitations
0713.34.40	Dried Bambara beans, shelled, if entered for consumption outside the above period, or if withdrawn for consumption	
0714.10.10	Cassava (manioc), frozen, whether or not sliced or in the form of pellets	
0714.10.20	Cassava (manioc), fresh, chilled or dried, whether or not sliced or in the form of pellets	
0714.40.10	Taro (Colocasia spp.), fresh or chilled, whether or not sliced or in the form of pellets	
0714.40.20	Taro (Colocasia spp.), frozen	
0714.40.50	Taro (Colocasia spp.), dried, in the form of pellets	
0714.40.60	Taro (Colocasia spp.), dried, whether or not sliced but not in pellets	
0714.50.10	Yautia (Xanthosoma spp.), fresh or chilled, whether or not sliced or in the form of pellets	
0714.50.20	Yautia (Xanthosoma spp.), frozen	
0714.50.60	Yautia (Xanthosoma spp.), dried, whether or not sliced but not in pellets	
0714.90.42	Other mixtures of Chinese water chestnuts, frozen	
0714.90.44	Chinese water chestnuts, not mixed, frozen	
0714.90.46	Frozen dasheens, arrowroot, salep, Jerusalem artichokes, and similar roots and tubers, nesoi	
0714.90.48	Chinese water chestnuts, dried	
0714.90.61	Dried dasheens, arrowroot, salep, Jerusalem artichokes, and similar roots and tubers nesoi, whether or not sliced but not in pellets	
0801.11.00	Coconuts, desiccated	
0801.12.00	Coconuts, fresh, in the inner shell (endocarp)	
0801.19.01	Coconuts, fresh, not in the inner shell (endocarp)	
0801.21.00	Brazil nuts, fresh or dried, in shell	
0801.22.00	Brazil nuts, fresh or dried, shelled	
0801.31.00	Cashew nuts, fresh or dried, in shell	
0801.32.00	Cashew nuts, fresh or dried, shelled	
0802.41.00	Chestnuts (Castanea spp.), fresh or dried, in shell	
0802.42.00	Chestnuts (Castanea spp.), fresh or dried, shelled	
0802.61.00	Macadamia nuts, in shell	
0802.62.00	Macadamia nuts, shelled	
0802.70.10	Kola nuts (Cola spp.), fresh or dried, in shell	
0802.70.20	Kola nuts (Cola spp.), fresh or dried, shelled	
0802.80.10	Areca nuts, fresh or dried, in shell	
0802.80.20	Areca nuts, fresh or dried, shelled	
0802.91.10	Pignolia pine nuts, fresh or dried, in shell	
0802.91.90	Pine nuts (other than Pignolia), fresh or dried, in shell	
0802.92.10	Pignolia pine nuts, fresh or dried, shelled	
0802.92.90	Pine nuts (other than Pignolia), fresh or dried, shelled	
0803.10.10	Plantains, fresh	

HTSUS	Description	Scope Limitations
0803.10.20	Plantains, dried	
0803.90.00	Bananas, fresh or dried	
0804.30.20	Pineapples, fresh or dried, not reduced in size, in bulk	
0804.30.40	Pineapples, fresh or dried, not reduced in size, in crates or other packages	
0804.30.60	Pineapples, fresh or dried, reduced in size	
0804.40.00	Avocados, fresh or dried	
0804.50.40	Guavas, mangoes and mangosteens, fresh, if entered during the period September 1 through the following May 31, inclusive	
0804.50.60	Guavas, mangoes and mangosteens, fresh, if entered during the period June 1 through August 31, inclusive	
0804.50.80	Guavas, mangoes and mangosteens, dried	
0805.10.00	Oranges, fresh or dried	
0805.50.30	Tahitian limes, Persian limes and other limes of the Citrus latifolia variety, fresh or dried	
0805.50.40	Limes of the Citrus aurantifolia variety, nesoi, fresh or dried	
0805.90.01	Etrogs	Ex
0807.20.00	Papayas (papaws), fresh	
0808.40.20	Quinces, fresh, if entered during the period from April 1 through June 30, inclusive	
0808.40.40	Quinces, fresh, if entered during the period from July 1 through the following March 31, inclusive	
0810.50.00	Kiwifruit, fresh	
0810.60.00	Durians, fresh	
0810.90.27	Other berries and tamarinds, fresh	
0810.90.46	Fruit, nesoi, fresh	
0811.90.10	Bananas and plantains, frozen, in water or containing added sweetening	
0811.90.25	Cashew apples, mameyes colorados, sapodillas, soursops and sweetsops, frozen, in water or containing added sweetening	
0811.90.30	Coconut meat, frozen, in water or containing added sweetening	
0811.90.40	Papayas, frozen, in water or containing added sweetening	
0811.90.50	Pineapples, frozen, in water or containing added sweetening	
0811.90.52	Mangoes, frozen, whether or not previously steamed or boiled	
0811.90.80	Tropical fruit, nesoi, frozen, whether or not previously steamed or boiled	Ex
0812.90.40	Pineapples, provisionally preserved, but unsuitable in that state for immediate consumption	
0901.11.00	Coffee, not roasted, not decaffeinated	
0901.12.00	Coffee, not roasted, decaffeinated	
0901.21.00	Coffee, roasted, not decaffeinated	
0901.22.00	Coffee, roasted, decaffeinated	
0901.90.10	Coffee husks and skins	

HTSUS	Description	Scope Limitations
0901.90.20	Coffee substitutes containing coffee	
0902.10.10	Green tea in immediate packings of a content not exceeding 3 kg, flavored	
0902.10.90	Green tea in immediate packings of a content not exceeding 3 kg, not flavored	
0902.20.10	Green tea in immediate packings of a content exceeding 3 kg, flavored	
0902.20.90	Green tea in immediate packings of a content exceeding 3 kg, not flavored	
0902.30.00	Black tea (fermented) and partly fermented tea, in immediate packings of a content not exceeding 3 kg	
0902.40.00	Black tea (fermented) and partly fermented tea, other than in immediate packings of a content not exceeding 3 kg	
0903.00.00	Maté	
0904.11.00	Pepper of the genus Piper, neither crushed nor ground	
0904.12.00	Pepper of the genus Piper, crushed or ground	
0904.21.20	Paprika, dried, neither crushed nor ground	
0904.21.40	Anaheim and ancho pepper, dried, neither crushed nor ground	
0904.21.60	Fruits of the genus Capsicum, other than paprika or anaheim and ancho pepper, dried, neither crushed nor ground	
0904.21.80	Fruits of the genus Pimenta (including allspice), dried	
0904.22.20	Paprika, crushed or ground	
0904.22.40	Anaheim and ancho pepper, crushed or ground	
0904.22.73	Mixtures of mashed or macerated hot red peppers and salt, nesoi	
0904.22.76	Fruits of the genus Capsicum, crushed or ground, nesoi	
0904.22.80	Fruits of the genus Pimenta (including allspice), crushed or ground	
0905.10.00	Vanilla beans, neither crushed nor ground	
0905.20.00	Vanilla beans, crushed or ground	
0906.11.00	Cinnamon (Cinnamomum zeylanicum Blume), neither crushed nor ground	
0906.19.00	Cinnamon and cinnamon-tree flowers, nesoi, neither crushed nor ground	
0906.20.00	Cinnamon and cinnamon-tree flowers, crushed or ground	
0907.10.00	Cloves (whole fruit, cloves and stems), neither crushed nor ground	
0907.20.00	Cloves (whole fruit, cloves and stems), crushed or ground	
0908.11.00	Nutmeg, neither crushed nor ground	
0908.12.00	Nutmeg, crushed or ground	
0908.21.00	Mace, neither crushed nor ground	
0908.22.20	Mace, ground, Bombay or wild	
0908.22.40	Mace, crushed or ground, other than ground Bombay or wild mace	
0908.31.00	Cardamoms, neither crushed nor ground	

HTSUS	Description	Scope Limitations
0908.32.00	Cardamoms, crushed or ground	
0909.21.00	Seeds of coriander, neither crushed nor ground	
0909.22.00	Seeds of coriander, crushed or ground	
0909.31.00	Seeds of cumin, neither crushed nor ground	
0909.32.00	Seeds of cumin, crushed or ground	
0909.61.00	Seeds of anise, badian, caraway or fennel; juniper berries; neither crushed nor ground	
0909.62.00	Seeds of anise, badian, caraway or fennel; juniper berries; crushed or ground	
0910.11.00	Ginger, neither crushed nor ground	
0910.12.00	Ginger, crushed or ground	
0910.20.00	Saffron	
0910.30.00	Turmeric (curcuma)	
0910.91.00	Mixtures of spices referred to in note 1(b) to chapter 9 of the HTSUS	
0910.99.07	Bay leaves, other than crude or not manufactured	
0910.99.10	Curry	
0910.99.20	Origanum, crude or not manufactured	
0910.99.40	Origanum, other than crude or not manufactured	
0910.99.50	Dill	
0910.99.60	Spices, nesoi	
1003.90.40	Barley, not seed, other than for malting purposes	
1008.30.00	Canary seed	
1008.40.00	Fonio (Digitaria spp.)	
1008.60.00	Triticale	
1106.20.90	Flour, meal and powder of sago, or of roots or tubers of heading 0714 (excluding Chinese water chestnuts)	
1106.30.20	Flour, meal and powder of banana and plantain	
1108.14.00	Cassava (manioc) starch	
1108.19.00	Starches other than wheat, corn (maize), potato or cassava (manioc) starches	
1203.00.00	Copra	
1207.91.00	Poppy seeds, whether or not broken	
1404.90.90	Date palm branches, Myrtus branches or other vegetable material, for religious purposes only	Ex
1513.11.00	Coconut (copra) oil and its fractions, crude oil	
1513.19.00	Coconut (copra) oil and its fractions, other	
1521.10.00	Vegetable waxes (other than triglycerides), whether or not refined or colored	
1521.90.20	Bleached beeswax	
1602.50.05	Offal of bovine animals, prepared or preserved	
1602.50.07	Corned beef in airtight containers	
1602.50.08	Offal of bovine animals, cured or pickled, not corned beef, not in airtight containers	
1602.50.21	Offal of bovine animals, other, in airtight containers	

HTSUS	Description	Scope Limitations
1602.50.60	Prepared or preserved meat of bovine animals, not containing cereals or vegetables, nesoi	
1602.50.90	Prepared or preserved meat of bovine animals, containing cereals or vegetables	
1801.00.00	Cocoa beans, whole or broken, raw or roasted	
1802.00.00	Cocoa shells, husks, skins and other cocoa waste	
1803.10.00	Cocoa paste, not defatted	
1803.20.00	Cocoa paste, wholly or partly defatted	
1804.00.00	Cocoa butter, fat and oil	
1805.00.00	Cocoa powder, not containing added sugar or other sweetening matter	
1903.00.20	Tapioca and substitutes prepared from starch, of arrowroot, cassava or sago, in the form of flakes, grains, pearls, siftings or in similar forms	
1903.00.40	Tapioca and substitutes, prepared from starch nesoi, in the form of flakes, grains, pearls, siftings or in similar forms	
1905.90.10	Bread, pastry, cakes, biscuits and similar baked products, nesoi, and puddings, whether or not containing chocolate, fruit, nuts or confectionery, for religious purposes only	Ex
1905.90.90	Bakers' wares, communion wafers, sealing wafers, rice paper and similar products, nesoi, for religious purposes only	Ex
2001.90.45	Mangoes, prepared or preserved by vinegar or acetic acid	
2005.91.60	Bamboo shoots in airtight containers, prepared or preserved otherwise than by vinegar or acetic acid, not frozen, not preserved by sugar	
2006.00.40	Pineapples, preserved by sugar (drained, glacé or crystallized)	
2007.99.40	Pineapple jam	
2007.99.50	Guava and mango pastes and purees, being cooked preparations	
2008.19.15	Coconuts, otherwise prepared or preserved, nesoi	
2008.20.00	Pineapples, otherwise prepared or preserved, nesoi	
2008.30.35	Orange pulp	
2008.91.00	Palm hearts, otherwise prepared or preserved, nesoi	
2008.99.13	Banana pulp, otherwise prepared or preserved, nesoi	
2008.99.15	Bananas, other than pulp, otherwise prepared or preserved, nesoi	
2008.99.21	Acai	Ex
2008.99.40	Mangoes, otherwise prepared or preserved, nesoi	
2008.99.45	Papaya pulp, otherwise prepared or preserved, nesoi	
2008.99.91	Bean cake, bean stick, miso, other fruit, nuts and other edible parts of plants, prepared or preserved	
2009.11.00	Orange juice, frozen, unfermented and not containing added spirit	

HTSUS	Description	Scope Limitations
2009.12.25	Orange juice, not frozen, of a Brix value not exceeding 20, not concentrated and not made from juice having a degree of concentration of 1.5 or more, unfermented	
2009.12.45	Orange juice, not frozen, of a Brix value not exceeding 20, concentrated, unfermented	
2009.19.00	Orange juice, not frozen, of a Brix value exceeding 20, unfermented	
2009.31.60	Citrus juice of any single citrus fruit (other than orange, grapefruit or lime), of a Brix value not exceeding 20, concentrated, unfermented, except for lemon juice	Ex
2009.39.20	Lime juice, of a Brix value exceeding 20, fit for beverage purposes, unfermented	
2009.49.40	Pineapple juice, of a Brix value exceeding 20, concentrated (in degree of concentration greater than 3.5)	
2009.89.70	Coconut water or juice of acai	Ex
2009.90.40	Coconut water juice blends, not from concentrate, packaged for retail sale	Ex
2101.11.21	Unflavored instant coffee	
2101.11.29	Extracts, essences and concentrates of coffee other than unflavored instant coffee	
2101.12.90	Preparations nesoi, with a basis of extracts, essences or concentrates or with a basis of coffee	
2101.20.20	Extracts, essences or concentrates of tea or mate	
2106.90.48	Orange juice, fortified with vitamins or minerals	
2106.90.99	Acai preparations for the manufacture of beverages	Ex
2202.99.30	Orange juice, fortified with vitamins or minerals, not made from a juice having a degree of concentration of 1.5 or more	
2202.99.35	Orange juice, fortified with vitamins or minerals, nesoi	
2504.10.10	Natural graphite, crystalline flake (not including flake dust)	
2504.10.50	Natural graphite in powder or flakes other than crystalline flake	
2504.90.00	Natural graphite, other than in powder or in flakes	
2507.00.00	Kaolin and other kaolinic clays, whether or not calcined	
2510.10.00	Natural calcium phosphates, natural aluminum calcium phosphates, unground	
2510.20.00	Natural calcium phosphates, natural aluminum calcium phosphates, ground	
2511.10.10	Natural barium sulfate (barytes), ground	
2511.10.50	Natural barium sulfate (barytes), not ground	
2519.10.00	Natural magnesium carbonate (magnesite)	
2519.90.10	Fused magnesia; dead-burned (sintered) magnesia, whether or not containing small quantities of other oxides added before sintering	
2519.90.20	Caustic calcined magnesite	
2524.90.00	Asbestos other than crocidolite	
2525.10.00	Crude mica and mica rifted into sheets or splittings	

HTSUS	Description	Scope Limitations
2529.21.00	Fluorspar, containing by weight 97 percent or less of calcium fluoride	
2529.22.00	Fluorspar, containing by weight more than 97 percent of calcium fluoride	
2530.20.10	Kieserite	
2530.20.20	Epsom salts (natural magnesium sulfates)	
2530.90.10	Natural cryolite; natural chiolite	
2530.90.20	Natural micaceous iron oxides	
2530.90.80	Other mineral substances, nesoi	
2601.11.00	Iron ores and concentrates, non-agglomerated	
2601.12.00	Iron ores and concentrates, agglomerated	
2602.00.00	Manganese ores and concentrates including ferruginous manganese ores and concentrates with manganese content over 20 percent calculated on the dry weight	
2603.00.00	Copper ores and concentrates	
2604.00.00	Nickel ores and concentrates	
2605.00.00	Cobalt ores and concentrates	
2606.00.00	Aluminum ores and concentrates	
2608.00.00	Zinc ores and concentrates	
2609.00.00	Tin ores and concentrates	
2610.00.00	Chromium ores and concentrates	
2611.00.30	Tungsten ores	
2611.00.60	Tungsten concentrates	
2612.10.00	Uranium ores and concentrates	
2612.20.00	Thorium ores and concentrates	
2613.90.00	Molybdenum ores and concentrates, not roasted	
2614.00.30	Synthetic rutile	
2614.00.60	Titanium ores and concentrates, other than synthetic rutile	
2615.90.30	Synthetic tantalum-niobium concentrates	
2615.90.60	Niobium, tantalum or vanadium ores and concentrates, nesoi	
2616.10.00	Silver ores and concentrates	
2617.10.00	Antimony ores and concentrates	
2620.30.00	Ash and residues (other than from the manufacture of iron or steel), containing mainly copper	
2620.99.50	Slag (other than from the manufacture of iron or steel) containing over 40 percent titanium, and which if containing over 2 percent by weight of copper, lead, or zinc is not to be treated for the recovery thereof	
2701.11.00	Coal, anthracite, whether or not pulverized, but not agglomerated	
2701.12.00	Coal, bituminous, whether or not pulverized, but not agglomerated	
2701.19.00	Coal, other than anthracite or bituminous, whether or not pulverized, but not agglomerated	

HTSUS	Description	Scope Limitations
2701.20.00	Coal, briquettes, ovoids and similar solid fuels manufactured from coal	
2702.10.00	Lignite (excluding jet), whether or not pulverized, but not agglomerated	
2702.20.00	Lignite (excluding jet), agglomerated	
2703.00.00	Peat (including peat litter), whether or not agglomerated	
2704.00.00	Coke and semicoke of coal, lignite or peat, whether or not agglomerated; retort carbon	
2705.00.00	Coal gas, water gas, producer gas and similar gases, other than petroleum gases and other gaseous hydrocarbons	
2706.00.00	Tars (including reconstituted tars), distilled from coal, lignite or peat, and other mineral tars, whether dehydrated or partially distilled	
2707.10.00	Benzene, from the distillation of high-temperature coal tar, or in which the weight of the aromatic constituents exceeds that of the nonaromatic constituents	
2707.20.00	Toluene, from the distillation of high-temperature coal tar, or in which the weight of aromatic constituents exceeds that of the nonaromatic constituents	
2707.30.00	Xylenes, from the distillation of high-temperature coal tar, or in which the weight of the aromatic constituents exceeds that of the nonaromatic constituents	
2707.40.00	Naphthalene, from the distillation of high-temperature coal tar, or in which the weight of the aromatic constituents exceeds that of the nonaromatic constituents	
2707.50.00	Aromatic hydrocarbon mixtures (from the distillation of high-temperature coal tar, or similar products in which the weight of the aromatic constituents exceeds that of the nonaromatic constituents), other than Benzene, Toluene, Xylenes, and Naphthalene, in which 65% or more by volume (including losses) distills at 250 C by the ISO 3405 method (equivalent to the ASTM D 86 method)	
2707.91.00	Creosote oils, from the distillation of high-temperature coal tar or similar products in which the weight of the aromatic constituents exceeds that of the nonaromatic constituents	
2707.99.10	Light oil, from the distillation of high-temperature coal tar or similar products in which the weight of the aromatic constituents exceeds that of the nonaromatic constituents	
2707.99.20	Picolines, from the distillation of high-temperature coal tar or similar products in which the weight of the aromatic constituents exceeds that of the nonaromatic constituents	
2707.99.40	Carbazole, from the distillation of high-temperature coal tar or similar products in which the weight of the aromatic constituents exceeds that of the nonaromatic constituents, having a purity of 65 percent or more by weight	
2707.99.51	Phenols, from the distillation of high-temperature coal tar or similar products in which the weight of aromatic constituents	

HTSUS	Description	Scope Limitations
	exceeds that of nonaromatic constituents, containing more than 50 percent by weight of hydroxybenzene	
2707.99.55	Metacresol, orthocresol, paracresol, and metaparacresol, from the distillation of high-temperature coal tar or similar products where the weight of the aromatic constituents exceeds that of the nonaromatic constituents, having a purity of 75 percent or more by weight	
2707.99.59	Phenols, nesoi	
2707.99.90	Other products of the distillation of high-temperature coal tar and similar products in which the weight of the aromatic constituents exceed that of the nonaromatic constituents, nesoi	
2708.10.00	Pitch, obtained from coal tar or other mineral tars	
2708.20.00	Pitch coke, obtained from coal tar or other mineral tars	
2709.00.10	Petroleum oils and oils from bituminous minerals, crude, testing under 25 degrees A.P.I.	
2709.00.20	Petroleum oils and oils from bituminous minerals, crude, testing 25 degrees A.P.I. or more	
2710.12.15	Light oil motor fuel from petroleum oils and oils from bituminous minerals (other than crude) and containing by weight 70 percent or more of petroleum oils or oils from bituminous minerals	
2710.12.18	Light oil motor fuel blending stock from petroleum oils and oils from bituminous minerals (other than crude) containing by weight 70 percent or more from petroleum oils or oils from bituminous minerals	
2710.12.25	Naphthas (except motor fuel or motor fuel blending stock)	
2710.12.45	Light oil mixtures of hydrocarbons nesoi which contain by weight not over 50 percent of any single hydrocarbon compound	
2710.12.90	Light oils and preparations, from petroleum oils and oils from bituminous minerals or preparations nesoi containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals	
2710.19.06	Distillate and residual fuel oils (including blended fuel oils), derived from petroleum or oils from bituminous minerals, testing under 25 degrees A.P.I.	
2710.19.11	Distillate and residual fuel oils (including blended fuel oils), derived from petroleum oils or oils from bituminous minerals, testing 25 degrees A.P.I. or more	
2710.19.16	Kerosene-type jet fuel, from petroleum oils and oils of bituminous minerals (other than crude) or preparations containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals	
2710.19.24	Kerosene motor fuel (except kerosene-type jet fuel), from petroleum oils and oils of bituminous minerals (other than crude) or preparations containing by weight 70 percent or	

HTSUS	Description	Scope Limitations
	more of petroleum oils or oils obtained from bituminous minerals	
2710.19.25	Kerosene motor fuel blending stock (except kerosene-type jet fuel), from petroleum oils and oils of bituminous minerals (other than crude) or preparations containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals	
2710.19.26	Kerosene (except kerosene-type jet fuel, kerosene motor fuel, and kerosene motor fuel blending stock), from petroleum oils and oils of bituminous minerals (other than crude) or preparations containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals	
2710.19.30	Lubricating oils, with or without additives, from petroleum oils and oils of bituminous minerals (other than crude) or preparations containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals	
2710.19.35	Lubricating greases, containing not over 10 percent by weight of salts of fatty acids of animal or vegetable origin, from petroleum oils and oils of bituminous minerals (other than crude) or preparations containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals	
2710.19.40	Lubricating greases, containing 10 percent or more by weight of salts of fatty acids of animal or vegetable origin, from petroleum oils and oils of bituminous minerals (other than crude) or preparations containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals	
2710.19.45	Mixture of hydrocarbons nesoi, which contain by weight not over 50 percent of any single hydrocarbon compound, from petroleum oils and oils of bituminous minerals (other than crude) or preparations containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals	
2710.19.90	Petroleum oils and oils from bituminous minerals or preparations nesoi containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals	
2710.20.05	Distillate and residual fuel oils (including blended fuel oils), testing under 25 degrees A.P.I., from petroleum oils and oils of bituminous minerals (other than crude) or preparations nesoi containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals, containing biodiesel, other than waste oils	
2710.20.10	Distillate and residual fuel oils (including blended fuel oils), testing 25 degrees A.P.I. or more, from petroleum oils and oils of bituminous minerals (other than crude) or preparations nesoi containing by weight 70 percent or more	

HTSUS	Description	Scope Limitations
	of petroleum oils or oils obtained from bituminous minerals, containing biodiesel, and other than waste oils	
2710.20.15	Kerosene-type jet fuel, motor fuel or motor fuel blending stock, from petroleum oils and oils of bituminous minerals (other than crude) or preparations nesoi containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals, containing biodiesel, and other than waste oils	
2710.20.25	Kerosene (except kerosene-type jet fuel, motor fuel or motor fuel blending stock, from petroleum oils and oils of bituminous minerals (other than crude) or preparations nesoi containing by weight 70 percent or more of petroleum oils or oils obtained from bituminous minerals, containing biodiesel, other than waste oils	
2710.91.00	Waste oils containing polychlorinated biphenyls (PCBs), polychlorinated terphenyls (PCTs) or polybrominated biphenyls (PBBs)	
2710.99.05	Wastes of distillate and residual fuel oil (including blends) derived from petroleum oil or bituminous minerals, testing under 25 degrees A.P.I.	
2710.99.10	Wastes of distillate and residual fuel oil (including blends) derived from petroleum oil or bituminous minerals, testing 25 degrees A.P.I. or more	
2710.99.16	Waste motor fuel or motor fuel blending stock	
2710.99.21	Waste kerosene or naphthas	
2710.99.31	Waste lubricating oils, with or without additives	
2710.99.32	Waste lubricating greases, containing not over 10 percent by weight of fatty acids of animal (including marine animal) or vegetable origin	
2710.99.39	Other wastes of lubricating oils and greases	
2710.99.45	Waste oil mixtures of hydrocarbons nesoi containing not over 50 percent of any single hydrocarbon compound	
2710.99.90	Other waste oils	
2711.11.00	Natural gas, liquefied	
2711.12.00	Propane, liquefied	
2711.13.00	Butanes, liquefied	
2711.14.00	Ethylene, propylene, butylene and butadiene, liquefied	
2711.19.00	Liquefied petroleum gases and other gaseous hydrocarbons, nesoi	
2711.21.00	Natural gas, in gaseous state	
2711.29.00	Petroleum gases and other gaseous hydrocarbons, except natural gas	
2712.10.00	Petroleum jelly	
2712.20.00	Paraffin wax (whether or not colored), obtained by synthesis or other process and less than 0.75 percent oil by weight	
2712.90.10	Montan wax (whether or not colored), obtained by synthesis or other process	

HTSUS	Description	Scope Limitations
2712.90.20	Mineral waxes (i.e., paraffin wax with 0.75 percent or more oil by weight, microcrystalline wax, slack lignite and peat waxes, ozokerite), obtained by synthesis	
2713.11.00	Coke, petroleum, not calcined	
2713.12.00	Coke, petroleum coke, calcined	
2713.20.00	Petroleum bitumen	
2713.90.00	Residues (except petroleum coke or petroleum bitumen) of petroleum oils or of oils obtained from bituminous materials	
2714.10.00	Bituminous or oil shale and tar sands	
2714.90.00	Bitumen and asphalt, natural; asphaltites and asphaltic rocks	
2715.00.00	Bituminous mixtures based on natural asphalt, natural bitumen, petroleum bitumen, mineral tar or mineral tar pitch	
2716.00.00	Electrical energy	
2801.20.00	Iodine	
2804.10.00	Hydrogen	Pharma
2804.29.00	Rare gases, other than argon	
2804.30.00	Nitrogen	Pharma
2804.50.00	Boron; tellurium	
2804.61.00	Silicon containing by weight not less than 99.99 percent of silicon	
2804.69.10	Silicon, containing by weight less than 99.99 percent but not less than 99 percent of silicon	
2804.69.50	Silicon, containing by weight less than 99 percent of silicon	
2804.80.00	Arsenic	
2804.90.00	Selenium	
2805.19.10	Strontium	
2805.19.20	Barium	
2805.19.90	Alkali metals, other than strontium and barium	
2805.30.00	Rare-earth metals, scandium and yttrium, whether or not intermixed or interalloyed	
2806.10.00	Hydrogen chloride (Hydrochloric acid)	Pharma
2807.00.00	Sulfuric acid; oleum	Pharma
2809.20.00	Phosphoric acid and polyphosphoric acids	Pharma
2811.11.00	Hydrogen fluoride (Hydrofluoric acid)	
2811.12.00	Hydrogen cyanide	Pharma
2811.19.10	Arsenic acid	
2811.22.50	Silicon dioxide, other than synthetic silica gel	Pharma
2811.29.10	Arsenic trioxide	
2811.29.20	Selenium dioxide	
2812.12.00	Phosphorus oxychloride	Pharma
2812.19.00	Other chlorides and chloride oxides	
2813.90.10	Arsenic sulfides	
2814.10.00	Anhydrous ammonia	Pharma
2814.20.00	Ammonia in aqueous solution	Pharma

HTSUS	Description	Scope Limitations
2815.11.00	Sodium hydroxide (Caustic soda), solid	Pharma
2815.12.00	Sodium hydroxide (Caustic soda), in aqueous solution (Soda lye or liquid soda)	Pharma
2815.20.00	Potassium hydroxide (Caustic potash)	
2815.30.00	Peroxides of sodium or potassium	Pharma
2816.10.00	Hydroxide and peroxide of magnesium	
2816.40.10	Oxides, hydroxides and peroxides of strontium	
2816.40.20	Oxides, hydroxides and peroxides of barium	
2817.00.00	Zinc oxide; zinc peroxide	
2818.10.10	Artificial corundum, crude	
2818.10.20	Artificial corundum, in grains, or ground, pulverized or refined	
2818.20.00	Aluminum oxide, other than artificial corundum	
2818.30.00	Aluminum hydroxide	
2820.10.00	Manganese dioxide	
2821.10.00	Iron oxides and hydroxides	
2821.20.00	Earth colors containing 70 percent or more by weight of combined iron evaluated as Fe ₂ O ₃	
2822.00.00	Cobalt oxides and hydroxides; commercial cobalt oxides	
2823.00.00	Titanium oxides	
2825.10.00	Hydrazine and hydroxylamine and their inorganic salts	Pharma
2825.20.00	Lithium oxide and hydroxide	
2825.30.00	Vanadium oxides and hydroxides	
2825.40.00	Nickel oxides and hydroxides	
2825.50.30	Copper hydroxides	
2825.60.00	Germanium oxides and zirconium dioxide	
2825.80.00	Antimony oxides	
2825.90.15	Niobium oxide	
2825.90.20	Tin oxides	
2825.90.30	Tungsten oxides	
2825.90.90	Other inorganic bases; other metal oxides, hydroxides and peroxides, nesoi	
2826.12.00	Fluorides of aluminum	
2826.30.00	Sodium hexafluoroaluminate (Synthetic cryolite)	
2826.90.90	Other complex fluorine salts, nesoi	
2827.31.00	Magnesium chloride	
2827.39.25	Tin chlorides	
2827.39.45	Barium chloride	
2827.39.60	Cobalt chlorides	
2827.39.65	Zinc chloride	Pharma
2827.39.90	Chlorides, nesoi	
2827.41.00	Chloride oxides and chloride hydroxides of copper	
2827.49.50	Chloride oxides and chloride hydroxides other than of copper or of vanadium	

HTSUS	Description	Scope Limitations
2827.59.51	Other bromides and bromide oxides, other than ammonium, calcium or zinc	
2827.60.10	Iodide and iodide oxide of calcium or copper	
2827.60.20	Iodide and iodide oxide of potassium	Pharma
2827.60.51	Iodides and iodide oxides, other than of calcium, copper or potassium	
2832.10.00	Sodium sulfites	Pharma
2832.30.10	Sodium thiosulfate	Pharma
2833.11.50	Disodium sulfate, other than salt cake	Pharma
2833.19.00	Sodium sulfates, other than disodium sulfate	Pharma
2833.21.00	Magnesium sulfate	
2833.22.00	Aluminum sulfate	Pharma
2833.24.00	Nickel sulfate	
2833.25.00	Copper sulfate	
2833.27.00	Barium sulfate	
2833.29.10	Cobalt sulfate	
2833.29.45	Zinc sulfate	
2833.29.51	Other sulfates nesoi	
2834.10.10	Sodium nitrite	Pharma
2834.21.00	Potassium nitrate	
2834.29.20	Strontium nitrate	
2834.29.51	Nitrates, nesoi	
2835.22.00	Mono- or disodium phosphates	Pharma
2835.24.00	Potassium phosphate	Pharma
2836.20.00	Disodium carbonate	Pharma
2836.30.00	Sodium hydrogencarbonate (Sodium bicarbonate)	Pharma
2836.40.20	Potassium hydrogencarbonate (Potassium bicarbonate)	Pharma
2836.60.00	Barium carbonate	
2836.91.00	Lithium carbonates	
2836.92.00	Strontium carbonate	
2836.99.10	Cobalt carbonates	
2836.99.50	Carbonates nesoi, and peroxocarbonates (percarbonates)	
2837.20.51	Complex cyanides, excluding potassium ferricyanide	Pharma
2839.19.00	Sodium silicate	
2841.80.00	Tungstates (wolframates)	
2841.90.20	Ammonium perrhenate	
2841.90.40	Aluminates	Pharma
2842.10.00	Double or complex silicates	Pharma
2842.90.90	Salts of inorganic acids or peroxyacids nesoi, excluding azides	Pharma
2843.29.01	Silver compounds, other than silver nitrate	Pharma
2843.30.00	Gold compounds	Pharma

