

DEPARTMENT OF COMMERCE

Statement of Regulatory and Deregulatory Priorities

Established in 1903, the Department of Commerce (Commerce or Department) is one of the oldest Cabinet-level agencies in the Federal Government. Commerce's mission is to create the conditions for economic growth and opportunity across American communities by promoting innovation, entrepreneurship, competitiveness, national security, and environmental stewardship. Commerce has 13 operating units, which manage a diverse portfolio of programs and services ranging from export controls, trade promotion, and improved broadband access to overseeing the National Weather Service, developing standards for the U.S. and the world, and producing statistical data. The Department executes the census, oversees the Patent and Trademark Office, and take care of the nation's oceans and fisheries. Across these varied activities, Commerce seeks to provide a foundation for a more dynamic, resilient, and globally competitive economy.

To fulfill its mission, Commerce works in partnership with businesses, educational institutions, community organizations, government agencies, and individuals to:

- **Innovate** by developing new ideas through cutting-edge science and technology, from advances in nanotechnology to ocean exploration to broadband deployment, and by protecting and incentivizing American innovations through the patent and trademark system;
- Promote **entrepreneurship and commercialization** by strengthening capital markets, incentivizing growth, facilitating community development, and empowering small businesses.
- Maintain U.S. economic **competitiveness** in the global marketplace by promoting exports and foreign direct investment, securing a level playing field for U.S. businesses, and ensuring that technology transfer is consistent with our nation's economic and security interests;
- Provide effective management and **stewardship** of our nation's resources and assets to ensure sustainable economic opportunities; and

- Make informed policy decisions and enable better understanding of the economy and our communities by providing **timely, accessible, and accurate economic and demographic data**.

Commerce's Regulatory Plan tracks the most important regulations that the Department anticipates issuing to implement these policy and program priorities and foster new and sustainable growth. Of Commerce's 13 primary operating units, three bureaus — the National Oceanic and Atmospheric Administration (NOAA), the United States Patent and Trademark Office (USPTO), and the Bureau of Industry and Security (BIS) — issue the vast majority of the Department's regulations, and these three bureaus account for all the planned actions that are considered the Department's most important significant pre-regulatory or regulatory actions for FY 2026.

Consistent with Executive Order 14094, moreover, the Department and its bureaus routinely seek to inform their rulemaking with meaningful opportunities for public input. The efforts of NOAA, USPTO, and BIS to promote public engagement are discussed in their respective sections, below.

National Oceanic and Atmospheric Administration

NOAA's mission is built on three pillars: science, service, and stewardship — to understand and predict changes in climate, weather, oceans, and coasts; to share that knowledge and information with others; and to conserve and manage coastal and marine ecosystems and resources.

NOAA seeks to conserve our lands, waters, and natural resources, protecting people and the environment now and for future generations. As part of Commerce, moreover, NOAA recognizes that environmental stewardship must go hand-in hand with economic growth. For example, with respect to the nation's fisheries, NOAA looks simultaneously to ensure sustainability and optimize resources in order to boost long-term economic growth and competitiveness in the vital fisheries sector of the U.S. economy. In doing so, we are guided by the ambitious agenda to revitalize our U.S. fisheries set forth by the President in E.O. 14276, "Restoring American Seafood Competitiveness." Similarly, national marine sanctuaries both protect important natural resources and also are significant drivers of eco-tourism and local recreation.

Within NOAA, the National Marine Fisheries Services (NMFS) and the National Ocean Service (NOS) are the components that most often exercise regulatory authority to implement NOAA's mission. NMFS oversees the management and conservation of the nation's marine fisheries; protects marine mammals and Endangered Species Act (ESA)-listed marine and anadromous species; authorizes incidental take of marine mammals and provides consultations for interagency partners when ESA-listed species may be affected by certain activities that are important to the economy, national security, or other reasons; and promotes economic development of the U.S. fishing industry. NOS supports the coastal states in their management of land and ocean resources in their coastal zones, including estuarine research reserves; manages national marine sanctuaries; monitors marine pollution; and directs the national program for deep-seabed minerals and ocean thermal energy.

In FY 2025, the agency finalized 5 deregulatory actions (RINs 0648-BN45, 0648-BN64, 0648-BN51, 0648-BN18, and 0648-BN36) as defined under E.O. 14192, "Unleashing Prosperity Through Deregulation" and anticipates finalizing approximately 14 more in FY 2026 (RINs 0648-BL64, 0648-BM54, 0648-BN70, 0648-BN52, 0648-BN90, 0648-BM08, 0648-BN68, 0648-BN55, 0648-BN43, 0648-BI10, 0648-BN60, 0648-BN24, 0648-BN59, and 0648-BN95).

