

per the Small Business Act); a small not-for-profit organization; or a small governmental jurisdiction (locality with fewer than 50,000 people). Because this proposed rule would merely remove an airport not used for international flights for several years from the lists of international airports, the proposed rule does not have a significant economic impact. As the proposed rule would affect only one party, the rule does not affect a substantial number of small entities. Accordingly, CBP certifies that this proposed rule does not have a significant economic impact on a substantial number of small entities.

C. Unfunded Mandates Reform Act

This proposed rule would not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it would not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 *et seq.*).

D. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that CBP consider the impact of paperwork and other information collection burdens imposed on the public. There is no new collection of information required in this document; therefore, the provisions of the Paperwork Reduction Act are inapplicable.

VII. Authority

The amendment to part 100 of title 8 of the CFR is proposed under the authority of 8 U.S.C. 1103, 8 U.S.C. 1185 note (section 7209 of Pub. L. 108–458), and 8 CFR part 2.

The amendment to part 122 of title 19 of the CFR is proposed under the authority of 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1415, 1431, 1433, 1436, 1448, 1459, 1590, 1594, 1623, 1624, 1644, 1644a, and 2071 note.

VIII. Signing Authority

The signing authority for the proposed amendment to an immigration port of entry under title 8 of the CFR is governed by Section 441 of the Homeland Security Act of 2002, as amended (6 U.S.C. 251).

The signing authority for the proposed amendment to a customs port of entry under title 19 of the CFR falls under 19 CFR 0.2(a).

Accordingly, this notice of proposed rulemaking is signed by the Secretary of Homeland Security.

List of Subjects

8 CFR Part 100

Organization and functions (Government agencies).

19 CFR Part 122

Administrative practice and procedure, Air carriers, Aircraft, Airports, Alcohol and alcoholic beverages, Cigars and cigarettes, Cuba, Drug traffic control, Freight, Penalties, Reporting and recordkeeping requirements, Security measures.

IX. Proposed Regulatory Amendments

For the reasons stated in the preamble, DHS proposes to amend 8 CFR part 100 and 19 CFR part 122 as set forth below:

Title 8—Aliens and Nationality

PART 100—STATEMENT OF ORGANIZATION

SUBCHAPTER B—IMMIGRATION REGULATIONS

- 1. The authority citation for part 100 continues to read as follows:

Authority: 8 U.S.C. 1103; 8 U.S.C. 1185 note (section 7209 of Pub. L. 108–458); 8 CFR part 2.

- 2. Amend section 100.4 by removing the entry “Miami, FL, Chalks Flying Service Seaplane Base” under District No. 6—Miami, Florida, in paragraph (b).

Title 19—Customs Duties

PART 122—AIR COMMERCE REGULATIONS

Subpart B—Classes of Airports

- 1. The authority citation for part 122 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1415, 1431, 1433, 1436, 1448, 1459, 1590, 1594, 1623, 1624, 1644, 1644a, 2071 note.

Section 122.22 is also issued under 46 U.S.C. 60105.

Section 122.48b also issued under 49 U.S.C. 44901 note.

Section 122.49a also issued under 8 U.S.C. 1101, 1221, 19 U.S.C. 1431, 49 U.S.C. 44909.

Section 122.49b also issued under 8 U.S.C. 1221, 19 U.S.C. 1431, 49 U.S.C. 114, 44909.

Section 122.49c also issued under 8 U.S.C. 1221, 19 U.S.C. 1431, 49 U.S.C. 114, 44909.

Section 122.49d also issued under 49 U.S.C. 44909(c)(3).

Section 122.75a also issued under 8 U.S.C. 1221, 19 U.S.C. 1431.

Section 122.75b also issued under 8 U.S.C. 1221, 19 U.S.C. 1431, 49 U.S.C. 114.

- 2. Amend section 122.13 by removing the entry “Miami, Fla.—Chalk Seaplane

Base” from the list of international airports.

Markwayne Mullin,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2026–17108 Filed 8–20–26; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 103

[CIS No. 2798–25; DHS Docket No. USCIS–2026–0331]

RIN 1615–AD21

Genealogy Program Regulations To Clarify the Impact of Federal Records Requirements

AGENCY: U.S. Citizenship and Immigration Services, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The U.S. Department of Homeland Security (DHS) proposes to amend its regulation governing genealogy program related records requests to revise its genealogy program regulations to clarify the impact of statutory and regulatory federal records requirements. This is necessary for individuals who request immigration records through the agency’s genealogy program to better understand which records may be requested.

DATES: Written comments must be submitted on or before October 20, 2026. The electronic Federal Docket Management System will accept comments prior to midnight eastern time at the end of that day.