HTSUS	Description	Scope Limitations
2843.90.00	Inorganic or organic compounds of precious metals, excluding those of silver and gold; amalgams of precious metals	Pharma
2844.10.10	Natural uranium metal	
2844.10.20	Natural uranium compounds	
2844.20.00	Uranium enriched in U235 and plutonium and their compounds; alloys, dispersions, ceramic products and mixtures containing these products	
2844.30.20	Compounds of uranium depleted in U235	
2844.30.50	Uranium depleted in U235, thorium; alloys, dispersions, ceramic products and mixtures of these products and their compounds	
2844.41.00	Tritium and its compounds, alloys, dispersions, ceramic products and mixtures thereof	Pharma
2844.42.00	Actinium, californium, curium, einsteinium, gadolinium, polonium, radium, uranium and their compounds, alloys, dispersions, ceramic products and mixtures	Pharma
2844.43.00	Other radioactive elements, isotopes, compounds, nesoi; alloys, dispersions, ceramic products and mixtures thereof	Pharma
2844.44.00	Radioactive residues	Pharma
2845.20.00	Boron enriched in boron-10 and its compounds	Pharma
2845.30.00	Lithium enriched in lithium-6 and its compounds	Pharma
2845.90.01	Isotopes not in heading 2844 and their compounds other than boron, lithium and helium	Pharma
2846.10.00	Cerium compounds	
2846.90.20	Mixtures of rare-earth oxides or of rare-earth chlorides	
2846.90.40	Yttrium bearing materials and compounds containing by weight more than 19 percent but less than 85 percent yttrium oxide equivalent	
2846.90.80	Compounds, inorganic or organic, of rare-earth metals, of yttrium or of scandium, or of mixtures of these metals, nesoi	
2847.00.00	Hydrogen peroxide, whether or not solidified with urea	Pharma
2849.20.10	Silicon carbide, crude	
2849.20.20	Silicon carbide, in grains, or ground, pulverized or refined	
2849.90.30	Tungsten carbide	
2850.00.50	Hydrides, nitrides, azides, silicides and borides other than of calcium, titanium, tungsten or vanadium	Pharma
2853.10.00	Cyanogen chloride (Chlorocyan)	Pharma
2853.90.10	Phosphor copper containing more than 15 percent by weight of phosphorus, excluding ferrophosphorus	
2853.90.50	Phosphides, whether or not chemically defined, excluding ferrophosphorus, of other metals or of nonmetals	Pharma
2853.90.90	Other phosphides, excluding ferrophosphorous, nesoi	
2901.10.40	Saturated acyclic hydrocarbon (not ethane, butane, n-pentane or isopentane), derived in whole or in part from petroleum, shale oil or natural gas	Pharma

HTSUS	Description	Scope Limitations
2902.19.00	Cyclanic hydrocarbons (except cyclohexane), cyclenic hydrocarbons and cycloterpenes nesoi	Pharma
2902.90.30	Alkylbenzenes and polyalkylbenzenes	Pharma
2903.12.00	Dichloromethane (Methylene chloride)	Pharma
2903.13.00	Chloroform (Trichloromethane)	Pharma
2903.19.05	1,2-dichloropropane (propylene dichloride) and dichlorobutanes	
2903.19.10	Hexachloroethane and tetrachloroethane	
2903.19.30	Sec-Butyl chloride	
2903.19.60	Other saturated chlorinated hydrocarbons, nesoi	
2903.22.00	Trichloroethylene	Pharma
2903.41.10	Trifluoromethane (HFC-23)	Pharma
2903.42.10	Difluoromethane (HFC-32)	Pharma
2903.43.10	Fluoromethane (HFC-41), 1,2-difluoroethane (HFC-152) and 1,1-difluoroethane (HFC-152-a)	Pharma
2903.44.10	Pentafluoroethane (HFC-125), 1,1,1-trifluoroethane (HFC-143a) and 1,1,2-trifluoroethane (HFC-143)	Pharma
2903.45.10	1,1,1,2-Tetrafluoroethane (HFC-134a) and 1,1,2,2-tetrafluoroethane (HFC-134)	Pharma
2903.46.10	1,1,1,2,3,3,3-Heptafluoropropane (HFC-227ea), 1,1,1,2,2,3-hexafluoropropane (HFC-236cb), 1,1,1,2,3,3-hexafluoropropane (HFC-236ea) and 1,1,1,3,3,3-hexafluoropropane (HFC-236fa)	Pharma
2903.47.10	1,1,1,3,3-Pentafluoropropane (HFC-245fa) and 1,1,2,2,3-pentafluoropropane (HFC-245ca)	Pharma
2903.48.00	1,1,1,3,3-Pentafluorobutane (HFC-365mfc) and 1,1,1,2,2,3,4,5,5,5-decafluoropentane (HFC-4310mee)	Pharma
2903.49.00	Other saturated fluorinated derivatives of acyclic hydrocarbons, nesoi	Pharma
2903.51.10	2,3,3,3-Tetrafluoropropene (HFO-1234yf), 1,3,3,3-tetrafluoropropene (HFO-1234ze) and (Z)-1,1,1,4,4,4-hexafluoro-2-butene (HFO-1336mzz)	Pharma
2903.59.10	1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-prop-1-ene	Pharma
2903.59.90	Other unsaturated fluorinated derivatives of acyclic hydrocarbons	Pharma
2903.69.10	Acetylene tetrabromide; alkyl bromides, other than methyl bromide (bromomethane); methylene dibromide; and vinyl bromide	Pharma
2903.69.90	Other brominated or iodinated derivatives of acyclic hydrocarbons	Pharma
2903.71.01	Chlorodifluoromethane (HCFC-22)	Pharma
2903.77.00	Other acyclic hydrocarbon derivatives, perhalogenated only with fluorine and chlorine	Pharma
2903.78.00	Other perhalogenated acyclic hydrocarbon derivatives, nesoi	Pharma
2903.79.90	Other halogenated derivatives of acyclic hydrocarbons containing two or more different halogens, nesoi	Pharma

HTSUS	Description	Scope Limitations
2903.81.00	1,2,3,4,5,6-Hexachlorocyclohexane (HCH (ISO)), including lindane (ISO, INN)	Pharma
2903.89.15	Halogenated products derived in whole or in part from benzene or other aromatic hydrocarbons, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2903.89.20	Halogenated derivatives derived in whole or in part from benzene or other aromatic hydrocarbons, nesoi	Pharma
2903.89.70	Other halogenated derivatives of cyclanic, cyclenic or cycloterpenic hydrocarbons not derived from benzene or other aromatic hydrocarbons	Pharma
2903.92.00	Hexachlorobenzene (ISO) and DDT (clofenotane (INN), (1,1,1-trichloro-2,2-bis(p-chlorophenyl)ethane)	Pharma
2903.93.00	Halogenated derivatives of aromatic hydrocarbons, pentachlorobenzene	Pharma
2903.94.00	Halogenated derivatives of aromatic hydrocarbons, hexabromobiphenyls	Pharma
2903.99.20	Benzyl chloride (α -Chlorotoluene); Benzotrichloride (α , α , α -Trichlorotoluene)	Pharma
2903.99.80	Other halogenated derivatives of aromatic hydrocarbons, nesoi	Pharma
2904.10.32	Aromatic derivatives of hydrocarbons containing only sulfo groups, their salts and ethyl esters, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2904.10.50	Nonaromatic derivatives of hydrocarbons containing only sulfo groups, their salts and ethyl esters, nesoi	Pharma
2904.20.10	p-Nitrotoluene	Pharma
2904.20.15	p-Nitro-o-xylene	Pharma
2904.20.20	Trinitrotoluene	Pharma
2904.20.30	5-tert-Butyl-2,4,6-trinitro-m-xylene (Musk xylol) and other artificial musks	Pharma
2904.20.35	Nitrated benzene, nitrated toluene (except p-nitrotoluene) or nitrated naphthalene	Pharma
2904.20.40	Aromatic derivatives of hydrocarbons containing only nitro or only nitroso groups, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2904.20.45	Aromatic derivatives of hydrocarbons containing only nitro or only nitroso groups, nesoi	Pharma
2904.20.50	Nonaromatic derivatives of hydrocarbons containing only nitro or only nitroso groups, nesoi	Pharma
2904.99.04	Monochloromononitrobenzenes; o-nitrochlorobenzene; p-nitrochlorobenzene	Pharma
2904.99.08	Monochloromononitrobenzenes nesoi	Pharma
2904.99.15	4-Chloro-3-nitro- α - α -trifluorotoluene; 2-Chloro-5-nitro- α - α -trifluorotoluene; and 4-Chloro-3,5-dinitro- α - α -trifluorotoluene	Pharma
2904.99.20	Nitrotoluenesulfonic acids	Pharma

HTSUS	Description	Scope Limitations
2904.99.30	1-Bromo-2-nitrobenzene; 1,2-Dichloro-4-nitrobenzene and o-Fluoronitrobenzene	Pharma
2904.99.35	4,4'-Dinitrostilbene-2,2'-disulfonic acid	Pharma
2904.99.40	Sulfonated, nitrated or nitrosated derivatives of aromatic products described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2904.99.47	Other sulfonated, nitrated or nitrosated derivatives of aromatic hydrocarbons excluding aromatic products described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2904.99.50	Nonaromatic sulfonated, nitrated or nitrosated derivatives of hydrocarbons, nesoi	Pharma
2905.11.20	Methanol (Methyl alcohol), other than imported only for use in producing synthetic natural gas (SNG) or for direct use as fuel	Pharma
2905.12.00	Propan-1-ol (Propyl alcohol) and Propan-2-ol (isopropyl alcohol)	Pharma
2905.13.00	Butan-1-ol (n-Butyl alcohol)	Pharma
2905.19.10	Pentanol (Amyl alcohol) and isomers thereof	Pharma
2905.19.90	Saturated monohydric alcohols, nesoi	Pharma
2905.22.10	Geraniol	Pharma
2905.22.20	Isophytol	Pharma
2905.22.50	Acyclic terpene alcohols, other than geraniol and isophytol	Pharma
2905.29.90	Unsaturated monohydric alcohols, other than allyl alcohol or acyclic terpene alcohols	Pharma
2905.31.00	Ethylene glycol (Ethanediol)	Pharma
2905.32.00	Propylene glycol (Propane-1,2-diol)	Pharma
2905.39.90	Dihydric alcohols (diols), nesoi	Pharma
2905.49.20	Esters of glycerol formed with the acids of heading 2904	Pharma
2905.49.50	Polyhydric alcohols, nesoi	Pharma
2905.51.00	Ethchlorvynol (INN)	Pharma
2905.59.10	Halogenated, sulfonated, nitrated or nitrosated derivatives of monohydric alcohols	Pharma
2905.59.90	Halogenated, sulfonated, nitrated or nitrosated derivatives of acyclic alcohols, nesoi	Pharma
2906.11.00	Menthol	Pharma
2906.19.50	Other cyclanic, cyclenic or cycloterpenic alcohols and their halogenated, sulfonated, nitrated or nitrosated derivatives	Pharma
2906.29.60	Other aromatic alcohols and their halogenated, sulfonated, nitrated or nitrosated derivatives	Pharma
2907.11.00	Phenol (Hydroxybenzene) and its salts	Pharma
2907.19.10	Alkylcresols	Pharma
2907.19.20	Alkylphenols	Pharma
2907.19.40	Thymol	Pharma
2907.19.80	Other monophenols	Pharma
2907.29.90	Other polyphenols, nesoi	Pharma

HTSUS	Description	Scope Limitations
2908.19.10	6-Chloro-m-cresol [OH=1]; m-chlorophenol; and chlorothymol	Pharma
2908.19.35	Derivatives of phenols or phenol-alcohols containing only halogen substituents and their salts described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2908.19.60	Other halogenated, sulfonated, nitrated or nitrosated derivatives of phenol or phenol-alcohols	Pharma
2908.99.12	Derivatives nesoi, of phenols or phenol-alcohols containing only sulfo groups, their salts and esters, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2908.99.15	Derivatives of phenol or phenol-alcohols containing only sulfo groups, their salts and esters, nesoi	Pharma
2908.99.25	Nitrophenols, except p-nitrophenol	Pharma
2909.11.00	Diethyl ether	Pharma
2909.19.18	Ethers of acyclic monohydric alcohols and their derivatives, nesoi	Pharma
2909.19.60	Ethers of polyhydric alcohols and their halogenated, sulfonated, nitrated or nitrosated derivatives, nesoi	Pharma
2909.20.00	Cyclanic, cyclenic or cycloterpenic ethers and their halogenated, sulfonated, nitrated or nitrosated derivatives	Pharma
2909.30.40	Aromatic ethers and their halogenated, sulfonated, nitrated or nitrosated derivatives, nesoi, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2909.30.60	Other aromatic ethers and their halogenated, sulfonated, nitrated, or nitrosated derivatives, nesoi	Pharma
2909.49.05	Guaifenesin	Pharma
2909.49.10	Other aromatic ether-alcohols, their halogenated, sulfonated, nitrated or nitrosated derivatives described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2909.49.15	Aromatic ether-alcohols and their halogenated, sulfonated, nitrated or nitrosated derivatives, nesoi	Pharma
2909.49.20	Nonaromatic glycerol ethers	Pharma
2909.49.60	Other non-aromatic ether-alcohols and their halogenated, sulfonated, nitrated or nitrosated derivatives	Pharma
2909.50.20	Guaiacol and its derivatives	Pharma
2909.50.40	Odoriferous or flavoring compounds of ether-phenols, ether-alcohol-phenols and their halogenated, sulfonated, nitrated or nitrosated derivatives	Pharma
2909.50.45	Ether-phenols, ether-alcohol-phenols and their halogenated, sulfonated, nitrated or nitrosated derivatives nesoi, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2909.50.50	Ether-phenols, ether-alcohol-phenols and their halogenated, sulfonated, nitrated or nitrosated derivatives, nesoi	Pharma
2910.10.00	Oxirane (Ethylene oxide)	Pharma
2910.30.00	1-Chloro-2,3-epoxypropane (Epichlorohydrin)	Pharma
2910.40.00	Dieldrin (ISO, INN)	Pharma
2910.50.00	Endrin	Pharma

HTSUS	Description	Scope Limitations
2910.90.10	Butylene oxide	Pharma
2910.90.20	Aromatic epoxides, epoxyalcohols, epoxyphenols and epoxyethers, with a three-membered ring, and their derivatives, nesoi	Pharma
2910.90.91	Other nonaromatic epoxides, epoxyalcohols and epoxyethers, with a three-membered ring, and their halogenated, sulfonated, nitrated or nitrosated derivatives	Pharma
2911.00.10	1,1-Bis(1-methylethoxy)cyclohexane	Pharma
2911.00.50	Acetals and hemiacetals, whether or not with other oxygen function, and their halogenated, sulfonated, nitrated or nitrosated derivatives	Pharma
2912.19.50	Acyclic aldehydes without other oxygen function, nesoi	Pharma
2912.29.60	Other cyclic aldehydes without other oxygen function	Pharma
2912.49.26	Other aromatic aldehyde-alcohols, aldehyde-ethers, aldehyde-phenols and aldehydes with other oxygen function	Pharma
2912.60.00	Paraformaldehyde	Pharma
2914.11.10	Acetone, derived in whole or in part from cumene	Pharma
2914.19.00	Acyclic ketones without other oxygen function, nesoi	Pharma
2914.29.30	Natural camphor	Pharma
2914.29.50	Cyclanic, cyclenic or cycloterpenic ketones without other oxygen function, nesoi	Pharma
2914.39.90	Aromatic ketones without other oxygen function, nesoi	Pharma
2914.40.40	Aromatic ketone-alcohols and ketone-aldehydes, nesoi	Pharma
2914.40.90	Nonaromatic ketone-alcohols and ketone-aldehydes, nesoi	Pharma
2914.50.10	5-Benzoyl-4-hydroxy-2-methoxybenzene-sulfonic acid	Pharma
2914.50.30	Aromatic ketone-phenols and ketones with other oxygen function	Pharma
2914.50.50	Nonaromatic ketone-phenols and ketones with other oxygen function	Pharma
2914.62.00	Coenzyme Q10 (ubidecarenone (INN))	Pharma
2914.69.21	Quinone drugs	Pharma
2914.69.90	Quinones, nesoi	Pharma
2914.71.00	Halogenated, sulfonated, nitrated or nitrosated derivatives: chlordecone (ISO)	Pharma
2914.79.10	2,3-dichloro-1,4-naphthoquinone and other artificial musks	Pharma
2914.79.40	Other halogenated, sulfonated, nitrated or nitrosated derivatives of aromatic ketones and quinones whether or not with other oxygen function	Pharma
2914.79.60	1-Chloro-5-hexanone	Pharma
2914.79.90	Other halogenated, sulfonated, nitrated or nitrosated derivatives of nonaromatic ketones and quinones whether or not with other oxygen function	Pharma
2915.21.00	Acetic acid	Pharma
2915.24.00	Acetic anhydride	Pharma
2915.29.30	Cobalt acetates	
2915.29.50	Other salts of acetic acid	Pharma

HTSUS	Description	Scope Limitations
2915.32.00	Vinyl acetate	Pharma
2915.36.00	Dinoseb (ISO) acetate	Pharma
2915.39.10	Benzyl acetate	Pharma
2915.39.31	Aromatic esters of acetic acid, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2915.39.35	Aromatic esters of acetic acid, nesoi	Pharma
2915.39.40	Linalyl acetate	Pharma
2915.39.45	Odoriferous or flavoring compounds of nonaromatic esters of acetic acid, nesoi	Pharma
2915.39.47	Acetates of polyhydric alcohols or of polyhydric alcohol ethers	Pharma
2915.39.70	Isobutyl acetate	Pharma
2915.39.90	Other non-aromatic esters of acetic acid	Pharma
2915.40.10	Chloroacetic acids	Pharma
2915.40.20	Aromatic salts and esters of chloroacetic acids, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2915.40.30	Aromatic salts and esters of chloroacetic acids, nesoi	Pharma
2915.40.50	Nonaromatic salts and esters of chloroacetic acids, nesoi	Pharma
2915.50.20	Aromatic salts and esters of propionic acid	Pharma
2915.90.10	Fatty acids of animal or vegetable origin, nesoi	Pharma
2915.90.14	Valproic acid	Pharma
2915.90.18	Saturated acyclic monocarboxylic acids, nesoi	Pharma
2915.90.20	Aromatic anhydrides, halides, peroxides and peroxyacids, of saturated acyclic monocarboxylic acids, and their derivatives, nesoi	Pharma
2915.90.50	Nonaromatic anhydrides, halides, peroxides and peroxyacids, of saturated acyclic monocarboxylic acids, and their derivatives, nesoi	Pharma
2916.16.00	Binapacryl (ISO)	Pharma
2916.19.30	Unsaturated acyclic monocarboxylic acids, nesoi	Pharma
2916.19.50	Unsaturated acyclic monocarboxylic acid anhydrides, halides, peroxides, peroxyacids and their derivatives, nesoi	Pharma
2916.20.50	Cyclanic, cyclenic or cycloterpenic monocarboxylic acids, their anhydrides, halides, peroxides, peroxyacids and their derivatives, nesoi	Pharma
2916.31.30	Benzoic acid esters, except odoriferous or flavoring compounds, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2916.31.50	Benzoic acid esters, nesoi	Pharma
2916.39.15	Ibuprofen	Pharma
2916.39.17	2,2-Dichlorophenylacetic acid, ethyl ester and m-Toluic acid	Pharma
2916.39.46	Aromatic monocarboxylic acids, their anhydrides, halides, peroxides, peroxyacids and their derivatives, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2916.39.79	Other aromatic monocarboxylic acids, their anhydrides, halides, peroxides, peroxyacids and their derivatives	Pharma

HTSUS	Description	Scope Limitations
2917.13.00	Azelaic acid, sebacic acid, their salts and esters	Pharma
2917.19.10	Ferrous fumarate	Pharma
2917.19.15	Fumaric acid, derived in whole or in part from aromatic hydrocarbons	Pharma
2917.19.17	Fumaric acid except derived in whole or in part from aromatic hydrocarbons	Pharma
2917.19.20	Specified acyclic polycarboxylic acids and their derivatives, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2917.19.23	Maleic acid	Pharma
2917.19.27	Succinic acid, glutaric acid, and their derivatives, and derivatives of adipic, fumeric and maleic acids, nesoi	Pharma
2917.19.30	Ethylene brassylate	Pharma
2917.19.35	Malonic acid	Pharma
2917.19.40	Acyclic polycarboxylic acids, derived from aromatic hydrocarbons, and their derivatives, nesoi	Pharma
2917.19.70	Acyclic polycarboxylic acids and their derivatives (excluding plasticizers)	Pharma
2917.20.00	Cyclanic, cyclenic or cycloterpenic polycarboxylic acids, their anhydrides, halides, peroxides, peroxyacids and their derivatives	Pharma
2917.34.01	Esters of orthophthalic acid, nesoi	Pharma
2917.37.00	Dimethyl terephthalate	Pharma
2917.39.30	Aromatic polycarboxylic acids, their anhydrides, halides, peroxides, peroxyacids and their derivatives nesoi, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2918.11.51	Salts and esters of lactic acid	Pharma
2918.12.00	Tartaric acid	Pharma
2918.13.50	Salts and esters of tartaric acid, nesoi	Pharma
2918.14.00	Citric acid	Pharma
2918.16.50	Salts and esters of gluconic acid, nesoi	Pharma
2918.18.00	Chlorobenzilate (ISO)	Pharma
2918.19.15	Other Phenylglycolic (Mandelic) acid salts and esters	Pharma
2918.19.20	Aromatic carboxylic acids with alcohol function, without other oxygen functions, and their derivatives, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2918.19.31	Aromatic carboxylic acids with alcohol function, without other oxygen functions, and their derivatives, nesoi	Pharma
2918.19.60	Malic acid	Pharma
2918.19.90	Nonaromatic carboxylic acids with alcohol function, without other oxygen function, and their derivatives, nesoi	Pharma
2918.21.10	Salicylic acid and its salts, suitable for medicinal use	Pharma
2918.22.10	O-Acetylsalicylic acid (Aspirin)	Pharma
2918.22.50	Salts and esters of O-acetylsalicylic acid	Pharma
2918.23.10	Salol (Phenyl salicylate) suitable for medicinal use	Pharma

HTSUS	Description	Scope Limitations
2918.23.30	Esters of salicylic acid and their salts, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2918.23.50	Esters of salicylic acid and their salts, nesoi	Pharma
2918.29.20	Gentisic acid; and Hydroxycinnamic acid and its salts	Pharma
2918.29.22	p-Hydroxybenzoic acid	Pharma
2918.29.65	Carboxylic acids with phenol function but without other oxygen function, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2918.29.75	Other carboxylic acids with phenol function but without other oxygen function and their derivatives (excluding goods of additional U.S. note 3 to section VI of the HTSUS)	Pharma
2918.30.10	1-Formylphenylacetic acid, methyl ester	Pharma
2918.30.15	2-Chloro-4,5-difluoro-beta -oxobenzenepropanoic acid, ethyl ester; and Ethyl 2-keto-4-phenylbutanoate	Pharma
2918.30.25	Aromatic carboxylic acids with aldehyde or ketone function but without other oxygen function and their derivatives described in additional U.S. note 3 to section VI of the HTSUS, nesoi	Pharma
2918.30.30	Aromatic carboxylic acids with aldehyde or ketone function but without other oxygen function, and their derivatives, nesoi	Pharma
2918.30.70	Dimethyl acetyl succinate; Oxalacetic acid diethyl ester, sodium salt; 4,4,4-Trifluoro-3-oxobutanoic acid, both ethyl and methyl ester versions	Pharma
2918.30.90	Non-aromatic carboxylic acids with aldehyde or ketone function but without other oxygen function, their anhydrides, halides, peroxides, peroxyacids and their derivatives	Pharma
2918.99.05	p-Anisic acid; clofibrate and 3-phenoxybenzoic acid	Pharma
2918.99.30	Aromatic drugs derived from carboxylic acids with additional oxygen function, and their derivatives, nesoi	Pharma
2918.99.43	Aromatic carboxylic acids with additional oxygen function and their anhydrides, halides, peroxides, peroxyacids and their derivatives, described in additional U.S. note 3 to section VI of the HTSUS, nesoi	Pharma
2918.99.47	Other aromatic carboxylic acids with additional oxygen function and their anhydrides, halides, peroxides, peroxyacids and their derivatives (excluding goods described in additional U.S. note 3 to section VI of the HTSUS)	Pharma
2918.99.50	Nonaromatic carboxylic acids with additional oxygen function, and their derivatives, nesoi	Pharma
2919.10.00	Tris(2,3-dibromopropyl phosphate)	Pharma
2919.90.30	Aromatic phosphoric esters and their salts, including lactophosphates, and their derivatives, not used as plasticizers	Pharma
2919.90.50	Nonaromatic phosphoric esters and their salts, including lactophosphates, and their derivatives	Pharma

HTSUS	Description	Scope Limitations
2920.19.40	Other aromatic thiophosphoric esters (phosphorothioates), their salts and their halogenated, sulfonated, nitrated or nitrosated derivatives	Pharma
2920.19.50	Nonaromatic phosphorothioates, their salts and their halogenated, sulfonated, nitrated or nitrosated derivatives, nesoi	Pharma
2920.21.00	Dimethyl phosphite	Pharma
2920.22.00	Diethyl phosphite	Pharma
2920.23.00	Trimethyl phosphite	Pharma
2920.24.00	Triethyl phosphite	Pharma
2920.29.00	Other phosphite esters, their salts and their halogenated, sulfonated, nitrated or nitrosated derivatives	Pharma
2920.30.00	Endosulfan (ISO)	Pharma
2920.90.20	Aromatic esters of other inorganic acids (excluding hydrogen halides), their salts and their derivatives, nesoi	Pharma
2920.90.51	Nonaromatic esters of inorganic acids of nonmetals, their salts and derivatives, excluding esters of hydrogen halides, nesoi	Pharma
2921.11.00	Methylamine, di- or trimethylamine, and their salts	Pharma
2921.14.00	2-(N,N,-Diisopropylamino)ethyl chloride hydrochloride	Pharma
2921.19.11	Mono- and triethylamines; mono-, di-, and tri(propyl- and butyl-) monoamines; salts of any of the foregoing	Pharma
2921.19.61	N,N-Dialkyl (methyl, ethyl, n-Propyl or Isopropyl)-2-Chloroethylamines and their protonated salts; Acyclic monoamines and their derivatives, nesoi	Pharma
2921.29.00	Acyclic polyamines, their derivatives and salts, other than ethylenediamine or hexamethylenediamine and their salts	Pharma
2921.30.10	Cyclanic, cyclenic or cycloterpenic mono- or polyamines, derivatives and salts, from any aromatic compound described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2921.30.30	Cyclanic, cyclenic, cycloterpenic mono- or polyamines and their derivatives and salts, derived from any aromatic compound (excluding goods described in additional U.S. note 3 to section VI of the HTSUS)	Pharma
2921.30.50	Cyclanic, cyclenic or cycloterpenic mono- or polyamines, and their derivatives and salts, derived from any nonaromatic compounds	Pharma
2921.41.10	Aniline	Pharma
2921.41.20	Aniline salts	Pharma
2921.42.65	Aniline derivatives and their salts thereof, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2921.42.90	Other aniline derivatives and their salts	Pharma
2921.43.40	Toluidines and their derivatives and salts thereof, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2921.45.60	Aromatic monoamines and their derivatives and salts thereof, described in additional U.S. note 3 to section VI of the HTSUS, nesoi	Pharma

HTSUS	Description	Scope Limitations
2921.45.90	Aromatic monoamines and their derivatives and salts thereof nesoi	Pharma
2921.46.00	Amfetamine (INN), benzfetamine (INN), dexamfetamine (INN), etilamfetamine (INN), and other specified INNs; salts thereof	Pharma
2921.49.38	Aromatic monoamine antidepressants, tranquilizers and other psychotherapeutic agents,	Pharma
2921.49.43	Aromatic monoamine drugs, nesoi	Pharma
2921.49.45	Aromatic monoamines and their derivatives and salts thereof nesoi, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2921.49.50	Aromatic monoamines and their derivatives and salts thereof, nesoi	Pharma
2921.59.40	Aromatic polyamines and their derivatives and salts thereof, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2921.59.80	Aromatic polyamines and their derivatives and salts thereof nesoi	Pharma
2922.11.00	Monoethanolamine and its salts	Pharma
2922.12.00	Diethanolamine and its salts	Pharma
2922.14.00	Dextropropoxyphene (INN) and its salts	Pharma
2922.15.00	Triethanolamine	Pharma
2922.16.00	Diethylammonium perfluorooctane sulfonate	Pharma
2922.17.00	Methyldiethanolamine and ethyldiethanolamine	Pharma
2922.18.00	2-(N,N-Diisopropylamino)ethanol	Pharma
2922.19.09	Aromatic amino-alcohols drugs, their ethers and esters, other than those containing more than one kind of oxygen function, and their salts thereof; nesoi	Pharma
2922.19.20	4,4'-Bis(dimethylamino)benzhydrol (Michler's hydrol) and other specified aromatic amino-alcohols, their ethers and esters, and salts thereof	Pharma
2922.19.33	N1-(2-Hydroxyethyl)-2-nitro-1,4-phenylenediamine; N1,N4,N4-tris(2-hydroxyethyl)-2-nitro-1,4-phenylenediamine; and other specified chemicals	Pharma
2922.19.60	Aromatic amino-alcohols, their ethers and esters, other than those containing more than one oxygen function, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2922.19.70	Other aromatic amino-alcohols, their ethers and esters, other than those containing more than one oxygen function (excluding goods described in additional U.S. note 3 to section VI of the HTSUS)	Pharma
2922.19.90	Salts of triethanolamine	Pharma
2922.19.96	Amino-alcohols, other than those containing more than one kind of oxygen function, their ethers and esters and salts thereof, nesoi	Pharma

