

■ 13. Revise § 1216.311 to read as follows:

**§ 1216.311 Emergency responses.**

(a) When the Responsible Official determines that emergency circumstances exist which make it necessary to take immediate response and/or recovery action(s) before preparing a NEPA analysis, then the following provisions apply:

(1) The Responsible Official may undertake immediate emergency response and/or recovery action(s) necessary to protect life, property, or valuable resources. When taking such action(s), the Responsible Official shall, to the extent practicable, mitigate foreseeable adverse environmental impacts.

(2) At the earliest practicable time, the Responsible Official shall notify the SAO of the emergency and any past, ongoing, or future NASA emergency response and/or recovery action(s). The SAO shall determine if NEPA applies and the appropriate level of NEPA analysis to document the emergency. If the emergency response and/or recovery action(s) will reasonably result in significant environmental impacts, the SAO shall consult with the CEQ about alternative arrangements for compliance with NEPA.

(b) If the Responsible Official proposes emergency response and/or recovery actions that will continue beyond those needed to immediately protect life, property, and valuable resources, the Responsible Official shall consult with the SAO to determine the appropriate level of NEPA compliance. If continuation of the emergency actions will reasonably result in significant environmental impacts, the SAO shall consult with the CEQ about alternative arrangements for compliance.

■ 14. Revise Appendix A to Subpart 1216.3 to read as follows:

**Appendix A to Subpart 1216.3 of Part 1216—Acronyms**

CatEx Categorical Exclusion  
 CEQ Council on Environmental Quality  
 CFR Code of Federal Regulations  
 CWA Clean Water Act  
 CZMA Coastal Zone Management Act  
 DoI (U.S.) Department of the Interior  
 EA Environmental Assessment  
 EMD Environmental Management Division  
 EIS Environmental Impact Statement  
 FONSI Finding of No Significant Impact  
 FR Federal Register  
 GSA General Services Administration  
 HQ Headquarters  
 NASA National Aeronautics and Space Administration  
 NEPA National Environmental Policy Act  
 NHPA National Historic Preservation Act  
 REC Record of Environmental Consideration

RHU Radioisotope Heater Unit  
 RPS Radioisotope Power Systems  
 SAO Senior Agency Official  
 SEO Senior Environmental Official  
 OGC Office of the General Counsel  
 ROD Record of Decision  
 U.S.C. United States Code

**Nanette Smith,**

*Team Lead, NASA Directives and Regulations.*

[FR Doc. 2024–07006 Filed 4–10–24; 8:45 am]

**BILLING CODE 7510–13–P**

**DEPARTMENT OF COMMERCE**

**Bureau of Industry and Security**

**15 CFR Part 744**

[Docket No. 240405–0101]

RIN 0694–AJ57

**Addition of Entities to and Revision of Entry on the Entity List**

**AGENCY:** Bureau of Industry and Security, Department of Commerce.

**ACTION:** Final rule.

**SUMMARY:** In this rule, the Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) by adding 11 entries to the Entity List, under the destinations of the Peoples Republic of China (China) (6), the Russian Federation (Russia) (3), and the United Arab Emirates (UAE) (2). These entities have been determined by the U.S. Government to be acting contrary to the national security or foreign policy interests of the United States. This rule also modifies one existing entity on the Entity List under the destination of China.

**DATES:** This rule is effective April 11, 2024.

**FOR FURTHER INFORMATION CONTACT:** Chair, End-User Review Committee, Office of the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482–5991, Email: [ERC@bis.doc.gov](mailto:ERC@bis.doc.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

**The Entity List**

The Entity List (Supplement no. 4 to part 744 of the EAR (15 CFR parts 730–774)) identifies entities for which there is reasonable cause to believe, based on specific and articulable facts, that the entities have been involved, are involved, or pose a significant risk of being or becoming involved in activities contrary to the national security or foreign policy interests of the United

States, pursuant to § 744.11(b) of the EAR. The EAR impose additional license requirements on, and limit the availability of, most license exceptions for exports, reexports, and transfers (in-country) when a listed entity is a party to the transaction. The license review policy for each listed entity is identified in the “License Review Policy” column on the Entity List, and the impact on the availability of license exceptions is described in the relevant **Federal Register** document that added the entity to the Entity List. BIS places entities on the Entity List pursuant to parts 744 (Control Policy: End-User and End-Use Based) and 746 (Embargoes and Other Special Controls) of the EAR.