Many of NOAA's rulemakings, of which roughly 13 are expected to be significant rulemakings, as defined in Executive Order 12866, are issued pursuant to the following key statutes:

Magnuson-Stevens Fishery Conservation and Management Act

Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) rulemakings concern the conservation and management of fishery resources in the U.S. Exclusive Economic Zone (generally 3–200 nautical miles from shore). Pursuant to the Magnuson-Stevens Act, NOAA manages the nation's fisheries with input from eight regional Fishery Management Councils (Councils). The Councils are comprised of representatives from the commercial and recreational fishing sectors, environmental groups, academia, and Federal and State government. Under the Act, the Councils prepare fishery management plans (FMPs) and amendments to FMPs, and they recommend implementing regulations for each managed fishery. With certain exceptions, rulemakings under the

Magnuson-Stevens Act are usually recommended by the actions of the Councils. FMPs address a variety of issues, including maximizing fishing opportunities on healthy stocks, rebuilding overfished stocks, and addressing gear conflicts. In turn, after considering the Councils' recommendations in light of the standards and requirements set forth in the Magnuson-Stevens Act and other applicable laws, NOAA (exercising delegated authority) makes decisions on whether to issue regulations to implement the proposed FMPs and FMP amendments. This collaboration with the Councils gives NMFS the flexibility to incorporate local level input to develop management strategies appropriate for each region's unique fisheries, challenges, and opportunities. It also provides for a robust public process. Throughout the Council process, there is significant opportunity for public engagement, including participating on advisory panels, providing testimony at public hearings, and commenting on Council actions. After considering the Councils' recommendations in light of the standards and requirements set forth in the Magnuson-Stevens Act and in other applicable laws, NOAA may issue regulations to implement the proposed FMPs and FMP amendments. As itemized in the Unified Agenda, NOAA plans to take several hundred actions in FY 2026 under Magnuson-Stevens Act authority to achieve optimum yield for our fisheries.

Marine Mammal Protection Act

The Marine Mammal Protection Act of 1972 (MMPA) provides the authority for the conservation and management of marine mammals under U.S. jurisdiction. The MMPA expressly prohibits, with certain exceptions, the intentional take of marine mammals. The MMPA allows, upon request and subsequent authorization, the incidental take of marine mammals by U.S. citizens who engage in a specified activity (e.g., offshore energy-related activities, scientific research) within a specified geographic region. NMFS authorizes incidental take under the MMPA if it finds that the taking would be of small numbers, have no more than a "negligible impact" on those marine mammal species or stock, and would not have an "unmitigable adverse impact" on the availability of the species or stock for "subsistence" uses. NMFS also initiates rulemakings under the MMPA to establish a management regime to reduce marine mammal mortalities and injuries as a result of interactions with fisheries. In addition, the MMPA allows NMFS to permit the take or import of wild animals for scientific research or public display or to enhance the survival of a species or stock.

Endangered Species Act

The Endangered Species Act of 1973 (ESA) provides for the conservation of species that are determined to be “endangered” or “threatened,” and the conservation of the ecosystems on which these species depend. NMFS and the Department of Interior’s Fish and Wildlife Service (FWS) jointly administer the provisions of the ESA: NMFS manages marine and several anadromous species, and FWS manages land and freshwater species. NMFS rulemaking actions under the ESA are focused on determining whether any species under its jurisdictional responsibility is endangered or threatened and whether those species must be added to the List of Threatened and Endangered Species. NMFS is also responsible for designating, reviewing and revising critical habitat for any listed species. One of the agency’s priorities under the ESA is a joint action with FWS to rescind the definition of “harm” (0648-BN93). The existing regulatory definition of “harm,” which includes habitat modification, runs contrary to the best meaning of the statutory term “take.” This action will adhere to the single, best meaning of the ESA.

The National Marine Sanctuaries Act

The National Marine Sanctuaries Act (NMSA) authorizes the Secretary of Commerce to designate and protect as national marine sanctuaries areas of the marine environment with special national significance due to their conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or aesthetic qualities. The primary objective of the NMSA is to protect marine resources, such as coral reefs, sunken historical vessels, or unique habitats.

NOAA’s Office of National Marine Sanctuaries (ONMS), within NOS, has the responsibility for management of national marine sanctuaries. Regulations issued pursuant to NMSA describe and define the boundaries of the designated national marine sanctuaries, and set up a system of permits to allow the conduct of certain types of activities that would otherwise not be allowed.