HTSUS	Description	Scope Limitations
2922.21.10	1-Amino-8-hydroxy-3,6-naphthalenedisulfonic acid; and other specified aminohydroxynaphthalenesulfonic acids and their salts	Pharma
2922.21.25	1-Amino-8-hydroxy-4,6-naphthalenedisulfonic acid, monosodium salts	Pharma
2922.21.40	Aminohydroxynaphthalene sulfonic acids and their salts, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2922.21.50	Aminohydroxynaphthalene sulfonic acids and their salts, nesoi	Pharma
2922.29.03	o-Anisidine; p-anisidine; and p-phenetidine	Pharma
2922.29.06	m-Nitro-p-anisidine and m-nitro-o-anisidine as fast color bases	Pharma
2922.29.08	m-Nitro-p-anisidine and m-nitro-o-anisidine, nesoi	Pharma
2922.29.10	2-Amino-6-chloro-4-nitrophenol and other specified amino-naphthols and amino-phenols, their ethers and esters; salts thereof	Pharma
2922.29.13	o-Aminophenol; and 2,2-bis-[4-(4-aminophenoxy)phenyl]propane	Pharma
2922.29.15	m-Diethylaminophenol; m-dimethylaminophenol; 3-ethylamino-p-cresol; and 5-methoxy-m-phenylenediamine	Pharma
2922.29.20	4-Chloro-2,5-dimethoxyaniline; and 2,4-dimethoxyaniline	Pharma
2922.29.26	Amino-naphthols and other amino-phenols and their derivatives used as fast color bases	Pharma
2922.29.27	Drugs of amino-naphthols and -phenols, their ethers and esters, except those containing more than one oxygen function, and salts thereof, nesoi	Pharma
2922.29.29	Photographic chemicals of amino-naphthols and -phenols, their ethers and esters, except those containing more than one oxygen function, and salts thereof, nesoi	Pharma
2922.29.61	Amino-naphthols and other amino-phenols and their derivatives, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2922.29.81	Amino-naphthols and other amino-phenols, their ethers and esters (not containing more than one oxygen function), and salts thereof, nesoi	Pharma
2922.31.00	Amfepramone (INN), methadone (INN) and normethadone (INN), and salts thereof	Pharma
2922.39.05	1-Amino-2,4-dibromoanthraquinone and 2-Amino-5-chlorobenzophenone	Pharma
2922.39.10	2'-Amino aceto phenone and other specified aromatic amino-aldehydes, -ketones and -quinones, other than those with more than one oxygen function	Pharma
2922.39.14	2-Aminoanthraquinone	Pharma
2922.39.17	1-Aminoanthraquinone	Pharma
2922.39.25	Aromatic amino-aldehydes, -ketones and -quinones, other than those with more than one oxygen function, and salts	Pharma

HTSUS	Description	Scope Limitations
	thereof, described in additional U.S. note 3 to section VI of the HTSUS	
2922.39.45	Aromatic amino-aldehydes, -ketones and -quinones, other than those with more than one oxygen function, and salts thereof, nesoi	Pharma
2922.39.50	Nonaromatic amino-aldehydes, -ketones and -quinones, other than those with more than one kind of oxygen function, and salts thereof, nesoi	Pharma
2922.41.00	Lysine and its esters and salts thereof	Pharma
2922.42.10	Monosodium glutamate	Pharma
2922.42.50	Glutamic acid and its salts, other than monosodium glutamate	Pharma
2922.43.10	Anthranilic acid and its salts, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2922.43.50	Anthranilic acid and its salts, nesoi	Pharma
2922.44.00	Tildine (INN) and its salts	Pharma
2922.49.05	(R)- α -Aminobenzeneacetic acid; and 2-amino-3-chlorobenzoic acid, methyl ester	Pharma
2922.49.10	m-Aminobenzoic acid, technical; and other specified aromatic amino-acids and their esters, except those with more than one oxygen function	Pharma
2922.49.26	Aromatic amino-acids drugs and their esters, not containing more than one kind of oxygen function, nesoi	Pharma
2922.49.30	Aromatic amino-acids and their esters, excluding those with more than one oxygen function, and their salts, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2922.49.37	Aromatic amino-acids and their esters, not containing more than one oxygen function (excluding goods described in additional U.S. note 3 to section VI of the HTSUS), nesoi	Pharma
2922.49.43	Glycine (aminoacetic acid)	Pharma
2922.49.49	Nonaromatic amino-acids, other than those containing more than one oxygen function, other than glycine	Pharma
2922.49.60	3-Aminocrotonic acid, methyl ester; and (R)- α -amino-1,4-cyclohexadiene-1-acetic acid	Pharma
2922.49.80	Non-aromatic esters of amino-acids, other than those containing more than one oxygen function, and salts thereof	Pharma
2922.50.07	3,4-Diaminophenetole dihydrogen sulfate, 2-nitro-5-[(2,3-dihydroxy)propoxy]-N-methylaniline and other specified aromatic chemicals	Pharma
2922.50.10	Specified aromatic amino-alcohol-phenols, amino-acid-phenols and other amino-compounds with oxygen function	Pharma
2922.50.11	Salts of d(-)-p-Hydroxyphenylglycine ((R)- α -Amino-4-hydroxybenzeneacetic acid)	Pharma
2922.50.13	Isoetharine hydrochloride and other specified aromatic drugs of amino-compounds with oxygen function	Pharma
2922.50.14	Other aromatic cardiovascular drugs of amino-compounds with oxygen function	Pharma

HTSUS	Description	Scope Limitations
2922.50.17	Aromatic dermatological agents and local anesthetics of amino-compounds with oxygen function	Pharma
2922.50.19	Aromatic guaiacol derivatives of amino-compounds with oxygen function	Pharma
2922.50.25	Aromatic drugs of amino-compounds with oxygen function, nesoi	Pharma
2922.50.35	Aromatic amino-alcohol-phenols, amino-acid-phenols and other amino-compounds with oxygen function described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2922.50.40	Aromatic amino-alcohol-phenols, amino-acid-phenols and other amino-compounds with oxygen function, nesoi	Pharma
2922.50.50	Nonaromatic amino-alcohol-phenols, amino-acid-phenols and other amino-compounds with oxygen function	Pharma
2923.10.00	Choline and its salts	Pharma
2923.20.10	Purified egg phospholipids, pharmaceutical grade meeting requirements of the U.S. FDA, for use in intravenous fat emulsion	Pharma
2923.20.20	Lecithins and other phosphoaminolipids, nesoi	Pharma
2923.30.00	Tetraethylammonium perfluorooctane sulfonate	Pharma
2923.40.00	Didecylmethylammonium perfluorooctane sulfonate	Pharma
2923.90.01	Quaternary ammonium salts and hydroxides, whether or not chemically defined, nesoi	Pharma
2924.11.00	Meprobamate (INN)	Pharma
2924.12.00	Fluoroacetamide (ISO), monocrotophos (ISO) and phosphamidon (ISO)	Pharma
2924.19.11	Acyclic amides (including acyclic carbamates)	Pharma
2924.19.80	Acyclic amide derivatives and salts thereof; nesoi	Pharma
2924.21.16	Aromatic ureines and their derivatives, nesoi	Pharma
2924.21.20	Aromatic ureines, their derivatives and salts thereof, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2924.21.45	Aromatic ureines, their derivatives and salts thereof, nesoi	Pharma
2924.21.50	Nonaromatic ureines and their derivatives; and salts thereof	Pharma
2924.23.70	2-Acetamidobenzoic acid salts described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2924.23.75	2-Acetamidobenzoic acid salts, nesoi	Pharma
2924.24.00	Ethinamate (INN)	Pharma
2924.25.00	Alachlor (ISO)	Pharma
2924.29.01	p-Acetanilide; p-acetoacetatoluidide; 4'-amino-N-methylacetanilide; 2,5-dimethoxyacetanilide; and N-(7-hydroxy-1-naphthyl)acetamide	Pharma
2924.29.03	3,5-Dinitro-o-toluamide	Pharma
2924.29.05	Biligradin acid; 3,5-diacetamido-2,4,6-triiodobenzoic acid; and metrizoic acid	Pharma
2924.29.10	Acetanilide; N-acetylsulfanilyl chloride; aspartame; and 2-methoxy-5-acetamino-N,N-bis(2-acetoxyethyl)aniline	Pharma

HTSUS	Description	Scope Limitations
2924.29.23	4-Aminoacetanilide; 2-2-oxamidobis[ethyl-3-(3,5-di-tert-butyl-4-hydroxyphenyl)propionate]; and other specified cyclic amide chemicals	Pharma
2924.29.26	3-Aminomethoxybenzanilide	Pharma
2924.29.28	N-[[[4-Chlorophenyl]amino]carbonyl]difluorobenzamide; and 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)benzamide (pronamide)	Pharma
2924.29.33	3-Hydroxy-2-naphthanilide; 3-hydroxy-2-naphtho-o-toluidide; 3-hydroxy-2-naphtho-o-anisidine; 3-hydroxy-2-naphtho-o-phenetidide; and other	Pharma
2924.29.57	Diethylaminoacetoxylidide (Lidocaine)	Pharma
2924.29.62	Other aromatic cyclic amides and derivatives for use as drugs	Pharma
2924.29.65	5-Bromoacetyl-2-salicylamide	Pharma
2924.29.71	Aromatic cyclic amides and their derivatives, described in additional U.S. note 3 to section VI of the HTSUS, nesoi	Pharma
2924.29.77	Aromatic cyclic amides (including cyclic carbamates), their derivatives and salts thereof, nesoi	Pharma
2924.29.80	2,2-Dimethylcyclopropylcarboxamide	Pharma
2924.29.95	Other nonaromatic cyclic amides, their derivatives and salts thereof; nesoi	Pharma
2925.12.00	Glutethimide (INN)	Pharma
2925.19.42	Other aromatic imides, their derivatives and salts thereof; nesoi	Pharma
2925.19.91	Other non-aromatic imides and their derivatives	Pharma
2925.21.00	Chlordimeform (ISO)	Pharma
2925.29.10	N'-(4-Chloro-o-tolyl)-N,N-dimethylformamidine; bunamidine hydrochloride; and pentamidine	Pharma
2925.29.18	N,N'-Diphenylguanidine; 3-Dimethyl amino methyleneiminophenol hydrochloride; 1,3-Di-o-tolylguanidine; and N,N-Dimethyl-N'-[3-[[[(methylamino) carbonyl]-oxy] phenyl] methanimidamide monohydrochloride	Pharma
2925.29.20	Aromatic drugs of imines and their derivatives, nesoi	Pharma
2925.29.60	Aromatic imines, their derivatives and salts thereof (excluding drugs), nesoi	Pharma
2925.29.70	Tetramethylguanidine	Pharma
2925.29.90	Non-aromatic imines, their derivatives and salts thereof	Pharma
2926.30.10	Fenproporex (INN) and its salts	Pharma
2926.40.00	alpha-Phenylacetoacetonitrile	Pharma
2926.90.14	p-Chlorobenzonitrile and verapamil hydrochloride	Pharma
2926.90.43	Aromatic nitrile-function compounds, nesoi, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2926.90.48	Aromatic nitrile-function compounds other than those products described in additional U.S. note 3 to section VI of the HTSUS, nesoi	Pharma

HTSUS	Description	Scope Limitations
2926.90.50	Nonaromatic nitrile-function compounds, nesoi	Pharma
2927.00.40	Diazo-, azo- or azoxy-compounds, nesoi, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2927.00.50	Other diazo-, azo- or azoxy-compounds, nesoi	Pharma
2928.00.10	Methyl ethyl ketoxime	Pharma
2928.00.15	Phenylhydrazine	Pharma
2928.00.25	Aromatic organic derivatives of hydrazine or of hydroxylamine	Pharma
2928.00.30	Nonaromatic drugs of organic derivatives of hydrazine or of hydroxylamine, other than Methyl ethyl ketoxime	Pharma
2928.00.50	Nonaromatic organic derivatives of hydrazine or of hydroxylamine, nesoi	Pharma
2929.90.05	2,2-Bis(4-cyanatophenyl)-1,1,1,3,3,3,-hexafluoropropane; 2,2-bis(4-cyanatophenyl)propane; 1,1-ethylidenebis(phenyl-4-cyanate); and 2 others	Pharma
2929.90.15	Other aromatic compounds with other nitrogen function, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2929.90.20	Aromatic compounds with other nitrogen function, nesoi	Pharma
2929.90.50	Nonaromatic compounds with other nitrogen functions, except isocyanates	Pharma
2930.10.01	2-(N,N-Dimethylamino) ethanethiol	Pharma
2930.20.20	Aromatic compounds of thiocarbamates and dithiocarbamates, excluding pesticides	Pharma
2930.20.90	Other non-aromatic thiocarbamates and dithiocarbamates	Pharma
2930.30.60	Thiuram mono-, di- or tetrasulfides, other than tetramethylthiuram monosulfide	Pharma
2930.40.00	Methionine	Pharma
2930.60.00	2-(N,N-Diethylamino)ethanethiol	Pharma
2930.70.00	Bis(2-hydroxyethyl)sulfide (thiodiglycol (INN))	Pharma
2930.90.29	Other aromatic organo-sulfur compounds (excluding pesticides)	Pharma
2930.90.49	Nonaromatic organo-sulfur acids, nesoi	Pharma
2930.90.92	Other non-aromatic organo-sulfur compounds	Pharma
2931.41.00	Dimethyl methylphosphonate	Pharma
2931.42.00	Dimethyl propylphosphonate	Pharma
2931.43.00	Diethyl ethylphosphonate	Pharma
2931.44.00	Methylphosphonic acid	Pharma
2931.45.00	Salt of methylphosphonic acid and (aminoiminomethyl)urea (1:1)	Pharma
2931.46.00	2,4,6-Tripropyl-1,3,5,2,4,6-trioxatriphosphinane 2,4,6-trioxide	Pharma
2931.47.00	(5-Ethyl-2-methyl-2-oxido-1,3,2-dioxaphosphinan-5-yl) methyl methyl methylphosphonate	Pharma
2931.48.00	3,9-Dimethyl-2,4,8,10-tetraoxa-3,9-diphosphaspiro [5.5] undecane 3,9-dioxide	Pharma

HTSUS	Description	Scope Limitations
2931.49.00	Other non-halogenated organo-phosphorous derivatives	Pharma
2931.51.00	Methylphosphonic dichloride	Pharma
2931.52.00	Propylphosphonic dichloride	Pharma
2931.53.00	O-(3-chloropropyl) O-[4-nitro-3-(trifluoromethyl)phenyl] methylphosphonothionate	Pharma
2931.54.00	Trichlorfon (ISO)	Pharma
2931.59.00	Other halogenated organo-phosphorous derivatives	Pharma
2931.90.22	Drugs of aromatic organo-inorganic compounds	Pharma
2931.90.30	Aromatic organo-inorganic compounds, nesoi, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2931.90.60	Other aromatic organo-inorganic compounds (excluding products described in additional U.S. note 3 to section VI of the HTSUS)	Pharma
2931.90.90	Other non-aromatic organo-inorganic compounds	Pharma
2932.11.00	Tetrahydrofuran	Pharma
2932.14.00	Sucralose	Pharma
2932.19.10	Aromatic heterocyclic compounds with oxygen hetero-atom(s) only, containing an unfused furan ring, nesoi	Pharma
2932.19.51	Nonaromatic compounds containing an unfused furan ring (whether or not hydrogenated) in the ring	Pharma
2932.20.05	Coumarin, methylcoumarins and ethylcoumarins	Pharma
2932.20.20	Aromatic drugs of lactones	Pharma
2932.20.25	4-Hydroxycoumarin	Pharma
2932.20.30	Aromatic lactones, nesoi, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2932.20.45	Aromatic lactones, nesoi	Pharma
2932.20.50	Nonaromatic lactones	Pharma
2932.95.00	Tetrahydrocannabinols (all isomers)	Pharma
2932.99.04	2,2-Dimethyl-1,3-benzodioxol-4-yl methylcarbamate (Bendiocarb)	Pharma
2932.99.08	2-Ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranylmethanesulfonate	Pharma
2932.99.21	Aromatic pesticides of heterocyclic compounds with oxygen hetero-atom(s) only, nesoi	Pharma
2932.99.32	Benzofuran (Coumarone); and Dibenzofuran (Diphenylene oxide)	Pharma
2932.99.35	2-Hydroxy-3-dibenzofurancarboxylic acid	Pharma
2932.99.39	Benzoointetrahydropyranyl ester; and Xanthen-9-one	Pharma
2932.99.55	Bis-O-[(4-methylphenyl)methylene]-D-glucitol (Dimethylbenzylidene sorbitol); and Rhodamine 2C base	Pharma
2932.99.61	Aromatic heterocyclic compounds with oxygen hetero-atom(s) only, described in additional U.S. note 3 to section VI of the HTSUS, nesoi	Pharma
2932.99.70	Aromatic heterocyclic compounds with oxygen hetero-atom(s) only, nesoi	Pharma

HTSUS	Description	Scope Limitations
2932.99.90	Nonaromatic heterocyclic compounds with oxygen hetero-atom(s) only, nesoi	Pharma
2933.11.00	Phenazone (Antipyrine) and its derivatives	Pharma
2933.19.08	3-(5-Amino-3-methyl-1H-pyrazol-1-yl)benzenesulfonic acid; amino-J-pyrazolone; and another 12 specified chemicals	Pharma
2933.19.35	Aromatic or modified aromatic drugs of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyrazole ring	Pharma
2933.19.37	Aromatic or modified aromatic compounds, described in additional U.S. note 3 to section VI of the HTSUS, containing an unfused pyrazole ring (whether or not hydrogenated) in the structure	Pharma
2933.19.43	Aromatic or modified aromatic compounds (excluding products described in additional U.S. note 3 to section VI of the HTSUS), containing an unfused pyrazole ring in the structure	Pharma
2933.19.45	Nonaromatic drugs of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyrazole ring	Pharma
2933.19.90	Other compounds (excluding aromatic or modified aromatic compounds and drugs) containing an unfused pyrazole ring (whether or not hydrogenated) in the structure	Pharma
2933.21.00	Hydantoin and its derivatives	Pharma
2933.29.05	1-[1-((4-Chloro-2-(trifluoromethyl)phenyl)imino)-2-propoxyethyl]-1H-imidazole (triflumizole); and Ethylene thiourea	Pharma
2933.29.10	2-Phenylimidazole	Pharma
2933.29.20	Aromatic or modified aromatic drugs of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused imidazole ring	Pharma
2933.29.35	Aromatic or modified aromatic goods, described in additional U.S. note 3 to section VI of the HTSUS, containing an unfused imidazole ring (whether or not hydrogenated) in structure	Pharma
2933.29.43	Aromatic or modified aromatic goods containing an unfused imidazole ring (whether or not hydrogenated) in the structure (excluding products described in additional U.S. note 3 to section VI of the HTSUS)	Pharma
2933.29.45	Nonaromatic drugs of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused imidazole ring, nesoi	Pharma
2933.29.60	Imidazole	Pharma
2933.29.90	Other compounds (excluding drugs, aromatic and modified aromatic compounds) containing an unfused imidazole ring (whether or not hydrogenated)	Pharma
2933.31.00	Pyridine and its salts	Pharma

HTSUS	Description	Scope Limitations
2933.33.01	Alfentanil (INN), anileridine (INN), bezitramide (INN), bromazepam (INN), difenoxin (INN), and other specified INNs; salts thereof	Pharma
2933.34.00	Other fentanyls and their derivatives, containing an unfused pyrazole ring	Pharma
2933.35.00	3-Quinuclidinol	Pharma
2933.36.00	4-Anilino-N-phenethylpiperidine (ANPP)	Pharma
2933.37.00	N-Phenethyl-4-piperidone (NPP)	Pharma
2933.39.08	1-(3-Sulfapropyl)pyridinium hydroxide; N,N-bis(2,2,6,6-tetramethyl-4-piperidiny)-1,6-hexanediamine; and 5 other specified chemicals	Pharma
2933.39.10	Collidines, lutidines and picolines	Pharma
2933.39.20	p-Chloro-2-benzylpyridine and other specified heterocyclic compounds, with nitrogen hetero-atom(s) only, containing an unfused pyridine ring	Pharma
2933.39.21	Fungicides of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyridine ring	Pharma
2933.39.23	o-Paraquat dichloride	Pharma
2933.39.25	Herbicides nesoi, of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyridine ring	Pharma
2933.39.27	Pesticides nesoi, of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyridine ring	Pharma
2933.39.31	Psychotherapeutic agents of heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyridine ring, nesoi	Pharma
2933.39.41	Drugs containing an unfused pyridine ring (whether or not hydrogenated) in the structure, nesoi	Pharma
2933.39.61	Heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyridine ring, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2933.39.92	Heterocyclic compounds with nitrogen hetero-atom(s) only, containing an unfused pyridine ring, nesoi	Pharma
2933.41.00	Levorphenol (INN) and its salts	Pharma
2933.49.08	4,7-Dichloroquinoline	Pharma
2933.49.10	Ethoxyquin (1,2-Dihydro-6-ethoxy-2,2,4-trimethylquinoline)	Pharma
2933.49.15	8-Methylquinoline and Isoquinoline	Pharma
2933.49.17	Ethyl ethyl-6,7,8-trifluoro-1,4-dihydro-4-oxo-3-quinoline carboxylate	Pharma
2933.49.20	5-Chloro-7-iodo-8-quinolinol (Iodochlorhydroxyquin); Decoquinatate; Diiodohydroxyquin; and Oxyquinoline sulfate	Pharma
2933.49.26	Drugs containing a quinoline or isoquinoline ring-system (whether or not hydrogenated), not further fused, nesoi	Pharma
2933.49.30	Pesticides of heterocyclic compounds with nitrogen hetero-atom(s) only, containing a quinoline or isoquinoline ring-system, not further fused	Pharma

HTSUS	Description	Scope Limitations
2933.49.60	Products described in additional U.S. note 3 to section VI of the HTSUS containing quinoline or isoquinoline ring-system (whether or not hydrogenated), not further fused	Pharma
2933.49.70	Heterocyclic compounds with nitrogen hetero-atom(s) only, containing a quinoline ring-system, not further fused, nesoi	Pharma
2933.52.10	Malonylurea (barbituric acid)	Pharma
2933.52.90	Salts of barbituric acid	Pharma
2933.53.00	Allobarbitol (INN), amobarbitol (INN), barbitol (INN), butalbital (INN), butobarbitol, and other specified INNs; salts thereof	Pharma
2933.54.00	Other derivatives of malonylurea (barbituric acid); salts thereof	Pharma
2933.55.00	Loprazolam (INN), mecloqualone (INN), methaqualone (INN) and zipeprol (INN); salts thereof	Pharma
2933.59.10	Aromatic or modified aromatic herbicides of heterocyclic compounds with nitrogen hetero-atom(s) only, containing a pyrimidine or piperazine ring	Pharma
2933.59.15	Aromatic or modified aromatic pesticides nesoi, of heterocyclic compounds with nitrogen hetero-atom(s) only, containing a pyrimidine or piperazine ring	Pharma
2933.59.18	Nonaromatic pesticides of heterocyclic compounds with nitrogen hetero-atom(s) only, containing a pyrimidine or piperazine ring, nesoi	Pharma
2933.59.21	Antihistamines, including those principally used as antinauseants	Pharma
2933.59.22	Nicarbazin and trimethoprim	Pharma
2933.59.36	Anti-infective agents nesoi, of heterocyclic compounds with nitrogen hetero-atom(s) only, containing a pyrimidine or piperazine ring	Pharma
2933.59.46	Psychotherapeutic agents of heterocyclic compounds with nitrogen hetero-atom(s) only, containing a pyrimidine or piperazine ring, nesoi	Pharma
2933.59.53	Other aromatic or modified aromatic drugs containing a pyrimidine ring (whether or not hydrogenated) or piperazine ring in the structure	Pharma
2933.59.59	Nonaromatic drugs of heterocyclic compounds nesoi, with nitrogen hetero-atom(s) only, containing a pyrimidine or piperazine ring	Pharma
2933.59.70	Aromatic heterocyclic compounds nesoi, with nitrogen hetero-atom(s) only, containing a pyrimidine or piperazine ring, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2933.59.80	Aromatic or modified aromatic heterocyclic compounds nesoi, with nitrogen hetero-atom(s) only, containing a pyrimidine or piperazine ring	Pharma
2933.59.85	2-Amino-4-chloro-6-methoxypyrimidine; 2-amino-4,6-dimethoxypyrimidine; and 6-methyluracil	Pharma

HTSUS	Description	Scope Limitations
2933.59.95	Other (excluding aromatic or modified aromatic) compounds containing a pyrimidine ring (whether or not hydrogenated) or piperazine ring in the structure	Pharma
2933.69.50	Hexamethylenetetramine	Pharma
2933.69.60	Other compounds containing an unfused triazine ring (whether or not hydrogenated) in the structure	Pharma
2933.72.00	Clobazam (INN) and methypylon (INN)	Pharma
2933.79.04	2,4-Dihydro-3,6-diphenylpyrrolo-(3,4-C)pyrrole-1,4-dione	Pharma
2933.79.08	Aromatic or modified aromatic lactams with nitrogen hetero-atoms only, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2933.79.15	Aromatic or modified aromatic lactams, nesoi	Pharma
2933.79.20	N-Methyl-2-pyrrolidone; and 2-pyrrolidone	Pharma
2933.79.30	N-Vinyl-2-pyrrolidone, monomer	Pharma
2933.79.40	12-Aminododecanoic acid lactam	Pharma
2933.79.85	Aromatic or modified aromatic lactams with nitrogen hetero-atoms only, nesoi	Pharma
2933.91.00	Alprazolam (INN), camazepam (INN), chlordiazepoxide (INN), clonazepam (INN), clorazepate, and other specified INNs; salts thereof	Pharma
2933.99.01	Butyl (R)-2-[4-(5-trifluoromethyl-2-pyridinyloxy)phenoxy]propanoate	Pharma
2933.99.02	2-[4-[(6-Chloro-2-quinoxalinyloxy)phenoxy]propionic acid, ethyl ester; and 1 other specified aromatic chemical	Pharma
2933.99.05	Acridine and indole	Pharma
2933.99.06	α -Butyl- α -(4-chlorophenyl)-1H-1,2,4-triazole-1-propanenitrile (Mycolbutanil); and one other specified aromatic chemical	Pharma
2933.99.08	Acetoacetyl-5-aminobenzimidazolone; 1,3,3-Trimethyl-2-methyleneindoline; and two other specified aromatic chemicals	Pharma
2933.99.11	Carbazole	Pharma
2933.99.12	6-Bromo-5-methyl-1H-imidazo-(4,5-b)pyridine; 2-sec-butyl-4-tert-butyl-6-(benzotriazol-2-yl)phenol; 2-methylindoline; and other chemicals specified	Pharma
2933.99.14	5-Amino-4-chloro-a-phenyl-3-pyridazinone	Pharma
2933.99.16	o-Diquat dibromide (1,1-Ethylene-2,2'-dipyridylum dibromide)	Pharma
2933.99.17	Aromatic or modified aromatic insecticides with nitrogen hetero-atom(s) only, nesoi	Pharma
2933.99.22	Other heterocyclic aromatic or modified aromatic pesticides with nitrogen hetero-atom(s) only, nesoi	Pharma
2933.99.24	Aromatic or modified aromatic photographic chemicals with nitrogen hetero-atom(s) only	Pharma
2933.99.26	Aromatic or modified aromatic antihistamines of heterocyclic compounds with nitrogen hetero-atom(s) only	Pharma

HTSUS	Description	Scope Limitations
2933.99.42	Acridine; Acridine hydrochloride; Carbazone; Pyrazinamide	Pharma
2933.99.46	Aromatic or modified aromatic anti-infective agents of heterocyclic compounds with nitrogen hetero-atom(s) only, nesoi	Pharma
2933.99.51	Hydralazine hydrochloride	Pharma
2933.99.53	Aromatic or modified aromatic cardiovascular drugs of heterocyclic compounds with nitrogen hetero-atom(s) only, nesoi	Pharma
2933.99.55	Aromatic or modified aromatic analgesics and certain like affecting chemicals, of heterocyclic compounds with nitrogen hetero-atom(s) only	Pharma
2933.99.58	Droperidol; and Imipramine hydrochloride	Pharma
2933.99.61	Aromatic or modified aromatic psychotherapeutic agents, affecting the central nervous system, of heterocyclic compounds with nitrogen hetero-atom(s) only, nesoi	Pharma
2933.99.65	Aromatic or modified aromatic anticonvulsants, hypnotics and sedatives, of heterocyclic compounds with nitrogen hetero-atom(s) only, nesoi	Pharma
2933.99.70	Aromatic or modified aromatic drugs affecting the central nervous system, of heterocyclic compounds with nitrogen atom(s) only, nesoi	Pharma
2933.99.75	Aromatic or modified aromatic drugs of heterocyclic compounds with nitrogen hetero-atom(s) only, nesoi	Pharma
2933.99.79	Aromatic or modified aromatic compounds with nitrogen hetero-atom(s) only, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2933.99.82	Aromatic or modified aromatic compounds with nitrogen hetero-atom(s) only, excluding products described in additional U.S. note 3 to section VI of the HTSUS, nesoi	Pharma
2933.99.85	3-Amino-1,2,4-triazole	Pharma
2933.99.89	Hexamethyleneimine	Pharma
2933.99.90	Nonaromatic drugs of heterocyclic compounds with nitrogen hetero-atom(s) only, nesoi	Pharma
2933.99.97	Nonaromatic heterocyclic compounds with nitrogen hetero-atom(s) only, nesoi	Pharma
2934.10.10	Aromatic or modified aromatic heterocyclic compounds containing an unfused thiazole ring, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2934.10.20	Aromatic or modified aromatic heterocyclic compounds, nesoi, containing an unfused thiazole ring	Pharma
2934.10.70	4,5-Dichloro-2-n-octyl-4-isothiazolin-3-one; thiothiamine hydrochloride; and 4 other specified chemicals	Pharma
2934.10.90	Other (excluding aromatic or modified aromatic) compounds containing an unfused thiazole ring (whether or not hydrogenated) in the structure	Pharma

HTSUS	Description	Scope Limitations
2934.20.40	Heterocyclic compounds containing a benzothiazole ring-system, not further fused, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2934.20.80	Other compounds containing a benzothiazole ring system (whether or not hydrogenated), not further fused	Pharma
2934.30.18	Ethyl (1H-phenothiazin-2,4,1)carbamate	Pharma
2934.30.23	Antidepressants, tranquilizers and other psychotherapeutic agents containing a phenothiazine ring-system, not further fused	Pharma
2934.30.27	Other drugs containing a phenothiazine ring system (whether or not hydrogenated), not further fused, nesoi	Pharma
2934.30.43	Products described in additional U.S. note 3 to section VI of the HTSUS containing a phenothiazine ring system (whether or not hydrogenated), not further fused	Pharma
2934.30.50	Heterocyclic compounds containing a phenothiazine ring-system (whether or not hydrogenated), not further fused, nesoi	Pharma
2934.91.00	Aminorex (INN), brotizolam (INN), clotiazepam (INN), cloxazolam (INN), dextromoramide (INN), and other specified INNs; salts thereof	Pharma
2934.92.00	Other fentanyls and their derivatives, containing an unfused thiazole ring	Pharma
2934.99.01	Mycophenolate mofetil	Pharma
2934.99.03	2-Acetylbenzo(b)thiophene; and 2 other specified aromatic or modified aromatic compounds	Pharma
2934.99.05	5-Amino-3-phenyl-1,2,4-thiadiazole(3-Phenyl-5-amino-1,2,4-thiadiazole); and 3 other specified aromatic or modified aromatic heterocyclic compounds	Pharma
2934.99.06	7-Nitronaphth[1,2]oxadiazole-5-sulfonic acid and its salts	Pharma
2934.99.07	Ethyl 2-[4-[(6-chloro-2-benzoxazolyl)oxy]phenoxy]propanoate (Fenoxaprop- ethyl)	Pharma
2934.99.08	2,5-Diphenyloxazole	Pharma
2934.99.09	1,2-Benzisothiazolin-3-one	Pharma
2934.99.11	2-tert-Butyl-4-(2,4-dichloro-5-isopropoxyphenyl)- Δ^2 -1,3,4-oxadiazolin-5-one; Bentazon; Phosalone	Pharma
2934.99.12	Aromatic or modified aromatic fungicides of other heterocyclic compounds, nesoi	Pharma
2934.99.15	Aromatic or modified aromatic herbicides of other heterocyclic compounds, nesoi	Pharma
2934.99.16	Aromatic or modified aromatic insecticides of other heterocyclic compounds, nesoi	Pharma
2934.99.18	Aromatic or modified aromatic pesticides nesoi, of other heterocyclic compounds, nesoi	Pharma
2934.99.20	Aromatic or modified aromatic photographic chemicals of other heterocyclic compounds, nesoi	Pharma
2934.99.30	Aromatic or modified aromatic drugs of other heterocyclic compounds, nesoi	Pharma