ADDRESSES: You may submit comments on this proposed amendment, identified by Docket No. USCIS–2026–0331, through the federal eRulemaking Portal at <http://www.regulations.gov>. Follow the website instructions for submitting comments.

Comments must be submitted in English, or an English translation must be provided. Comments that will provide the most assistance to U.S. Citizenship and Immigration Services (USCIS) in implementing these changes will reference a specific portion of the proposed rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change. Comments submitted in a manner other than the one listed above, including emails or letters sent to DHS or USCIS officials, will not be considered comments on the proposed rule and may not receive a response from DHS. Please note that DHS and USCIS cannot

accept any comments that are hand-delivered or couriered. In addition, USCIS cannot accept comments contained on any form of digital media storage devices, such as CDs/DVDs and USB drives. USCIS is also not accepting mailed comments at this time. If you cannot submit your comment by using <http://www.regulations.gov>, please contact the Regulatory Coordination Division, Office of Policy and Strategy, USCIS, DHS, by telephone at (240) 721-3000 for alternate instructions.

FOR FURTHER INFORMATION CONTACT: Identity and Information Management Division, Immigration Records and Identity Services, USCIS, DHS, 5900 Capital Gateway Drive, Camp Springs, MD 20746; telephone (240) 721-3000 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

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 - G. Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)
 - H. National Environmental Policy Act (NEPA)
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Table of Abbreviations

AR-2—Alien Registration Forms
 C-Files—Naturalization Certificate Files
 CFR—Code of Federal Regulations
 DHS—U.S. Department of Homeland Security
 E.O.—Executive Order
 FR—Federal Register
 FY—Fiscal Year
 INA—Immigration and Nationality Act of 1952
 IRFA—Initial Regulatory Flexibility Act
 IT—Information Technology
 NARA—National Archives and Records Administration
 NEPA—National Environmental Policy Act
 OIRA—Office of Information and Regulatory Affairs
 OMB—Office of Management and Budget
 PRA—Paperwork Reduction Act
 RFA—Regulatory Flexibility Act
 RIA—Regulatory Impact Analysis
 SBA—U.S. Small Business Administration
 UMRA—Unfunded Mandates Reform Act of 1995

USCIS—U.S. Citizenship and Immigration Services

I. Public Participation

DHS invites all interested parties to participate in this rulemaking by submitting written data, views, comments and arguments on all aspects of this proposed rule. DHS also invites comments that relate to the economic, environmental, or federalism effects that might result from this proposed rule. Comments must be submitted in English, or an English translation must be provided. Comments that will provide the most assistance to USCIS in implementing these changes will reference a specific portion of the proposed rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change. Comments submitted in a manner other than the one listed above, including emails or letters sent to DHS or USCIS officials, will not be considered comments on the proposed rule and may not receive a response from DHS.

Instructions: If you submit a comment, you must include the agency name (U.S. Citizenship and Immigration Services) and the DHS Docket No. USCIS-2026-0331 for this rulemaking. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary public comment submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy and Security Notice available at <http://www.regulations.gov>.

Docket: For access to the docket and to read background documents or comments received, go to <http://www.regulations.gov>, referencing DHS Docket No. USCIS-2026-0331. You may also sign up for email alerts on the online docket to be notified when comments are posted or a final rule is published.

II. Discussion of Proposed Rule

A. Background and Purpose

The Department of Homeland Security, U.S. Citizenship and Immigration Services' Genealogy Program was established in 2008 in a

Final Rule (*see*, Establishment of a Genealogy Program, 73 FR 28026 (May 15, 2008)) as a fee-for-service program designed to provide genealogical and historical records and reference services to genealogists, historians, and others seeking certain kinds of immigration records. *See* 8 CFR 103.38–103.40. The program and collection of fees for service are based on authority in 8 U.S.C. 1356(t) which allows USCIS (formerly INS) to conduct genealogy research and information services for a fee as prescribed under regulation before disseminating any requested genealogical information. *See* 8 CFR 106.2(c)(1) and (2).

Under the program, the public can request copies of “historical records” as defined in 8 CFR 103.39. These historical records include Naturalization Certificate Files (C-Files) from September 27, 1906 to April 1, 1956; Microfilmed Alien Registration Forms from August 1, 1940 to March 31, 1944; Visa Files from July 1, 1924 to March 31, 1944; Registry Files from March 2, 1929 to March 31, 1944, and records contained in Alien Files numbered below 8 million (A8000000) and documents therein dated prior to May 1, 1951. *Id.*

Although the rule defined historical records (8 CFR 103.39) that may be produced under the program, it did not address the impact of general federal records management requirements (*see* 36 CFR part 1220) on historical records in the program. All Federal agencies must establish effective controls over the creation, maintenance and use, and preservation or disposal of its records. In so doing, each agency must cooperate with the Archivist of the United States to establish appropriate standards, procedures, and techniques. *See* 44 U.S.C. 3102, *et seq.* These controls are in part established through National Archives and Records Administration (NARA) approved records schedules (*see* 36 CFR 1220.18), which describes specific types of records, how long to retain the applicable records, and when to disposition¹ them. “Historical records” are also governed by records schedules.