The End-User Review Committee (ERC), composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy and, where appropriate, the Treasury, makes all decisions regarding additions to, removals from, or other modifications to the Entity List. The ERC makes all decisions to add an entry to the Entity List by majority vote and makes all decisions to remove or modify an entry by unanimous vote.

**Entity List Decisions**

*Additions to the Entity List*

The ERC determined to add Khalaj Trading LLC and Mahdi Khalaj Amirhosseini, both under the destination of the UAE to the Entity List for engaging in the export and attempted export of items on the Commerce Control List (Supplement 1 to part 774 of the EAR) from the United States to Iran through the UAE, in apparent violation of the Iranian Transactions and Sanctions Regulations (ITSR) (see 31 CFR part 560) and the EAR. These activities are contrary to the national security and foreign policy interests of the United States under § 744.11 of the EAR.

The ERC determined to add LINKZOL (Beijing) Technology Co., Ltd. and Xi’an Like Innovative Information Technology Co., Ltd., both under the destination of China, to the Entity List for acquiring and attempting to acquire U.S.-origin items in support of China’s military modernization efforts, including in support of Military-Intelligence End Users. The ERC also determined to add Beijing Anwise Technology Co., Ltd. and SITONHOLY (Tianjin) Co., Ltd., both under the destination of China, to the Entity List for acquiring and attempting to acquire U.S.-origin items in support of China’s military modernization efforts. These activities are contrary to U.S. national security

and foreign policy interests under § 744.11 of the EAR.

The ERC determined to add Jiangxi Xintuo Enterprise Co. Ltd., under the destination of China, to the Entity List for supporting Russia's military through the procurement, development, and proliferation of Russian unmanned aerial vehicles (UAVs). This activity is contrary to the national security and foreign policy interests of the United States under § 744.11. In addition, this entity qualifies as a military end user under § 744.21(g) of the EAR. This entity is receiving a footnote 3 designation because the ERC has determined that it is a Russian or Belarusian 'military end user' pursuant to § 744.21 of the EAR. A footnote 3 designation subjects this entity to the Russia/Belarus-Military End User Foreign Direct Product (FDP) rule, detailed in § 734.9(g) of the EAR. The entity is added with a license requirement for all items subject to the EAR and a license review policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis.

The ERC determined to add to the Entity List Aerosila JSC SPE, Delta-Aero LLC, and JSC ODK-Star, under the destination of Russia, and Shenzhen Jiasibo Technology Co., Ltd., under the destination of China, for working as a part of a network to procure aerospace components, including dual-use components for UAV applications, for the Iran Aircraft Manufacturing Industrial Company (HESA) in Iran. These components are used to develop and produce Shahed-series UAVs which have been used by Iran to attack oil tankers in the Middle East and by Russia in Ukraine. This activity is contrary to the national security and foreign policy interests of the United States under § 744.11 and these entities qualify as military end users under § 744.21(g) of the EAR. These entities are receiving a footnote 3 designation because the ERC has determined that they are Russian or Belarusian 'military end users' pursuant to § 744.21 and are subject to the Russia/Belarus-Military End User Foreign Direct Product (FDP) rule, detailed in § 734.9(g) of the EAR. The entities are added with a license requirement for all items subject to the EAR and a license review policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis.

For the reasons described above, this final rule adds the following 11 entities, including aliases where appropriate, to the Entity List:

#### China

- Beijing Anwise Technology Co., Ltd.;
- Jiangxi Xintuo Enterprise Co., Ltd.;
- LINKZOL (Beijing) Technology Co., Ltd.;
- Shenzhen Jiasibo Technology Co., Ltd.;
- SITONHOLY (Tianjin) Co., Ltd.;
- and
- Xi'an Like Innovative Information Technology Co., Ltd.

#### Russia

- Aerosila JSC SPE;
- Delta-Aero LLC; and
- JSC ODK-Star.

#### United Arab Emirates

- Khalaj Trading LLC; and
- Mahdi Khalaj Amirhosseini.