HTSUS	Description	Scope Limitations
2934.99.39	Aromatic or modified aromatic, other heterocyclic compounds, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2934.99.44	Aromatic or modified aromatic, other heterocyclic compounds, nesoi	Pharma
2934.99.47	Nonaromatic drugs of other heterocyclic compounds, nesoi	Pharma
2934.99.70	Morpholinoethyl chloride hydrochloride; 2-Methyl-2,5-dioxo-1-oxa-2-phospholan; and (6R-trans)-7-Amino-3-methyl-8-oxo-5-thia-1-azabicyclo[4.2.0]-oct-2-ene-2-carboxylic acid	Pharma
2934.99.90	Nonaromatic other heterocyclic compounds, nesoi	Pharma
2935.50.00	Other perfluorooctane sulfonamides	Pharma
2935.90.06	4-Amino-6-chloro-m-benzenedisulfonamide and Methyl-4-aminobenzenesulfonylcarbamate (Asulam)	Pharma
2935.90.10	2-Amino-N-Ethylbenzenesulfonanilide etc	Pharma
2935.90.13	(5-[2-Chloro-4-(Trifluoromeethyl)phenoxy]-N-(Methylsulfonyl)-2-Nitrobenzamide)(fomesafen); etc	Pharma
2935.90.15	ortho-Toluenesulfonamide	Pharma
2935.90.20	Sulfonamides used as fast color bases and fast color salts	Pharma
2935.90.29	Acetylsulfaguanidine	Pharma
2935.90.30	Sulfamethazine	Pharma
2935.90.32	Acetylsulfisoxazole; Sulfacetamide, sodium; and Sulfamethazine, sodium	Pharma
2935.90.33	Sulfathiazole and Sulfathiazole, sodium	Pharma
2935.90.42	Salicylazosulfapyridine (Sulfasalazine); Sulfadiazine; Sulfaguanidine; Sulfamerizine; and Sulfapyridine	Pharma
2935.90.48	Other sulfonamides used as anti-infective agents	Pharma
2935.90.60	Other sulfonamide drugs (excluding anti-infective agents)	Pharma
2935.90.75	Other sulfonamides (excluding fast color bases, fast color salts, and drugs) of products described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2935.90.95	Other sulfonamides, excluding fast color bases, fast color salts, and drugs and products described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2936.21.00	Vitamins A and their derivatives, unmixed, natural or synthesized	
2936.22.00	Vitamin B1 (Thiamine) and its derivatives, unmixed, natural or synthesized	
2936.23.00	Vitamin B2 (Riboflavin) and its derivatives, unmixed, natural or synthesized	
2936.24.01	Vitamin B5 (D- or DL-Pantothenic acid) and its derivatives, unmixed, natural or synthesized	
2936.25.00	Vitamin B6 (Pyridoxine and related compounds with Vitamin B6 activity) and its derivatives, unmixed, natural or synthesized	

HTSUS	Description	Scope Limitations
2936.26.00	Vitamin B12 (Cyanocobalamin and related compounds with Vitamin B12 activity) and its derivatives, unmixed, natural or synthesized	
2936.27.00	Vitamin C (Ascorbic acid) and its derivatives, unmixed, natural or synthesized	
2936.28.00	Vitamin E (Tocopherols and related compounds with Vitamin E activity) and its derivatives, unmixed, natural or synthesized	
2936.29.10	Folic acid and its derivatives, unmixed	
2936.29.16	Niacin and niacinamide	
2936.29.20	Aromatic or modified aromatic vitamins and their derivatives, nesoi	
2936.29.50	Other vitamins and their derivatives, nesoi	
2936.90.01	Vitamins or provitamins (including natural concentrates) and intermixtures of the foregoing, whether or not in any solvent	
2937.11.00	Somatotropin, its derivatives and structural analogues	
2937.12.00	Insulin and its salts	
2937.19.00	Polypeptide hormones, protein hormones and glycoprotein hormones, their derivatives and structural analogues, nesoi	
2937.21.00	Cortisone, hydrocortisone, prednisone (Dehydrocortisone) and prednisolone (Dehydrohydrocortisone)	
2937.22.00	Halogenated derivatives of adrenal cortical hormones	
2937.23.10	Estrogens and progestins obtained directly or indirectly from animal or vegetable materials	
2937.23.25	Estradiol benzoate; and Estradiol cyclopentylpropionate (estradiol cypionate)	
2937.23.50	Other estrogens and progestins not derived from animal or vegetable materials, nesoi	
2937.29.10	Desonide; and Nandrolone phenpropionate	
2937.29.90	Steroidal hormones, their derivatives and structural analogues, nesoi	
2937.50.00	Prostaglandins, thromboxanes and leukotrienes, their derivatives and structural analogues	
2937.90.05	Epinephrine	
2937.90.10	Epinephrine hydrochloride	
2937.90.20	Catecholamine hormones, their derivatives and structural analogues, nesoi	
2937.90.40	L-Thyroxine (Levothyroxine), sodium	
2937.90.45	Amino-acid derivatives of hormones and their derivatives, nesoi	
2937.90.90	Other hormones, their derivatives and structural analogues, other steroid derivatives and structural analogue used primarily as hormones, nesoi	
2938.10.00	Rutoside (Rutin) and its derivatives	Pharma
2938.90.00	Glycosides, natural or synthesized, and their salts, ethers, esters, and other derivatives other than rutoside and its derivatives	Pharma

HTSUS	Description	Scope Limitations
2939.11.00	Concentrates of poppy straw; buprenorphine (INN), codeine, dihydrocodeine (INN), ethylmorphine, and other specified INNs; salts thereof	
2939.19.10	Papaverine and its salts	
2939.19.20	Synthetic alkaloids of opium, their derivatives and salts thereof, nesoi	
2939.19.50	Nonsynthetic alkaloids of opium, their derivatives and salts thereof, nesoi	
2939.20.00	Alkaloids of cinchona, their derivatives and salts thereof, other than quinine and its salts	
2939.30.00	Caffeine and its salts	
2939.41.00	Ephedrine and its salts	
2939.42.00	Pseudoephedrine (INN) and its salts	
2939.43.00	Cathine (INN) and its salts	Pharma
2939.44.00	Norephedrine and its salts	
2939.45.00	Levomethamphetamine, methamphetamine (INN), methamphetamine racemate and their salts	
2939.49.03	Alkaloids of ephedra, their derivatives and salts thereof, other than ephedrine, pseudoephedrine, cathine (INN), norephedrine, levomethamphetamine and their salts	
2939.51.00	Fenetylline (INN) its salts	Pharma
2939.59.00	Theophylline and aminophylline (theophylline-ethylenediamine), their derivatives and salts thereof, nesoi	
2939.61.00	Ergometrine and its salts	Pharma
2939.62.00	Ergotamine and its salts	
2939.63.00	Lysergic acid and its salts	
2939.69.00	Alkaloids of rye ergot, their derivatives and salts thereof, nesoi	
2939.72.00	Cocaine, ecgonine; salts, esters and other derivatives thereof	
2939.79.00	Vegetal alkaloids, natural or reproduced by synthesis, their salts and other derivatives, nesoi	
2939.80.00	Other alkaloids, natural or reproduced by synthesis, and their salts, ethers, esters and other derivatives, nesoi	Pharma
2940.00.60	Other sugars, nesoi, excluding d-arabinose	Pharma
2941.10.10	Ampicillin and its salts	
2941.10.20	Penicillin G salts	
2941.10.30	Carfecillin, sodium; cloxacillin, sodium; dicloxacillin, sodium; flucloxacillin (Floxacillin); and oxacillin, sodium	
2941.10.50	Penicillins and their derivatives nesoi, with a penicillanic acid structure; salts thereof	
2941.20.10	Dihydrostreptomycins and its derivatives; salts thereof	
2941.20.50	Streptomycins and their derivatives; salts thereof, nesoi	
2941.30.00	Tetracyclines and their derivatives; salts thereof	
2941.40.00	Chloramphenicol and its derivatives; salts thereof	
2941.50.00	Erythromycin and its derivatives; salts thereof	
2941.90.10	Natural antibiotics, nesoi	

HTSUS	Description	Scope Limitations
2941.90.30	Antibiotics nesoi, aromatic or modified aromatic, other than natural	
2941.90.50	Antibiotics nesoi, other than aromatic or modified aromatic antibiotics	
2942.00.03	[2,2'-Thiobis(4-(1,1,3,3-tetramethyl-n-butyl)phenolato)(2,1)]-O,O',S-(1-butanamine), nickel II	Pharma
2942.00.05	Aromatic or modified aromatic drugs of other organic compounds, nesoi	Pharma
2942.00.10	Aromatic or modified aromatic organic compounds, nesoi, described in additional U.S. note 3 to section VI of the HTSUS	Pharma
2942.00.35	Other aromatic or modified aromatic organic compounds (excluding products described in additional U.S. note 3 to section VI of the HTSUS)	Pharma
2942.00.50	Nonaromatic organic compounds, nesoi	Pharma
3001.20.00	Extracts of glands or other organs or of their secretions for organotherapeutic uses	
3001.90.01	Glands and other organs for organotherapeutic uses, dried, whether or not powdered	
3002.12.00	Antisera and other blood fractions including human blood plasma and fetal bovine serum (FBS)	
3002.13.00	Immunological products, unmixed, not put up in measured doses or in forms or packings for retail sale	
3002.14.00	Immunological products, mixed, not put up in measured doses or in forms or packings for retail sale	
3002.15.00	Immunological products, put up in measured doses or in forms or packings for retail sale	
3002.41.00	Vaccines for human medicine	
3002.42.00	Vaccines for veterinary medicine	
3002.49.00	Toxins or cultures of micro-organisms (excluding yeasts)	
3002.51.00	Cell therapy products	
3002.59.00	Other cell cultures, other than cell therapy products	
3002.90.10	Ferments, excluding yeasts	
3002.90.52	Human blood; animal blood prepared for therapeutic, prophylactic, or diagnostic uses; antisera; antiallergenic preparations, nesoi and like products	
3003.10.00	Medicaments, containing penicillins or streptomycins, not in dosage form and not packed for retail	
3003.20.00	Medicaments containing antibiotics, nesoi, not in dosage form and not packed for retail	
3003.31.00	Medicaments containing insulin, not in dosage form and not packed for retail	Pharma
3003.39.10	Medicaments containing artificial mixtures of natural hormones, but not antibiotics, not in dosage form and not packed for retail	

HTSUS	Description	Scope Limitations
3003.39.50	Medicaments containing products of heading 2937, nesoi, but not antibiotics, not in dosage form and not packed for retail	
3003.41.00	Medicaments containing ephedrine or its salts, not in dosage form and not packed for retail	
3003.42.00	Medicaments containing pseudoephedrine (INN) or its salts, not in dosage form and not packed for retail	
3003.43.00	Medicaments containing norephedrine or its salts, not in dosage form and not packed for retail	Pharma
3003.49.00	Other medicaments containing alkaloids or derivatives thereof, nesoi, not in dosage form and not packed for retail	
3003.60.00	Other medicaments containing antimalarial active principles described in subheading note 2 to this chapter, not dosage form and not packed for retail	Pharma
3003.90.01	Other medicaments (excluding goods of headings 3002, 3005 and 3006) consisting of two or more constituents mixed together for therapeutic or prophylactic uses, not in dosage form and not packed for retail	
3004.10.10	Medicaments (excluding goods of headings 3002, 3005 and 3006) containing penicillin G salts, in dosage form or packed for retail	
3004.10.50	Medicaments containing penicillins or streptomycins, nesoi, in dosage form or packed for retail	
3004.20.00	Medicaments containing antibiotics, nesoi, in dosage form or packed for retail	
3004.31.00	Medicaments containing insulin, in dosage form or packed for retail	
3004.32.00	Medicaments containing corticosteroid hormones, in dosage form or packed for retail	
3004.39.00	Medicaments containing products of heading 2937 nesoi, in dosage form or packed for retail	
3004.41.00	Medicaments containing ephedrine or its salts, in dosage form or packed for retail	
3004.42.00	Medicaments containing pseudoephedrine (INN) or its salts, in dosage form or packed for retail	
3004.43.00	Medicaments containing norephedrine or its salts, in dosage form or packed for retail	Pharma
3004.49.00	Other medicaments containing alkaloids or derivatives thereof, nesoi, in dosage form or packed for retail	
3004.50.10	Medicaments containing vitamin B2 synthesized from aromatic or modified aromatic industrial organic compounds, in dosage form or packed for retail	
3004.50.20	Medicaments containing vitamin B12 synthesized from aromatic or modified aromatic industrial organic compounds, in dosage form or packed for retail	
3004.50.30	Medicaments containing vitamin E synthesized from aromatic or modified aromatic industrial organic compounds, in dosage form or packed for retail	

HTSUS	Description	Scope Limitations
3004.50.40	Medicaments containing vitamins nesoi, synthesized from aromatic or modified aromatic industrial organic compounds, in dosage form or packed for retail	
3004.50.50	Medicaments containing vitamins or other products of heading 2936, nesoi, in dosage form or packed for retail	
3004.60.00	Other medicaments containing antimalarial active principles described in subheading note 2 to chapter 30 of the HTSUS, in dosage form or packed for retail	
3004.90.10	Medicaments containing antigens or hyaluronic acid or its sodium salt, nesoi, in dosage form or packed for retail	
3004.90.92	Medicaments nesoi, in dosage form or packed for retail	
3006.30.10	Opacifying preparation for X-ray examination; diagnostic reagents designed to be administered to the patient; containing antigens or antisera	
3006.30.50	Opacifying preparations for X-ray examinations; diagnostic reagents designed to be administered to the patient, nesoi	
3006.60.00	Chemical contraceptive preparations based on hormones or spermicides	
3006.70.00	Gel preparations designed to be used in human or veterinary medicine as a lubricant in surgical operation, physical examinations or as a coupling agent between body and medical instrument	Pharma
3006.92.00	Waste pharmaceuticals	Pharma
3006.93.10	Placebos and blinded clinical trial kits, put up in measured doses, packaged with medicinal preparations	
3006.93.20	Placebos and blinded clinical trial kits, put up in measured doses, containing over 10 percent by dry weight of sugar	
3006.93.50	Placebos and blinded clinical trial kits, put up in measured doses, containing ingredients having nutritional value	
3006.93.60	Placebos and blinded clinical trial kits, put up in measured doses, in liquid form for oral intake	
3006.93.80	Placebos and blinded clinical trial kits, put up in measured doses, containing other chemicals other than medicaments	Pharma
3101.00.00	Animal or vegetable fertilizers; fertilizers produced by the mixing or chemical treatment of animal or vegetable products	
3102.10.00	Urea, whether or not in aqueous solution	
3102.21.00	Ammonium sulfate	
3102.29.00	Double salts and mixtures of ammonium sulfate and ammonium nitrate	
3102.30.00	Ammonium nitrate, whether or not in aqueous solution	
3102.40.00	Mixtures of ammonium nitrate with calcium carbonate or other inorganic nonfertilizing substances	
3102.50.00	Sodium nitrate	
3102.60.00	Double salts and mixtures of calcium nitrate and ammonium nitrate	

HTSUS	Description	Scope Limitations
3102.80.00	Mixtures of urea and ammonium nitrate in aqueous or ammoniacal solution	
3102.90.01	Mineral or chemical fertilizers, nitrogenous, nesoi, including mixtures not specified elsewhere in heading 3102	
3103.11.00	Superphosphates containing by weight 35 percent or more of diphosphorous pentoxide (P ₂ O ₅)	
3103.19.00	Superphosphates nesoi	
3103.90.01	Mineral or chemical fertilizers, phosphatic	
3104.20.00	Potassium chloride	
3104.30.00	Potassium sulfate	
3104.90.01	Mineral or chemical fertilizers, potassic, nesoi	
3105.10.00	Fertilizers of chapter 31 of the HTSUS in tablets or similar forms	
3105.20.00	Mineral or chemical fertilizers nesoi, containing three fertilizing elements	
3105.30.00	Diammonium hydrogenorthophosphate (Diammonium phosphate)	
3105.40.00	Ammonium dihydrogenorthophosphate (Monoammonium phosphate), mixtures thereof with diammonium hydrogenorthophosphate (Diammonium phosphate)	
3105.51.00	Mineral or chemical fertilizers nesoi, containing nitrates and phosphates	
3105.59.00	Mineral or chemical fertilizers nesoi, containing the two fertilizing elements nitrogen and phosphorus	
3105.60.00	Mineral or chemical fertilizers nesoi, containing 2 fertilizing elements	
3105.90.00	Mineral or chemical fertilizers containing two or three of the fertilizing elements nitrogen, phosphorus and potassium fertilizers, nesoi	
3203.00.80	Coloring matter of vegetable or animal origin, nesoi	Pharma
3204.13.60	Basic dyes and preparations based thereon, described in additional U.S note 3 to section VI of the HTSUS	Pharma
3204.13.80	Basic dyes and preparations based thereon, nesoi	Pharma
3204.17.20	Copper phthalocyanine ([Phthalocyanato(2-)]copper) not ready for use as a pigment	
3204.18.00	Carotenoid coloring matters and preparations based thereon	Pharma
3204.90.00	Synthetic organic coloring matter or preparations based thereon, nesoi; synthetic organic products used as luminophores	Pharma
3206.11.00	Pigments and preparations based on titanium dioxide, containing 80 percent or more by weight of titanium dioxide calculated on the dry matter	
3206.19.00	Pigments and preparations based on titanium dioxide, nesoi	
3301.12.00	Essential oils of orange	
3301.29.51	Essential oils other than those of citrus fruit, nesoi, for religious purposes only	Ex

HTSUS	Description	Scope Limitations
3301.90.50	Concentrates of essential oils in fats, in fixed oils, in waxes or the like, obtained by enfleurage or maceration; terpenic by products of the deterpenation of essential oils; aqueous distillates and aqueous solutions of essential oils	
3401.30.10	Organic surface-active products for washing skin, in liquid or cream form, containing any aromatic or modified aromatic surface-active agent, put up for retail	Pharma
3402.42.10	Non-ionic organic surface-active agents, aromatic or modified aromatic	Pharma
3402.42.20	Fatty substances of animal, vegetable or microbial origin; non-ionic organic surface-active agents, other than aromatic or modified aromatic	Pharma
3402.42.90	Non-ionic organic surface-active agents, other than fatty substances of animal, vegetable or microbial origin, other than aromatic or modified aromatic	Pharma
3402.50.11	Preparations of organic surface-active agents, put up for retail sale, containing any aromatic or modified aromatic surface-active agent	Pharma
3507.90.70	Enzymes and prepared enzymes, nesoi	Pharma
3606.90.30	Ferrocenium and other pyrophoric alloys in all forms	
3802.10.00	Activated carbon	Pharma
3808.59.40	Disinfectants specified in subheading note 1 to chapter 38	Pharma
3808.59.50	Pesticides, nesoi, specified in subheading note 1 to chapter 38	Pharma
3808.61.50	Pesticides, nesoi, not exceeding 300g, specified in subheading note 2 to chapter 38	Pharma
3808.94.10	Disinfectants, containing any aromatic or modified aromatic disinfectant	Pharma
3808.94.50	Disinfectants not included in subheading note 1 of chapter 38 of the HTSUS, nesoi	Pharma
3812.31.00	Mixtures of oligomers of 2,2,4-trimethyl-1,2-dihydroquinoline (TMQ)	Pharma
3815.11.00	Supported catalysts with nickel or nickel compounds as the active substance	Pharma
3815.12.00	Supported catalysts with precious metal or precious metal compounds as the active substance	Pharma
3815.90.50	Reaction initiators, reaction accelerators and catalytic preparations, nesoi	Pharma
3818.00.00	Chemical elements doped for use in electronics, in the form of discs, wafers etc., chemical compounds doped for electronic use	
3824.81.00	Chemical mixtures containing oxirane (ethylene oxide)	Pharma
3824.82.10	Goods specified in subheading note 3 to chapter 38, containing PCBs, PCTs or PBBs, chlorinated but not otherwise halogenated, nesoi	Pharma

HTSUS	Description	Scope Limitations
3824.82.90	Goods specified in subheading note 3 to chapter 38, containing PCBs, PCTs or PBBs, other than chlorinated only, nesoi	Pharma
3824.83.00	Containing tris(2,3-dibromopropyl) phosphate	Pharma
3824.84.00	Other mixtures containing aldrin, camphechlor (toxaphene), chlordane, chlordecone, DDT (clofenatone), 1,1,1-trichloro-2,2-bis(p-chlorophenyl)ethane), dieldrin, endosulfan, endrin, heptachlor or mirex	Pharma
3824.85.00	Mixtures containing 1,2,3,4,5,6-hexachlorocyclohexane (HCH (ISO)), including lindane (ISO,INN)	Pharma
3824.86.00	Mixtures containing pentachlorobenzene (ISO) or hexachlorobenzene (ISO)	Pharma
3824.87.00	Mixtures containing perfluorooctane sulfonic acid, its salts, perfluorooctane sulfonamides, or perfluorooctane sulfonyl fluoride	Pharma
3824.88.00	Mixtures containing tetra-, penta-, hexa-, hepta-, or octabromodiphenyl ethers	Pharma
3824.89.00	Mixtures containing short-chain chlorinated paraffins	Pharma
3824.91.00	Mixtures consisting mainly of methylphosphonate etc.	Pharma
3824.92.00	Polyglycol esters mixtures of methylphosphonic acid	Pharma
3824.99.25	Mixtures of triphenyl sulfonium chloride, diphenyl (4-phenylthio)phenyl sulfonium chloride and (thiodi-4,1-phenylene)bis(diphenyl sulfonium) dichloride	Pharma
3824.99.29	Mixtures containing 5 percent or more by weight of one or more aromatic or modified aromatic substance, nesoi	Pharma
3824.99.49	Mixtures that are in whole or in part of hydrocarbons derived in whole or in part from petroleum, shale oil or natural gas	Pharma
3824.99.50	Mixtures chlorinated but not otherwise halogenated	Pharma
3824.99.55	Mixtures of halogenated hydrocarbons, nesoi	Pharma
3824.99.93	Chemical products and preparations and residual products of the chemical or allied industries, nesoi	Pharma
3826.00.30	Biodiesel containing less than 70 percent petroleum or bituminous oil	Pharma
3827.13.00	Mixtures containing carbon tetrachloride	Pharma
3827.14.00	Mixtures containing methyl chloroform	Pharma
3827.40.00	Mixtures containing bromomethane or bromochloromethane	Pharma
3901.90.90	Polymers of ethylene, nesoi, in primary forms, other than elastomeric	Pharma
3902.90.00	Polymers of propylene or of other olefins, nesoi, in primary forms	Pharma
3904.61.00	Polytetrafluoroethylene (PTFE), in primary forms	Pharma
3905.91.10	Copolymers of vinyl esters or other vinyls, in primary forms, containing by weight 50 percent or more of derivatives of vinyl acetate	Pharma
3905.91.50	Copolymers of vinyl esters or other vinyls, in primary forms, nesoi	Pharma

HTSUS	Description	Scope Limitations
3905.99.80	Polymers of vinyl esters or other vinyl polymers, in primary forms, nesoi	Pharma
3906.90.50	Acrylic polymers (except plastics or elastomers), in primary forms, nesoi	Pharma
3907.10.00	Polyacetals in primary forms	Pharma
3907.21.00	Bis(polyoxyethylene) methylphosphonate	Pharma
3907.29.00	Polyethers, other than polyacetals or bis(polyoxyethylene) methylphosphonate, in primary forms	Pharma
3907.30.00	Epoxide resins in primary forms	Pharma
3907.61.00	Polyethylene terephthalate, having a viscosity number of 78 ml/g or higher	Pharma
3907.69.00	Polyethylene terephthalate, having a viscosity number less than 78 ml/g	Pharma
3907.70.00	Poly(lactic acid)	Pharma
3907.99.50	Other polyesters nesoi, saturated, in primary forms	Pharma
3908.10.00	Polyamide-6, -11, -12, -6,6, -6,9, -6,10 or -6,12 in primary form	Pharma
3908.90.20	Bis(4-amino-3-methylcyclohexyl)methaneisophthalic acid-lauro lactam copolymer	Pharma
3909.10.00	Urea resins; thiourea resins	Pharma
3909.40.00	Phenolic resins	Pharma
3910.00.00	Silicones in primary forms	Pharma
3911.20.00	Poly(1,3-phenylene methylphosphonate)	Pharma
3911.90.25	Thermoplastic polysulfides, polysulfones and other products specified in note 3 to chapter 39 of the HTSUS, containing aromatic monomer units or derived therefrom	Pharma
3911.90.45	Thermosetting polysulfides, polysulfones and other products specified in note 3 to chapter 39, containing aromatic monomer units or derived therefrom	Pharma
3911.90.91	Polysulfides, polysulfones and other products specified in note 3 to chapter 39 of the HTSUS, nesoi	Pharma
3912.20.00	Cellulose nitrates (including collodions), in primary forms	Pharma
3912.31.00	Carboxymethylcellulose and its salts	Pharma
3912.39.00	Cellulose ethers, other than carboxymethylcellulose and its salts, in primary forms	Pharma
3912.90.00	Cellulose and its chemical derivatives, nesoi, in primary forms	Pharma
3913.90.20	Polysaccharides and their derivatives, nesoi, in primary forms	Pharma
3913.90.50	Natural polymers and modified natural polymers, nesoi, in primary forms	Pharma
3914.00.20	Cross-linked polyvinylbenzyltrimethylammonium chloride (Cholestyramine resin USP)	Pharma
3914.00.60	Ion-exchangers based on polymers of headings 3901 to 3913, in primary forms, nesoi	Pharma
3917.21.00	Tubes, pipes and hoses, rigid, of polymers of ethylene	Aircraft

HTSUS	Description	Scope Limitations
3917.22.00	Tubes, pipes and hoses, rigid, of polymers of propylene	Aircraft
3917.23.00	Tubes, pipes and hoses, rigid, of polymers of vinyl chloride	Aircraft
3917.29.00	Tubes, pipes and hoses, rigid, of other plastics nesoi	Aircraft
3917.31.00	Flexible plastic tubes, pipes and hoses, having a minimum burst pressure of 27.6 MPa	Aircraft
3917.33.00	Flexible plastic tubes, pipes and hoses, nesoi, with fittings, not reinforced or otherwise combined with other materials	Aircraft
3917.39.00	Flexible plastic tubes, pipes and hoses, nesoi	Aircraft
3917.40.00	Fittings of plastics, for plastic tubes, pipes and hoses, nesoi	Aircraft
3926.90.45	Gaskets, washers and other seals, of plastics	Aircraft
3926.90.94	Cards, not punched, suitable for use as, or in making, jacquard cards; Jacquard cards and jacquard heads for power-driven weaving machines, and parts thereof; and transparent sheeting of plastics containing 30 percent or more by weight of lead	Aircraft
3926.90.96	Casing for bicycle derailleur cables; and casing for cable or inner wire for caliper and cantilever brakes, whether or not cut to length; of plastic	Aircraft
3926.90.99	Other articles of plastic, nesoi	Aircraft
4001.10.00	Natural rubber latex, whether or not prevulcanized	
4001.21.00	Natural rubber smoked sheets	
4001.22.00	Technically specified natural rubber (TSNR), in primary forms	
4001.29.00	Natural rubber in primary forms other than latex, smoked sheets or technically specified natural rubber (TSNR)	
4001.30.00	Balata, gutta-percha, guayule, chicle and similar natural rubber gums, in primary forms	
4008.29.20	Rods and profile shapes of vulcanized, noncellular rubber, other than hard rubber	Aircraft
4009.12.00	Tubes, pipes and hoses of vulcanized rubber other than hard rubber, not reinforced or combined with other materials, with fittings	Aircraft
4009.22.00	Tubes, pipes and hoses of vulcanized rubber other than hard rubber, reinforced or combined only with metal, with fittings	Aircraft
4009.32.00	Tubes, pipes and hoses of vulcanized rubber other than hard rubber, reinforced or combined only with textile materials, with fittings	Aircraft
4009.42.00	Tubes, pipes and hoses of vulcanized rubber other than hard rubber, reinforced or combined with other materials nesoi, with fittings	Aircraft
4011.30.00	New pneumatic tires, of rubber, of a kind used on aircraft	Aircraft
4012.13.00	Retreaded pneumatic tires, of rubber, of a kind used on aircraft	Aircraft
4012.20.10	Used pneumatic tires of rubber, for aircraft	Aircraft
4016.10.00	Articles of vulcanized cellular rubber other than hard rubber	Aircraft

HTSUS	Description	Scope Limitations
4016.93.50	Gaskets, washers and other seals, of noncellular vulcanized rubber other than hard rubber, not for use in automotive goods of chapter 87 of the HTSUS	Aircraft
4016.99.35	Articles made of noncellular vulcanized natural rubber, not used as vibration control goods in vehicles of headings 8701 through 8705, nesoi	Aircraft
4016.99.60	Articles of noncellular vulcanized synthetic rubber other than hard rubber	Aircraft
4017.00.00	Hard rubber (for example, ebonite) in all forms, including waste and scrap; articles of hard rubber	Aircraft
4104.11.20	Tanned whole bovine skin and hide leather (not upper/lining), w/o hair on, unit surface area n/o 2.6 sq m, in the wet state	
4104.41.50	Crust full grain unsplit/grain split bovine (except buffalo) nesoi and equine hides and skins, nesoi, w/o hair, tanned not further prepared	
4104.49.10	Crust whole bovine hide and skin upper or lining leather, w/o hair on, unit surface n/o 2.6 sq m, tanned but not further prepared, nesoi	
4104.49.50	Crust bovine (except buffalo) nesoi and equine hides and skins, nesoi, w/o hair, tanned but not further prepared	
4107.11.20	Full grain unsplit whole bovine leather (not upper/lining), w/o hair on, not fancy, n/o 2.6 m2, prepared after tanning or crust, not head 4114	
4107.12.20	Grain split whole bovine skin leather (not upper or lining), w/o hair, not fancy, n/o 2.6 sq m, prepared after tanning or crusting, not 4114	
4302.19.60	Tanned or dressed whole furskins, nesoi, with or without head, tail or paws, not assembled, not dyed	
4403.41.00	Wood in the rough or roughly squared, of Dark Red Meranti, Light Red Meranti or Meranti Bakau, not treated with paint, stain, creosote, or other preservatives	
4403.42.00	Wood in the rough or roughly squared, of teak, not treated with paint, stain, creosote, or other preservatives	
4403.49.02	Wood in the rough or roughly squared, of tropical wood other than Teak or Meranti, not treated with paint, stain, creosote, or other preservatives	
4407.21.00	Mahogany (Swietenia spp.), sawn or chipped lengthwise, sliced or peeled, over 6 mm thick	
4407.22.00	Virola, Imbuia and Balsa, sawn or chipped lengthwise, sliced or peeled, over 6 mm thick	
4407.23.01	Teak, sawn or chipped lengthwise, sliced or peeled, over 6 mm thick	
4407.25.00	Dark Red Meranti, Light Red Meranti and Meranti Bakau wood, sawn or chipped lengthwise, sliced or peeled, over 6 mm thick	

HTSUS	Description	Scope Limitations
4407.26.00	White Lauan, White Meranti, White Seraya, Yellow Meranti and Alan wood, sawn or chipped lengthwise, sliced or peeled, over 6 mm thick	
4407.27.00	Sapelli wood, sawn or chipped lengthwise, sliced or peeled, over 6 mm thick	
4407.28.00	Iroko wood, sawn or chipped lengthwise, sliced or peeled, over 6 mm thick	
4407.29.02	Tropical wood, nesoi, sawn or chipped lengthwise, sliced or peeled, over 6 mm thick	
4407.99.0295	Nonconiferous wood, nesoi, sawn or chipped lengthwise, sliced or peeled, over 6 mm thick; other	
4408.31.01	Dark Red Meranti, Light Red Meranti and Meranti Bakau veneer sheets, for plywood and other wood, sawn lengthwise, sliced or peeled, not over 6 mm thick	
4408.39.02	Other tropical wood veneer sheets, for plywood and other wood, sawn lengthwise, sliced or peeled, not over 6 mm thick	
4409.22.05	Nonconiferous tropical wood continuously shaped along any ends, whether or not also continuously shaped along any edges or faces	
4409.22.10	Nonconiferous tropical wood siding, whether or not continuously shaped along its edges or faces but not its ends	
4409.22.25	Nonconiferous tropical wood flooring, whether or not continuously shaped along its edges or faces but not its ends	
4409.22.40	Nonconiferous tropical wood standard moldings, whether or not continuously shaped along its edges or faces but not its ends	
4409.22.50	Other nonconiferous tropical wood moldings, whether or not continuously shaped along its edges or faces but not its ends	
4409.22.60	Plain nonconiferous tropical wood dowel rods, whether or not continuously shaped along its edges or faces but not its ends	
4409.22.65	Nonconiferous tropical wood dowel rods, sanded, grooved or otherwise advanced in condition, whether or not continuously shaped along its edges or faces but not its ends	
4409.22.90	Other nonconiferous tropical wood, whether or not continuously shaped along its edges or faces but not its ends	
4412.31.06	Plywood sheets not over 6 mm thick, tropical wood outer ply, birch face ply, not surface covered beyond clear or transparent	
4412.31.26	Plywood sheets not over 6 mm thick, tropical wood outer ply, Spanish cedar or walnut face ply, not surface covered beyond clear or transparent	
4412.31.42	Plywood sheets not over 6 mm thick, tropical wood outer ply, with mahogany face ply, not surface covered beyond clear or transparent	
4412.31.45	Plywood sheets not over 3.6 mm thick, exceeding 1.2 m width and 2.2 m length, tropical wood outer ply, not	