NARA has determined that the USCIS records later defined by the regulation as “historical records” are permanent. *See* 36 CFR 1220.18. A permanent record means any Federal record that has been determined by NARA to have sufficient value to warrant its

¹ Disposition refers to actions taken regarding records no longer needed for the conduct of the regular current business of the agency in accordance with the terms of the legal authorization expressed in the applicable retention schedule. *See* 36 CFR 1220.18.

preservation in the National Archives of the United States, even while it remains in agency custody. Permanent records are those for which the disposition is permanent on SF 115, Request for Records Disposition Authority, approved by NARA on or after May 14, 1973. The term also includes all records accessioned by NARA into the National Archives of the United States. *Id.* Because historical records are permanent, they are transferred to NARA after the period specified in their applicable records schedule. See 36 CFR 1226.22, 1235.10, and 1235.12. NARA is responsible for providing access to the records that have been transferred to it and are in its legal custody. See 36 CFR 1250.8(a). Once legal custody has been transferred to NARA, USCIS may maintain non-record copies of those transferred records for its reference, and those copies will be purged when no longer needed for reference. See 36 CFR 1222.14(b) and 1222.16(b)(3). See also, <https://www.archives.gov/files/records-mgmt/grs/grs05-1.pdf>. Requesters must contact NARA to obtain copies of all historical records in NARA's legal custody.

If this proposed rule is finalized, the public will be able to find which record sets have been transferred to NARA via the published records schedules addressing the disposition of historical records online at www.archives.gov/records-mgmt/rcs. In addition, DHS would publish a notice on the USCIS genealogy website² explaining which historical records were transferred to NARA's custody. DHS also notes that NARA publishes notices on its website when USCIS files have been transferred to their custody.³ If an individual submits an index search or document request for historical records under the Genealogy Program, USCIS would search for the records and, for those records for which legal custody has been transferred to NARA, inform the requestor that such records may be requested directly from NARA. For more information on how to request USCIS records that have been transferred to NARA, see, <https://www.archives.gov/research>.

DHS does not anticipate designating additional files as "historical records" under the regulation in the future. Therefore, over time, all USCIS designated historical records will be

transferred to NARA in accordance with their records disposition schedule and requestors will no longer be able to access those records through the genealogy program. Instead, requestors may request access to those records directly from NARA. DHS welcomes public comment on all aspects of the proposed change to the definition of historical records, which records are produced by USCIS under the genealogy program, and the eventual discontinuation of the genealogy program process as USCIS transfers legal custody of historical records to NARA.⁴ USCIS will notify requesters when records have been transferred to NARA on the Genealogy public website. <https://www.uscis.gov/records/genealogy>.⁵

USCIS notes that for Alien Registration Forms (AR-2) requests, USCIS no longer processes these sets of records for requests received on or after May 17, 2024. In 2024, USCIS agreed to transfer AR-2s from August 1, 1940 to March 31, 1944 files to NARA. USCIS publicly announced that as of May 17, 2024, all AR-2s are available through NARA. USCIS notes that the impact of federal records requirements on the genealogy program is not necessarily clear to the public by reading DHS' existing genealogy regulations.⁶ This rulemaking is an effort to address this issue.

B. Discussion of Proposed Changes

In an effort to revise USCIS' existing genealogy program regulations to clarify the impact of statutory and regulatory federal records requirements, DHS proposes changes to the genealogy program regulations to state that USCIS will produce historical records that have not been transferred to NARA pursuant to applicable published records schedules. See proposed 8 CFR 103.38(a). Proposed § 103.38(c) explains how USCIS would process requests for these historical records. The proposed

definitions of historical records and records requests would be amended to exclude files, forms and documents for which legal custody has been transferred by USCIS to NARA. See proposed 8 CFR 103.39 and 103.40.

III. Statutory and Regulatory Requirements

A. Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and Executive Order 14192 (Unleashing Prosperity Through Deregulation)

E.O.s 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if a regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. E.O. 14192 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 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 section (a)(17) of INA 8 U.S.C. 1101(a)(17) or any other function performed by the U.S. Federal Government with respect to aliens. See OMB Memorandum M-25-20, "Guidance Implementing Section 3 of Executive Order 14192, titled 'Unleashing Prosperity Through Deregulation'" (Mar. 26, 2025).⁷

The Office of Management and Budget (OMB) has not designated this rule as a "significant regulatory action under" section 3(f) of Executive Order 12866, as amended by Executive Order 14094. Accordingly, OMB has not reviewed this regulatory action.