#### Modifications to the Entity List

This final rule implements the decision of the ERC to modify one existing entry on the Entity List under the destination of China. Specifically, the ERC determined to add one alias to the entry for Shanghai Biren Intelligent Technology Co., Ltd., for a total of three aliases.

#### Savings Clause

For the changes being made in this final rule, shipments of items removed from eligibility for a License Exception or export, reexport, or transfer (in-country) without a license (NLR) as a result of this regulatory action that were en route aboard a carrier to a port of export, reexport, or transfer (in-country), on April 11, 2024, pursuant to actual orders for export, reexport, or transfer (in-country) to or within a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export, reexport, or transfer (in-country) without a license (NLR) before May 13, 2024. Any such items not actually exported, reexported or transferred (in-country) before midnight, on May 13, 2024, require a license in accordance with this final rule.

#### Export Control Reform Act of 2018

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which included the Export Control Reform Act of 2018 (ECRA) (50 U.S.C. 4801–4852). ECRA provides the legal basis for BIS's principal authorities and serves as the authority under which BIS issues this rule.

#### Rulemaking Requirements

1. This rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to or be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves an information collection approved by OMB under control number 0694–0088, Simplified Network Application Processing System. BIS does not anticipate a change to the burden hours associated with this collection as a result of this rule. Information regarding the collection, including all supporting materials, can be accessed at <https://www.reginfo.gov/public/do/PRAMain>.

3. This rule does not contain policies with federalism implications as that term is defined in Executive Order 13132.

4. Pursuant to section 1762 of the Export Control Reform Act of 2018, this action is exempt from the Administrative Procedure Act (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date.

5. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, are not applicable. Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

#### List of Subjects in 15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

#### PART 744—END-USE AND END-USER CONTROLS

■ 1. The authority citation for part 744 is revised to read as follows:

**Authority:** 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3

CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of November 8, 2022, 87 FR 68015, 3 CFR, 2022 Comp., p. 563; Notice of September 7, 2023, 88 FR 62439 (September 11, 2023).

■ 2. Supplement no. 4 is amended by:

■ a. Under CHINA, PEOPLE'S REPUBLIC OF,

■ i. Adding, in alphabetical order, entries for “Beijing Anwise Technology Co., Ltd.,” “Jiangxi Xintuo Enterprise

Co., Ltd.,” “LINKZOL (Beijing) Technology Co., Ltd.,” and

■ ii. Revising the entry for “Shanghai Biren Intelligent Technology Co., Ltd.,” and

■ iii. Adding, in alphabetical order, entries for “Shenzhen Jiasibo Technology Co., Ltd.,” “SITONHOLY (Tianjin) Co., Ltd.,” and “Xi’an Like Innovative Information Technology Co., Ltd.,” and

■ b. Under RUSSIA, adding entries in alphabetical order for “Aerosila JSC

SPE;” “Delta-Aero LLC;” and “JSC ODK-Star;” and

■ c. Under UNITED ARAB EMIRATES, adding entries in alphabetical order for “Khalaj Trading LLC;” and “Mahdi Khalaj Amirhosseini.”

The revision and additions read as follows:

**Supplement No. 4 to Part 744—Entity List**

\* \* \* \* \*

Country	Entity	License requirement	License review policy	Federal Register citation
CHINA, PEOPLES REPUBLIC OF.	Beijing Anwise Technology Co., Ltd., a.k.a., the following one alias: —Anwise Global. A02, Idea Park, MingJi International Center, No. 35 Da Huang Zhuang, Chao Yang District, Beijing, China; and Room 8112, 8th Floor, Building 3, Yard 30, Shixing Street, Shijingshan District, Beijing, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial.	89 FR [INSERT FR PAGE NUMBER], 4/11/2024.
	Jiangxi Xintuo Enterprise Co. Ltd., a.k.a., the following one alias: —T-MOTOR. Room 2103, No. 39 Commercial Building, Greenland New Metropolis, Ziyang Avenue, High-tech Industrial Development Zone, Nanchang City, Jiangxi Province, China; and Rooms 2405, 2406, 2407, 24th Floor, B# Office Building, Yunzhongcheng, No. 3399 Ziyang Avenue, Nanchang High-tech Industrial Development Zone, Nanchang City, Jiangxi Province, China; and No. 888 Tianxiang Avenue, Nanchang City, Jiangxi Province, China.	For all items subject to the EAR (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER], 4/11/2024.
	LINKZOL (Beijing) Technology Co., Ltd., a.k.a., the following one alias: —Lianzhong Cluster (Beijing) Technology Co., Ltd. Room 701, Floor 7, Building 6, No. 1 Chaoqian Road, Science and Technology Park, Changping District, Beijing, China; and Floor 6, Building 6, Beijing Enterprises Hongchuang Technology Park, No. 1 Chaoqian Road, Science and Technology Park, Changping District, Beijing (Changping Department), China; and E-1201, Wuhan Living Room, No. 8 Hongtu Avenue, Dongxihu District, Wuhan, Hubei (Wuhan Department), China; and C-2701, Wuhan Living Room, No. 8 Hongtu Avenue, Dongxihu District, Wuhan, Hubei (Wuhan Department), China; and Room 941, Building 1, Yard 62, Balizhuang, Haidian District, Beijing (Haidian Department), China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial.	89 FR [INSERT FR PAGE NUMBER], 4/11/2024.
	Shanghai Biren Intelligent Technology Co., Ltd., a.k.a., the following three aliases: —Biren; —Biren Technology; and —Shanghai Biren Technology. Building 16, Room 1302, 13th Floor, No. 2388 Chenhang Highway, Minhang District, Shanghai, China.	For all items subject to the EAR. (See §§ 734.9(e)(2) and 744.11 of the EAR) <sup>4</sup> .	Presumption of denial.	88 FR 71992 10/19/2023. 89 FR [INSERT FR PAGE NUMBER], 4/11/2024.

Country	Entity	License requirement	License review policy	Federal Register citation
	Shenzhen Jiasibo Technology Co., Ltd., a.k.a., the following one alias: —SHENZHEN JIA SIBO SCIENCE AND TECHNOLOGY CO., LTD. No. 57, Busha Road, Buji, Longgang, Shenzhen, China.	For all items subject to the EAR (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER], 4/11/2024.
	SITONHOLY (Tianjin) Co., Ltd., No. 1 Cuipu Road, Yixian Science Industrial Park, Tianjin Economic and Technological Development Zone, Tianjin, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial.	89 FR [INSERT FR PAGE NUMBER], 4/11/2024.
	Xi'an Like Innovative Information Technology Co., Ltd., Floor 12, Building 1, Greenland Lehe City, South Second Ring Road, Beilin District, Xi'an City, Shaanxi Province, China; and Room 2914, Building 1, No. 323, East Section of Second Ring South Road, Beilin District, Xi'an City, Shaanxi Province, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial.	89 FR [INSERT FR PAGE NUMBER], 4/11/2024.
RUSSIA .....	Aerosila JSC SPE, a.k.a., the following three aliases: —JSC SPE AEROSILA; —NPP AEROSILA, AO; and —NPP AEROSILA, PPO. 6, Zhdanov St., Stupino, Moscow Region, 142800, Russia.	For all items subject to the EAR (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER], 4/11/2024.
	Delta-Aero LLC, a.k.a., the following two aliases: —LLC TSTO "Delta-Aero"; and —DELTA-AERO TECHNICAL SERVICE CENTER LLC. 4, Kyiv Highway 22 km, Building 1, Floor 6, Room 620 A/37, Moscow, 108511, Russia; and 68/70 Butyrsky Val Street, 1st Floor, Room 110, Baker Plaza Business Center, Moscow, 127055, Russia.	For all items subject to the EAR (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER], 4/11/2024.
	JSC ODK-Star, a.k.a., the following two aliases: —JSC "UEC-STAR"; and —AO ODK-STAR. 140A, Kuibysheva Street, Perm, 614990, Russia.	For all items subject to the EAR (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER], 4/11/2024.
UNITED ARAB EMIRATES.	Khalaj Trading LLC, 2604 Tower A, Bin Ham Towers, Altaawun St., Sharjah, U.A.E.; and #4 Street # 6-A, Karama Area, Bur Dubai, Dubai, U.A.E.	For all items subject to the EAR (See § 744.11 of the EAR).	Presumption of denial.	89 FR [INSERT FR PAGE NUMBER], 4/11/2024.
	Mahdi Khalaj Amirhosseini, 2604 Tower A, Bin Ham Towers, Altaawun St., Sharjah, U.A.E.; and #4 Street # 6-A, Karama Area, Bur Dubai, Dubai, U.A.E.	For all items subject to the EAR (See § 744.11 of the EAR).	Presumption of denial.	89 FR [INSERT FR PAGE NUMBER], 4/11/2024.