These regulations can, among other things, regulate and restrict activities that may injure natural resources, including all extractive and destructive activities, consistent with community-specific needs and NMSA’s purpose to “facilitate to the extent compatible with the primary objective of resource protection,

all public and private uses of the resources of these marine areas.” In FY 2025, NOAA published three regulatory actions under NMSA.

Coastal Zone Management Act

The Coastal Zone Management Act (CZMA) was passed in 1972 to preserve, protect, and develop and, where possible, to restore and enhance the resources of the nation’s coastal zone. The CZMA creates a voluntary state-federal partnership, where coastal states (States in, or bordering on, the Atlantic, Pacific or Arctic Ocean, the Gulf of America, Long Island Sound, one or more of the Great Lakes, and Pacific and Caribbean U.S. territories and commonwealths), may elect to develop comprehensive programs that meet federal approval standards. Currently, 34 of the 35 eligible entities are implementing a federally approved coastal management plan approved by NOAA.

Of the numerous regulatory actions that NOAA is planning for this year and that are included in the Unified Agenda, the Department describes three below.

NOAA’s Regulatory Plan Actions

1. Endangered and Threatened Wildlife and Plants; Regulations for Listing Species and

Designating Critical Habitat (0648-BN70): This action responds to the E.O. 14154, titled “Unleashing American Energy,” which directed all departments and agencies to immediately review agency actions that potentially impose an undue burden on the identification, development, or use of domestic energy resources, and, as appropriate and consistent with applicable law, consider suspending, revising, or rescinding agency actions that conflict with this national objective. The Department of Interior (DOI) issued Secretarial Order (SO) 3418 to implement E.O. 14154 and requires that the FWS, in cooperation with NMFS, take action to suspend, revise, or rescind the ESA regulations that were revised in 2024. E.O. 14219 also directs all departments and agencies to review and rescind unlawful regulations that are “based on anything other than the best reading of the underlying statutory authority.”

2. Endangered and Threatened Wildlife and Plants; Interagency Cooperation (0648-BN79): This action responds to the E.O. 14154, titled “Unleashing American Energy,” which directed the removal of

impediments imposed on the development and use of the country's energy and natural resources by the previous administration's regulations, and the Department of Interior (DOI) Secretarial Order (SO) 3418, to implement E.O. 14154 which specifically requires that the FWS, in cooperation with the NMFS take action to suspend, revise, or rescind the ESA regulations that were revised in 2024. E.O. 14219 also directs all departments and agencies to review and rescind unlawful regulations that are "based on anything other than the best reading of the underlying statutory authority."

3. Deep Seabed Mining: Revisions to Regulations for Exploration License and Commercial

Recovery Permit Applications (0648-BN96): This action is to revise NOAA's regulations (15 CFR parts 970 and 971) that implement the Deep Seabed Hard Mineral Resources Act, 30 U.S.C. §§ 1401, et. seq., (DSHMRA or the Act). DSHMRA is an important part of the President's directive, E.O. 14285, "Unleashing America's Offshore Critical Minerals and Resources," to establish policies to advance U.S. leadership in seabed mineral exploration and responsible commercial recovery. Currently, the DSHMRA regulations require a sequential process. Applicants must first obtain an exploration license from NOAA before they can submit a commercial recovery permit application. When NOAA promulgated the DSHMRA regulations in the 1980s, this sequential approach was appropriate due to the nascent stage of deep seabed mining technology and the data needed for a commercial recovery application. However, at that time NOAA reserved a section of the regulations for a consolidated review once the industry matured. See 51 FR 26794, 26796 (July 25, 1986).

The United States Patent and Trademark Office

The USPTO's mission is to foster innovation, competitiveness, and economic growth, domestically and abroad, by delivering high quality and timely examination of patent and trademark applications, guiding domestic and international intellectual property policy, and delivering intellectual property information and education worldwide.

Major Programs and Activities

The USPTO is responsible for granting U.S. patents and registering trademarks. This system of secured property rights, which has its foundation in Article I, Section 8, Clause 8, of the Constitution

(providing that Congress shall have the power to “promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries”) has enabled American industry to flourish. New products have been invented, new uses for old ones discovered, and employment opportunities created for millions of Americans. The continued demand for patents and trademarks underscores the importance to the U.S. economy of effective mechanisms to protect new ideas and investments in innovation, as well as the ingenuity of American inventors and entrepreneurs.

In addition to granting patents and trademarks, the USPTO advises the President of the United States, the Secretary of Commerce, and U.S. government agencies on intellectual property (IP) policy, protection, and enforcement; and promotes strong and effective IP protection around the world. The USPTO furthers effective IP protection for U.S. innovators and entrepreneurs worldwide by working with other agencies to secure strong IP provisions in free trade and other international agreements. It also provides training, education, and capacity building programs designed to foster respect for IP and encourage the development of strong IP enforcement regimes by U.S. trading partners.

Of the rulemaking actions that the USPTO is planning for this year and that are included in the Unified Agenda, outlined below is the USPTO’s most important upcoming regulatory action for this year.

The USPTO's Regulatory Plan Actions

1. Setting and Adjusting Patent Fees (0651-AD88): This final rule would set and adjust Patent fee amounts to provide the Office with sufficient aggregate revenue to recover its aggregate cost of operations thereby maintaining a sustainable funding model.

Bureau of Industry and Security

BIS advances U.S. national security, foreign policy, and economic objectives by administering and enforcing export controls, conducting Section 232 investigations, and performing various other functions to strengthen national security and the defense industrial base.

Major Programs and Activities

BIS administers five sets of regulations.

- The Export Administration Regulations (EAR) regulate exports and reexports to protect national security, foreign policy, and short supply interests. The EAR includes the Commerce Control List (CCL), which describes commodities, software, and technology that are subject to licensing requirements for specific reasons for control. The EAR also regulates U.S. persons' participation in certain boycotts administered by foreign governments.
- The National Security Industrial Base Regulations (NSIBR) provide for prioritization of certain contracts and allocations of resources to promote the national defense, require reporting of foreign government-imposed offsets in defense sales, provide for surveys to assess the capabilities of the industrial base to support the national defense, and address the effect of imports on the defense industrial base.
- The Chemical Weapons Convention Regulations implement declaration, reporting, and on-site inspection requirements in the private sector necessary to meet United States treaty obligations under the Chemical Weapons Convention treaty.
- The Additional Protocol Regulations implement similar requirements for certain civil nuclear and nuclear-related items with respect to an agreement between the United States and the International Atomic Energy Agency.
- The ICTS Transaction Review Regulations (ICTS-R) are administered by the Office of Information and Communications Technology and Services (OICTS) and implement the authority to prohibit or mitigate any acquisition, importation, transfer, installation, dealing in, or use of any information or communications technology and service (ICTS) that has been designed, developed, manufactured, or supplied by persons owned by, controlled by, or subject to the jurisdiction or direction of foreign adversaries that pose undue or unacceptable risk to the U.S. national security or U.S. persons' safety. The BIS ICTS program reviews and addresses ICTS transactions, including classes of transactions, that pose undue or unacceptable risks in the United States, which involves vetting and prioritizing referrals, compiling intelligence, and other information,

conducting investigations into transactions, performing risk-based analysis, and recommending mitigation measures and/or prohibitions to the Secretary of Commerce.

BIS also has an enforcement component with nine offices covering the United States, as well as BIS export control officers stationed at several U.S. embassies and consulates abroad. BIS works with other U.S. Government agencies to promote coordinated U.S. Government efforts in export controls and other programs. BIS participates in U.S. Government efforts to strengthen multilateral export control regimes and promote effective export controls through cooperation with other governments.

In FY 2026, BIS plans to publish a number of proposed and final rules amending the EAR. These rules will cover a range of issues, including EAR controls for artificial intelligence and Unmanned Aircraft Systems. BIS also continues to identify and propose controls for emerging and foundational technologies. BIS also plans to publish proposed and final rules amending the NSIBR, including establishing a Copper Tariffs Inclusions Process for including additional derivative copper articles within the scope of the ad valorem duties as authorized by the President under Section 232 of the Trade Expansion Act of 1962, as amended (Section 232).

Outlined below are BIS's most important upcoming regulatory actions for this year.

BIS's Regulatory Plan Actions

- 1. Implementation of the AI Action Plan Through Export Controls (RIN 0694-AJ90):** This interim final rule (IFR) will formally rescind the "Framework for Artificial Intelligence Diffusion" rule issued by the Biden Administration in January 2025 – which BIS has already stopped enforcing. The IFR will also establish a new, streamlined framework to enable the secure spread of U.S. technology around the globe consistent with U.S. national security and foreign policy objectives.
- 2. Copper Tariffs Inclusions Process (RIN 0694-AK36):** Establishes a process for including additional derivative copper articles within the scope of the ad valorem duties authorized by the President under Section 232 of the Trade Expansion Act of 1962, as amended (Section 232).

- 3. Unmanned Aircraft Systems (0694-AJ72):** This rule will reduce export controls on drones exported to certain U.S. partners and allies.