SKTTR, AZ	WP	(Lat. 32°17′38.00″ N, long. 109°50′44.00″ W)
El Paso, TX (ELP)	VORTAC	(Lat. 31°48′57.28″ N, long. 106°16′54.78″ W)
Pecos, TX (PEQ)	VOR/DME	(Lat. 31°28′09.53″ N, long. 103°34′29.12″ W)
DILLO, TX	WP	(Lat. 30°47′46.76″ N, long. 098°47′13.91″ W)
College Station, TX (CLL)	VORTAC	(Lat. 30°36′18.01″ N, long. 096°25′14.45″ W)

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Paragraph 6010(a) Domestic VOR Federal Airways.

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V–76 [Amended]

From Lubbock, TX; INT Lubbock 188° and Big Spring, TX, 286° radials; Big Spring; to San Angelo, TX.

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V–161 [Amended]

From Three Rivers, TX; to Center Point, TX. From Millsap, TX; Bowie, TX; Ardmore, OK; Okmulgee, OK; to Tulsa, OK. From Butler, MO; Napoleon, MO; Lamoni, IA; Des Moines, IA; Mason City, IA; Rochester, MN; Farmington, MN; to Gopher, MN.

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V–558 [Amended]

From Centex, TX; to Industry, TX.

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V–565 [Amended]

From Centex, TX; College Station, TX; to Lufkin, TX.

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V–568 [Amended]

From Corpus Christi, TX; INT Corpus Christi 296° and Three Rivers, TX, 165° radials; Three Rivers; INT Three Rivers 327° and San Antonio, TX, 183° radials; San Antonio; to Stonewall, TX. From Millsap, TX; to Wichita Falls, TX.

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Paragraph 6011 United States Area Navigation Routes.

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T–254 San Angelo, TX (SJT) to KNZLY, LA [Amended]

San Angelo, TX (SJT)	VORTAC	(Lat. 31°22′29.84″ N, long. 100°27′17.53″ W)
DILLO, TX	WP	(Lat. 30°47′46.76″ N, long. 098°47′13.91″ W)
KALLA, TX	FIX	(Lat. 30°43′15.88″ N, long. 098°04′38.46″ W)
DOWWD, TX	WP	(Lat. 30°44′58.33″ N, long. 097°06′12.22″ W)
College Station, TX (CLL)	VORTAC	(Lat. 30°36′18.01″ N, long. 096°25′14.45″ W)
EAKES, TX	WP	(Lat. 30°33′18.00″ N, long. 095°18′29.00″ W)
CREPO, TX	WP	(Lat. 30°16′54.00″ N, long. 094°14′43.00″ W)
KNZLY, LA	WP	(Lat. 30°08′29.48″ N, long. 093°06′19.37″ W)

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T–499 Corpus Christi, TX (CRP) to DILLO, TX [New]

Corpus Christi, TX (CRP)	VORTAC	(Lat. 27°54′13.56″ N, long. 097°26′41.57″ W)
CARTI, TX	FIX	(Lat. 28°09′46.08″ N, long. 098°02′51.29″ W)
LEMIG, TX	FIX	(Lat. 28°58′37.91″ N, long. 098°30′03.52″ W)
San Antonio, TX (SAT)	VORTAC	(Lat. 29°38′38.51″ N, long. 098°27′40.74″ W)
Stonewall, TX (STV)	VORTAC	(Lat. 30°12′24.33″ N, long. 098°42′20.72″ W)
DILLO, TX	WP	(Lat. 30°47′46.76″ N, long. 098°47′13.91″ W)

* * * * *

Issued in Washington, DC, on August 16, 2024.

Frank Lias,

Manager, Rules and Regulations Group.

[FR Doc. 2024–18731 Filed 8–21–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 573

[Docket No. FDA–2024–F–3879]

Food Additives Permitted in Feed and Drinking Water of Animals; Fermented Ammoniated Condensed Whey

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to update the production organism *Lactobacillus bulgaricus* that has been scientifically reclassified to *Lactobacillus delbrueckii.* This action is being taken to improve the accuracy and clarity of the regulations.