<sup>3</sup> For this entity, "items subject to the EAR" includes foreign-produced items that are subject to the EAR under § 734.9(g) of the EAR. See §§ 746.8 and 744.21 of the EAR for related license requirements, license review policy, and restrictions on license exceptions.

<sup>4</sup> For this entity, "items subject to the EAR" includes foreign-produced items that are subject to the EAR under § 734.9(e)(2) of the EAR. See § 744.11(a)(2)(ii) for related license requirements and license review policy.

Thea D. Rozman Kendler,  
Assistant Secretary for Export  
Administration.

[FR Doc. 2024-07760 Filed 4-10-24; 8:45 am]

BILLING CODE 3510-33-P

## SOCIAL SECURITY ADMINISTRATION

### 20 CFR Part 416

[Docket No. SSA-2023-0010]

RIN 0960-A182

### Expansion of the Rental Subsidy Policy for Supplemental Security Income (SSI) Applicants and Recipients

**AGENCY:** Social Security Administration.

**ACTION:** Final rule.

**SUMMARY:** We are finalizing our proposed regulation to apply nationwide the In-Kind Support and Maintenance (ISM) rental subsidy exception that has until now been available only for SSI applicants and recipients residing in seven States. This final rule provides that a “business arrangement” exists, such that the SSI applicant or recipient is not considered to be receiving ISM in the form of room or rent, when the amount of monthly required rent for the property equals or exceeds the presumed maximum value (PMV).

**DATES:** This final rule will be effective September 30, 2024.

**FOR FURTHER INFORMATION CONTACT:**

Tamara Levingston, Office of Income Security Programs, 6401 Security Blvd., Robert M. Ball Building, Suite 2512B, Woodlawn, MD 21235, 410-966-7384. For information on eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213 or TTY 1-800-325-0778, or visit our internet site, Social Security Online, at <https://www.ssa.gov>.

**SUPPLEMENTARY INFORMATION:**

#### Background

The SSI program provides monthly payments to: (1) adults and children with a disability or blindness; and (2) adults aged 65 or older. Eligible individuals must meet all the requirements set forth in the Social Security Act (Act), including having resources and income below specified amounts.<sup>1</sup> Resources are cash or other

<sup>1</sup> See 42 U.S.C. 1382 and 20 CFR 416.202 for a list of the eligibility requirements. See also 20 CFR 416.420 for general information on how we compute the amount of the monthly payment by reducing the benefit rate by the amount of countable income as calculated under the rules in subpart K of 20 part 416.

liquid assets or any real or personal property that individuals (or their spouses, if any) own and could convert to cash to be used for their support and maintenance.<sup>2</sup> Income is anything individuals receive in cash or in-kind that they can use to meet their food and shelter needs.<sup>3</sup> An individual’s resources may affect their eligibility to receive SSI, while their income may affect both their eligibility for payments and the amount of payments they are eligible to receive.

The Act and our regulations<sup>4</sup> define income as “earned,” such as wages from work, and “unearned,” such as gifted cash.<sup>5</sup> Both earned income and unearned income include items received in-kind.<sup>6</sup> This final rule pertains to rental subsidy, which is a type of ISM under the broader umbrella of unearned income. Generally, we value in-kind items at their current market value, and we apply various exclusions for both earned and unearned income.<sup>7</sup> However, we have special rules for valuing ISM that is received as unearned income.<sup>8</sup>

ISM includes shelter that is given to an individual or that the individual receives because someone else pays for it.<sup>9</sup> For example, an SSI applicant or recipient whose friend allows them to live rent-free at an investment property owned by the friend, or whose friend pays their rent, receives ISM in the form of shelter. Shelter includes room, rental payments, mortgage payments, real property taxes, heating fuel, gas, electricity, water, sewerage, and garbage collection services.<sup>10</sup>

#### Rental Subsidy

Our regulations clarify that an individual is not receiving ISM in the form of room or rent if they are paying the monthly required rent charged under a “business arrangement.”<sup>11</sup> Under our general regulatory definition

<sup>2</sup> 20 CFR 416.1201(a).