HTSUS	Description	Scope Limitations
	mahogany face ply, not surface covered beyond clear or transparent	
4412.31.48	Plywood sheets not over 3.6 mm thick, tropical wood outer ply, not mahogany face ply, not surface covered beyond clear or transparent, nesoi	
4412.31.52	Plywood sheets not over 6 mm thick, tropical wood nesoi outer ply, with face ply nesoi, not surface covered beyond clear or transparent	
4412.31.61	Plywood sheets not over 6 mm thick, with certain specified tropical wood outer ply, surface covered beyond clear or transparent	
4412.31.92	Plywood sheets not over 6 mm thick, tropical wood nesoi at least one outer ply, surface covered beyond clear or transparent	
4412.41.00	Laminated veneered lumber with outer ply of tropical wood	
4412.51.10	Blockboard, laminboard and battenboard of plywood nesoi, outer ply of tropical wood, not surface covered beyond clear or transparent, with face ply of birch	
4412.51.31	Blockboard, laminboard and battenboard of plywood nesoi, outer ply of tropical wood, not surface covered beyond clear or transparent, not with face ply of birch	
4412.51.41	Blockboard, laminboard and battenboard of plywood nesoi, outer ply of tropical wood, surface covered other than clear or transparent	
4412.51.51	Blockboard, laminboard and battenboard other than of plywood nesoi, outer ply of tropical wood	
4412.91.06	Not blockboard, laminboard or battenboard, outer ply of tropical wood, containing particle board	
4412.91.10	Not blockboard, laminboard or battenboard, plywood with outer ply of tropical wood, no particle board, not surface covered beyond clear or transparent, with face ply of birch	
4412.91.31	Not blockboard, laminboard or battenboard, plywood with outer ply of tropical wood, no particle board, not surface covered beyond clear or transparent, not with face ply of birch	
4412.91.41	Not blockboard, laminboard or battenboard, plywood with outer ply of tropical wood, surface covered beyond clear or transparent	
4412.91.51	Not blockboard, laminboard or battenboard, veneered panels and similar laminated wood with outer ply of tropical wood, nesoi	
4504.90.00	Agglomerated cork and articles of cork, nesoi	Aircraft
4601.22.40	Woven or partly assembled materials of rattan for mats, matting and screens	
4601.22.80	Rattan floor coverings	
4601.22.90	Mats, matting and screens of rattan, nesoi	
4601.29.40	Woven or partly assembled materials of willow for mats, matting and screens	

HTSUS	Description	Scope Limitations
4601.93.01	Rattan webbing for mats, matting and screens	
4601.93.05	Plaits of rattan and similar products of such plaiting materials, whether or not assembled into strips	
4601.93.20	Products of rattan other than plaits and similar products such as plaiting materials.	
4602.12.05	Fishing baskets or creels made from rattan	
4602.12.14	Baskets and bags of rattan wickerwork	
4602.12.16	Baskets and bags of rattan other than wickerwork	
4602.12.23	Articles of a kind normally carried in the pocket or in the handbag, of rattan	
4602.12.25	Luggage, handbags and flat goods, whether or not lined, of rattan, nesoi	
4602.12.35	Articles of wickerwork, nesoi, of rattan	
4602.12.45	Basketwork and other articles, nesoi, of rattan	
4703.11.00	Unbleached coniferous chemical woodpulp	
4703.19.00	Chemical woodpulp, soda or sulfate, other than dissolving grades, of unbleached nonconiferous wood	
4703.21.00	Semibleached or bleached coniferous chemical woodpulp	
4703.29.00	Semibleached or bleached nonconiferous chemical woodpulp	
4704.11.00	Chemical woodpulp, sulfite, other than dissolving grades, of unbleached coniferous wood	
4704.19.00	Chemical woodpulp, sulfite, other than dissolving grades, of unbleached nonconiferous wood	
4704.21.00	Chemical woodpulp, sulfite, other than dissolving grades, of semibleached or bleached coniferous wood	
4704.29.00	Chemical woodpulp, sulfite, other than dissolving grades, of semibleached or bleached nonconiferous wood	
4705.00.00	Semichemical woodpulp	
4706.10.00	Cotton linters pulp	
4706.20.00	Pulps of fibers derived from recovered (waste and scrap) paper or paperboard	
4706.30.00	Pulps of fibrous cellulosic material, of bamboo	
4706.91.00	Pulps of fibrous cellulosic material, mechanical	
4706.92.01	Pulps of fibrous cellulosic material, chemical	
4706.93.01	Pulps of fibrous cellulosic material, semichemical	
4823.90.10	Articles of paper pulp, nesoi	Aircraft
4823.90.20	Articles of papier-mâché, nesoi	Aircraft
4823.90.31	Cards of paper or paperboard, nesoi, not punched, for punchcard machines, whether or not in strips	Aircraft
4823.90.40	Frames or mounts for photographic slides of paper or paperboard	Aircraft
4823.90.50	Hand fans of paper or paperboard	Aircraft
4823.90.60	Gaskets, washers and other seals of coated paper or paperboard	Aircraft
4823.90.67	Coated paper or paperboard, nesoi	Aircraft
4823.90.70	Articles of cellulose wadding, nesoi	Aircraft

HTSUS	Description	Scope Limitations
4823.90.80	Gaskets, washers and other seals of paper, paperboard and webs of cellulose fibers, nesoi	Aircraft
4823.90.86	Articles of paper pulp, paper, paperboard, cellulose wadding or webs of cellulose fibers, nesoi	Aircraft
5607.21.00	Binder or baler twine of sisal or other textile fibers of the genus Agave	
6309.00.00	Worn clothing and other worn articles	
6802.99.00	Worked monumental or building stone, nesoi	
6812.80.90	Articles or mixtures of crocidolite, nesoi	Aircraft
6812.99.10	Paper, millboard and felt of asbestos, other than crocidolite	Aircraft
6812.99.20	Compressed asbestos (other than crocidolite) fiber jointing, in sheets or rolls	Aircraft
6812.99.90	Articles of mixtures of or with a basis of asbestos, nesoi, other than crocidolite	Aircraft
6813.20.00	Friction material and articles thereof, containing asbestos	Aircraft
6813.81.00	Brake linings and pads not containing asbestos	Aircraft
6813.89.00	Friction material and articles thereof with a basis of mineral substances (other than asbestos) or of cellulose, nesoi	Aircraft
7007.21.11	Laminated safety glass windshields, of size and shape suitable for incorporation in vehicles (other than for goods of headings 8701 through 8705), aircraft, spacecraft or vessels	Aircraft
7103.10.20	Precious stones (o/than diamonds) & semiprecious stones, unworked	
7103.10.40	Precious stones (o/than diamonds) & semiprecious stones, simply sawn or roughly shaped	
7106.91.10	Silver bullion and dore	
7108.11.00	Gold, nonmonetary, powder	
7108.12.10	Gold, nonmonetary, bullion and dore	
7108.12.50	Gold, nonmonetary, other unwrought forms, other	
7108.13.10	Gold, nonmonetary, other semimanufactured forms, gold leaf	
7108.13.55	Gold, nonmonetary, other semimanufactured forms, rectangular or near rectangular shapes, containing 99.5 percent or more by weight of gold and not otherwise marked or decorated than with weight, purity, or other identifying information	
7108.13.70	Gold, nonmonetary, other semimanufactured forms, other	
7108.20.00	Gold, monetary	
7110.11.00	Platinum, unwrought or in powder form	
7110.19.00	Platinum, in semimanufactured forms	
7110.21.00	Palladium, unwrought or in powder form	
7110.29.00	Palladium, in semimanufactured forms	
7110.31.00	Rhodium, unwrought or in powder form	
7110.39.00	Rhodium, in semimanufactured forms	
7110.41.00	Iridium, osmium and ruthenium, unwrought or in powder form	
7110.49.00	Iridium, osmium and ruthenium, in semimanufactured forms	

HTSUS	Description	Scope Limitations
7112.30.01	Ash containing precious metals or precious metal compounds, other than goods of e-waste heading 8549	
7112.92.01	Platinum waste and scrap, including metal clad with platinum, excluding sweepings containing other precious metals, other than goods of heading 8549	
7115.90.05	Articles of precious metal, in rectangular or near rectangular shapes, containing 99.5 percent or more by weight of a precious metal and not otherwise marked or decorated than with weight, purity, or other identifying information	
7115.90.30	Articles of precious metal or of metal clad with precious metal, other articles of gold, including metal clad with gold	
7118.90.00	Coins, nesoi	
7201.10.00	Nonalloy pig iron containing by weight 0.5 percent or less of phosphorus	
7201.20.00	Nonalloy pig iron containing by weight more than 0.5 percent of phosphorus	
7201.50.30	Alloy pig iron in blocks or other primary forms	
7201.50.60	Spiegeleisen in pigs, blocks or other primary forms	
7202.11.10	Ferromanganese containing by weight more than 2 percent but not more than 4 percent of carbon	
7202.11.50	Ferromanganese containing by weight more than 4 percent of carbon	
7202.19.10	Ferromanganese containing by weight not more than 1 percent of carbon	
7202.19.50	Ferromanganese containing by weight more than 1 percent but not more than 2 percent of carbon	
7202.30.00	Ferrosilicon manganese	
7202.41.00	Ferrochromium containing by weight more than 4 percent of carbon	
7202.49.10	Ferrochromium containing by weight more than 3 percent but not more than 4 percent of carbon	
7202.49.50	Ferrochromium containing by weight 3 percent or less of carbon	
7202.50.00	Ferrosilicon chromium	
7202.60.00	Ferronickel	
7202.80.00	Ferrotungsten and ferrosilicon tungsten	
7202.91.00	Ferrotitanium and ferrosilicon titanium	
7202.93.40	Ferroniobium containing by weight less than 0.02 percent of phosphorus or sulfur or less than 0.4 percent of silicon	
7202.93.80	Ferroniobium, nesoi	
7202.99.20	Calcium Silicon (CaSi)	
7203.10.00	Ferrous products obtained by direct reduction of iron ore	
7203.90.00	Spongy ferrous products, in lumps, pellets or like forms; iron of a minimum purity by weight of 99.94 percent in lumps, pellets or like forms	
7204.21.00	Stainless steel waste and scrap	

HTSUS	Description	Scope Limitations
7204.30.00	Tinned iron or steel waste and scrap	
7204.41.00	Ferrous turnings, shavings, chips, milling wastes, sawdust, fillings, trimmings and stampings, whether or not in bundles	
7304.31.30	Iron (other than cast) or nonalloy steel, seamless, cold-drawn or cold-rolled, hollow bars with circular cross section	Aircraft
7304.31.60	Iron (other than cast) or nonalloy steel, seamless, cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section, nesoi	Aircraft
7304.39.00	Iron (other than cast) or nonalloy steel, seamless, not cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section, nesoi	Aircraft
7304.41.30	Stainless steel, seamless, cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section and external diameter of less than 19mm	Aircraft
7304.41.60	Stainless steel, seamless, cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section and external diameter of 19mm or more	Aircraft
7304.49.00	Stainless steel, seamless, not cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section	Aircraft
7304.51.10	Alloy steel (other than stainless), seamless, cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section, for manufacture of ball or roller bearings	Aircraft
7304.51.50	Alloy steel (other than stainless), seamless, cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section, nesoi	Aircraft
7304.59.10	Alloy steel (other than stainless), seamless, not cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section, for manufacture of ball or roller bearings	Aircraft
7304.59.20	Alloy steel (other than stainless), seamless, not cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section, for boilers, heaters, etc.	Aircraft
7304.59.60	Heat-resisting alloy steel (other than stainless), seamless, not cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section, nesoi	Aircraft
7304.59.80	Alloy steel (other than heat-resist or stainless), seamless, not cold-drawn or cold-rolled, tubes, pipes and hollow profiles, with circular cross section, nesoi	Aircraft
7304.90.10	Iron (other than cast) or nonalloy steel, seamless, tubes, pipes and hollow profiles, other than circular cross section, with wall thickness of 4 mm or more	Aircraft
7304.90.30	Alloy steel (other than stainless), seamless, tubes, pipes and hollow profiles, other than circular cross section, with wall thickness of 4 mm or more	Aircraft
7304.90.50	Iron (other than cast) or nonalloy steel, seamless, tubes, pipes and hollow profiles, other than circular cross section, with wall thickness of less than 4 mm	Aircraft

HTSUS	Description	Scope Limitations
7304.90.70	Alloy steel (other than stainless), seamless, tubes, pipes and hollow profiles, other than circular cross section, with wall thickness of less than 4 mm	Aircraft
7306.30.10	Iron or nonalloy steel, welded, with circular cross section and external diameter of 406.4mm or less, tubes, pipes and hollow profiles, with wall thickness of less than 1.65 mm	Aircraft
7306.30.30	Nonalloy steel, welded, with circular cross-section and external diameter 406.4mm or less, tapered pipes and tubes, with wall thickness of 1.65 mm or more, principally used as parts of illuminating articles	Aircraft
7306.30.50	Iron or nonalloy steel, welded, with circular cross section and external diameter of 406.4mm or less, pipes, tubes and hollow profiles, with wall thickness of 1.65 mm or more	Aircraft
7306.40.10	Stainless steel, welded, with circular cross section and external diameter of 406.4mm or less, tubes, pipes and hollow profiles, with wall thickness of less than 1.65 mm	Aircraft
7306.40.50	Stainless steel, welded, with circular cross section and external diameter of 406.4mm or less, tubes, pipes and hollow profiles, with wall thickness of 1.65 mm or more	Aircraft
7306.50.10	Alloy steel (other than stainless), welded, with circular cross section and external diameter of 406.4mm or less, tubes, pipes and hollow profiles, with wall thickness of less than 1.65 mm	Aircraft
7306.50.30	Alloy steel (other than stainless), welded, with circular cross section and external diameter 406.4mm or less, tapered pipes and tubes, with wall thickness of 1.65 mm or more, principally used as parts of illuminating articles	Aircraft
7306.50.50	Alloy steel (other than stainless), welded, with circular cross section and external diameter of 406.4mm or less, tubes, pipes and hollow profiles, with wall thickness of 1.65 mm or more	Aircraft
7306.61.10	Iron or nonalloy steel, welded, with square or rectangular cross section, tubes, pipes and hollow profiles, with wall thickness of 4 mm or more	Aircraft
7306.61.30	Alloy steel, welded, with square or rectangular cross section, tubes, pipes and hollow profiles, with wall thickness of 4 mm or more	Aircraft
7306.61.50	Iron or nonalloy steel, welded, with square or rectangular cross section, tubes, pipes and hollow profiles, with wall thickness of less than 4 mm	Aircraft
7306.61.70	Alloy steel, welded, with square or rectangular cross section, tubes, pipes and hollow profiles, with wall thickness of less than 4 mm	Aircraft
7306.69.10	Iron or nonalloy steel, welded, with other non-circular cross section, tubes, pipes and hollow profiles, with wall thickness of 4 mm or more	Aircraft

HTSUS	Description	Scope Limitations
7306.69.30	Alloy steel, welded, with other non-circular cross-section, tubes, pipes and hollow profiles, with wall thickness of 4 mm or more	Aircraft
7306.69.50	Iron or nonalloy steel, welded, with other non-circular cross section, tubes, pipes and hollow profiles, with wall thickness of less than 4 mm	Aircraft
7306.69.70	Alloy steel, welded, with other non-circular cross section, tubes, pipes and hollow profiles, with wall thickness of less than 4 mm	Aircraft
7312.10.05	Stainless steel, stranded wire, not electrically insulated, fitted with fittings or made up into articles	Aircraft
7312.10.10	Stainless steel, stranded wire, not electrically insulated, not fitted with fittings or made up into articles	Aircraft
7312.10.20	Iron or steel (other than stainless), stranded wire, not electrically insulated, fitted with fittings or made up into articles	Aircraft
7312.10.30	Iron or steel (other than stainless), stranded wire, not electrically insulated, not fitted with fittings or made up into articles	Aircraft
7312.10.50	Stainless steel, ropes, cables and cordage (other than stranded wire), not electrically insulated, fitted with fittings or made up into articles	Aircraft
7312.10.60	Stainless steel, ropes, cables and cordage (other than stranded wire), not electrically insulated, not fitted with fittings or made up into articles	Aircraft
7312.10.70	Iron or steel (other than stainless), ropes, cables and cordage (other than stranded wire), not electrically insulated, fitted with fittings or made up into articles	Aircraft
7312.10.80	Iron or steel (other than stainless), ropes, cables and cordage, of brass plated wire (other than stranded wire), not electrically insulated, without fittings or articles	Aircraft
7312.10.90	Iron or steel (other than stainless), ropes, cables and cordage, other than of brass plate wire (other than stranded wire), not electrically insulated, without fittings or articles	Aircraft
7312.90.00	Iron or steel (other than stainless), plaited bands, slings and the like, not electrically insulated	Aircraft
7314.19.01	Iron or steel (o/than stainless), woven cloth	
7322.90.00	Iron or steel, non-electrically heated air heaters and hot air distributors with motor driven fan or blower and parts thereof	Aircraft
7324.10.00	Stainless steel, sinks and wash basins	Aircraft
7324.90.00	Iron or steel, sanitary ware (other than baths or stainless steel sinks and wash basins) and parts thereof	Aircraft
7326.20.00	Iron or steel, articles of wire, nesoi	Aircraft
7401.00.00	Copper mattes; cement copper (precipitated copper)	
7402.00.00	Unrefined copper; copper anodes for electrolytic refining	
7403.11.00	Refined copper cathodes and sections of cathodes	

HTSUS	Description	Scope Limitations
7403.12.00	Refined copper, wire bars	
7403.13.00	Refined copper, billets	
7403.19.00	Refined copper, unwrought articles nesoi	
7403.21.00	Copper-zinc base alloys (brass), unwrought nesoi	
7403.22.00	Copper-tin base alloys (bronze), unwrought nesoi	
7403.29.01	Copper alloys (other than copper-zinc, copper-tin alloys), unwrought nesoi	
7404.00.30	Copper spent anodes; copper waste and scrap containing less than 94 percent by weight of copper	
7404.00.60	Copper, waste and scrap containing 94 percent or more by weight of copper	
7405.00.10	Copper master alloys, containing 5 percent or more but not more than 15 percent by weight of phosphorus	
7405.00.60	Copper master alloys, not containing 5 percent or more but not more than 15 percent by weight of phosphorus	
7413.00.90	Copper, stranded wire, cables, plaited bands and the like, not electrically insulated, fitted with fittings or made up into articles	Aircraft
7501.10.00	Nickel mattes	
7502.10.00	Nickel (other than alloy), unwrought	
7502.20.00	Nickel alloys, unwrought	
7503.00.00	Nickel, waste and scrap	
7504.00.00	Nickel, powders and flakes	
7508.90.50	Nickel, articles of nesoi	
7608.10.00	Aluminum (other than alloy), tubes and pipes	Aircraft
7608.20.00	Aluminum alloy, tubes and pipes	Aircraft
7901.11.00	Zinc (other than alloy), unwrought, containing 99.99 percent or more by weight of zinc	
7901.12.10	Zinc (other than alloy), unwrought, casting-grade zinc, containing at least 97.5 percent but less than 99.99 percent by weight of zinc	
7901.12.50	Zinc (other than alloy), unwrought, other than casting-grade zinc, containing at least 97.5 percent but less than 99.99 percent by weight of zinc	
7901.20.00	Zinc alloy, unwrought	
7902.00.00	Zinc, waste and scrap	
7903.90.30	Zinc, powders	
7907.00.60	Zinc, articles (other than for household, table or kitchen use), nesoi	
8001.10.00	Tin (other than alloy), unwrought	
8001.20.00	Tin alloy, unwrought	
8002.00.00	Tin, waste and scrap	
8007.00.50	Tin, articles nesoi	
8101.10.00	Tungsten, powders	
8101.97.00	Tungsten waste and scrap	

HTSUS	Description	Scope Limitations
8103.20.00	Tantalum, unwrought (including bars and rods obtained simply by sintering); tantalum powders	
8103.30.00	Tantalum waste and scrap	
8103.91.00	Tantalum, crucibles	
8103.99.00	Tantalum, articles other than crucibles, nesoi	
8104.11.00	Magnesium, unwrought, containing at least 99.8 percent by weight of magnesium	
8104.19.00	Magnesium, unwrought, nesoi	
8104.20.00	Magnesium, waste and scrap	
8104.30.00	Magnesium, raspings, turnings and granules graded according to size; magnesium powders	
8104.90.00	Magnesium, articles nesoi	
8105.20.30	Cobalt alloys, unwrought	
8105.20.60	Cobalt (other than alloys), unwrought	
8105.20.90	Cobalt, mattes and other intermediate products of cobalt metallurgy; cobalt powders	
8105.30.00	Cobalt waste and scrap	
8105.90.00	Cobalt, articles thereof nesoi	
8106.10.00	Bismuth (including waste and scrap) and articles thereof, containing more than 99.99 percent of bismuth by weight	
8106.90.00	Bismuth (including waste and scrap) and articles thereof, containing 99.99 percent of bismuth or less, nesoi	
8108.20.00	Titanium, unwrought; titanium powders	
8108.30.00	Titanium waste and scrap	
8108.90.30	Titanium, articles nesoi	
8108.90.60	Wrought titanium, nesoi	
8110.10.00	Antimony, unwrought; antimony powders	
8110.20.00	Antimony waste and scrap	
8110.90.00	Articles of antimony, nesoi	
8111.00.47	Unwrought manganese flake containing at least 99.5 percent by weight of manganese	
8111.00.49	Unwrought manganese, nesoi	
8112.21.00	Chromium, unwrought; chromium powders	
8112.22.00	Chromium waste and scrap	
8112.29.00	Articles of chromium, nesoi	
8112.41.10	Rhenium, waste and scrap	
8112.41.50	Rhenium, unwrought; rhenium powders	
8112.49.00	Rhenium, articles, nesoi	
8112.59.00	Articles of thallium, nesoi	
8112.92.10	Gallium, unwrought; gallium powders	
8112.92.30	Indium, unwrought; indium powders	
8112.92.40	Niobium (columbium), unwrought; niobium powders	
8112.92.60	Germanium, unwrought	
8112.92.65	Germanium powder, wrought	

HTSUS	Description	Scope Limitations
8112.99.10	Germanium nesoi and articles thereof	
8112.99.20	Vanadium, nesoi, and articles thereof	
8112.99.91	Articles of gallium, indium, or niobium, nesoi	
8302.10.60	Iron or steel, aluminum, or zinc hinges and base metal parts thereof, not designed for motor vehicles	Aircraft
8302.10.90	Base metal (other than iron or steel or aluminum or zinc) hinges and base metal parts thereof	Aircraft
8302.20.00	Base metal castors and base metal parts thereof	Aircraft
8302.42.30	Iron or steel, aluminum, or zinc mountings, fittings and similar articles, suitable for furniture, and base metal parts thereof	Aircraft
8302.42.60	Base metal (other than iron or steel or aluminum or zinc) mountings, fittings and similar articles, suitable for furniture, and base metal parts thereof	Aircraft
8302.49.40	Base metal harness, saddlery or riding-bridle hardware, not coated or plated with precious metal, and base metal parts thereof	Aircraft
8302.49.60	Iron or steel, aluminum, or zinc, mountings, fittings and similar articles nesoi, and base metal parts thereof	Aircraft
8302.49.80	Base metal (other than iron or steel or aluminum or zinc) mountings, fittings and similar articles nesoi, and base metal parts thereof	Aircraft
8302.60.30	Base metal automatic door closers	Aircraft
8307.10.30	Iron or steel flexible tubing, with fittings	Aircraft
8307.90.30	Base metal (other than iron or steel) flexible tubing, with fittings	Aircraft
8407.10.00	Spark-ignition reciprocating or rotary internal combustion piston engines for use in aircraft	Aircraft
8408.90.90	Compression-ignition internal-combustion piston engines, for machinery or equipment, nesoi	Aircraft
8409.10.00	Parts for internal combustion aircraft engines	Aircraft
8411.11.40	Aircraft turbojets of a thrust not exceeding 25 kN	Aircraft
8411.11.80	Turbojets of a thrust not exceeding 25 kN, other than aircraft	Aircraft
8411.12.40	Aircraft turbojets of a thrust exceeding 25 kN	Aircraft
8411.12.80	Turbojets of a thrust exceeding 25 kN, other than aircraft	Aircraft
8411.21.40	Aircraft turbopropellers of a power not exceeding 1,100 kW	Aircraft
8411.21.80	Turbopropellers of a power not exceeding 1,100 kW, other than aircraft	Aircraft
8411.22.40	Aircraft turbopropellers of a power exceeding 1,100 kW	Aircraft
8411.22.80	Turbopropellers of a power exceeding 1,100 kW, other than aircraft	Aircraft
8411.81.40	Aircraft gas turbines other than turbojets or turbopropellers, of a power not exceeding 5,000 kW	Aircraft
8411.82.40	Aircraft gas turbines other than turbojets or turbopropellers, of a power exceeding 5,000 kW	Aircraft

HTSUS	Description	Scope Limitations
8411.91.10	Cast-iron parts of turbojets or turbopropellers, not advanced beyond cleaning, machined only for removal of fins, gates, sprues and risers, or to permit location in machinery	Aircraft
8411.91.90	Parts of turbojets or turbopropellers other than those of subheading 8411.91.10	Aircraft
8411.99.10	Cast-iron parts of gas turbines nesoi, not advanced beyond cleaning, and machined for removal of fins, gates, sprues and risers	Aircraft
8411.99.90	Parts of gas turbines nesoi, other than those of subheading 8411.99.10	Aircraft
8412.10.00	Reaction engines other than turbojets	Aircraft
8412.21.00	Hydraulic power engines and motors, linear acting (cylinders)	Aircraft
8412.29.40	Hydrojet engines for marine propulsion	Aircraft
8412.29.80	Hydraulic power engines and motors, nesoi	Aircraft
8412.31.00	Pneumatic power engines and motors, linear acting (cylinders)	Aircraft
8412.39.00	Pneumatic power engines and motors, other than linear acting	Aircraft
8412.80.10	Spring-operated and weight-operated motors	Aircraft
8412.80.90	Engines and motors, nesoi (excluding motors of heading 8501)	Aircraft
8412.90.90	Parts for engines of heading 8412 other than hydrojet engines for marine propulsion	Aircraft
8413.19.00	Pumps for liquids fitted or designed to be fitted with a measuring device, nesoi	Aircraft
8413.20.00	Hand pumps other than those of subheading 8413.11 or 8413.19, not fitted with a measuring device	Aircraft
8413.30.10	Fuel-injection pumps for compression-ignition engines, not fitted with a measuring device	Aircraft
8413.30.90	Fuel, lubricating or cooling medium pumps for internal-combustion piston engines, not fitted with a measuring device, nesoi	Aircraft
8413.50.00	Reciprocating positive displacement pumps for liquids, not fitted with a measuring device, nesoi	Aircraft
8413.60.00	Rotary positive displacement pumps for liquids, not fitted with a measuring device, nesoi	Aircraft
8413.70.10	Stock pumps imported for use with machines for making cellulosic pulp, paper or paperboard, not fitted with a measuring device	Aircraft
8413.70.20	Centrifugal pumps for liquids, not fitted with a measuring device, nesoi	Aircraft
8413.81.00	Pumps for liquids, not fitted with a measuring device, nesoi	Aircraft
8413.91.10	Parts of fuel-injection pumps for compression-ignition engines	Aircraft
8413.91.20	Parts of stock pumps imported for use with machines for making cellulosic pulp, paper or paperboard	Aircraft

HTSUS	Description	Scope Limitations
8413.91.90	Parts of pumps, nesoi	Aircraft
8414.10.00	Vacuum pumps	Aircraft
8414.20.00	Hand-operated or foot-operated air pumps	Aircraft
8414.30.40	Compressors of a kind used in refrigerating equipment (including air conditioning) not exceeding 1/4 horsepower	Aircraft
8414.30.80	Compressors of a kind used in refrigerating equipment (including air conditioning) exceeding 1/4 horsepower	Aircraft
8414.51.30	Ceiling fans for permanent installation, with a self-contained electric motor of an output not exceeding 125 W	Aircraft
8414.51.90	Table, floor, wall, window or roof fans, with a self-contained electric motor of an output not exceeding 125 W	Aircraft
8414.59.30	Turbocharger and supercharger fans	Aircraft
8414.59.65	Other fans, nesoi	Aircraft
8414.80.05	Turbocharger and supercharger air compressors	Aircraft
8414.80.16	Air compressors, nesoi	Aircraft
8414.80.20	Gas compressors, nesoi	Aircraft
8414.80.90	Air or gas pumps, compressors and fans, nesoi	Aircraft
8414.90.10	Parts of fans (including blowers) and ventilating or recycling hoods	Aircraft
8414.90.30	Stators and rotors of goods of subheading 8414.30	Aircraft
8414.90.41	Parts of air or gas compressors, nesoi	Aircraft
8414.90.91	Parts of air or vacuum pumps, ventilating or recycling hoods, gas-tight biological safety cabinets	Aircraft
8415.10.60	Window or wall type air conditioning machines, split-system, incorporating a refrigerating unit and valve for reversal of cooling/heat cycle	Aircraft
8415.10.90	Window or wall type air conditioning machines, split-system, nesoi	Aircraft
8415.81.01	Air conditioning machines incorporating a refrigerating unit and valve for reversal of cooling/heat cycle, nesoi	Aircraft
8415.82.01	Air conditioning machines incorporating a refrigerating unit, nesoi	Aircraft
8415.83.00	Air conditioning machines not incorporating a refrigerating unit	Aircraft
8415.90.40	Chassis, chassis bases and other outer cabinets for air conditioning machines,	Aircraft
8415.90.80	Parts for air conditioning machines, nesoi	Aircraft
8418.10.00	Combined refrigerator-freezers, fitted with separate external doors, electric or other	Aircraft
8418.30.00	Freezers of the chest type, not exceeding 800 liters capacity, electric or other	Aircraft
8418.40.00	Freezers of the upright type, not exceeding 900 liters capacity, electric or other	Aircraft
8418.61.01	Heat pumps, other than the air-conditioning machines of heading 8415	Aircraft
8418.69.01	Refrigerating or freezing equipment nesoi	Aircraft