DATES: This rule is effective August 22, 2024.

FOR FURTHER INFORMATION CONTACT: Chelsea Cerrito, Center for Veterinary Medicine, Division of Animal Food Ingredients, Food and Drug Administration, 12225 Wilkins Ave., Rockville, MD 20852, 240–402–6729, *Chelsea.Cerrito@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: FDA is amending the food additive regulation at 21 CFR 573.450 *Fermented ammoniated condensed whey* for use in animal feed to update the production organism *Lactobacillus bulgaricus* that has been scientifically reclassified to *Lactobacillus delbrueckii.* This action is being taken to improve the accuracy and clarity of the regulations.

Publication of this document constitutes final action under the Administrative Procedure Act (5 U.S.C. 553). FDA has determined that notice and public comment are unnecessary because this amendment to the regulations provides only technical changes to update scientific nomenclature and is nonsubstantive.

List of Subjects in 21 CFR Part 573

Animal feeds, Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act, and the Public Health Service Act, and under the authority delegated to the Commissioner of Food and Drugs, 21 CFR part 573 is amended as follows:

PART 573—FOOD ADDITIVES PERMITTED IN FEED AND DRINKING WATER OF ANIMALS

■ 1. The authority citation for part 573 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348.

§ 573.450 [Amended]

■ 2. In § 573.450, in paragraph (a), remove ''*Lactobacillus bulgaricus*'' and in its place add ''*Lactobacillus delbrueckii*''.

Dated: August 16, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–18824 Filed 8–21–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF STATE

22 CFR Part 40

[Public Notice: 12464]

RIN 1400–AF77

Visas: Visa Ineligibility

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State (''Department'') is amending a regulation relating to the effect of certain pardons on criminal-related grounds of visa ineligibility.

DATES: This final rule is effective on August 22, 2024.

FOR FURTHER INFORMATION CONTACT: Jami Thompson, Office of Visa Services, Bureau of Consular Affairs, Department of State; telephone (202) 485–7586, *VisaRegs@state.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

The Department of State (''Department'') is amending its regulations at 22 CFR 40.21(a)(5), and 22 CFR 40.22(c) regarding the effect of a pardon on a visa applicant's ineligibility under section 212(a)(2)(A) of the Immigration and Nationality Act (INA) (8 U.S.C. 1182(a)(2)(A)) and INA section 212(a)(2)(B) (8 U.S.C. 1182(a)(2)(B)), respectively. The current regulation at 22 CFR 40.21(a)(5) provides that an alien is not ineligible for a visa under INA section 212(a)(2)(A) if a full and unconditional pardon has been granted by the President of the United States, by a governor of a state of the United States, or by certain other specified officials. Similarly, the current regulation at 22 CFR 40.22(c) provides that an alien is not ineligible for a visa under INA section 212(a)(2)(B) based on having been convicted of two or more offenses, if a full and unconditional pardon has been granted by the President of the United States, by a governor of a state of the United States, or by certain other specified officials. The Seventh Circuit Court of Appeals recently examined the regulation at 22 CFR 40.21(a)(5), finding that it conflicts with INA's provisions in section 212(a)(2)(A)(i) governing inadmissibility based on conviction or admission of certain crimes, which do not include an exception or waiver to that inadmissibility for applicants who receive a pardon.

> . . . the [INA] is clear that a pardon does not make an otherwise inadmissible noncitizen admissible, even if a pardon can save a resident noncitizen from being removed . . . and where agency regulations conflict with statutory text, statutory text wins out every time. We simply cannot square [22 CFR 40.21(a)(5)] with the text and structure of the INA as it was amended in 1990.