<sup>3</sup> 20 CFR 416.1102. See also 20 CFR 416.1103 for examples of items that are not considered income.

<sup>4</sup> See 42 U.S.C. 1382a and 20 CFR 416.1102 through 416.1124.

<sup>5</sup> See 20 CFR 416.1104.

<sup>6</sup> See 20 CFR 416.1110 and 416.1120.

<sup>7</sup> See 20 CFR 416.1111(d), 416.1112, 416.1123(c), and 416.1124.

<sup>8</sup> See 20 CFR 416.1123(c) and 416.1131 through 416.1147.

<sup>9</sup> See 20 CFR 416.1130(b). We recently published a final rule to remove food from the calculation of ISM. See *Omitting Food From In-Kind Support and Maintenance Calculations*, 89 FR 21199 (Mar. 27, 2024). The amendatory language shown below reflects changes to 20 CFR 416.1130 made by that final rule, since it has been published, although the change will not be effective until September 30, 2024.

<sup>10</sup> See 20 CFR 416.1130(b).

<sup>11</sup> 20 CFR 416.1130(b).

prior to this final rule, a “business arrangement” existed when the amount of monthly required rent equaled or exceeded the current market rental value (CMRV)—that is, the price of rent on the open market in the individual’s locality.<sup>12</sup> To illustrate, if the owner of an apartment would rent that property to any potential tenant for \$800 per month, then the CMRV is \$800 per month. Consequently, in this example, if an SSI applicant or recipient agrees to pay the landlord rent in the amount of \$800 per month, a “business arrangement” would exist and the SSI applicant or recipient would not be receiving ISM in the form of room or rent. The SSI applicant or recipient in this example would thereby—absent any other countable income or resources—receive the Federal Benefit Rate (FBR).<sup>13</sup> Conversely, if the SSI applicant or recipient agrees to pay the landlord less than the CMRV of \$800 per month (for example, \$400 per month), we would impute the difference between the CMRV and the monthly required rent as ISM received by the applicant or recipient in the form of room or rent (up to the PMV, which is \$334.33 in 2024).<sup>14</sup> In this example, the landlord agrees to accept a rent of \$400 per month instead of the CMRV of \$800. The rental subsidy amount is \$400. However, the PMV is \$334.33 in 2024, so only \$314.33 would be counted as ISM (after we subtract the \$20 general income exclusion from the PMV and assuming there is no other income). Consequently, in this example the SSI recipient would receive \$628.67 as a monthly payment in 2024<sup>15</sup> (the 2024 FBR (\$943) minus the PMV and minus the general income exclusion (\$314.33 (or \$334.33 – \$20)) = \$628.67).

<sup>12</sup> See *id.* See also 20 CFR 416.1101.

<sup>13</sup> See 20 CFR 416.1101. *Federal Benefit Rate* (FBR) means the maximum Federal monthly payment rate for an eligible individual or couple. It is the figure from which we subtract countable income to find out how much your Federal SSI benefit should be. The FBR does not include the rate for any State supplement paid by us on behalf of a State. The FBR for 2024 is \$943 for an individual or \$1,415 for an eligible individual with an eligible spouse.

<sup>14</sup> When an SSI applicant or recipient receives ISM and the one-third reduction rule does not apply, we use the presumed value rule (PMV). Instead of determining the actual dollar value, we presume that the ISM received is worth a maximum value. This maximum value (or PMV) is one-third of the FBR plus the amount of the general income exclusion (\$20). See 20 CFR 416.1140 and POMS SI 00835.300. In 2024, the PMV is \$334.33 for an individual.

<sup>15</sup> For the purposes of this exercise, we are assuming there is no other countable income. In a real-world case, at times there are other countable income sources, and in such cases those income sources would factor into the monthly payment amount as well.