HTSUS	Description	Scope Limitations
8419.50.10	Brazed aluminum plate-fin heat exchangers	Aircraft
8419.50.50	Heat exchange units, nesoi	Aircraft
8419.81.50	Cooking stoves, ranges and ovens, other than microwave, for making hot drinks or for cooking or heating food, not used for domestic purposes	Aircraft
8419.81.90	Machinery and equipment nesoi, for making hot drinks or for cooking or heating food, not used for domestic purposes	Aircraft
8419.90.10	Parts of instantaneous or storage water heaters	Aircraft
8419.90.20	Parts of machinery and plant, for making paper pulp, paper or paperboard	Aircraft
8419.90.30	Parts of heat exchange units	Aircraft
8419.90.50	Parts of molten-salt-cooled acrylic acid reactors, nesoi; parts of certain medical, surgical or laboratory sterilizers, nesoi	Aircraft
8419.90.85	Parts of electromechanical tools for work in the hand, with self-contained electric motor, for treatment of materials by change in temperature	Aircraft
8421.19.00	Centrifuges, other than cream separators or clothes dryers	Aircraft
8421.21.00	Machinery and apparatus for filtering or purifying water	Aircraft
8421.23.00	Oil or fuel filters for internal combustion engines	Aircraft
8421.29.00	Filtering or purifying machinery and apparatus for liquids, nesoi	Aircraft
8421.31.00	Intake air filters for internal combustion engines	Aircraft
8421.32.00	Catalytic converters; particulate filters for internal combustion engines	Aircraft
8421.39.01	Filtering or purifying machinery and apparatus for gases, other than intake air filters or catalytic converters, for internal combustion engines	Aircraft
8422.40.9181	Packing or wrapping machinery, nesoi	
8424.10.00	Fire extinguishers, whether or not charged	Aircraft
8425.11.00	Pulley tackle and hoists other than skip hoists or hoists used for raising vehicles, powered by electric motor	Aircraft
8425.19.00	Pulley tackle and hoists other than skip hoists or hoists used for raising vehicles, not powered by electric motor	Aircraft
8425.31.01	Winches nesoi, and capstans, powered by electric motor	Aircraft
8425.39.01	Winches nesoi, and capstans, not powered by electric motor	Aircraft
8425.42.00	Hydraulic jacks and hoists, nesoi	Aircraft
8425.49.00	Jacks and hoists of a kind used for raising vehicles, other than hydraulic, nesoi	Aircraft
8426.99.00	Derricks, cranes and other lifting machinery nesoi	Aircraft
8428.10.00	Passenger or freight elevators other than continuous action; skip hoists	Aircraft
8428.20.00	Pneumatic elevators and conveyors	Aircraft
8428.33.00	Belt type continuous-action elevators and conveyors, for goods or materials	Aircraft
8428.39.00	Continuous-action elevators and conveyors, for goods or materials, nesoi	Aircraft

HTSUS	Description	Scope Limitations
8428.90.03	Machinery for lifting, handling, loading or unloading, nesoi	Aircraft
8443.31.00	Multifunction units (machines which perform two or more of the functions of printing, copying or facsimile transmission, capable of connecting to an automatic data processing machine or to a network)	Aircraft
8443.32.10	Printer units, capable of connecting to an automatic data processing machine or to a network	Aircraft
8443.32.50	Single function units other than printer units (machines which perform only one of the functions of printing, copying or facsimile transmission)	Aircraft
8471.30.01	Portable automatic data processing machines, not over 10 kg, consisting at least a central processing unit, keyboard and display	
8471.41.01	Automatic data processing machines, nonportable or over 10 kg, comprising in the same housing at least a central processing unit and an input and output unit, whether or not combined	
8471.49.00	Automatic data processing machines, nesoi, entered in the form of systems (consisting of at least a central processing unit, and an input and output unit)	
8471.50.01	Processing units other than those of subheading 8471.41 and 8471.49, nesoi	
8471.60.10	Combined input/output units for automatic data processing machines not entered with the rest of a system	
8471.60.20	Keyboards for automatic data processing machines not entered with the rest of a system	
8471.60.70	Input or output units suitable for physical incorporation into an automatic data processing machine or unit thereof, nesoi, not entered with the rest of a system	
8471.60.80	Optical scanners and magnetic ink recognition devices not entered with the rest of an automatic data processing system	
8471.60.90	Other input or output units of digital automatic data processing machines, nesoi, not entered with the rest of a system	
8471.70.10	Automatic data processing magnetic disk drive storage units, disk diameter exceeding 21 cm, without read-write unit assembled therein; read-write units; all not entered with the rest of a system	
8471.70.20	Automatic data processing magnetic disk drive storage units, disk diameter exceeding 21 cm, for incorporation into automatic data processing machines or units, not entered with the rest of a system	
8471.70.30	Automatic data processing magnetic disk drive storage units, disk diameter exceeding 21 cm, nesoi, not entered with the rest of a system	
8471.70.40	Automatic data processing magnetic disk drive storage units, disk diameter not exceeding 21 cm, not assembled in	

HTSUS	Description	Scope Limitations
	cabinets, without attached external power supply, not entered with the rest of a system	
8471.70.50	Automatic data processing magnetic disk drive storage units, disk diameter not exceeding 21 cm, nesoi, not entered with the rest of a system	
8471.70.60	Automatic data processing storage units other than magnetic disk, not assembled in cabinets for placing on a table etc., not entered with the rest of a system	
8471.70.90	Automatic data processing storage units other than magnetic disk drive units, nesoi, not entered with the rest of a system	
8471.80.10	Control or adapter units for automatic data processing machines not entered with rest of a system	
8471.80.40	Unit suitable for physical incorporation into automatic data processing machine or unit thereof, not entered with the rest of a system, nesoi	
8471.80.90	Other units of automatic data processing machines, not entered with the rest of a system, nesoi	
8471.90.00	Magnetic or optical readers, nesoi; machines for transcribing data on data media in coded form and machines for processing such data, nesoi	
8473.30.11	Printed circuit assemblies, not incorporating a cathode ray tube, of the machines of 8471	
8473.30.20	Parts and accessories of the automatic data processing machines of heading 8471, not incorporating a CRT, parts and accessories of printed circuit assemblies	
8473.30.51	Parts and accessories of the automatic data processing machines of heading 8471, not incorporating a CRT, nesoi	
8473.30.91	Parts and accessories of the automatic data processing machines of heading 8471, incorporating a CRT, nesoi	
8479.89.10	Air humidifiers or dehumidifiers with self-contained electric motor, other than for domestic purposes	Aircraft
8479.89.20	Floor polishers with self-contained electric motor, other than for domestic purposes	Aircraft
8479.89.65	Electromechanical appliances with self-contained electric motor, nesoi	Aircraft
8479.89.70	Carpet sweepers, not electromechanical with self-contained electric motor	Aircraft
8479.89.95	Other machines and mechanical appliances having individual functions, not specified or included elsewhere in chapter 84 of the HTSUS, nesoi	Aircraft
8479.90.41	Parts of floor polishers of subheading 8479.89.20; parts of carpet sweepers	Aircraft
8479.90.45	Parts of trash compactors, frame assemblies	Aircraft
8479.90.55	Parts of trash compactors, ram assemblies	Aircraft
8479.90.65	Parts of trash compactors, container assemblies	Aircraft
8479.90.75	Parts of trash compactors, cabinets or cases	Aircraft
8479.90.85	Parts of trash compactors, nesoi	Aircraft

HTSUS	Description	Scope Limitations
8479.90.95	Parts of machines and mechanical appliances having individual functions, not specified or included elsewhere in chapter 84 of the HTSUS, nesoi	Aircraft
8483.10.10	Camshafts and crankshafts for use solely or principally with spark-ignition internal-combustion piston or rotary engines	Aircraft
8483.10.30	Camshafts and crankshafts nesoi	Aircraft
8483.10.50	Transmission shafts and cranks other than camshafts and crankshafts	Aircraft
8483.30.40	Bearing housings of the flange, take-up, cartridge and hanger unit type	Aircraft
8483.30.80	Bearing housings nesoi; plain shaft bearings	Aircraft
8483.40.10	Torque converters	Aircraft
8483.40.30	Fixed, multiple and variable ratio speed changers, imported for use with machines for making cellulosic pulp, paper or paperboard	Aircraft
8483.40.50	Fixed, multiple and variable ratio speed changers, not imported for use with machines for making cellulosic pulp, paper or paperboard	Aircraft
8483.40.70	Speed changers other than fixed, multiple and variable ratio speed changers	Aircraft
8483.40.80	Ball or roller screws	Aircraft
8483.40.90	Gears and gearing, other than toothed wheels, chain sprockets and other transmission elements entered separately	Aircraft
8483.50.40	Gray-iron awning or tackle pulleys, not over 6.4 cm in wheel diameter	Aircraft
8483.50.60	Flywheels, nesoi	Aircraft
8483.50.90	Pulleys, including pulley blocks, nesoi	Aircraft
8483.60.40	Clutches and universal joints	Aircraft
8483.60.80	Shaft couplings (other than universal joints)	Aircraft
8483.90.10	Chain sprockets and parts thereof	Aircraft
8483.90.20	Parts of flange, take-up, cartridge and hanger units	Aircraft
8483.90.30	Parts of bearing housings and plain shaft bearings, nesoi	Aircraft
8483.90.50	Parts of gearing, gear boxes and other speed changers	Aircraft
8483.90.80	Parts of transmission equipment, nesoi	Aircraft
8484.10.00	Gaskets and similar joints of metal sheeting combined with other material or of two or more layers of metal	Aircraft
8484.90.00	Sets or assortments of gaskets and similar joints dissimilar in composition, put up in pouches, envelopes or similar packings	Aircraft
8486.10.00	Machines and apparatus for the manufacture of boules or wafers	
8486.20.00	Machines and apparatus for the manufacture of semiconductor devices or electronic integrated circuits	
8486.30.00	Machines and apparatus for the manufacture of flat panel displays	

HTSUS	Description	Scope Limitations
8486.40.00	Machines and apparatus for the manufacture of masks and reticles and for the assembly of electronic integrated circuits	
8486.90.00	Parts and accessories of the machines and apparatus for the manufacture of semiconductor devices, electronic integrated circuits and flat pa	
8501.20.50	Universal AC/DC motors of an output exceeding 735 W but under 746 W	Aircraft
8501.20.60	Universal AC/DC motors of an output of 746 W or more	Aircraft
8501.31.50	DC motors, nesoi, of an output exceeding 735 W but under 746 W	Aircraft
8501.31.60	DC motors nesoi, of an output of 746 W but not exceeding 750 W	Aircraft
8501.31.81	DC generators, other than photovoltaic generators, of an output not exceeding 750 W	Aircraft
8501.32.20	DC motors nesoi, of an output exceeding 750 W but not exceeding 14.92 kW	Aircraft
8501.32.55	DC motors nesoi, of an output exceeding 14.92 kW but not exceeding 75 kW, nesoi	Aircraft
8501.32.61	DC generators, other than photovoltaic generators, of an output exceeding 750 W but not exceeding 75 kW	Aircraft
8501.33.20	DC motors nesoi, of an output exceeding 75 kW but under 149.2 kW	Aircraft
8501.33.30	DC motors, nesoi, 149.2 kW or more but not exceeding 150 kW	Aircraft
8501.33.61	DC generators, other than photovoltaic generators, of an output exceeding 75 kW but not exceeding 375 kW	Aircraft
8501.34.61	DC generators, other than photovoltaic generators, of an output exceeding 375 kW	Aircraft
8501.40.50	AC motors, nesoi, single-phase, exceeding 735 W but under 746 W	Aircraft
8501.40.60	AC motors nesoi, single-phase, of 746 W or more	Aircraft
8501.51.50	AC motors, nesoi, multi-phase, of an output exceeding 735 W but under 746 W	Aircraft
8501.51.60	AC motors nesoi, multi-phase of an output of 746 W but not exceeding 750 W	Aircraft
8501.52.40	AC motors nesoi, multi-phase, of an output exceeding 750 W but not exceeding 14.92 kW	Aircraft
8501.52.80	AC motors nesoi, multi-phase, of an output exceeding 14.92 kW but not exceeding 75 kW	Aircraft
8501.53.40	AC motors nesoi, multi-phase, of an output exceeding 75 kW but under 149.2 kW	Aircraft
8501.53.60	AC motors, nesoi, multi-phase, 149.2 kW or more but not exceeding 150 kW	Aircraft
8501.61.01	AC generators (alternators), other than photovoltaic generators, of an output not exceeding 75 kVA	Aircraft
8501.62.01	AC generators (alternators), other than photovoltaic generators, of an output exceeding 75 kVA but not exceeding 375 kVA	Aircraft

HTSUS	Description	Scope Limitations
8501.63.01	AC generators (alternators), other than photovoltaic generators, of an output exceeding 375 kVA but not exceeding 750 kVA	Aircraft
8501.71.00	Photovoltaic DC generators, of an output not exceeding 50 W	Aircraft
8501.72.10	Photovoltaic DC generators, of an output exceeding 50 W but not exceeding 750 W	Aircraft
8501.72.20	Photovoltaic DC generators, of an output exceeding 750 W but not exceeding 75 kW	Aircraft
8501.72.30	Photovoltaic DC generators, of an output exceeding 75 kW but not exceeding 375 kW	Aircraft
8501.72.90	Photovoltaic DC generators, of an output exceeding 375 kW	Aircraft
8501.80.10	Photovoltaic AC generators, of an output not exceeding 75 kVA	Aircraft
8501.80.20	Photovoltaic AC generators, of an output exceeding 75 kVA but not exceeding 375 kVA	Aircraft
8501.80.30	Photovoltaic AC generators, of an output exceeding 375 kVA but not exceeding 750 kVA	Aircraft
8502.11.00	Electric generating sets with compression-ignition internal-combustion piston engines, of an output not exceeding 75 kVA	Aircraft
8502.12.00	Electric generating sets with compression-ignition internal-combustion piston engines, of an output exceeding 75 kVA but not over 375 kVA	Aircraft
8502.13.00	Electric generating sets with compression-ignition internal-combustion piston engines, of an output exceeding 375 kVA	Aircraft
8502.20.00	Electric generating sets with spark-ignition internal-combustion piston engines	Aircraft
8502.31.00	Wind-powered electric generating sets	Aircraft
8502.39.00	Electric generating sets, nesoi	Aircraft
8502.40.00	Electric rotary converters	Aircraft
8504.10.00	Ballasts for discharge lamps or tubes	Aircraft
8504.31.20	Unrated electrical transformers other than liquid dielectric, having a power handling capacity not exceeding 1 kVA	Aircraft
8504.31.40	Electrical transformers other than liquid dielectric, having a power handling capacity less than 1 kVA	Aircraft
8504.31.60	Electrical transformers other than liquid dielectric, having a power handling capacity of 1 kVA	Aircraft
8504.32.00	Electrical transformers other than liquid dielectric, having a power handling capacity exceeding 1 kVA but not exceeding 16 kVA	Aircraft
8504.33.00	Electrical transformers other than liquid dielectric, having a power handling capacity exceeding 16 kVA but not exceeding 500 kVA	Aircraft
8504.40.40	Electrical speed drive controllers for electric motors (static converters)	Aircraft

HTSUS	Description	Scope Limitations
8504.40.60	Power supplies suitable for physical incorporation into automatic data processing machines or units thereof of heading 8471	Aircraft
8504.40.70	Power supplies for automatic data processing machines or units thereof of heading 8471, nesoi	Aircraft
8504.40.85	Static converters (for example, rectifiers) for telecommunication apparatus	Aircraft
8504.40.95	Static converters (for example, rectifiers), nesoi	Aircraft
8504.50.40	Other inductors for power supplies for ADP machines and units of heading 8471 or for telecommunication apparatus	Aircraft
8504.50.80	Other inductors, nesoi	Aircraft
8505.11.0070	Sintered neodymium-iron-boron magnets	
8507.10.00	Lead-acid storage batteries of a kind used for starting piston engines	Aircraft
8507.20.80	Lead-acid storage batteries other than of a kind used for starting piston engines or as the primary source of power for electric vehicles	Aircraft
8507.30.80	Nickel-cadmium storage batteries, other than of a kind used as the primary source of power for electric vehicles	Aircraft
8507.50.00	Nickel-metal hydride batteries	Aircraft
8507.60.00	Lithium-ion batteries	Aircraft
8507.80.82	Other storage batteries nesoi, other than of a kind used as the primary source of power for electric vehicles	Aircraft
8507.90.40	Parts of lead-acid storage batteries, including separators therefor	Aircraft
8507.90.80	Parts of storage batteries, including separators therefor, other than parts of lead-acid storage batteries	Aircraft
8511.10.00	Spark plugs	Aircraft
8511.20.00	Ignition magnetos, magneto-dynamos and magnetic flywheels	Aircraft
8511.30.00	Distributors and ignition coils	Aircraft
8511.40.00	Starter motors and dual purpose starter-generators	Aircraft
8511.50.00	Generators nesoi, of a kind used in conjunction with spark-ignition or compression-ignition internal-combustion engines	Aircraft
8511.80.20	Voltage and voltage-current regulators with cut-out relays designed for use on 6, 12 or 24 V systems	Aircraft
8511.80.40	Voltage and voltage-current regulators with cut-out relays other than those designed for use on 6, 12 or 24 V systems	Aircraft
8511.80.60	Electrical ignition or starting equipment of a kind used for spark-ignition internal-combustion or compression-ignition engines, nesoi	Aircraft
8514.20.40	Industrial or laboratory microwave ovens for making hot drinks or for cooking or heating food	Aircraft
8516.80.40	Electric heating resistors assembled only with simple insulated former and electrical connectors, used for anti-icing or de-icing	Aircraft
8516.80.80	Electric heating resistors, nesoi	Aircraft

HTSUS	Description	Scope Limitations
8517.13.00	Smartphones for cellular networks or for other wireless of networks	
8517.14.00	Other telephones for cellular networks or for other wireless of networks, other than smartphones	Aircraft
8517.61.00	Base stations	Aircraft
8517.62.00	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	
8517.69.00	Other apparatus for transmission or reception of voice, images or other data, nesoi, but not apparatus of headings 8443, 8525, 8527 or 8528	Aircraft
8517.71.00	Aerials and aerial reflectors of all kinds; parts suitable for use therewith	Aircraft
8518.10.40	Microphones having a frequency range of 300Hz-3.4kHz with diameter not over 10 mm and height not exceeding 3 mm, for telecommunication	Aircraft
8518.10.80	Microphones and stands therefor, nesoi	Aircraft
8518.21.00	Single loudspeakers, mounted in their enclosures	Aircraft
8518.22.00	Multiple loudspeakers mounted in the same enclosure	Aircraft
8518.29.40	Loudspeakers not mounted in their enclosures, with frequency range of 300Hz to 3.4kHz, with a diameter of not exceeding 50 mm, for telecommunication	Aircraft
8518.29.80	Loudspeakers nesoi, not mounted in their enclosures, nesoi	Aircraft
8518.30.10	Line telephone handsets	Aircraft
8518.30.20	Headphones, earphones and combined microphone/speaker sets, other than telephone handsets	Aircraft
8518.40.10	Audio-frequency electric amplifiers for use as repeaters in line telephony	Aircraft
8518.40.20	Audio-frequency electric amplifiers, other than for use as repeaters in line telephony	Aircraft
8518.50.00	Electric sound amplifier sets	Aircraft
8519.81.10	Transcribing machines	Aircraft
8519.81.20	Cassette players (non-recording) designed exclusively for motor-vehicle installation	Aircraft
8519.81.25	Cassette players (non-recording), nesoi	Aircraft
8519.81.30	Sound reproducing apparatus nesoi, not incorporating a sound recording device	Aircraft
8519.81.41	Other sound recording and reproducing apparatus using magnetic tape, optical media, or semiconductor media	Aircraft
8519.89.10	Record players, other than coin- or token-operated, without loudspeaker	Aircraft
8519.89.20	Record players, other than coin- or token-operated, with loudspeakers	Aircraft
8519.89.30	Sound recording and reproducing apparatus, nesoi	Aircraft
8521.10.30	Color, cartridge or cassette magnetic tape-type video players, not capable of recording	Aircraft

HTSUS	Description	Scope Limitations
8521.10.60	Color, cartridge or cassette magnetic tape-type video recording and reproducing apparatus, nesoi	Aircraft
8521.10.90	Magnetic tape-type video recording or reproducing apparatus, other than color, cartridge or cassette type	Aircraft
8522.90.25	Assemblies and subassemblies of articles of subheading 8519.81.41, consisting of 2 or more pieces fastened together, printed circuit assemblies	Aircraft
8522.90.36	Other assemblies and subassemblies of articles of subheading 8519.81.41, consisting of 2 or more pieces fastened together, other than printed circuit assemblies	Aircraft
8522.90.45	Other parts of telephone answering machines, printed circuit assemblies	Aircraft
8522.90.58	Other parts of telephone answering machines, other than printed circuit assemblies	Aircraft
8522.90.65	Parts and accessories of apparatus of headings 8519 or 8521, nesoi, printed circuit assemblies	Aircraft
8522.90.80	Parts and accessories of apparatus of headings 8519 or 8521, nesoi, other than printed circuit assemblies	Aircraft
8523.51.00	Semiconductor media, solid state non-volatile storage devices	
8524.11.10	Flat panel display modules of liquid crystals without drivers or control circuits, other than for articles of subheadings 8528.59, 8528.69, 8528.72 and 8528.73	
8524.11.90	Flat panel display modules of liquid crystals without drivers or control circuits, for articles of subheadings 8528.59, 8528.69, 8528.72 and 8528.73	
8524.12.00	Flat panel display modules of organic light-emitting diodes without drivers or control circuits	
8524.19.00	Other flat panel display modules without drivers or control circuits, nesoi	
8524.91.10	Flat panel display modules of liquid crystals with drivers or control circuits, other than for articles of subheadings 8528.59, 8528.69, 8528.72 and 8528.73	
8524.91.90	Flat panel display modules of liquid crystals with drivers or control circuits, for articles of subheadings 8528.59, 8528.69, 8528.72 and 8528.73	
8524.92.00	Flat panel display modules of organic light-emitting diodes with drivers or control circuits	
8524.99.00	Other flat panel display modules with drivers or control circuits, nesoi	
8526.10.00	Radar apparatus	Aircraft
8526.91.00	Radio navigational aid apparatus, other than radar	Aircraft
8526.92.10	Radio remote control apparatus for video game consoles	Aircraft
8526.92.50	Radio remote control apparatus other than for video game consoles	Aircraft

HTSUS	Description	Scope Limitations
8528.42.00	Cathode-ray tube monitors capable of directly connecting to and designed for use with an automatic data processing machine of heading 8471	Aircraft
8528.52.00	Other monitors capable of directly connecting to and designed for use with an automatic data processing machine of heading 8471	
8528.62.00	Projectors capable of directly connecting to and designed for use with an automatic data processing machine of heading 8471	Aircraft
8529.10.21	Television antennas and antenna reflectors, and parts suitable for use therewith	Aircraft
8529.10.40	Radar, radio navigational aid and radio remote control antennas and antenna reflectors, and parts suitable for use therewith	Aircraft
8529.10.91	Other antennas and antenna reflectors of all kinds and parts, for use	Aircraft
8529.90.04	Tuners (printed circuit assemblies)	Aircraft
8529.90.05	Printed circuit boards and ceramic substrates and subassemblies thereof, for color TV, with components listed in additional U.S. note 4 to chapter 85 of the HTSUS	Aircraft
8529.90.06	Printed circuit boards and ceramic substrates and subassemblies thereof, for color TV, not with components listed in additional U.S. note 4 to chapter 85 of the HTSUS	Aircraft
8529.90.09	Printed circuit assemblies for television cameras	Aircraft
8529.90.13	Printed circuit assemblies for television apparatus, nesoi	Aircraft
8529.90.16	Printed circuit assemblies which are subassemblies of radar, radio navigational aid or remote control apparatus, of 2 or more parts joined together	Aircraft
8529.90.19	Printed circuit assemblies, nesoi, for radar, radio navigational aid or radio remote control apparatus	Aircraft
8529.90.21	Other printed circuit assemblies suitable for use solely or principally with the apparatus of headings 8524 to 8528, nesoi	Aircraft
8529.90.24	Transceiver assemblies for the apparatus of subheading 8526.10, other than printed circuit assemblies	Aircraft
8529.90.29	Tuners for television apparatus, other than printed circuit assemblies	Aircraft
8529.90.33	Subassemblies with 2 or more printed circuit boards or ceramic substrates, for color TV, entered with components in additional U.S. note 4 to chapter 85 of the HTSUS	Aircraft
8529.90.36	Subassemblies with 2 or more printed circuit boards or ceramic substrates, for color TV, other	Aircraft
8529.90.39	Parts of television receivers specified in U.S. note 9 to chapter 85 of the HTSUS, other than printed circuit assemblies, nesoi	Aircraft
8529.90.43	Printed circuit boards and ceramic substrates and subassemblies thereof for color TV, with components listed in additional U.S. note 4 to chapter 85 of the HTSUS	Aircraft

HTSUS	Description	Scope Limitations
8529.90.46	Combinations of printed circuit boards and ceramic substrates and subassemblies thereof for color TV, with components listed in additional U.S. note 4 to chapter 85 of the HTSUS	Aircraft
8529.90.49	Combinations of parts of television receivers specified in U.S. note 10 to chapter 85 of the HTSUS, other than printed circuit assemblies, nesoi	Aircraft
8529.90.55	Flat panel screen assemblies for TV reception apparatus, color video monitors and video projectors	Aircraft
8529.90.63	Parts of printed circuit assemblies (including face plates and lock latches) for television cameras	Aircraft
8529.90.68	Parts of printed circuit assemblies (including face plates and lock latches) for television apparatus other than television cameras	Aircraft
8529.90.73	Parts of printed circuit assemblies (including face plates and lock latches) for radar, radio navigational aid or radio remote control app.	Aircraft
8529.90.77	Parts of printed circuit assemblies (including face plates and lock latches) for other apparatus of headings 8524 to 8528, nesoi	Aircraft
8529.90.78	Mounted lenses for use in closed circuit television cameras, separately imported, with or without attached electrical connectors or motors	Aircraft
8529.90.81	Other parts of television cameras, nesoi	Aircraft
8529.90.83	Other parts of television apparatus (other than television cameras), nesoi	Aircraft
8529.90.87	Parts suitable for use solely or principally with the apparatus of 8525 and 8527 (except television apparatus or cellular phones), nesoi	Aircraft
8529.90.88	Subassemblies with 2 or more printed circuit boards or ceramic substrates, except tuners or convergence assemblies, for color TV, entered with components in additional U.S. note 4 to chapter 85 of the HTSUS	Aircraft
8529.90.89	Subassemblies with 2 or more printed circuit boards or ceramic substrates, except tuners or convergence assemblies, for color TV, other	Aircraft
8529.90.93	Parts of television apparatus, nesoi	Aircraft
8529.90.95	Assemblies and subassemblies of radar, radio navigational aid or remote control apparatus, of 2 or more parts joined together, nesoi	Aircraft
8529.90.97	Parts suitable for use solely or principally in radar, radio navigational aid or radio remote control apparatus, nesoi	Aircraft
8529.90.98	Parts suitable for use solely or principally with the apparatus of headings 8524 through 8528, nesoi	Aircraft
8531.10.00	Electric burglar or fire alarms and similar apparatus	Aircraft
8531.20.00	Indicator panels incorporating liquid crystal devices (LCD's) or light-emitting diodes (LED's)	Aircraft

HTSUS	Description	Scope Limitations
8531.80.15	Doorbells, chimes, buzzers, and similar apparatus	Aircraft
8531.80.90	Electric sound or visual signaling apparatus, nesoi	Aircraft
8536.70.00	Connectors for optical fibers, optical fiber bundles or cables	Aircraft
8537.10.9170	Other boards, panels, consoles, desks, cabinets, etc., equipped with apparatus for electric control, for a voltage not exceeding 1,000, nesoi	
8539.10.00	Sealed beam lamp units	Aircraft
8539.51.00	Light-emitting diode (LED) modules	Aircraft
8541.10.00	Diodes, other than photosensitive or light-emitting diodes	
8541.21.00	Transistors, other than photosensitive transistors, with a dissipation rating of less than 1 W	
8541.29.00	Transistors, other than photosensitive transistors, with a dissipation rating of 1 W or more	
8541.30.00	Thyristors, diacs and triacs, other than photosensitive devices	
8541.41.00	Light emitting diodes (LED)	
8541.49.10	Other photosensitive semiconductor diodes, other than light-emitting	
8541.49.70	Other photosensitive semiconductor transistors	
8541.49.80	Optical coupled isolators	
8541.49.95	Other photosensitive semiconductor devices, other than diodes or transistors, nesoi	
8541.51.00	Other semiconductor-based transducers, other than photosensitive transducers	
8541.59.00	Other semiconductor devices, other than semiconductor-based transducers, other than photosensitive devices, nesoi	
8541.90.00	Parts of diodes, transistors, similar semiconductor devices, photosensitive semiconductor devices, LEDs and mounted piezoelectric crystals	
8542.31.00	Electronic integrated circuits: processors and controllers	
8542.32.00	Electronic integrated circuits: memories	
8542.33.00	Electronic integrated circuits: amplifiers	
8542.39.00	Electronic integrated circuits: other	
8542.90.00	Parts of electronic integrated circuits and microassemblies	
8543.70.42	Flight data recorders	Aircraft
8543.70.45	Other electric synchros and transducers; defrosters and demisters with electric resistors for aircraft	Aircraft
8543.70.60	Electrical machines and apparatus nesoi, designed for connection to telegraphic or telephonic apparatus, instruments or networks	Aircraft
8543.70.80	Microwave amplifiers	Aircraft
8543.70.91	Digital signal processing apparatus capable of connecting to a wired or wireless network for sound mixing	Aircraft
8543.70.95	Touch screens without display capabilities for incorporation in apparatus having a display	Aircraft
8543.90.12	Parts of physical vapor deposition apparatus of subheading 8543.70	Aircraft

HTSUS	Description	Scope Limitations
8543.90.15	Assemblies and subassemblies for flight data recorders, consisting of 2 or more parts pieces fastened together, printed circuit assemblies	Aircraft
8543.90.35	Assemblies and subassemblies for flight data recorders, consisting of 2 or more parts pieces fastened together, not printed circuit assemblies	Aircraft
8543.90.65	Printed circuit assemblies of flat panel displays other than for reception apparatus for television of heading 8528, except for subheadings 8528.52 and 8528.62	Aircraft
8543.90.68	Printed circuit assemblies of electrical machines and apparatus, having individual functions, nesoi	Aircraft
8543.90.85	Parts, nesoi, of flat panel displays other than for reception apparatus for television of heading 8528, except for subheadings 8528.52 and 8528.62	Aircraft
8543.90.88	Parts (other than printed circuit assemblies) of electrical machines and apparatus, having individual functions, nesoi	Aircraft
8544.30.00	Insulated ignition wiring sets and other wiring sets of a kind used in vehicles, aircraft or ships	Aircraft
8801.00.00	Balloons, dirigibles and non-powered aircraft, gliders and hang gliders	Aircraft
8802.11.01	Helicopters (except unmanned aircraft of heading 8806), with an unladen weight not over 2,000 kg	Aircraft
8802.12.01	Helicopters (except unmanned aircraft of heading 8806), with an unladen weight over 2,000 kg	Aircraft
8802.20.01	Airplanes and other powered aircraft (except unmanned aircraft of heading 8806), nesoi, with an unladen weight not over 2,000 kg	Aircraft
8802.30.01	Airplanes and other powered aircraft (except unmanned aircraft of heading 8806), nesoi, with an unladen weight over 2,000 kg but not over 15,000 kg	Aircraft
8802.40.01	Airplanes and other powered aircraft (except unmanned aircraft of heading 8806), nesoi, with an unladen weight over 15,000 kg	Aircraft
8805.29.00	Ground flying trainers and parts thereof, other than air combat simulators	Aircraft
8806.10.00	Unmanned aircraft designed for the carriage of passengers	Aircraft
8806.21.00	Unmanned aircraft, not for the carriage of passengers, for remote-controlled flight only, max take-off weight not more than 250g	Aircraft
8806.22.00	Unmanned aircraft, not for the carriage of passengers, for remote-controlled flight only, max take-off weight more than 250g but less than 7kg	Aircraft
8806.23.00	Unmanned aircraft, not for the carriage of passengers, for remote-controlled flight only, max take-off weight more than 7kg but less than 25kg	Aircraft
8806.24.00	Unmanned aircraft, not for the carriage of passengers, for remote-controlled flight only, max take-off weight more than 25kg but less than 150 kg	Aircraft