1. Summary of Changes

As discussed in this preamble, the purpose of this notice for proposed rulemaking is to revise USCIS' existing genealogy program regulations to clarify

² <https://www.uscis.gov/records/genealogy>. This rulemaking would not change USCIS' policies regarding fees for historical records. Requestors should check the notice before submitting requests for historical records from USCIS.

³ See <https://www.archives.gov/research/genealogy/start-research/nara-resources> (last accessed April 4, 2025).

⁴ As explained in the preamble to DHS' 2024 fee rule, "USCIS strives to adhere to its records retention schedules and transfer files to NARA expeditiously when records are eligible for transfer. Unfortunately, issues such as incomplete or non-existent file indices and other operational difficulties may inhibit and delay such transfers. DHS agrees that NARA is the appropriate repository for permanently retained records as USCIS has deemed necessary." See 89 FR 6194, 6326, Jan. 31, 2024. The causes of such delays typically relate to how the Immigration and Naturalization Service (INS) used, organized, and managed its records in different ways over time.

⁵ (Record retention schedules for historical records are published by NARA, see <https://www.archives.gov/records-mgmt/rcs>.)

⁶ See <https://www.uscis.gov/records/genealogy/historical-records-series-available-from-the-genealogy-program> (last accessed May 6, 2025).

⁷ Office of Mgmt. & Budget, Exec. Office of the President, OMB Memorandum M-25-20, Guidance Implementing Section 3 of Executive Order 14192, Titled "Unleashing Prosperity Through Deregulations" (2025).

the impact of statutory and regulatory federal records requirements. The proposed changes to the genealogy program regulations would state that USCIS will produce historical records that have not been transferred to NARA.

Most of the impacts of this rule are expected to be transfers in work and

collection of fees for service from USCIS to NARA. The benefits of revising the regulations are related to aligning the genealogy search and records request process with federal records management requirements, reducing the burden and workload on USCIS associated with producing and storing

records under the Genealogy Program that have been transferred to NARA, and transparency in how USCIS handles copies of records and uses its storage space. Table 1 provides a more detailed summary of the proposed rule provisions and their impacts.

TABLE 1—SUMMARY OF PROVISIONS AND IMPACTS OF THE NPRM

Proposed rule provisions	Description of the proposed change to provisions	Estimated transfers of provisions	Estimated benefits of provisions
Transferring the Genealogy Program files Form G–1041, Genealogy Requests, (Index Search Request) and Form G–1041A (Records Request) to National Archives and Records Administration (NARA).	DHS proposes changes to the genealogy program regulations to state that USCIS will produce historical records that have not been transferred to the legal custody of the National Archives and Records Administration.	Requestors— ☐ None. DHS/USCIS— ☐ Transfers of work and collection of fees for service from USCIS to NARA.	Requestors— ☐ None. DHS/USCIS— ☐ Aligns the genealogy search and records request process with federal records management requirements. Reduces the administrative burden on USCIS associated with producing and storing records under the Genealogy Program that have been transferred to NARA. ☐ Reduces the administrative burden on USCIS associated with producing and storing records under the Genealogy Program that have been transferred to NARA. ☐ Transparency in how USCIS handles copies of records and uses its storage space.

2. Background and Proposed Changes

The Department of Homeland Security, U.S. Citizenship and Immigration Services' Genealogy Program was established in 2008 in a Final Rule⁸ as a fee-for-service program designed to provide genealogical and historical records and reference services to genealogists, historians, and others seeking certain kinds of immigration records. In an effort to revise USCIS' existing genealogy program regulations to clarify the impact of statutory and regulatory federal records requirements, DHS proposes changes to the genealogy program regulations to clarify that USCIS will produce only historical

records that have not been transferred to the legal custody of NARA.

a. Impacts of the Proposed Rule

This proposed rule would transfer work and associated fees for service related to genealogical index searches and records requests from USCIS to NARA in line with federal records management requirements. Form G–1041 is provided as a convenient means for persons to provide data necessary to perform a search of historical agency indices. Form G–1041A provides a convenient means for persons to identify a particular record desired under the Genealogy Program. Table 2

shows that based on a 5-year annual average, DHS estimates the annual receipts from Form G–1041, Genealogy Index Search Request, (Paper Filing) to be 167, and Form G–1041 (Online Filing) to be 8,786. Based on a 5-year annual average, DHS estimates the total annual receipts for G–1041 to be 8,953. Table 2 also shows that based on a 5-year annual average, DHS estimates the annual receipts from Form G–1041A, Genealogy Records Requests (paper filing) to be 238, and for Form G–1041A (online filing) to be 5,552. Based on a 5-year annual average, DHS estimates the total annual receipts for G–1041A to be 5,790.