Wojciechowicz v. *Garland,* 77 F.4th 511, 514, 518 (7th Cir. 2023) (internal citations and parentheticals omitted). The Department agrees with the Seventh Circuit's opinion in *Wojciechowicz* as it applies to gubernatorial pardons and finds that the court's analysis regarding the lack of underlying authority in the INA giving effect to such pardons also extends to the Department's regulation at 22 CFR 40.22(c) regarding ineligibility for multiple criminal convictions.

B. Legal Background

The Department first promulgated these rules in 1959 at 22 CFR 41.91(a)(9)–(10).[1] At the time the regulations were first promulgated, the Immigration and Nationality Act of 1952, as amended (''1952 Act''), provided that noncitizens were excludable [2] from the United States and ineligible for visas if they had been convicted of a crime involving moral turpitude or two or more criminal offenses. Unlike the 1952 Act's provisions on grounds of deportation, which did provide that the criminal-related ground of deportation ''shall not apply'' to individuals who had received a full and unconditional pardon by the President of the United States or by the Governor of any of the several States, the 1952 Act did not include a provision on the effect of a pardon on excludability. Section 222(a) of the 1952 Act did, however, speak to the possible relevance of a previous pardon or amnesty to an individual's eligibility for an immigrant visa, requiring that all immigrant visa applicants provide such information among a range of other specified fields.

While the 1952 Act did not expressly include a provision on the effect of a pardon on excludability, the Board of Immigration Appeals (BIA) held in 1954 that such pardons also remove excludability under now-INA section 212(a)(2)(A)(i). *Matter of H—,* 6 I&N Dec. 90, 96 (BIA 1954) (''As long as there is a full and unconditional pardon granted by the President or by a Governor of a State covering the crime which forms the ground of deportability, *whether in exclusion or expulsion,* the immunizing feature of the pardon clause applies . . .'') (emphasis added).

Following promulgation of the Department's 1959 rule, amendments to the Immigration and Nationality Act and multiple court decisions have removed any ambiguity about whether there is a statutory basis to except individuals from inadmissibility under INA section 212(a)(2)(A)(i) or INA section 212(a)(2)(B) based on a gubernatorial pardon. Congress revised the grounds of deportation relating to convictions of crimes involving moral turpitude and aggravated felonies under section 602(a) of the Immigration Act of 1990 (''IMMACT 90'') and, among the revisions, added a new clause to that ground expressly authorizing waivers of that ground in cases of certain pardons, including gubernatorial pardons. In the same Act, Congress similarly revised the INA's ground of inadmissibility in INA section 212(a)(2)(A)(i) for conviction of certain crimes to include a separate clause of exceptions to that ground and did not include any such language excepting applicants from ineligibility if their relevant conviction had been pardoned. Congress also subsequently amended INA section 222(a) to no longer expressly require that all immigrant visa applicants provide information on a previous pardon or amnesty.[3]

In more recent years, courts have also consistently reached the opposite conclusion of *Matter of H—* regarding the effect of a pardon on a conviction that leads to criminal-related inadmissibility, like the court's findings in *Wojciechowicz.* Each court that has considered the effect of a gubernatorial pardon on admissibility has uniformly found that Congress did not include an exception to inadmissibility under INA section 212(a)(2)(A)(i) based on having received a pardon as it had done in the corresponding section outlining the criminal grounds for deportation. For example, in *Balogun* vs. *U.S. Attorney General,* a case involving a gubernatorial pardon, the Eleventh Circuit held that because the criminal-related inadmissibility ground ''does not have a pardon provision like [8 U.S.C.]

[1] *See* 24 FR 6678 (Aug. 18, 1959).

[2] The 1952 Act referred to ''classes of aliens [that] shall be ineligible to receive visas and [that] shall be *excluded* from admission into the United States'' (emphasis added). The Illegal Immigration Reform and Immigration Responsibility Act of 1996 (IIRIRA), 110 Stat. 3009–546, introduced the language of ''inadmissible aliens'' as part of a broader reorganization of the INA.

[3] Immigration and Nationality Technical Corrections Act of 1994, Public Law 103–416, Section 205(a).