HTSUS	Description	Scope Limitations
8806.29.00	Unmanned aircraft, not for the carriage of passengers, for remote-controlled flight only, max take-off weight more than 150 kg	Aircraft
8806.91.00	Unmanned aircraft, not for the carriage of passengers, not for remote-controlled flight only, nesoi, max take-off weight not more than 250g	Aircraft
8806.92.00	Unmanned aircraft, not for the carriage of passengers, not for remote-controlled flight only, nesoi, max take-off weight more 250g less than 7kg	Aircraft
8806.93.00	Unmanned aircraft, not for the carriage of passengers, not for remote-controlled flight only, nesoi, max take-off weight more than 7kg but less than 25kg	Aircraft
8806.94.00	Unmanned aircraft, not for the carriage of passengers, not for remote-controlled flight only, nesoi, max take-off weight more than 25kg but less than 150 kg	Aircraft
8806.99.00	Unmanned aircraft, not for the carriage of passengers, not for remote-controlled flight only, nesoi, max take-off weight more than 150 kg	Aircraft
8807.10.00	Parts of aircraft of headings 8801, 8802 or 8806, propellers and rotors and parts thereof	Aircraft
8807.20.00	Parts of aircraft of headings 8801, 8802 or 8806, undercarriages and parts thereof	Aircraft
8807.30.00	Parts of aircraft of headings 8801, 8802 or 8806, for airplanes, helicopters, unmanned aircraft, other than propellers, rotors or undercarriages, nesoi	Aircraft
8807.90.90	Parts of aircraft of headings 8801, 8802 or 8806, not for airplanes, helicopters or unmanned aircraft, nesoi	Aircraft
9001.90.40	Lenses nesoi, unmounted	Aircraft
9001.90.50	Prisms, unmounted	Aircraft
9001.90.60	Mirrors, unmounted	Aircraft
9001.90.80	Half-tone screens designed for use in engraving or photographic processes, unmounted	Aircraft
9001.90.90	Optical elements nesoi, unmounted	Aircraft
9002.90.20	Prisms, mounted, for optical uses	Aircraft
9002.90.40	Mirrors, mounted, for optical uses	Aircraft
9002.90.70	Half-tone screens, mounted, designed for use in engraving or photographic processes	Aircraft
9002.90.85	Mounted lenses suitable for use in, and entered separately from, closed circuit television cameras, with or without attached electrical connectors or motors	Aircraft
9002.90.95	Mounted optical elements, nesoi; parts and accessories of mounted optical elements, nesoi	Aircraft
9014.10.10	Optical direction finding compasses	Aircraft
9014.10.60	Gyroscopic directing finding compasses, other than electrical	Aircraft
9014.10.70	Electrical direction finding compasses	Aircraft
9014.10.90	Direction finding compasses, other than optical instruments, gyroscopic compasses or electrical	Aircraft

HTSUS	Description	Scope Limitations
9014.20.20	Optical instruments and appliances (other than compasses) for aeronautical or space navigation	Aircraft
9014.20.40	Automatic pilots for aeronautical or space navigation	Aircraft
9014.20.60	Electrical instruments and appliances (other than compasses) for aeronautical or space navigation	Aircraft
9014.20.80	Nonelectrical instruments and appliances (other than compasses) for aeronautical or space navigation	Aircraft
9014.90.10	Parts and accessories of automatic pilots for aeronautical or space navigation of subheading 9014.20.40	Aircraft
9014.90.20	Parts and accessories of nonelectrical instruments and appliances for aeronautical or space navigation of subheading 9014.20.80	Aircraft
9014.90.40	Parts and accessories of nonelectrical navigational instruments and appliances nesoi of subheading 9014.80.50	Aircraft
9014.90.60	Parts and accessories of navigational instruments and appliances, nesoi	Aircraft
9020.00.40	Underwater breathing devices designed as a complete unit to be carried on the person and not requiring attendants, parts and accessories thereof	Aircraft
9020.00.60	Breathing appliances, nesoi, and gas masks, except protective masks having neither mechanical parts or replaceable filters, parts, accessories thereof	Aircraft
9025.11.20	Clinical thermometers, liquid-filled, for direct reading, not combined with other instruments	Aircraft
9025.11.40	Liquid-filled thermometers, for direct reading, not combined with other instruments, other than clinical thermometers	Aircraft
9025.19.40	Pyrometers, not combined with other instruments	Aircraft
9025.19.80	Thermometers, for direct reading, not combined with other instruments, other than liquid-filled thermometers	Aircraft
9025.80.10	Electrical hydrometers and similar floating instruments, thermometers, pyrometers, barometers, hygrometers, psychrometers, and any combination	Aircraft
9025.80.15	Nonelectrical barometers, not combined with other instruments	Aircraft
9025.80.20	Hydrometers and similar floating instruments, whether or not incorporating a thermometer, non-recording, other than electrical	Aircraft
9025.80.35	Hygrometers and psychrometers, non-electrical, non-recording	Aircraft
9025.80.40	Thermographs, barographs, hygrographs and other recording instruments, other than electrical	Aircraft
9025.80.50	Combinations of thermometers, barometers and similar temperature and atmosphere measuring and recording instruments, nonelectrical	Aircraft
9025.90.06	Other parts and accessories of hydrometers and like floating instruments, thermometers, pyrometers, barometers, hygrometers, psychrometers and combinations	Aircraft

HTSUS	Description	Scope Limitations
9026.10.20	Electrical instruments and apparatus for measuring or checking the flow or level of liquids	Aircraft
9026.10.40	Flow meters, other than electrical, for measuring or checking the flow of liquids	Aircraft
9026.10.60	Instruments and apparatus for measuring or checking the level of liquids, other than flow meters, non-electrical	Aircraft
9026.20.40	Electrical instruments and apparatus for measuring or checking the pressure of liquids or gases	Aircraft
9026.20.80	Instruments and apparatus, other than electrical, for measuring or checking the pressure of liquids or gases	Aircraft
9026.80.20	Electrical instruments and apparatus for measuring or checking variables of liquids or gases, nesoi	Aircraft
9026.80.40	Nonelectrical heat meters incorporating liquid supply meters, and anemometers	Aircraft
9026.80.60	Nonelectrical instruments and apparatus for measuring or checking variables of liquids or gases, nesoi	Aircraft
9026.90.20	Parts and accessories of electrical instruments and apparatus for measuring or checking variables of liquids or gases	Aircraft
9026.90.40	Parts and accessories of nonelectrical flow meters, heat meters incorporating liquid supply meters and anemometers	Aircraft
9026.90.60	Parts and accessories of nonelectrical instruments and apparatus for measuring or checking variables of liquids or gases, nesoi	Aircraft
9029.10.80	Revolution counters, production counters, odometers, pedometers and the like, other than taximeters	Aircraft
9029.20.40	Speedometers and tachometers, other than bicycle speedometers	Aircraft
9029.90.80	Parts and accessories of revolution counters, production counters, odometers, pedometers and the like, of speedometers nesoi and tachometers	Aircraft
9030.10.00	Instruments and apparatus for measuring or detecting ionizing radiations	Aircraft
9030.20.05	Oscilloscopes and oscillographs, specially designed for telecommunications	Aircraft
9030.20.10	Oscilloscopes and oscillographs, nesoi	Aircraft
9030.31.00	Multimeters for measuring or checking electrical voltage, current, resistance or power, without a recording device	Aircraft
9030.32.00	Multimeters, with a recording device	Aircraft
9030.33.34	Resistance measuring instruments	Aircraft
9030.33.38	Other instruments and apparatus, nesoi, for measuring or checking electrical voltage, current, resistance or power, without a recording device	Aircraft
9030.39.01	Instruments and apparatus, nesoi, for measuring or checking electrical voltage, current, resistance or power, with a recording device	Aircraft
9030.40.00	Instruments and apparatus specially designed for telecommunications	Aircraft

HTSUS	Description	Scope Limitations
9030.84.00	Instruments and apparatus for measuring, checking or detecting electrical quantities or ionizing radiations, nesoi, with a recording device	Aircraft
9030.89.01	Instruments and apparatus for measuring, checking or detecting electrical quantities or ionizing radiations, nesoi, without a recording device	Aircraft
9030.90.25	Printed circuit assemblies for instruments and apparatus for measuring or detecting ionizing radiation	Aircraft
9030.90.46	Parts and accessories for instruments and apparatus for measuring or detecting ionizing radiation, nesoi	Aircraft
9030.90.66	Printed circuit assemblies for subheadings and apparatus of subheadings 9030.40 or 9030.82	Aircraft
9030.90.68	Printed circuit assemblies, nesoi	Aircraft
9030.90.84	Parts and accessories for instruments and apparatus for measuring or checking semiconductor wafers or devices, nesoi	Aircraft
9030.90.89	Parts and accessories for articles of subheadings 9030.20 to 9030.84, nesoi	Aircraft
9031.80.40	Electron beam microscopes fitted with equipment specifically designed for the handling and transport of semiconductor devices or reticles	Aircraft
9031.80.80	Measuring and checking instruments, appliances and machines, nesoi	Aircraft
9031.90.21	Parts and accessories of profile projectors	Aircraft
9031.90.45	Bases and frames for the optical coordinate-measuring machines of subheading 9031.49.40	Aircraft
9031.90.54	Parts and accessories of measuring and checking optical instruments and appliances of subheading 9031.41 or 9031.49.70	Aircraft
9031.90.59	Parts and accessories of measuring and checking optical instruments and appliances, other than test benches or profile projectors, nesoi	Aircraft
9031.90.70	Parts and accessories of articles of subheading 9031.80.40	Aircraft
9031.90.91	Parts and accessories of measuring or checking instruments, appliances and machines, nesoi	Aircraft
9032.10.00	Automatic thermostats	Aircraft
9032.20.00	Automatic manostats	Aircraft
9032.81.00	Hydraulic and pneumatic automatic regulating or controlling instruments and apparatus	Aircraft
9032.89.20	Automatic voltage and voltage-current regulators, designed for use in a 6, 12, or 24 V system	Aircraft
9032.89.40	Automatic voltage and voltage-current regulators, not designed for use in a 6, 12, or 24 V system	Aircraft
9032.89.60	Automatic regulating or controlling instruments and apparatus, nesoi	Aircraft

HTSUS	Description	Scope Limitations
9032.90.21	Parts and accessories of automatic voltage and voltage-current regulators designed for use in a 6, 12, or 24 V system, nesoi	Aircraft
9032.90.41	Parts and accessories of automatic voltage and voltage-current regulators, not designed for use in a 6, 12, or 24 V system, nesoi	Aircraft
9032.90.61	Parts and accessories for automatic regulating or controlling instruments and apparatus, nesoi	Aircraft
9033.00.90	Other parts and accessories for machines, appliances, instruments or apparatus of chapter 90 of the HTSUS, nesoi	Aircraft
9104.00.05	Instrument panel clocks for vehicles, air/spacecraft or vessels, clock movement over 50 mm wide, opto-electronic display only, not over \$10 each	Aircraft
9104.00.10	Instrument panel clocks for vehicles, air/spacecraft or vessels, clock movement over 50 mm wide, electric, not optoelectronic display, not over \$10 each	Aircraft
9104.00.20	Instrument panel clocks for vehicles, air/spacecraft or vessels, clock movement over 50 mm wide, nonelectric, valued not over \$10 each	Aircraft
9104.00.25	Instrument panel clocks for vehicles, air/spacecraft or vessels, clock movement over 50 mm wide, opto-electronic display only, over \$10 each	Aircraft
9104.00.30	Instrument panel clocks for vehicles, air/spacecraft or vessels, clock movement over 50 mm wide, electric, not optoelectronic display, over \$10 each	Aircraft
9104.00.40	Instrument panel clocks for vehicles, air/spacecraft or vessels, clock movement over 50 mm wide, non-electric, valued over \$10 each	Aircraft
9104.00.45	Instrument panel clocks for vehicles, air/spacecraft or vessels, watch or clock movement not over 50 mm wide, opto-electronic display only	Aircraft
9104.00.50	Instrument panel clocks for vehicles, air/spacecraft, vessels, watch or clock movement not over 50 mm wide, electric, not opto-electronic display	Aircraft
9104.00.60	Instrument panel clocks for vehicles, air/spacecraft or vessels, clock or watch movement not over 50 mm wide, nonelectric	Aircraft
9109.10.50	Clock movements nesoi, complete and assembled, electrically operated, with opto-electronic display only	Aircraft
9109.10.60	Clock movements nesoi, complete and assembled, electrically operated, with display nesoi, measuring not over 50 mm in width or diameter	Aircraft
9109.90.20	Clock movements, complete and assembled, not electrically operated, measuring not over 50 mm in width or diameter	Aircraft
9401.10.40	Seats, of a kind used for aircraft, leather upholstered	Aircraft
9401.10.80	Seats, of a kind used for aircraft (other than leather upholstered)	Aircraft

HTSUS	Description	Scope Limitations
9403.20.00	Furniture (other than seats) of metal nesoi, other than of a kind used in offices	Aircraft
9403.70.40	Furniture (other than seats and other than of heading 9402) of reinforced or laminated plastics nesoi	Aircraft
9403.70.80	Furniture (other than seats and other than of heading 9402) of plastics (other than reinforced or laminated) nesoi	Aircraft
9405.11.40	Chandeliers and other electric ceiling or wall lighting fittings, of brass, designed for use solely with LED sources	Aircraft
9405.11.60	Chandeliers and other electric ceiling or wall lighting fixtures, of base metal (other than brass), designed for use solely with LED sources	Aircraft
9405.11.80	Chandeliers and other electric ceiling or wall lighting fixtures, not of base metal, designed for use solely with LED sources	Aircraft
9405.19.40	Chandeliers and other electric ceiling or wall lighting fittings, of brass, not designed for use solely with LED sources	Aircraft
9405.19.60	Chandeliers and other electric ceiling or wall lighting fixtures, of base metal (other than brass), not designed for use solely with LED sources	Aircraft
9405.19.80	Chandeliers and other electric ceiling or wall lighting fixtures, not of base metal, not designed for use solely with LED sources	Aircraft
9405.61.20	Illuminated signs, illuminated name plates and the like, of brass, designed for use solely with LED sources	Aircraft
9405.61.40	Illuminated signs, illuminated name plates and the like, of base metal (other than brass), designed for use solely with LED sources	Aircraft
9405.61.60	Illuminated signs, illuminated name plates and the like, not of base metal, designed for use solely with LED sources	Aircraft
9405.69.20	Illuminated signs, illuminated name plates and the like, of brass, not designed for use solely with LED sources	Aircraft
9405.69.40	Illuminated signs, illuminated name plates and the like, of base metal (other than brass), not designed for use solely with LED sources	Aircraft
9405.69.60	Illuminated signs, illuminated name plates and the like, not of base metal, not designed for use solely with LED sources	Aircraft
9405.92.00	Parts of lamps, lighting fixtures, illuminated signs and the like, of plastics	Aircraft
9405.99.20	Parts of lamps, lighting fixtures, illuminated signs and the like, of brass	Aircraft
9405.99.40	Parts of lamps, lighting fixtures, illuminated signs and the like, not of glass, plastics or brass	Aircraft
9620.00.50	Monopods, bipods, tripods and similar articles of plastics, nesoi	Aircraft
9620.00.60	Monopods, bipods, tripods and similar articles of graphite and other carbon, nesoi	Aircraft

HTSUS	Description	Scope Limitations
9701.21.00	Paintings, drawings (o/than of 4906) and pastels, executed entirely by hand, of an age exceeding 100 years	
9701.22.00	Mosaics, of an age exceeding 100 years	
9701.29.00	Collages and similar decorative plaques, executed entirely by hand, of an age exceeding 100 years	
9701.91.00	Paintings, drawings (o/than of 4906) and pastels, executed entirely by hand, of an age 100 years or less	
9701.92.00	Mosaics, of an age 100 years or less	
9701.99.00	Collages and similar decorative plaques, executed entirely by hand, of an age 100 years or less	
9702.10.00	Original engravings, prints and lithographs, whether or not framed, of an age exceeding 100 years	
9702.90.00	Original engravings, prints and lithographs, whether or not framed, of an age 100 years or less	
9703.10.00	Original sculptures and statuary, in any material, of an age exceeding 100 years	
9703.90.00	Original sculptures and statuary, in any material, of an age 100 years or less	
9704.00.00	Postage or revenue stamps, stamp-postmarks, first-day covers, postal stationery, and the like, used or unused, other than heading 4907	
9705.10.00	Collections and collectors' pieces of archeological, ethnographic or historical interest	
9705.21.00	Collections and collectors' pieces of zoological, botanical, mineralogical, anatomical interest, human specimens and parts thereof	
9705.22.00	Collections and collectors' pieces of zoological, botanical, mineralogical, anatomical interest, extinct or endangered species and parts thereof	
9705.29.00	Collections and collectors' pieces of zoological, botanical, mineralogical, anatomical interest, o/than human specimens or extinct/endangered species	
9705.31.00	Collections and collectors' pieces of numismatic interest, of an age exceeding 100 years	
9705.39.00	Collections and collectors' pieces of numismatic interest, of an age 100 years or less	
9706.10.00	Antiques of an age exceeding 250 years	
9706.90.00	Antiques of an age exceeding 100 years but not exceeding 250 years	
9802.00.40	Articles returned to the United States after having been exported for repairs or alterations made pursuant to a warranty	Aircraft
9802.00.50	Articles returned to the United States after having been exported for repairs or alterations, other	Aircraft
9802.00.60	Any article of metal (as defined in U.S. note 3(e) of subchapter II of chapter 98 of the HTSUS) manufactured in the United States or subjected to a process of manufacture in	Aircraft

HTSUS	Description	Scope Limitations
	the United States, if exported for further processing, and if the exported article as processed outside the United States, or the article which results from the processing outside the United States, is returned to the United States for further processing	
9802.00.80	Articles, except goods of heading 9802.00.91 and goods imported under provisions of subchapter XIX of this chapter and goods imported under provisions of subchapter XX, assembled abroad in whole or in part of fabricated components, the product of the United States, which (a) were exported in condition ready for assembly without further fabrication, (b) have not lost their physical identity in such articles by change in form, shape or otherwise, and (c) have not been advanced in value or improved in condition abroad except by being assembled and except by operations incidental to the assembly process such as cleaning, lubricating and painting	Aircraft
9818.00.05	Spare parts necessarily installed before first entry into the United States, upon first entry into the United States of each such spare part purchased in, or imported from, a foreign country	Aircraft
9818.00.07	Other, upon first arrival in any port of the United States of any vessel described in U.S. note 1 to subchapter XVIII of chapter 98 of the HTSUS	Aircraft



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Part V

The President

Memorandum of July 15, 2026—Action by the United States in the Investigation Under Section 301 of the Trade Act of 1974 of Brazil's Acts, Policies, and Practices Related to Digital Trade and Electronic Payment Services; Unfair, Preferential Tariffs; Anti-Corruption Enforcement; Intellectual Property Protection; Ethanol Market Access; and Illegal Deforestation

Presidential Documents

Title 3—

Memorandum of July 15, 2026

The President

Action by the United States in the Investigation Under Section 301 of the Trade Act of 1974 of Brazil's Acts, Policies, and Practices Related to Digital Trade and Electronic Payment Services; Unfair, Preferential Tariffs; Anti-Corruption Enforcement; Intellectual Property Protection; Ethanol Market Access; and Illegal Deforestation

Memorandum for the United States Trade Representative

At my specific direction, on July 15, 2025, the United States Trade Representative (Trade Representative) initiated an investigation under section 301 of the Trade Act of 1974, as amended (19 U.S.C. 2411) (section 301), into Brazil's acts, policies, and practices related to digital trade and electronic payment services; unfair, preferential tariffs; anti-corruption enforcement; intellectual property protection; ethanol market access; and illegal deforestation.

On June 1, 2026, the Trade Representative determined that certain of Brazil's acts, policies, and practices in these issue areas are unreasonable or discriminatory and burden or restrict United States commerce and thus are actionable under section 301(b)(1) (19 U.S.C. 2411(b)(1)). The Trade Representative has further advised me that he has continued to consult with the Government of Brazil to obtain the elimination of these acts, policies, and practices, but those consultations have not satisfactorily resolved United States concerns.

As a result of his determination, the Trade Representative proposed to determine that action is appropriate, including applying tariffs of 25 percent on all goods of Brazil, with exemptions for certain goods. The Office of the United States Trade Representative (USTR) invited comments by interested persons on this proposed action and convened a public hearing on July 6 and 7, 2026. USTR received over 360 written comments, and 77 witnesses testified at the hearing.

The Trade Representative has informed me of the substance of significant comments on the proposed action and advised me that after considering the comments and testimony received, the products identified in the Annex to this memorandum warrant exemption from tariffs imposed in connection with this action, as they are (a) raw materials that if subject to these tariffs could lead to the unavailability of domestic supply; (b) products that could cause economy-wide disruptions if subject to these tariffs; (c) products that cannot be grown or produced in sufficient quantities or at reasonable prices in the United States or obtained from other sources; or (d) articles for which these tariffs may not contribute substantially to the elimination of the acts, policies, and practices of Brazil found to be actionable in the investigation described above.

After considering and taking account of this information and advice; the information, findings, and determinations in USTR's Notice of Determination (2026–1158; 91 FR 33854); the need to obtain the elimination of the acts, policies, and practices of Brazil found to be actionable; and other pertinent information, it is hereby directed as follows:

Section 1. *Tariffs and Exemptions.* (a) The Trade Representative shall impose a tariff of 25 percent on all goods of Brazil, with exemptions for certain goods as discussed in subsection (b) of this section.

(b) The Trade Representative shall exempt from the tariff directed in subsection (a) of this section the products identified in the Annex to this memorandum. I determine that each of these products constitutes (a) raw materials that if subject to these tariffs could lead to the unavailability of domestic supply; (b) products that could cause economy-wide disruptions if subject to these tariffs; (c) products that cannot be grown or produced in sufficient quantities or at reasonable prices in the United States or obtained from other sources; or (d) articles for which these tariffs may not materially contribute to the elimination of the acts, policies, and practices of Brazil found to be actionable in the investigation described above. After weighing the relevant considerations, including potential economic harm and efficacy of tariffs, I determine that the products identified in the Annex to this memorandum shall be exempted from the tariff directed in subsection (a) of this section, and the Trade Representative shall direct that the Harmonized Tariff Schedule of the United States be modified as provided in the Annex to this memorandum.

(c) In my judgment, the tariff of 25 percent on all goods of Brazil, with the exemptions for certain goods as discussed in subsection (b) of this section, is appropriate and feasible to obtain the elimination of the acts, policies, and practices of Brazil found to be actionable under section 301. I determine that alternatives to the action directed in this memorandum, such as a lower tariff rate, negotiation without the imposition of tariffs, and action under other statutory authority without action under section 301, would be less effective and less preferable than the action directed in this memorandum. In my judgment, the specific direction in this memorandum is consistent with the purposes of section 301.

Sec. 2. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

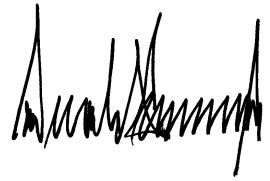
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 3. *Publication.* The Trade Representative is authorized and directed to publish this memorandum in the *Federal Register*.

A handwritten signature in black ink, appearing to be 'Donald Trump', located in the upper right quadrant of the page.

THE WHITE HOUSE,
Washington, July 15, 2026

ANNEX

A. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern time on July 22, 2026, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified as follows:

1. The following new headings are inserted in numerical sequence, with the material in each new heading inserted in the columns of the HTSUS labeled “Heading/Subheading”, “Article Description”, “Rates of Duty 1-General”, “Rates of Duty 1-Special” and “Rates of Duty 2”, respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
“9903.05.01	Except for products described in headings 9903.05.02–9903.05.09, articles the product of Brazil, as provided for in subdivision (a) of U.S. note 50 to this subchapter	The duty provided in the applicable subheading + 25%	The duty provided in the applicable subheading + 25%	The duty provided in the applicable subheading
9903.05.02	Articles the product of Brazil that (1) were loaded onto a vessel at the port of loading and in transit on the final mode of transit prior to entry into the United States before 12:01 a.m. eastern time on July 22, 2026; and (2) are entered for consumption, or withdrawn from warehouse for consumption, before 12:01 a.m. eastern time on July 29, 2026	The duty provided in the applicable subheading	The duty provided in the applicable subheading	The duty provided in the applicable subheading
9903.05.03	Articles the product of Brazil, as provided for in subdivision (a)(ii) of U.S. note 50 to this subchapter	The duty provided in the applicable subheading	The duty provided in the applicable subheading	The duty provided in the applicable subheading
9903.05.04	Articles the product of Brazil, as provided for in subdivision (a)(iii) of U.S. note 50 to this subchapter	The duty provided in the applicable subheading	The duty provided in the applicable subheading	The duty provided in the applicable subheading
9903.05.05	Articles of civil aircraft (all aircraft other than military aircraft); their engines, parts and components; their other parts, components and subassemblies; and ground flight	The duty provided in the applicable subheading	The duty provided in the applicable subheading	The duty provided in the applicable subheading

	simulators and their parts and components of Brazil, as provided for in subdivision (a)(iv) of U.S. note 50 to this subchapter			
9903.05.06	Articles the product of Brazil that are articles for use in pharmaceutical applications, as provided for in subdivision (a)(v) of U.S. note 50 to this subchapter.	The duty provided in the applicable subheading	The duty provided in the applicable subheading	The duty provided in the applicable subheading
9903.05.07	Articles of aluminum, of steel, or of copper or derivative aluminum or steel articles; passenger vehicles (sedans, sport utility vehicles, crossover utility vehicles, minivans, and cargo vans) and light trucks; parts of passenger vehicles (sedans, sport utility vehicles, crossover utility vehicles, minivans, and cargo vans) and light trucks; medium- and heavy-duty vehicles; parts of medium- and heavy-duty vehicles; wood products; and semiconductor articles, of Brazil, as provided in subdivision (a)(vi) of U.S. note 50 to this subchapter	The duty provided in the applicable subheading	The duty provided in the applicable subheading	The duty provided in the applicable subheading
9903.05.08	Articles the product of Brazil that are donations by persons subject to the jurisdiction of the United States, such as food, clothing and medicine, intended to be used to relieve human suffering	The duty provided in the applicable subheading	The duty provided in the applicable subheading	The duty provided in the applicable subheading
9903.05.09	Articles the product of Brazil that are informational materials, including but not limited to publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks and news wire feeds	The duty provided in the applicable subheading	The duty provided in the applicable subheading	The duty provided in the applicable subheading”

2. The following new U.S. note 50 is inserted:

“50. (a) (i) Except as provided in headings 9903.05.02–9903.05.09 and in subdivisions (a)(ii) through (a)(vi) of this note, and other than products for personal use included in accompanied baggage of persons arriving in the United States, heading 9903.05.01 imposes an additional *ad valorem* rate of duty on imports of all products of Brazil. Notwithstanding U.S. note 1 to this

subchapter, all products that are subject to the additional *ad valorem* rate of duty imposed by this heading shall also be subject to the general rates of duty imposed under subheadings in chapters 1 to 97 of the tariff schedule. Except as provided in subdivisions (a)(ii) through (a)(vi) of this note, all products that are subject to the additional *ad valorem* rate of duty imposed by heading 9903.05.01 shall also be subject to any additional duty provided for in this subchapter or in subchapter IV of chapter 99. Products that are eligible for special tariff treatment under general note 3(c)(i) to the tariff schedule, or that are eligible for temporary duty exemptions or reductions under subchapter II to chapter 99, shall be subject to the additional *ad valorem* rate of duty imposed by heading 9903.05.01, except as otherwise provided in this subdivision.

The additional duty imposed by heading 9903.05.01 shall not apply to goods for which entry is properly claimed under a provision of chapter 98 of the tariff schedule pursuant to applicable regulations of U.S. Customs and Border Protection (“CBP”), and whenever CBP agrees that entry under such a provision is appropriate, except for goods entered under heading 9802.00.80 or subheadings 9802.00.40, 9802.00.50 or 9802.00.60. For goods entered under subheadings 9802.00.40, 9802.00.50 and 9802.00.60, the additional duty applies to the value of repairs, alterations or processing performed, as described in the applicable subheading. For goods entered under heading 9802.00.80, the additional duty applies to the value of the article assembled abroad, less the cost or value of such products of the United States, as described.

Products that are provided for in heading 9903.05.01 shall continue to be subject to antidumping, countervailing, or other duties, taxes, fees, exactions and charges that apply to such products, as well as to the additional *ad valorem* rate of duty imposed by this heading.