TABLE 2—RECEIPTS OF FORM G–1041, GENEALOGY INDEX SEARCH REQUEST AND RECEIPTS OF FORM G–1041A, GENEALOGY RECORDS REQUESTS FOR FY 2020 THROUGH FY 2024

Fiscal year	Form G–1041 (paper filing)	Form G–1041 (online filing)	Form G–1041 total	Form G–1041A (paper filing)	Form G–1041A (online filing)	Form G–1041A total
2020	305	7,496	7,801	315	4,567	4,882
2021	205	7,106	7,311	311	5,557	5,868
2022	137	8,328	8,465	219	5,816	6,035
2023	105	7,989	8,094	183	6,382	6,565
2024	82	13,013	13,095	164	5,437	5,601
5-year Total	834	43,932	44,766	1,192	27,759	28,951
5-year Annual Average	167	8,786	8,953	238	5,552	5,790

Source: Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality (OPQ) and National Records Center MiDAS, queried 09/2025.

Note: USCIS, IRIS tracks the online percentage of index searches and records requests.

⁸ See Establishment of a Genealogy Program, 73 FR 28026 (May 15, 2008). Requestors use the USCIS website <https://www.uscis.gov/records/genealogy/>

requesting-records or Form G–1041, Genealogy Index Search Request, to request an index search of USCIS historical records. See 8 CFR

103.7(b)(1)(i)(E). For more information see <https://www.uscis.gov/records/genealogy>.

Currently, USCIS charges a fee of \$80 for paper filing and \$30 for online filing for each Form G–1041 and Form G–1041A submitted.⁹ The opportunity cost of time for completing forms G–1041 and G–1041A is about 19 minutes (0.317 hours) per response.¹⁰ Under this proposal, once USCIS retires files to NARA, USCIS will no longer provide these records to requestors. Therefore, USCIS expects to receive fewer Genealogy Index Search and Genealogy Records Requests and corresponding filing fees as requests would instead be made according to NARA’s process. Assuming the burden to both requestors and NARA are equivalent to the current process between requestors and USCIS, this proposed rule would be a direct transfer of these economic activities. If costs or the burden on requestors or NARA differs, there could be corresponding impacts. Additionally, if requestors continue to submit forms to USCIS for which they no longer have legal custody, they may experience an added burden and related fees to also submit the request to NARA. USCIS does not expect this rule to change the demand for genealogy services or the type of services provided.

Requestors would eventually no longer come to USCIS for these historical genealogy requests. DHS does not have sufficient data from the genealogy forms to determine if entities or individuals submit these requests. The case management tracking system used by DHS for genealogy requests does not allow requestor data to be readily pulled. However, DHS previously determined that requests for historical records are usually made by individuals.¹¹ USCIS recognizes that there could be an adjustment period as requestors learn where to request records and how to obtain them from NARA.

The benefits of revising the current regulations are that it would align the genealogy search and records request process with federal records

management requirements, reduce the administrative burden and workload on USCIS associated with producing and storing records that have been transferred to NARA, and provide transparency in how USCIS would handle copies of historical records. Once historical records are sent to NARA, copies would be purged by USCIS when no longer needed for reference which would free up space in their facilities to be used to store other records.

B. Regulatory Flexibility Act (RFA)

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law 104–121 (Mar. 29, 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, or governmental jurisdictions with populations of less than 50,000.¹² An “individual” is not considered a small entity and therefore a rule’s impacts on individuals are not considered for RFA purposes. *See* 5 U.S.C. 601, 632. In addition, the courts have held that the RFA requires an agency to perform a regulatory flexibility analysis of small entity impacts only when a rule directly regulates small entities.¹³

Consequently, a rule’s indirect impacts on a small entity not subject to the rule are not considered for RFA purposes. The RFA analysis for this proposed rule focuses on the population who file Genealogy Requests, Form G–1041 (Index Search Request) and Form G–1041A (Records Request). DHS currently does not have sufficient data on the requestors that file genealogy forms to determine whether such filings were made by entities or individuals

and thus is unable to determine if this proposed clarification of the genealogy regulations would have a significant economic impact on a substantial number of small entities. DHS recognizes that some small entities may be impacted by this proposal but cannot determine how many or the exact impact. DHS is publishing this Initial Regulatory Flexibility Analysis (IRFA) to request public comments on the impact of this proposed rule on small entities.

1. A description of the reason why the action by the agency is being considered.

This proposed rule seeks to revise USCIS’ existing genealogy program regulations to clarify the impact of statutory and regulatory federal records requirements.

2. A statement of the objectives of, and legal basis for, the proposed rule.

DHS’ objectives and legal authority for this proposed rule are discussed earlier in the preamble. *See* Section II. Discussion of Proposed Rule, A and B (Background and Purpose; Discussion of Proposed Changes).

3. A description and, where feasible, an estimate of the number of small entities to which the proposed changes would apply.

The population affected by this proposal includes individuals who use Form G–1041 to request a search of USCIS historical indices and individuals who use Form G–1041A to obtain copies of USCIS historical records. Based on the DHS records, Table 3 shows the estimated number of genealogy historical records requests and index search requests that were submitted to USCIS using Forms G–1041 and G–1041A for FY 2020 through FY 2024. DHS estimates that an annual average of 8,953 Form G–1041 index search requests and 5,790 Form G–1041A records requests were received during FY 2020 through FY 2024. For both forms, more than 95 percent of the requests were submitted electronically.

TABLE 3—RECEIPTS OF FORM G–1041, GENEALOGY INDEX SEARCH REQUEST, FORM G–1041A, GENEALOGY RECORDS REQUEST OR FY 2020 THROUGH FY 2024

Fiscal year	Form G–1041 (paper filing)	Form G–1041 (online filing)	Form G–1041 total	Percentage filed online
2020	305	7,496	7,801	96

⁹ See Fee Schedule, USCIS, Form G–1055, G–1041 Genealogy Index Search Request and G–1041A Genealogy Records Request at <https://www.uscis.gov/sites/default/files/document/forms/g-1055.pdf>.

¹⁰ See Instructions for Genealogy Index Search Request, USCIS, Form G–1041, Expires 02/28/2027 at <https://www.uscis.gov/sites/default/files/document/forms/g-1041instr.pdf> and Instructions

for Genealogy Records Request, USCIS, Form G–1041A, Expires 02/28/2027 at <https://www.uscis.gov/sites/default/files/document/forms/g-1041ainstr.pdf>.

¹¹ See 73 FR 28026 (May 15, 2008).

¹² 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.

¹³ See Small Business Administration, *A Guide For Government Agencies, How to Comply with the Regulatory Flexibility Act*. <https://advocacy.sba.gov/wp-content/uploads/2019/06/How-to-Comply-with-the-RFA.pdf> (last visited April 10, 2025).

TABLE 3—RECEIPTS OF FORM G–1041, GENEALOGY INDEX SEARCH REQUEST, FORM G–1041A, GENEALOGY RECORDS REQUEST OR FY 2020 THROUGH FY 2024—Continued

Fiscal year	Form G–1041 (paper filing)	Form G–1041 (online filing)	Form G–1041 total	Percentage filed online
2021	205	7,106	7,311	97
2022	137	8,328	8,465	98
2023	105	7,989	8,094	99
2024	82	13,013	13,095	99
5-year Total	834	43,932	44,766	
5-year Annual Average	167	8,786	8,953	98
Fiscal year	Form G–1041A (paper filing)	Form G–1041A (online filing)	Form G–1041A total	Percentage filed online
2020	315	4,567	4,882	94
2021	311	5,557	5,868	95
2022	219	5,816	6,035	96
2023	183	6,382	6,565	97
2024	164	5,437	5,601	97
5-year Total	1,192	27,759	28,951	
5-year Annual Average	238	5,552	5,790	96

Source: Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality (OPQ) and National Records Center MiDAS, queried 09/2025.

Note: USCIS, IRIS tracks the online percentage of index searches and records requests.

DHS previously determined that requests for historical records are usually made by individuals.¹⁴ If professional genealogists and researchers submitted such requests in the past, they did not identify themselves as commercial requesters and, therefore, could not be separated within the data. Genealogists typically advise clients on how to submit their own requests. For those that submit requests on behalf of clients, DHS cannot ascertain the extent to which such fees may be passed along to individual clients. DHS assumes genealogists have access to a computer and the internet. Therefore, DHS does not currently have sufficient data to definitively assess the impact on small entities for these requests.

4. *A description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities that will be subject to the requirement and the types of professional skills.*

This proposed rule would not directly impose any reporting, recordkeeping, or other compliance requirements on small entities.

¹⁴ See Establishment of a Genealogy Program, 73 FR 28026 (May 15, 2008). Requestors use the USCIS website <https://www.uscis.gov/records/genealogy/requesting-records> or Form G–1041, Genealogy Index Search Request, to request an index search of USCIS historical records. See 8 CFR 103.7(b)(1)(i)(E). For more information see <https://www.uscis.gov/records/genealogy>.