(ii) As provided in heading 9903.05.03, the additional duty imposed by heading 9903.05.01 shall not apply to articles the product of Brazil that are classifiable in the following subheadings of the HTSUS:

0201.10.05	0904.22.73	2707.40.00	2849.20.10	4001.10.00	7501.10.00
0201.10.10	0904.22.76	2707.50.00	2849.20.20	4001.21.00	7502.10.00
0201.10.50	0904.22.80	2707.91.00	2849.90.30	4001.22.00	7502.20.00
0201.20.02	0905.10.00	2707.99.10	2853.90.10	4001.29.00	7503.00.00
0201.20.04	0905.20.00	2707.99.20	2853.90.90	4001.30.00	7504.00.00
0201.20.06	0906.11.00	2707.99.40	2903.19.05	4104.11.20	7508.90.50
0201.20.10	0906.19.00	2707.99.51	2903.19.10	4104.41.50	7901.11.00
0201.20.30	0906.20.00	2707.99.55	2903.19.30	4104.49.10	7901.12.10
0201.20.50	0907.10.00	2707.99.59	2903.19.60	4104.49.50	7901.12.50
0201.20.80	0907.20.00	2707.99.90	2915.29.30	4107.11.20	7901.20.00
0201.30.02	0908.11.00	2708.10.00	2936.21.00	4107.12.20	7902.00.00
0201.30.04	0908.12.00	2708.20.00	2936.22.00	4302.19.60	7903.90.30
0201.30.06	0908.21.00	2709.00.10	2936.23.00	4403.41.00	7907.00.60
0201.30.10	0908.22.20	2709.00.20	2936.24.01	4403.42.00	8001.10.00
0201.30.30	0908.22.40	2710.12.15	2936.25.00	4403.49.02	8001.20.00
0201.30.50	0908.31.00	2710.12.18	2936.26.00	4407.21.00	8002.00.00

0201.30.80	0908.32.00	2710.12.25	2936.27.00	4407.22.00	8007.00.50
0202.10.05	0909.21.00	2710.12.45	2936.28.00	4407.23.01	8101.10.00
0202.10.10	0909.22.00	2710.12.90	2936.29.10	4407.25.00	8101.97.00
0202.10.50	0909.31.00	2710.19.06	2936.29.16	4407.26.00	8103.20.00
0202.20.02	0909.32.00	2710.19.11	2936.29.20	4407.27.00	8103.30.00
0202.20.04	0909.61.00	2710.19.16	2936.29.50	4407.28.00	8103.91.00
0202.20.06	0909.62.00	2710.19.24	2936.90.01	4407.29.02	8103.99.00
0202.20.10	0910.11.00	2710.19.25	2937.11.00	4407.99.0295	8104.11.00
0202.20.30	0910.12.00	2710.19.26	2937.12.00	4408.31.01	8104.19.00
0202.20.50	0910.20.00	2710.19.30	2937.19.00	4408.39.02	8104.20.00
0202.20.80	0910.30.00	2710.19.35	2937.21.00	4409.22.05	8104.30.00
0202.30.02	0910.91.00	2710.19.40	2937.22.00	4409.22.10	8104.90.00
0202.30.04	0910.99.07	2710.19.45	2937.23.10	4409.22.25	8105.20.30
0202.30.06	0910.99.10	2710.19.90	2937.23.25	4409.22.40	8105.20.60
0202.30.10	0910.99.20	2710.20.05	2937.23.50	4409.22.50	8105.20.90
0202.30.30	0910.99.40	2710.20.10	2937.29.10	4409.22.60	8105.30.00
0202.30.50	0910.99.50	2710.20.15	2937.29.90	4409.22.65	8105.90.00
0202.30.80	0910.99.60	2710.20.25	2937.50.00	4409.22.90	8106.10.00
0206.10.00	1003.90.40	2710.91.00	2937.90.05	4412.31.06	8106.90.00
0206.21.00	1008.30.00	2710.99.05	2937.90.10	4412.31.26	8108.20.00
0206.22.00	1008.40.00	2710.99.10	2937.90.20	4412.31.42	8108.30.00
0206.29.00	1008.60.00	2710.99.16	2937.90.40	4412.31.45	8108.90.30
0210.20.00	1106.20.90	2710.99.21	2937.90.45	4412.31.48	8108.90.60
0302.32.00	1106.30.20	2710.99.31	2937.90.90	4412.31.52	8110.10.00
0302.34.00	1108.14.00	2710.99.32	2939.11.00	4412.31.61	8110.20.00
0302.44.00	1108.19.00	2710.99.39	2939.19.10	4412.31.92	8110.90.00
0302.47.00	1203.00.00	2710.99.45	2939.19.20	4412.41.00	8111.00.47
0302.71.11	1207.91.00	2710.99.90	2939.19.50	4412.51.10	8111.00.49
0302.71.50	1513.11.00	2711.11.00	2939.20.00	4412.51.31	8112.21.00
0302.89.50	1513.19.00	2711.12.00	2939.30.00	4412.51.41	8112.22.00
0303.23.00	1521.10.00	2711.13.00	2939.41.00	4412.51.51	8112.29.00
0303.89.00	1521.90.20	2711.14.00	2939.42.00	4412.91.06	8112.41.10
0304.31.00	1602.50.05	2711.19.00	2939.44.00	4412.91.10	8112.41.50
0306.11.00	1602.50.07	2711.21.00	2939.45.00	4412.91.31	8112.49.00
0409.00.0005	1602.50.08	2711.29.00	2939.49.03	4412.91.41	8112.59.00
0508.00.00	1602.50.21	2712.10.00	2939.59.00	4412.91.51	8112.92.10
0702.00.20	1602.50.60	2712.20.00	2939.62.00	4601.22.40	8112.92.30
0702.00.40	1602.50.90	2712.90.10	2939.63.00	4601.22.80	8112.92.40
0702.00.60	1801.00.00	2712.90.20	2939.69.00	4601.22.90	8112.92.60
0709.99.05	1802.00.00	2713.11.00	2939.72.00	4601.29.40	8112.92.65
0709.99.10	1803.10.00	2713.12.00	2939.79.00	4601.93.01	8112.99.10

0710.80.15	1803.20.00	2713.20.00	2941.10.10	4601.93.05	8112.99.20
0711.90.30	1804.00.00	2713.90.00	2941.10.20	4601.93.20	8112.99.91
0712.32.00	1805.00.00	2714.10.00	2941.10.30	4602.12.05	8422.40.9181
0712.34.10	1903.00.20	2714.90.00	2941.10.50	4602.12.14	8471.30.01
0712.34.20	1903.00.40	2715.00.00	2941.20.10	4602.12.16	8471.41.01
0713.34.20	2001.90.45	2716.00.00	2941.20.50	4602.12.23	8471.49.00
0713.34.40	2005.91.60	2801.20.00	2941.30.00	4602.12.25	8471.50.01
0714.10.10	2006.00.40	2804.29.00	2941.40.00	4602.12.35	8471.60.10
0714.10.20	2007.99.40	2804.50.00	2941.50.00	4602.12.45	8471.60.20
0714.40.10	2007.99.50	2804.61.00	2941.90.10	4703.11.00	8471.60.70
0714.40.20	2008.19.15	2804.69.10	2941.90.30	4703.19.00	8471.60.80
0714.40.50	2008.20.00	2804.69.50	2941.90.50	4703.21.00	8471.60.90
0714.40.60	2008.30.35	2804.80.00	3001.20.00	4703.29.00	8471.70.10
0714.50.10	2008.91.00	2804.90.00	3001.90.01	4704.11.00	8471.70.20
0714.50.20	2008.99.13	2805.19.10	3002.12.00	4704.19.00	8471.70.30
0714.50.60	2008.99.15	2805.19.20	3002.13.00	4704.21.00	8471.70.40
0714.90.42	2008.99.40	2805.19.90	3002.14.00	4704.29.00	8471.70.50
0714.90.44	2008.99.45	2805.30.00	3002.15.00	4705.00.00	8471.70.60
0714.90.46	2008.99.91	2811.11.00	3002.41.00	4706.10.00	8471.70.90
0714.90.48	2009.11.00	2811.19.10	3002.42.00	4706.20.00	8471.80.10
0714.90.61	2009.12.25	2811.29.10	3002.49.00	4706.30.00	8471.80.40
0801.11.00	2009.12.45	2811.29.20	3002.51.00	4706.91.00	8471.80.90
0801.12.00	2009.19.00	2812.19.00	3002.59.00	4706.92.01	8471.90.00
0801.19.01	2009.39.20	2813.90.10	3002.90.10	4706.93.01	8473.30.11
0801.21.00	2009.49.40	2815.20.00	3002.90.52	5607.21.00	8473.30.20
0801.22.00	2101.11.21	2816.10.00	3003.10.00	6309.00.00	8473.30.51
0801.31.00	2101.11.29	2816.40.10	3003.20.00	6802.99.00	8473.30.91
0801.32.00	2101.12.90	2816.40.20	3003.39.10	7103.10.20	8486.10.00
0802.41.00	2101.20.20	2817.00.00	3003.39.50	7103.10.40	8486.20.00
0802.42.00	2106.90.48	2818.10.10	3003.41.00	7106.91.10	8486.30.00
0802.61.00	2202.99.30	2818.10.20	3003.42.00	7108.11.00	8486.40.00
0802.62.00	2202.99.35	2818.20.00	3003.49.00	7108.12.10	8486.90.00
0802.70.10	2504.10.10	2818.30.00	3003.90.01	7108.12.50	8505.11.0070
0802.70.20	2504.10.50	2820.10.00	3004.10.10	7108.13.10	8517.13.00
0802.80.10	2504.90.00	2821.10.00	3004.10.50	7108.13.55	8517.62.00
0802.80.20	2507.00.00	2821.20.00	3004.20.00	7108.13.70	8523.51.00
0802.91.10	2510.10.00	2822.00.00	3004.31.00	7108.20.00	8524.11.10
0802.91.90	2510.20.00	2823.00.00	3004.32.00	7110.11.00	8524.11.90
0802.92.10	2511.10.10	2825.20.00	3004.39.00	7110.19.00	8524.12.00
0802.92.90	2511.10.50	2825.30.00	3004.41.00	7110.21.00	8524.19.00
0803.10.10	2519.10.00	2825.40.00	3004.42.00	7110.29.00	8524.91.10

0803.10.20	2519.90.10	2825.50.30	3004.49.00	7110.31.00	8524.91.90
0803.90.00	2519.90.20	2825.60.00	3004.50.10	7110.39.00	8524.92.00
0804.30.20	2524.90.00	2825.80.00	3004.50.20	7110.41.00	8524.99.00
0804.30.40	2525.10.00	2825.90.15	3004.50.30	7110.49.00	8528.52.00
0804.30.60	2529.21.00	2825.90.20	3004.50.40	7112.30.01	8537.10.9170
0804.40.00	2529.22.00	2825.90.30	3004.50.50	7112.92.01	8541.10.00
0804.50.40	2530.20.10	2825.90.90	3004.60.00	7115.90.05	8541.21.00
0804.50.60	2530.20.20	2826.12.00	3004.90.10	7115.90.30	8541.29.00
0804.50.80	2530.90.10	2826.30.00	3004.90.92	7118.90.00	8541.30.00
0805.10.00	2530.90.20	2826.90.90	3006.30.10	7201.10.00	8541.41.00
0805.50.30	2530.90.80	2827.31.00	3006.30.50	7201.20.00	8541.49.10
0805.50.40	2601.11.00	2827.39.25	3006.60.00	7201.50.30	8541.49.70
0807.20.00	2601.12.00	2827.39.45	3006.93.10	7201.50.60	8541.49.80
0808.40.20	2602.00.00	2827.39.60	3006.93.20	7202.11.10	8541.49.95
0808.40.40	2603.00.00	2827.39.90	3006.93.50	7202.11.50	8541.51.00
0810.50.00	2604.00.00	2827.41.00	3006.93.60	7202.19.10	8541.59.00
0810.60.00	2605.00.00	2827.49.50	3101.00.00	7202.19.50	8541.90.00
0810.90.27	2606.00.00	2827.59.51	3102.10.00	7202.30.00	8542.31.00
0810.90.46	2608.00.00	2827.60.10	3102.21.00	7202.41.00	8542.32.00
0811.90.10	2609.00.00	2827.60.51	3102.29.00	7202.49.10	8542.33.00
0811.90.25	2610.00.00	2833.21.00	3102.30.00	7202.49.50	8542.39.00
0811.90.30	2611.00.30	2833.24.00	3102.40.00	7202.50.00	8542.90.00
0811.90.40	2611.00.60	2833.25.00	3102.50.00	7202.60.00	9701.21.00
0811.90.50	2612.10.00	2833.27.00	3102.60.00	7202.80.00	9701.22.00
0811.90.52	2612.20.00	2833.29.10	3102.80.00	7202.91.00	9701.29.00
0812.90.40	2613.90.00	2833.29.45	3102.90.01	7202.93.40	9701.91.00
0901.11.00	2614.00.30	2833.29.51	3103.11.00	7202.93.80	9701.92.00
0901.12.00	2614.00.60	2834.21.00	3103.19.00	7202.99.20	9701.99.00
0901.21.00	2615.90.30	2834.29.20	3103.90.01	7203.10.00	9702.10.00
0901.22.00	2615.90.60	2834.29.51	3104.20.00	7203.90.00	9702.90.00
0901.90.10	2616.10.00	2836.60.00	3104.30.00	7204.21.00	9703.10.00
0901.90.20	2617.10.00	2836.91.00	3104.90.01	7204.30.00	9703.90.00
0902.10.10	2620.30.00	2836.92.00	3105.10.00	7204.41.00	9704.00.00
0902.10.90	2620.99.50	2836.99.10	3105.20.00	7314.19.01	9705.10.00
0902.20.10	2701.11.00	2836.99.50	3105.30.00	7401.00.00	9705.21.00
0902.20.90	2701.12.00	2839.19.00	3105.40.00	7402.00.00	9705.22.00
0902.30.00	2701.19.00	2841.80.00	3105.51.00	7403.11.00	9705.29.00
0902.40.00	2701.20.00	2841.90.20	3105.59.00	7403.12.00	9705.31.00
0903.00.00	2702.10.00	2844.10.10	3105.60.00	7403.13.00	9705.39.00
0904.11.00	2702.20.00	2844.10.20	3105.90.00	7403.19.00	9706.10.00
0904.12.00	2703.00.00	2844.20.00	3204.17.20	7403.21.00	9706.90.00

0904.21.20	2704.00.00	2844.30.20	3206.11.00	7403.22.00
0904.21.40	2705.00.00	2844.30.50	3206.19.00	7403.29.01
0904.21.60	2706.00.00	2846.10.00	3301.12.00	7404.00.30
0904.21.80	2707.10.00	2846.90.20	3301.90.50	7404.00.60
0904.22.20	2707.20.00	2846.90.40	3606.90.30	7405.00.10
0904.22.40	2707.30.00	2846.90.80	3818.00.00	7405.00.60

(iii) As provided in heading 9903.05.04, the additional duty imposed by heading 9903.05.01 shall not apply to the following particular articles the product of Brazil:

- (1) Etrogs (classifiable in subheading 0805.90.01);
- (2) Tropical fruit, nesoi, frozen, whether or not previously steamed or boiled (classifiable in subheading 0811.90.80);
- (3) Date palm branches, Myrtus branches or other vegetable material, for religious purposes only (classifiable in subheading 1404.90.90);
- (4) Bread, pastry, cakes, biscuits and similar baked products nesoi, and puddings, whether or not containing chocolate, fruit, nuts or confectionery, for religious purposes only (classifiable in subheading 1905.90.10);
- (5) Bakers' wares, communion wafers, sealing wafers, rice paper and similar products, nesoi, for religious purposes only (classifiable in subheading 1905.90.90);
- (6) Acai (classifiable in subheading 2008.99.21);
- (7) Citrus juice of any single citrus fruit (other than orange, grapefruit or lime), of a Brix value not exceeding 20, concentrated, unfermented, except for lemon juice (classifiable in subheading 2009.31.60);
- (8) Coconut water or juice of acai (classifiable in subheading 2009.89.70);
- (9) Coconut water juice blends, not from concentrate, packaged for retail sale (classifiable in subheading 2009.90.40);
- (10) Acai preparations for the manufacture of beverages (classifiable in subheading 2106.90.99); and
- (11) Essential oils other than those of citrus fruit, nesoi, for religious purposes only (classifiable in subheading 3301.29.51).

(iv) As provided in heading 9903.05.05, the additional duty imposed by heading 9903.05.01 shall not apply to articles the product of Brazil that are civil aircraft (all aircraft other than military aircraft); their engines, parts and components; their other parts, components and subassemblies; and ground flight simulators and their parts and components, that otherwise meet the criteria of general note 6 of the HTSUS and are classifiable in the following provisions of the HTSUS, but

regardless of whether a product is entered under a provision for which the rate of duty “Free (C)” appears in the “Special” sub-column:

3917.21.00	7608.10.00	8421.29.00	8502.39.00	8529.90.55	9025.80.50
3917.22.00	7608.20.00	8421.31.00	8502.40.00	8529.90.63	9025.90.06
3917.23.00	8302.10.60	8421.32.00	8504.10.00	8529.90.68	9026.10.20
3917.29.00	8302.10.90	8421.39.01	8504.31.20	8529.90.73	9026.10.40
3917.31.00	8302.20.00	8424.10.00	8504.31.40	8529.90.77	9026.10.60
3917.33.00	8302.42.30	8425.11.00	8504.31.60	8529.90.78	9026.20.40
3917.39.00	8302.42.60	8425.19.00	8504.32.00	8529.90.81	9026.20.80
3917.40.00	8302.49.40	8425.31.01	8504.33.00	8529.90.83	9026.80.20
3926.90.45	8302.49.60	8425.39.01	8504.40.40	8529.90.87	9026.80.40
3926.90.94	8302.49.80	8425.42.00	8504.40.60	8529.90.88	9026.80.60
3926.90.96	8302.60.30	8425.49.00	8504.40.70	8529.90.89	9026.90.20
3926.90.99	8307.10.30	8426.99.00	8504.40.85	8529.90.93	9026.90.40
4008.29.20	8307.90.30	8428.10.00	8504.40.95	8529.90.95	9026.90.60
4009.12.00	8407.10.00	8428.20.00	8504.50.40	8529.90.97	9029.10.80
4009.22.00	8408.90.90	8428.33.00	8504.50.80	8529.90.98	9029.20.40
4009.32.00	8409.10.00	8428.39.00	8507.10.00	8531.10.00	9029.90.80
4009.42.00	8411.11.40	8428.90.03	8507.20.80	8531.20.00	9030.10.00
4011.30.00	8411.11.80	8443.31.00	8507.30.80	8531.80.15	9030.20.05
4012.13.00	8411.12.40	8443.32.10	8507.50.00	8531.80.90	9030.20.10
4012.20.10	8411.12.80	8443.32.50	8507.60.00	8536.70.00	9030.31.00
4016.10.00	8411.21.40	8479.89.10	8507.80.82	8539.10.00	9030.32.00
4016.93.50	8411.21.80	8479.89.20	8507.90.40	8539.51.00	9030.33.34
4016.99.35	8411.22.40	8479.89.65	8507.90.80	8543.70.42	9030.33.38
4016.99.60	8411.22.80	8479.89.70	8511.10.00	8543.70.45	9030.39.01
4017.00.00	8411.81.40	8479.89.95	8511.20.00	8543.70.60	9030.40.00
4504.90.00	8411.82.40	8479.90.41	8511.30.00	8543.70.80	9030.84.00
4823.90.10	8411.91.10	8479.90.45	8511.40.00	8543.70.91	9030.89.01
4823.90.20	8411.91.90	8479.90.55	8511.50.00	8543.70.95	9030.90.25
4823.90.31	8411.99.10	8479.90.65	8511.80.20	8543.90.12	9030.90.46
4823.90.40	8411.99.90	8479.90.75	8511.80.40	8543.90.15	9030.90.66
4823.90.50	8412.10.00	8479.90.85	8511.80.60	8543.90.35	9030.90.68
4823.90.60	8412.21.00	8479.90.95	8514.20.40	8543.90.65	9030.90.84
4823.90.67	8412.29.40	8483.10.10	8516.80.40	8543.90.68	9030.90.89
4823.90.70	8412.29.80	8483.10.30	8516.80.80	8543.90.85	9031.80.40
4823.90.80	8412.31.00	8483.10.50	8517.14.00	8543.90.88	9031.80.80
4823.90.86	8412.39.00	8483.30.40	8517.61.00	8544.30.00	9031.90.21
6812.80.90	8412.80.10	8483.30.80	8517.69.00	8801.00.00	9031.90.45
6812.99.10	8412.80.90	8483.40.10	8517.71.00	8802.11.01	9031.90.54
6812.99.20	8412.90.90	8483.40.30	8518.10.40	8802.12.01	9031.90.59
6812.99.90	8413.19.00	8483.40.50	8518.10.80	8802.20.01	9031.90.70
6813.20.00	8413.20.00	8483.40.70	8518.21.00	8802.30.01	9031.90.91
6813.81.00	8413.30.10	8483.40.80	8518.22.00	8802.40.01	9032.10.00

6813.89.00	8413.30.90	8483.40.90	8518.29.40	8805.29.00	9032.20.00
7007.21.11	8413.50.00	8483.50.40	8518.29.80	8806.10.00	9032.81.00
7304.31.30	8413.60.00	8483.50.60	8518.30.10	8806.21.00	9032.89.20
7304.31.60	8413.70.10	8483.50.90	8518.30.20	8806.22.00	9032.89.40
7304.39.00	8413.70.20	8483.60.40	8518.40.10	8806.23.00	9032.89.60
7304.41.30	8413.81.00	8483.60.80	8518.40.20	8806.24.00	9032.90.21
7304.41.60	8413.91.10	8483.90.10	8518.50.00	8806.29.00	9032.90.41
7304.49.00	8413.91.20	8483.90.20	8519.81.10	8806.91.00	9032.90.61
7304.51.10	8413.91.90	8483.90.30	8519.81.20	8806.92.00	9033.00.90
7304.51.50	8414.10.00	8483.90.50	8519.81.25	8806.93.00	9104.00.05
7304.59.10	8414.20.00	8483.90.80	8519.81.30	8806.94.00	9104.00.10
7304.59.20	8414.30.40	8484.10.00	8519.81.41	8806.99.00	9104.00.20
7304.59.60	8414.30.80	8484.90.00	8519.89.10	8807.10.00	9104.00.25
7304.59.80	8414.51.30	8501.20.50	8519.89.20	8807.20.00	9104.00.30
7304.90.10	8414.51.90	8501.20.60	8519.89.30	8807.30.00	9104.00.40
7304.90.30	8414.59.30	8501.31.50	8521.10.30	8807.90.90	9104.00.45
7304.90.50	8414.59.65	8501.31.60	8521.10.60	9001.90.40	9104.00.50
7304.90.70	8414.80.05	8501.31.81	8521.10.90	9001.90.50	9104.00.60
7306.30.10	8414.80.16	8501.32.20	8522.90.25	9001.90.60	9109.10.50
7306.30.30	8414.80.20	8501.32.55	8522.90.36	9001.90.80	9109.10.60
7306.30.50	8414.80.90	8501.32.61	8522.90.45	9001.90.90	9109.90.20
7306.40.10	8414.90.10	8501.33.20	8522.90.58	9002.90.20	9401.10.40
7306.40.50	8414.90.30	8501.33.30	8522.90.65	9002.90.40	9401.10.80
7306.50.10	8414.90.41	8501.33.61	8522.90.80	9002.90.70	9403.20.00
7306.50.30	8414.90.91	8501.34.61	8526.10.00	9002.90.85	9403.70.40
7306.50.50	8415.10.60	8501.40.50	8526.91.00	9002.90.95	9403.70.80
7306.61.10	8415.10.90	8501.40.60	8526.92.10	9014.10.10	9405.11.40
7306.61.30	8415.81.01	8501.51.50	8526.92.50	9014.10.60	9405.11.60
7306.61.50	8415.82.01	8501.51.60	8528.42.00	9014.10.70	9405.11.80
7306.61.70	8415.83.00	8501.52.40	8528.62.00	9014.10.90	9405.19.40
7306.69.10	8415.90.40	8501.52.80	8529.10.21	9014.20.20	9405.19.60
7306.69.30	8415.90.80	8501.53.40	8529.10.40	9014.20.40	9405.19.80
7306.69.50	8418.10.00	8501.53.60	8529.10.91	9014.20.60	9405.61.20
7306.69.70	8418.30.00	8501.61.01	8529.90.04	9014.20.80	9405.61.40
7312.10.05	8418.40.00	8501.62.01	8529.90.05	9014.90.10	9405.61.60
7312.10.10	8418.61.01	8501.63.01	8529.90.06	9014.90.20	9405.69.20
7312.10.20	8418.69.01	8501.71.00	8529.90.09	9014.90.40	9405.69.40
7312.10.30	8419.50.10	8501.72.10	8529.90.13	9014.90.60	9405.69.60
7312.10.50	8419.50.50	8501.72.20	8529.90.16	9020.00.40	9405.92.00
7312.10.60	8419.81.50	8501.72.30	8529.90.19	9020.00.60	9405.99.20
7312.10.70	8419.81.90	8501.72.90	8529.90.21	9025.11.20	9405.99.40
7312.10.80	8419.90.10	8501.80.10	8529.90.24	9025.11.40	9620.00.50
7312.10.90	8419.90.20	8501.80.20	8529.90.29	9025.19.40	9620.00.60
7312.90.00	8419.90.30	8501.80.30	8529.90.33	9025.19.80	9802.00.40
7322.90.00	8419.90.50	8502.11.00	8529.90.36	9025.80.10	9802.00.50

7324.10.00	8419.90.85	8502.12.00	8529.90.39	9025.80.15	9802.00.60
7324.90.00	8421.19.00	8502.13.00	8529.90.43	9025.80.20	9802.00.80
7326.20.00	8421.21.00	8502.20.00	8529.90.46	9025.80.35	9818.00.05
7413.00.90	8421.23.00	8502.31.00	8529.90.49	9025.80.40	9818.00.07

(v) As provided in heading 9903.05.06, the additional duty imposed by heading 9903.05.01 shall not apply to articles the product of Brazil for use in pharmaceutical applications, and that are classifiable in the following provisions of the HTSUS, but regardless of whether a product is entered under a provision for which the rate of duty “Free (K)” appears in the “Special” sub-column:

2804.10.00	2907.19.10	2918.22.50	2923.10.00	2933.29.10	2934.99.30
2804.30.00	2907.19.20	2918.23.10	2923.20.10	2933.29.20	2934.99.39
2806.10.00	2907.19.40	2918.23.30	2923.20.20	2933.29.35	2934.99.44
2807.00.00	2907.19.80	2918.23.50	2923.30.00	2933.29.43	2934.99.47
2809.20.00	2907.29.90	2918.29.20	2923.40.00	2933.29.45	2934.99.70
2811.12.00	2908.19.10	2918.29.22	2923.90.01	2933.29.60	2934.99.90
2811.22.50	2908.19.35	2918.29.65	2924.11.00	2933.29.90	2935.50.00
2812.12.00	2908.19.60	2918.29.75	2924.12.00	2933.31.00	2935.90.06
2814.10.00	2908.99.12	2918.30.10	2924.19.11	2933.33.01	2935.90.10
2814.20.00	2908.99.15	2918.30.15	2924.19.80	2933.34.00	2935.90.13
2815.11.00	2908.99.25	2918.30.25	2924.21.16	2933.35.00	2935.90.15
2815.12.00	2909.11.00	2918.30.30	2924.21.20	2933.36.00	2935.90.20
2815.30.00	2909.19.18	2918.30.70	2924.21.45	2933.37.00	2935.90.29
2825.10.00	2909.19.60	2918.30.90	2924.21.50	2933.39.08	2935.90.30
2827.39.65	2909.20.00	2918.99.05	2924.23.70	2933.39.10	2935.90.32
2827.60.20	2909.30.40	2918.99.30	2924.23.75	2933.39.20	2935.90.33
2832.10.00	2909.30.60	2918.99.43	2924.24.00	2933.39.21	2935.90.42
2832.30.10	2909.49.05	2918.99.47	2924.25.00	2933.39.23	2935.90.48
2833.11.50	2909.49.10	2918.99.50	2924.29.01	2933.39.25	2935.90.60
2833.19.00	2909.49.15	2919.10.00	2924.29.03	2933.39.27	2935.90.75
2833.22.00	2909.49.20	2919.90.30	2924.29.05	2933.39.31	2935.90.95
2834.10.10	2909.49.60	2919.90.50	2924.29.10	2933.39.41	2938.10.00
2835.22.00	2909.50.20	2920.19.40	2924.29.23	2933.39.61	2938.90.00
2835.24.00	2909.50.40	2920.19.50	2924.29.26	2933.39.92	2939.43.00
2836.20.00	2909.50.45	2920.21.00	2924.29.28	2933.41.00	2939.51.00
2836.30.00	2909.50.50	2920.22.00	2924.29.33	2933.49.08	2939.61.00
2836.40.20	2910.10.00	2920.23.00	2924.29.57	2933.49.10	2939.80.00
2837.20.51	2910.30.00	2920.24.00	2924.29.62	2933.49.15	2940.00.60
2841.90.40	2910.40.00	2920.29.00	2924.29.65	2933.49.17	2942.00.03
2842.10.00	2910.50.00	2920.30.00	2924.29.71	2933.49.20	2942.00.05

2842.90.90	2910.90.10	2920.90.20	2924.29.77	2933.49.26	2942.00.10
2843.29.01	2910.90.20	2920.90.51	2924.29.80	2933.49.30	2942.00.35
2843.30.00	2910.90.91	2921.11.00	2924.29.95	2933.49.60	2942.00.50
2843.90.00	2911.00.10	2921.14.00	2925.12.00	2933.49.70	3003.31.00
2844.41.00	2911.00.50	2921.19.11	2925.19.42	2933.52.10	3003.43.00
2844.42.00	2912.19.50	2921.19.61	2925.19.91	2933.52.90	3003.60.00
2844.43.00	2912.29.60	2921.29.00	2925.21.00	2933.53.00	3004.43.00
2844.44.00	2912.49.26	2921.30.10	2925.29.10	2933.54.00	3006.70.00
2845.20.00	2912.60.00	2921.30.30	2925.29.18	2933.55.00	3006.92.00
2845.30.00	2914.11.10	2921.30.50	2925.29.20	2933.59.10	3006.93.80
2845.90.01	2914.19.00	2921.41.10	2925.29.60	2933.59.15	3203.00.80
2847.00.00	2914.29.30	2921.41.20	2925.29.70	2933.59.18	3204.13.60
2850.00.50	2914.29.50	2921.42.65	2925.29.90	2933.59.21	3204.13.80
2853.10.00	2914.39.90	2921.42.90	2926.30.10	2933.59.22	3204.18.00
2853.90.50	2914.40.40	2921.43.40	2926.40.00	2933.59.36	3204.90.00
2901.10.40	2914.40.90	2921.45.60	2926.90.14	2933.59.46	3401.30.10
2902.19.00	2914.50.10	2921.45.90	2926.90.43	2933.59.53	3402.42.10
2902.90.30	2914.50.30	2921.46.00	2926.90.48	2933.59.59	3402.42.20
2903.12.00	2914.50.50	2921.49.38	2926.90.50	2933.59.70	3402.42.90
2903.13.00	2914.62.00	2921.49.43	2927.00.40	2933.59.80	3402.50.11
2903.22.00	2914.69.21	2921.49.45	2927.00.50	2933.59.85	3507.90.70
2903.41.10	2914.69.90	2921.49.50	2928.00.10	2933.59.95	3802.10.00
2903.42.10	2914.71.00	2921.59.40	2928.00.15	2933.69.50	3808.59.40
2903.43.10	2914.79.10	2921.59.80	2928.00.25	2933.69.60	3808.59.50
2903.44.10	2914.79.40	2922.11.00	2928.00.30	2933.72.00	3808.61.50
2903.45.10	2914.79.60	2922.12.00	2928.00.50	2933.79.04	3808.94.10
2903.46.10	2914.79.90	2922.14.00	2929.90.05	2933.79.08	3808.94.50
2903.47.10	2915.21.00	2922.15.00	2929.90.15	2933.79.15	3812.31.00
2903.48.00	2915.24.00	2922.16.00	2929.90.20	2933.79.20	3815.11.00
2903.49.00	2915.29.50	2922.17.00	2929.90.50	2933.79.30	3815.12.00
2903.51.10	2915.32.00	2922.18.00	2930.10.01	2933.79.40	3815.90.50
2903.59.10	2915.36.00	2922.19.09	2930.20.20	2933.79.85	3824.81.00
2903.59.90	2915.39.10	2922.19.20	2930.20.90	2933.91.00	3824.82.10
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(vi) As provided in heading 9903.05.07, the additional duty imposed by heading 9903.05.01 shall not apply to:

(1) articles of aluminum, of steel or of copper, nor to derivative aluminum or steel articles provided for in headings 9903.82.02 and 9903.82.04–9903.82.26;

(2) passenger vehicles (sedans, sport utility vehicles, crossover utility vehicles, minivans and cargo vans) and light trucks provided for in headings 9903.94.01, 9903.94.02 (as applied to the U.S. content of passenger vehicles and light trucks described in subdivision 33(d) of this subchapter upon approval from the Secretary of Commerce), 9903.94.03, 9903.94.31, 9903.94.40, 9903.94.41, 9903.94.50, 9903.94.51, 9903.94.60 and 9903.94.61;

(3) parts of passenger vehicles (sedans, sport utility vehicles, crossover utility vehicles, minivans and cargo vans) and parts of light trucks provided for in headings 9903.94.05, 9903.94.06 (as applied to parts of passenger vehicles that are eligible for special tariff treatment under the United States-Mexico-Canada Agreement (USMCA) other than automobile knock-down kits or parts compilations), 9903.94.07, 9903.94.32, 9903.94.33, 9903.94.42, 9903.94.43, 9903.94.44, 9903.94.45, 9903.94.52, 9903.94.53, 9903.94.54, 9903.94.55, 9903.94.62, 9903.94.63, 9903.94.64, 9903.94.65, 9903.94.66, 9903.94.67, 9903.94.68 and 9903.94.69, and parts of passenger vehicles (sedans, sport utility vehicles, crossover utility vehicles, minivans and cargo vans) and parts of light trucks subject to an import adjustment offset pursuant to Proclamation 10925 of April 29, 2025 (90 FR 18899), as amended;

(4) wood products provided for in headings 9903.76.01, 9903.76.02, 9903.76.03, 9903.76.20, 9903.76.21, 9903.76.22, 9903.76.23 and 9903.76.24;

(5) medium- and heavy-duty vehicles, buses and other vehicles provided for in headings 9903.74.01, 9903.74.02, 9903.74.03 and 9903.74.06;

(6) medium- and heavy-duty vehicle parts provided for in headings 9903.74.08, 9903.74.09 and 9903.74.10, and parts of medium- and heavy-duty vehicles subject to an import adjustment offset pursuant to Proclamation 10984 of October 17, 2025 (90 FR 48451); and

(7) semiconductor articles provided for in heading 9903.79.01.”

B. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern time on July 31, 2026, subchapter III of chapter 99 of the HTSUS is modified as follows:

1. The article description of heading 9903.05.07 is modified by inserting “patented pharmaceutical articles;” after “wood products;”; and
2. Subdivision (a)(vi) of U.S. note 50 is modified:
 - a. by deleting the word “and” at the end of item (6);
 - b. by deleting the period at the end of item (7) and by inserting “; and” in lieu thereof; and
 - c. by inserting the following new item (8) in numerical order:

“(8) patented pharmaceutical articles provided for in headings 9903.04.60–9903.04.66.”

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