5. *Identification, to the extent practicable, of all relevant Federal rules that may duplicate, overlap or conflict with the proposed rule.*

DHS is unaware of any duplicative, overlapping, or conflicting Federal rules, but invites any comment and information regarding any such rules.

6. *Description of any significant alternatives to the proposed rule that accomplish the stated objectives of applicable statutes and that minimize any significant economic impact of the proposed rule on small entities.*

DHS could produce records duplicative of those sent to NARA under the Genealogy Program, but it is redundant and expensive to do so.

C. *Unfunded Mandates Reform Act of 1995 (UMRA)*

The Unfunded Mandates Reform Act of 1995 is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and Tribal governments.¹⁵ 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,

¹⁵ The term “Federal mandate” means a Federal intergovernmental mandate or a Federal private sector mandate. See 2 U.S.C. 1502(1), 658(5), (6).

and tribal governments, in the aggregate, or by the private sector.

This proposed rule does not contain such a mandate, because it would not impose any enforceable duty upon any other level of government or private sector entity. Amending genealogy regulations to clarify the impact of statutory and regulatory records requirements, and to better inform individuals who request immigration records through the agency’s genealogy program which records may be requested through the program would not result in any expenditures by the State, local, or Tribal governments, or by the private sector. The requirements of title II of UMRA; therefore, do not apply, and DHS has not prepared a statement under UMRA.

D. *Executive Order 13132 (Federalism)*

This proposed rule does 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 Executive Order 13132, it is determined that this proposed rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

E. *Executive Order 12988 (Civil Justice Reform)*

This proposed rule was drafted and reviewed in accordance with E.O.

12988, Civil Justice Reform. This proposed rule was written to provide a clear legal standard for affected conduct and was carefully reviewed to eliminate drafting errors and ambiguities, so as to minimize litigation and undue burden on the Federal court system. DHS has determined that this proposed rule meets the applicable standards provided in section 3(a) and 3(b)(2) of E.O. 12988.

F. Family Assessment

DHS has reviewed this proposed rule in line with the requirements of section 654 of the Treasury General Appropriations Act, 1999, Public Law 105–277, 112 Stat. 2681 (1998). DHS has systematically reviewed the criteria specified in section 654(c)(1), by evaluating whether this 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) only financially impacts families, if at all, to the extent such impacts are justified; (6) may be carried out by State or local government or by the family; or (7) establishes a policy concerning the relationship between the behavior and personal responsibility of youth and the norms of society. If the agency determines a regulation may negatively affect family well-being, then the agency must provide an adequate rationale for its implementation.

DHS has no data that indicates that this proposed rule would have any impacts on family well-being. DHS has determined that the implementation of this proposal would not negatively affect family well-being and would not have any impact on the autonomy and integrity of the family as an institution and no further actions are required.

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

This proposed rule would not have Tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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.

H. National Environmental Policy Act (NEPA)

DHS and its components analyze proposed regulatory actions to

determine whether the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, applies and, if so, what degree of analysis is required. DHS Directive 02301 Rev. 01 “Implementing the National Environmental Policy Act” (Dir. 023–01 Rev. 01) and Instruction Manual 023–01–001–01 Rev. 01, “Implementation of the National Environmental Policy Act” (Instruction Manual)¹⁶ established the policies and procedures that DHS and its components use to comply with NEPA and the Council on Environmental Quality (CEQ) regulations for implementing 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.¹⁷ The Instruction Manual, Appendix A lists the DHS Categorical Exclusions.¹⁸

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.¹⁹

This proposed rule is limited to clarifying the effect of USCIS transferring legal custody of historical records to NARA, and to better inform individuals who request immigration records through the agency’s genealogy program which agency to request these records from. This proposed rule is strictly administrative and procedural. DHS has reviewed this proposed rule and finds that no significant impact on the environment, or any change in environmental effect will result from the amendments being promulgated in this proposed rule.

Accordingly, DHS finds that these proposed 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, are not part of a larger Federal action, and do not present extraordinary circumstances that create the potential for a significant environmental effect.

I. Paperwork Reduction Act (PRA)

Under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501–12, DHS must submit to Office of Management and Budget (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. The following information collections are part of this notice of proposed rulemaking.

USCIS Forms G–1041 and G–1041A (OMB Control Number 1615–0096)

DHS and USCIS invite the general public and other Federal agencies to comment on the impact to the proposed collection of information. In accordance with the PRA, the information collection notice is published in the **Federal Register** to obtain comments regarding the proposed edits to the information collection instrument.

Comments are encouraged and will be accepted for 60 days from the publication date of the proposed rule. All submissions received must include the OMB Control Number 1615–0096 in the body of the letter and the agency name. Please refer to the **ADDRESSES** and I. Public Participation section of this proposed rule for instructions on how to submit comments. Comments on this proposed information collection should address one or more of the following four points:

(1) Evaluate 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;

(2) Evaluate the accuracy of the agency’s estimate of the burden of the 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.

¹⁶ The Instruction Manual contains DHS’s procedures for implementing NEPA and was issued November 6, 2014. See DHS, Office of the Chief Readiness Support Officer, National Environmental Policy Act Compliance, <https://www.dhs.gov/ocrso/eed/epb/nepa> (last updated July 29, 2025).

¹⁷ See 42 U.S.C. 4336(a)(2), 4336e(1).

¹⁸ See Instruction Manual, Appendix A, Table 1.

¹⁹ Instruction Manual 023–01 at V.B(2)(a)–(c).

Overview of Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Genealogy Index Search Request; Genealogy Records Request.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* G–1041; G–1041A; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* *Primary:* Individuals or households. The Genealogy Program is intended to streamline and improve the process for acquiring genealogical and historical records. Form G–1041 is provided as a convenient means for persons to provide data necessary to perform a search of historical agency indices. Form G–1041A provides a convenient means for persons to identify a particular record desired under the Genealogy Program. The forms provide rapid identification of such requests and ensures expeditious handling. Persons such as researchers, historians, and social scientists seeking ancestry information for genealogical, family history and their location purposes will use Forms G–1041 and G–1041A.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of annual respondents for the information collection G–1041 (paper) is 103 and the estimated hour burden per response is 0.317 hours; the estimated total number of annual respondents for the information collection G–1041 (electronic) is 8,166 and the estimated hour burden per response is 0.3 hours; the estimated total number of annual respondents for the information collection G–1041A (paper) is 185 and the estimated hour burden per response is 0.317 hours; the estimated total number of annual respondents for the information collection G–1041A (electronic) is 6,206 and the estimated hour burden per response is 0.3 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total annual hour burden associated with this collection of information is 4,403 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 \$9,202.

List of Subjects and Regulatory Amendments

List of Subjects in 8 CFR Part 103

Administrative practice and procedure, Authority delegations (Government agencies), Fees, Freedom of information, Immigration, Privacy, Reporting and recordkeeping requirements, Surety bonds.

Accordingly, for the reasons set forth in the preamble, the Secretary of Homeland Security proposes to amend 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. 112–54, 125 Stat 550; 31 CFR part 223.

■ 2. Amend § 103.38 by revising paragraph (a) and adding paragraph (c) as follows:

§ 103.38 Genealogy Program.

(a) *Purpose.* The Department of Homeland Security, U.S. Citizenship and Immigration Services Genealogy Program is a fee-for-service program designed to provide historical records and reference services to genealogists, historians, and others seeking documents maintained within USCIS record systems that have not been transferred to the National Archives and Records Administration (NARA) pursuant to a published records schedule. Once transferred, USCIS will notify the public by posting notice of the transfer on the USCIS Genealogy website, <https://www.uscis.gov/records/genealogy>.

(c) *Effect of Transfer of Historical Records to National Archives and Records Administration.* Under the genealogical research request process, USCIS will not provide requestors with historical records, as defined under 8 CFR 103.39, that have been transferred to the legal custody of the National Archives and Records Administration in accordance with the records schedule that governs the disposition of the records.

■ 3. Amend § 103.39 by revising the introductory paragraph to read as follows:

§ 103.39 Historical Records.

Historical Records are files, forms, and documents in USCIS' legal custody, and are located within the following records series:

* * * * *

■ 4. Amend § 103.40 by revising paragraph (a) to read as follows:

§ 103.40 Genealogical research requests.

(a) *Nature of requests.* Genealogy requests are requests for searches and/or copies of historical records maintained within the historical USCIS record systems that have not been transferred to the National Archives and Records Administration in accordance with a published records schedule, relating to a deceased person, usually for genealogy and family history research purposes. <https://www.archives.gov/records-mgmt/rcs/schedules/index.html?dir=/departments/department-of-homeland-security/rg-0566>.

* * * * *

Markwayne Mullin,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2026–17119 Filed 8–20–26; 8:45 am]

BILLING CODE 9111–97–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1 and 38

RIN 3038–AF77

Request for Comment on the Listing of Compute Derivatives Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Request for comment.

SUMMARY: The Commodity Futures Trading Commission (“CFTC” or “Commission”) is seeking public responses to this Request for Comment to better inform its understanding and oversight of derivatives markets in compute.

DATES: Comments must be received on or before October 20, 2026.

ADDRESSES: You may submit comments, specifically referencing “Request for Comment on the Listing of Compute Derivatives Contracts” and RIN 3038–AF77, by any of the following methods:

- *Regulations.gov:* Go to <https://www.regulations.gov> and press the “Search” button, then proceed as follows: