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Part IX

Department of Homeland Security

Semiannual Regulatory Agenda

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

DEPARTMENT OF HOMELAND SECURITY (DHS)

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Chs. I and II

[DHS Docket No. OGC-RP-04-001]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, DHS.

ACTION: Semiannual regulatory agenda.

SUMMARY: This regulatory agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department of Homeland Security (DHS) and its component agencies and divisions. This agenda provides the public with information about DHS' regulatory activity. It is expected that this information will enable the public to be more aware of and effectively participate in the Department's regulatory activity. The public also is invited to submit comments on any aspect of this agenda.

FOR FURTHER INFORMATION CONTACT:

General

Please direct all comments and inquiries on the agenda in general to the Regulations Division, Office of the General Counsel, Department of Homeland Security, Washington, DC 20528.

Specific

Please direct specific comments and inquiries on individual regulatory actions identified in this agenda to the individual listed in the summary of the regulation as the point of contact for that regulatory action.

SUPPLEMENTARY INFORMATION: This notice is given pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980) and Executive Order (E.O.) 12866, ''Regulatory Planning and Review'' (September 30, 1993), which require the publication of a semiannual agenda of regulations by the Department. The regulatory agenda is a semiannual summary of all current and projected rulemakings, as well as actions completed since the publication of the last regulatory agenda for the Department. This is DHS' fifth semiannual regulatory agenda since the Department's inception in January 2003. DHS' last semiannual regulatory agenda was published on December 13, 2004, at 69 FR 73186.

DHS is comprised of five directorates: Border and Transportation Security; Emergency Preparedness and Response; Science and Technology; Information Analysis and Infrastructure Protection; and Management. Several other critical agencies were transferred to the Department or were created under the Homeland Security Act of 2002, including the U.S. Coast Guard (Coast Guard), the U.S. Secret Service, the Transportation Security Administration (TSA) and the Federal Emergency Management Administration (FEMA). In addition, the former Immigration and Nationalization Service (INS) of the Department of Justice and the former U.S. Customs Service of the Department of the Treasury were transferred to DHS and reorganized to become the U.S. Citizenship and Immigration Services (USCIS) the Bureau of Immigration and Customs Enforcement (ICE), and the Bureau of Customs and Border Protection (CBP). Many of the agencies transferred to DHS had existing and active regulatory agendas. Those legacy regulatory agendas have been transferred to DHS and now are identified in the DHS regulatory agenda. Accordingly, many of the regulatory actions identified in this agenda may reference actions initiated by a predecessor Department or agency.

DHS joined the Environmental Protection Agency Federal Partner On-line Electronic Docket System (EDocket) in September 2004. Members of the public may access this docket at: www.epa.gov/feddocket. All Coast Guard and TSA electronic dockets continue to be accessed at: dms.dot.gov. Since Coast Guard and TSA were originally on the Department of Transportation's (DOT) electronic Docketing Management System, those agencies will remain on that system until DHS fully migrates to the Federal Electronic Docketing System in late fiscal year 2005.

The semiannual agenda of the Department conforms to the Unified Agenda format developed by the Regulatory Information Service Center.

Dated: March 18, 2005.

Mary Kate Whalen,

Deputy Associate General Counsel for Regulations.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1050	Supplemental Standards of Conduct for Employees of the Department of Homeland Security	1601–AA17
1051	Uniform Administrative Requirements for Grants and Cooperative Agreements; Administration of Grants and Agreements With Institutions of Higher Ed., Hospitals, and Other Nonprofit Orgs.	1601–AA18
1052	Identifying, Safeguarding, and Sharing Sensitive Homeland Security Information	1601–AA25

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1053	Freedom of Information Act and Privacy Act Procedures	1601–AA00
1054	Production or Disclosure of Official Information in Connection With Legal Proceedings	1601–AA01
1055	Classified National Security Information	1601–AA02

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Office of the Secretary—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
1056	Enforcement of Nondiscrimination on the Basis of Disability in Department of Homeland Security Programs or Activities	1601–AA03
1057	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace	1601–AA10
1058	Program Fraud Civil Remedies	1601–AA11
1059	Regulations Imposing Restrictions Upon Lobbying	1601–AA12
1060	National Environmental Policy Act Procedures	1601–AA13
1061	Procedures for Handling Critical Infrastructure Information	1601–AA14
1062	Regulations Implementing the Support Antiterrorism by Fostering Effective Technologies Act of 2002 (the SAFETY Act)	1601–AA15
1063	Homeland Security Acquisition Regulation (HSAR)	1601–AA16

Office of the Secretary—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1064	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance	1601–AA04
1065	Regulations Regarding Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance	1601–AA05
1066	Authority of the Secretary of the Department of Homeland Security; Delegations of Authority; Immigration Laws	1601–AA06
1067	Procedures Relating to Awards Under the Equal Access to Justice Act	1601–AA22
1068	Collection of Nontax Debts Owed to the Department of Homeland Security	1601–AA23
1069	Right to Financial Privacy	1601–AA24

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1070	Department of Homeland Security (DHS) Human Resources Management System	1601–AA21
1071	Privacy Act of 1974: Implementation of Exemption	1601–AA26

U.S. Citizenship and Immigration Services—Proposed Rule Stage

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1073	International Matchmaking Organizations	1615–AA11
1074	Special Immigrant Juvenile Petitions	1615–AA15
1075	Immigrant and Nonimmigrant; Religious Workers	1615–AA16
1076	Dismissal of Asylum Application for Unexcused Failure To Appear and Affect on Eligibility for Employment Authorization	1615–AA18
1077	Special Immigrant Status for Certain NATO Civilian Employees	1615–AA21
1078	Inadmissibility To Enter the United States for Former U.S. Citizens Who Renounced Citizenship To Avoid Taxation	1615–AA32
1079	Implementation of the Numerical Limit on Asylum Grants and Refugee Admissions Based on Resistance to Coercive Population Control Measures	1615–AA37
1080	Intercountry Adoptions	1615–AA43
1081	Waiver of Fees	1615–AA48
1082	Adjustment of Status Under Section 245(k)	1615–AA54
1083	Implementation of the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA), the American Competitiveness in the Twenty-First Century Act of 2000 (AC21), and Other Related Bills	1615–AA55
1084	Construction Work and the B Nonimmigrant Visa Classification	1615–AA58
1085	Consent To Reapply for Admission After Removal	1615–AA61

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U.S. Citizenship and Immigration Services—Proposed Rule Stage (Continued)

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1086	Waivers of the Two-Year Foreign Residence Requirement for Certain Exchange Visitors	1615–AA62
1087	Illegal Entries, Unlawful Presence, and Automatic Voiding of Nonimmigrant Visas	1615–AA64
1088	Medical Examination Requirements and Designation of Civil Surgeons	1615–AA65
1089	Medical Grounds of Inadmissibility and Waivers	1615–AA66
1090	Changes to Employment Authorization Eligibility for Certain Applicants and to Standards for Determining a Frivolous Asylum Application	1615–AA89
1091	Waiver of Criminal Grounds of Inadmissibility for Immigrants	1615–AA94
1092	Criminal Grounds of Inadmissibility, Exceptions and Waivers for Immigrants and Nonimmigrants, Refugees and Asylees	1615–AB15
1093	Establishment of Fee for Processing Genealogical Research Requests	1615–AB19
1094	Petitions for Employment Creation Aliens	1615–AB20
1095	Administrative Appeals Office: Procedural Reforms To Improve Efficiency	1615–AB29
1096	After-Sales Service and After-Lease Service for B-1 Temporary Visitors for Business	1615–AB33
1097	Employment Based Immigrants—Elimination of Beneficiary Substitution on Approved Labor Certifications and Validity Period of Approved Labor Certifications	1615–AB34

U.S. Citizenship and Immigration Services—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1098	Adjustment of Status to That of Person Admitted for Permanent Residence: Conditional Residents and Fiance(e)s	1615–AA02
1099	Petition To Classify Alien as Immediate Relative of a U.S. Citizen or as a Preference Immigrant; Self-Petitioning for Certain Battered or Abused Alien Spouses and Children	1615–AA03
1100	Definition of the Term ''Lawfully Present'' for Purposes of Eligibility for Public Benefits	1615–AA05
1101	Affidavit of Support on Behalf of Immigrants	1615–AA06
1102	Adjustment of Status, Continued Validity of Nonimmigrant Status, and Unexpired Employment Authorization for Applicants Maintaining Nonimmigrant H or L Status	1615–AA12
1103	Fingerprinting Applicants and Petitioners for Immigration Benefits; Establishing a Fee for Fingerprinting by the Department of Homeland Security	1615–AA14
1104	Suspension of Deportation and Special Rule Cancellation of Removal for Certain Nationals of Guatemala, El Salvador, and Former Soviet Bloc Countries	1615–AA17
1105	Regulations Concerning the Convention Against Torture	1615–AA19
1106	Inadmissibility and Deportability on Public Charge Grounds	1615–AA22
1107	Application for Refugee Status; Acceptable Sponsorship Agreement Guaranty of Transportation	1615–AA24
1108	Battered and Abused Conditional Residents; Termination of Marriage by Conditional Residents	1615–AA29
1109	Revoking Grants of Naturalization	1615–AA30
1110	Registration and Fingerprinting of Aliens in the United States: Control of Employment of Aliens	1615–AA33
1111	National Interest Waivers for Second Preference Employment-Based Immigrant Physicians Serving in Medically Underserved Areas or at Department of Veterans Affairs Facilities	1615–AA34
1112	Petitioning Requirements for the H-1C Nonimmigrant Classification Under Public Law 106-95	1615–AA35
1113	Adjustment of Status to That of Person Admitted for Permanent Residence; Temporary Removal of Certain Restrictions of Eligibility	1615–AA40
1114	Asylum and Withholding Definitions	1615–AA41
1115	Petition To Classify Alien as Immediate Relative of a U.S. Citizen or Preference Immigrant; Adjustment of Status to That of a Person Admitted for Permanent Residence	1615–AA42
1116	Academic Honorarium for B Nonimmigrant Aliens	1615–AA44
1117	Children Born Outside the United States; Applications for Certificate of Citizenship	1615–AA45
1118	Allowing for the Filing of Form I-140 Visa Petition Concurrently With a Form I-485 Application in Certain Circumstances	1615–AA46
1119	Special Immigrant Visa for Fourth Preference Employment-Based Broadcasters	1615–AA47
1120	Establishing Premium Processing Service for Employment-Based Petitions and Applications	1615–AA49
1121	Adjustment of Status for Certain Nationals of Nicaragua, Cuba, and Haiti	1615–AA51
1122	Adjustment to Lawful Resident Status of Certain Class Action Participants Who Entered Before January 1, 1982, Under the Legal Immigration and Family Equity Act (LIFE Act)	1615–AA52
1123	Nonimmigrant Classes; Spouses and Children of Lawful Permanent Residents; V Classification	1615–AA53
1124	K Nonimmigrant Classification; Legal Immigration Family Equity Act (LIFE)	1615–AA56
1125	Adjustment of Status for Certain Syrian Nationals Granted Asylum in the United States	1615–AA57

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U.S. Citizenship and Immigration Services—Final Rule Stage (Continued)

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1127	Adjustment of Status for Victims of Trafficking	1615–AA60
1128	Removal of Limitations on the Validity Period for Employment Authorization Documents	1615–AA63
1129	New Classification for Victims of Certain Criminal Activity; Eligibility for the U Nonimmigrant Status	1615–AA67
1130	Documentary Requirements for Certain Temporary Residents	1615–AA69
1131	Requiring Change of Status From B to F-1 or M-1 Nonimmigrant Prior To Pursuing a Course of Study	1615–AA73
1132	Restructuring the Nonimmigrant Regulations	1615–AA74
1133	Waivers for Nonimmigrants Under Section 212(d)(3)(A) of the Immigration and Nationality Act	1615–AA75
1134	Clarification of Regulations Relating to Aliens That Are Employment Authorized Incident to Status	1615–AA78
1135	Procedures for Conducting Examinations and Waiving the Oath of Allegiance for Naturalization Applicants With Disabilities	1615–AA81
1136	Electronic Signature on Applications and Petitions for Immigration and Naturalization Benefits	1615–AA83
1137	Withholding of Adjudication	1615–AA86
1138	Adjustment of the Appeal and Motion Fee To Recover Full Costs	1615–AA88
1139	Implementation of Amendments Affecting Petitions for Employment Creation Aliens	1615–AA90
1140	Implementation of the Age Out Protections Afforded Under the Child Status Protection Act	1615–AA95
1141	Eliminating the Numerical Cap on Mexican TN Nonimmigrants	1615–AA96
1142	Filing of Proposals for Designation as a Regional Center Approved To Participate in the Immigrant Investor Pilot Program	1615–AB00
1143	Application for Naturalization by Alternative Application if Citizen Parent Has Died	1615–AB08
1144	Requiring Completion of Security Checks Before Issuance of Evidence of Alien Registration	1615–AB12
1145	Removal of Standardized Request for Evidence Processing Timeframe	1615–AB13
1146	Classification of Certain Scientists of the Commonwealth of Independent States of the Former Soviet Union and the Baltic States as Employment-Based Immigrants	1615–AB14
1147	Petitioning Requirements for the O and P Nonimmigrant Classifications	1615–AB17
1148	Change or Extension of Nonimmigrant Status Under the Chile and Singapore Free Trade Agreements	1615–AB22
1149	Eligibility Pilot Program (Precertification of Certain I-129 and I-140 Petitioners)	1615–AB25
1150	Petitions for Employment Based Immigrants	1615–AB27
1151	Extension of the Deadline for Certain Health Care Workers Required To Obtain Certificates	1615–AB28
1152	Adding a Filing Fee for Re-Registration and Extension of Temporary Protected Status	1615–AB31
1153	Allocation of H-1B Visas Created by the H-1B Visa Reform Act of 2004	1615–AB32

U.S. Citizenship and Immigration Services—Long-Term Actions

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U.S. Citizenship and Immigration Services—Completed Actions

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1158	Adoption of Siblings; Adopted Alien Children Less Than 18 Years of Age Considered a "Child"	1615–AA50
1159	Implementation of the Agreement Between the Government of Canada and the Government of the United States Regarding Asylum Claims	1615–AA91
1160	Sunset of Additional $1,000 Filing Fee and Return to 65,000 Annual Limit on H-1B Nonimmigrant Petition Approvals	1615–AB10
1161	Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H-2B)	1615–AB30

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U.S. Coast Guard—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
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1163	Wearing of Personal Flotation Devices by Persons Operating or Riding on Personal Watercraft or Being Towed Behind Recreational Vessels (USCG-2002-11421)	1625–AA40
1164	Traffic Separation Schemes: In the Strait of Juan De Fuca and Its Approaches; In Puget Sound and Its Approaches; In Haro Strait, Boundary Pass, and in the Strait of Georgia (USCG-2002-12702)	1625–AA48
1165	Vessel Traffic Service Lower Mississippi River (USCG-1998-4399)	1625–AA58
1166	Escort Vessels for Certain Tankers—Crash Stop Criteria (USCG-2003-14734)	1625–AA65
1167	Administrative Changes To Numbering of Vessels and Reporting of Casualties (USCG-2003-14963)	1625–AA70
1168	Commercial Fishing Industry Vessels (USCG-2003-16158)	1625–AA77
1169	Pollution Prevention Equipment (USCG-2004-18939)	1625–AA90
1170	Navigation Equipment; SOLAS Chapter V Amendments (USCG-2004-19588)	1625–AA91
1171	Alternate Compliance Program: Vessel Inspection Alternatives	1625–AA92
1172	Vessel Documentation: Lease Financing for Vessels Engaged in the Coastwise Trade	1625–AA95
1173	Waiver for Marking Sunken Vessels with Light at Night (USCG-2005-20488)	1625–AA97

U.S. Coast Guard—Final Rule Stage

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1174	Reporting Marine Casualties (USCG-2000-6927)	1625–AA04
1175	Limited Service Domestic Voyage Load Lines for River Barges on Lake Michigan (USCG-1998-4623)	1625–AA17
1176	Outer Continental Shelf Activities (USCG-1998-3868)	1625–AA18
1177	Anchorage Ground; Safety Zone; Speed Limit; Tongass Narrows and Ketchikan, Alaska (CGD17-99-002)	1625–AA23
1178	Post Casualty Drug and Alcohol Testing (USCG-2001-8773)	1625–AA27
1179	Electronic Chart Display and Information System (ECDIS) (USCG-2001-8826)	1625–AA29
1180	Drawbridge Operations Regulations; Revisions (USCG-2001-10881)	1625–AA36
1181	Rates for Pilotage on the Great Lakes (USCG-2002-11288)	1625–AA38
1182	Review and Update of Standards for Marine Equipment (USCG-2003-16630)	1625–AA83
1183	Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Licenses and Certificates of Registry (USCG-2004-17455)	1625–AA85
1184	Notification of Arrival in U.S. Ports; Certain Dangerous Cargoes; Electronic Submission (USCG-2004-19963)	1625–AA93
1185	Tank Level or Pressure Monitoring Devices on Single-Hull Tank Ships and Single-Hull Tank Barges Carrying Oil or Oil Residue As Cargo	1625–AA94

U.S. Coast Guard—Long-Term Actions

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1187	Special Anchorage Areas/Anchorage Grounds Regulations	1625–AA01
1188	Discharge-Removal Equipment for Vessels Carrying Oil (CGD 90-068)	1625–AA02
1189	Escort Vessels for Certain Tankers (CGD 91-202)	1625–AA05
1190	State Access to the Oil Spill Liability Trust Fund (USCG-2004-19123)	1625–AA06
1191	Regatta and Marine Parade Regulations	1625–AA08
1192	Drawbridge Regulations	1625–AA09
1193	Escort Vessels in Certain U.S. Waters (CGD 91-202a)	1625–AA10
1194	Regulated Navigation Areas	1625–AA11
1195	Marine Transportation-Related Facility Response Plans for Hazardous Substances (USCG-1999-5705)	1625–AA12
1196	Tank Vessel Response Plans for Hazardous Substances (USCG-1998-4354)	1625–AA13
1197	Numbering of Undocumented Barges (USCG-1998-3798)	1625–AA14
1198	Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978 (CGD 95-062)	1625–AA16
1199	Salvage and Marine Firefighting Requirements; Vessel Response Plans for Oil (USCG-1998-3417)	1625–AA19
1200	Deepwater Ports (USCG-1998-3884)	1625–AA20
1201	Commercial Diving Operations (USCG-1998-3786)	1625–AA21

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U.S. Coast Guard—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
1202	Improvements to Maritime Safety in Puget Sound-Area Waters (USCG-1998-4501)	1625–AA22
1203	Cargo Securing on Vessels Operating in U.S. Waters (USCG-2000-7080)	1625–AA25
1204	Vessel and Facility Response Plans for Oil: 2003 Removal Equipment Requirements and Alternative Technology Revisions (USCG-2001-8661)	1625–AA26
1205	Federal Requirements for Propeller Injury Avoidance Measures (USCG 2001-10163)	1625–AA31
1206	Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters (USCG-2001-10486)	1625–AA32
1207	Marine Events: Permit Procedures (USCG-2001-10713)	1625–AA35
1208	Notifications of Arrival and Departure in Ports or Places in the United States (USCG-2001-11865)	1625–AA41
1209	Protection for Whistleblowers in the Coast Guard (USCG-2002-13016)	1625–AA50
1210	Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard (USCG 1998-3472)	1625–AA59
1211	Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Documents (MMDs) (USCG-2003-14500)	1625–AA81
1212	Security Zone Regulations	1625–AA87
1213	Dry Cargo Residue Discharges in the Great Lakes (USCG-2004-19621)	1625–AA89
1214	Notification of Arrival in U.S. Ports; Certain Dangerous Cargoes; Electronic Submission (USCG-2003-16688)	1625–AA96

U.S. Coast Guard—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1215	Vessel Documentation: Lease Financing for Vessels Engaged in the Coastwise Trade; Second Rulemaking (USCG-2003-14472)	1625–AA63
1216	Terms Imposed by States on Numbering of Vessels (USCG-2003-15708)	1625–AA75

Directorate of Border and Transportation Security—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1217	United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT); Authority To Collect Biometric Data From Additional Travelers	1650–AA00

Directorate of Border and Transportation Security—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1218	United States Visitor and Immigration Status Indicator Technology Program (US-VISIT); Automatic Identification of Certain Nonimmigrants Exiting the United States at Select Land Border Ports of Entry	1650–AA01

Bureau of Customs and Border Protection—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1219	Western Hemisphere Travel Document Requirements	1651–AA63

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Bureau of Customs and Border Protection—Proposed Rule Stage

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1220	Advance Notice Requirements for Aircraft Landings and Arrivals; Revisions to the Private Aircraft Overflight Program	1651–AA41
1221	Prior Disclosure and Lost Duty or Revenue Demands When Penalty Claim Not Issued	1651–AA42
1222	Cargo Information (Manifest) Discrepancy Reporting Requirements and Penalty Guidelines	1651–AA45
1223	Air Transit Program	1651–AA50
1224	Changes to the Administrative Process for Petitions for Relief Regarding Seizures and Forfeitures Resulting From Violations of Immigration and Naturalization Laws	1651–AA58
1225	Container Seals	1651–AA61
1226	Passenger Manifest for Commercial Aircraft Arriving In and Departing From the United States; Passengers and Crew Manifests for Commercial Vessels Departing From the United States	1651–AA62
1227	Use of Sampling Methods in CBP Audits and Offsetting of Overpayments and Over-Declarations in 19 U.S.C. 1592 Penalty Cases	1651–AA64

Bureau of Customs and Border Protection—Final Rule Stage

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1230	Access to Customs Security Areas at Airports	1651–AA38
1231	Conditional Release Period and Customs Bond Obligations for Food, Drugs, Devices, and Cosmetics	1651–AA39
1232	Passenger Name Record Information Required for Passengers on Flights in Foreign Air Transportation To or From the United States	1651–AA40
1233	Confidentiality of Commercial Information	1651–AA47
1234	Letters and Documents; Advance Electronic Presentation of Cargo Data	1651–AA55
1235	Remittance of Immigration User Fee	1651–AA57
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Bureau of Customs and Border Protection—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
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1239	Establishment of Preinspected Automated Lane (PAL) Program	1651–AA06
1240	Amendment of the Regulatory Definition of Arriving Alien	1651–AA07
1241	Removal of Visa and Passport Waiver for Certain Permanent Residents of Canada and Bermuda	1651–AA23
1242	Nonimmigrant Visa Exemption for Nationals of the British Virgin Islands Entering the United States Through St. Thomas, U.S. Virgin Islands	1651–AA29
1243	Procedures Governing the Border Release Advanced Screening and Selectivity (BRASS) Program	1651–AA35

Bureau of Customs and Border Protection—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1244	Electronic Transmission of Passenger and Crew Manifests for Vessels and Aircraft	1651–AA37
1245	Publication of Administrative Forfeiture Notices	1651–AA48

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Transportation Security Administration—Proposed Rule Stage

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1247	Transportation Worker Identification Credential	1652–AA41
1248	Modification of the Aviation Security Infrastructure Fee	1652–AA43
1249	Due Process for FAA Certificate Holders and for Other Threat Assessments	1652–AA44
1250	Registered Traveler	1652–AA47
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Transportation Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
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1253	Air Cargo Security Requirements	1652–AA23
1254	Privacy Act of 1974: Implementation of Exemptions; Transportation Security Intelligence Service (TSIS) Operations Files	1652–AA34
1255	Privacy Act of 1974: Implementation of Exemptions; Registered Traveler Operations Files	1652–AA36
1256	Secure Flight Program	1652–AA45
1257	Technical Amendment: Administrative Change to the Official Title of the Head of TSA	1652–AA46

Transportation Security Administration—Long-Term Actions

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1268	Transportation of Explosives From Canada to the United States Via Commercial Motor Vehicle and Railroad Carrier	1652–AA16
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1270	Flight Training for Aliens and Other Designated Individuals; Security Awareness Training for Flight School Employees	1652–AA35
1271	Aircraft Repair Station Security	1652–AA38
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Transportation Security Administration—Completed Actions

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1276	Hazmat Fee Rule: Fees for Security Threat Assessments on Hazmat Drivers	1652–AA33
1277	Sensitive Security Information (SSI) for Land Modes	1652–AA37

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Bureau of Immigration and Customs Enforcement—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1278	Procedures for Detainee Hunger Strikes	1653–AA12
1279	Interest Payments on Cancelled Cash Bonds	1653–AA20
1280	Transfer of Flight Training Programs Under the Department of State Oversight to the Department of Homeland Security	1653–AA43
1281	Strengthening Control Over Immigration Surety Bonds	1653–AA45

Bureau of Immigration and Customs Enforcement—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
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1283	Early Release for Removal of Criminal Aliens in State Custody for Nonviolent Offenses	1653–AA06
1284	Power of Secretary of the Department of Homeland Security To Terminate Deportation Proceedings and Initiate Removal Proceedings	1653–AA08
1285	Detention of Aliens Subject to Final Orders of Removal	1653–AA13
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1287	Address Notification To Be Filed With Designated Applications	1653–AA15
1288	Abbreviation or Waiver of Training for State or Local Law Enforcement Officers Authorized To Enforce Immigration Law During a Mass Influx of Aliens	1653–AA18
1289	SEVIS Reporting Requirements of Academic Institutions at the Start of Each Term or Session	1653–AA28
1290	Changes in Registration Policies and Monitoring of Certain Nonimmigrants	1653–AA29
1291	Extending the Period of Duration of Status for Certain F and J Nonimmigrant Aliens	1653–AA30
1292	Requiring Certification of All Service-Approved Schools for Enrollment in the Student and Exchange Visitor Information System (SEVIS)	1653–AA31
1293	Reduced Course Load for Certain F and M Nonimmigrant Students at Border Communities	1653–AA32
1294	Denial and Withdrawal for Approval of Schools for Attendance by Nonimmigrant Students	1653–AA33
1295	Authorizing Suspension of Employment Authorization Requirements on the Basis of Severe Economic Hardship for F-1 Students and Emergent Circumstances	1653–AA34
1296	Change in Business Practices; Acceptance of Payments of Fees By Credit Card and Other Electronic Means Where Possible	1653–AA36
1297	Implementation of the Border Commuter Student Act of 2002	1653–AA37
1298	Civil Monetary Penalties Inflation Adjustment	1653–AA39
1299	Establishing Procedures for Recertification of Schools Approved by the Student and Exchange Visitor Program (SEVP) to Enroll F or M Nonimmigrant Students	1653–AA42
1300	Establish Compliance Criteria and Comprehensive Fee for Recertification of Schools Approved by the Student and Exchange Visitor Program (SEVP) To Enroll F or M Nonimmigrant Students	1653–AA44
1301	Duties of Officers; Administrative Control of Removal Orders	1653–AA46
1302	Electronic Signature and Storage of Form I-9, Employment Eligibility Verification	1653–AA47

Bureau of Immigration and Customs Enforcement—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1303	Employer Sanctions Modifications	1653–AA01
1304	Agreement Promising Nondeportation or Other Immigration Benefits	1653–AA02
1305	Protection and Assistance for Victims of Trafficking	1653–AA09
1306	Powers and Authorities of Officers and Employees	1653–AA27
1307	Removal of Companies Holding a Certificate From the Secretary of the Treasury as an Acceptable Surety on Immigration Bonds	1653–AA38
1308	Requirements for Admission, Extension, and Maintenance of Nonimmigrant Status; Effect of Visa Revocation	1653–AA40

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Bureau of Immigration and Customs Enforcement—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1309	Nonimmigrant Classes; S Classification; Law Enforcement Initiatives; Alien Witnesses	1653–AA00
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1312	Authorizing Collection of Fee Levied on F, J, and M Nonimmigrant Classifications Under Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)	1653–AA23
1313	Revision of the Regulations Concerning F, J, and M Nonimmigrant Classifications	1653–AA24
1314	Countries To Which Aliens May Be Removed	1653–AA35
1315	Execution of Removal Orders; Countries to Which Aliens May Be Removed	1653–AA41

Directorate of Emergency Preparedness and Response/FEMA—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1316	Disaster Assistance; Fire Management Assistance Grant Program	1660–AA26
1317	National Flood Insurance Program; Standard Flood Insurance Policy; Expansion of Increased Cost of Compliance (ICC) Coverage and Prospective Payment of Flood Insurance Premiums	1660–AA30

Directorate of Emergency Preparedness and Response/FEMA—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1318	Assistance Program Under the 9/11 Heroes Stamp Act of 2001	1660–AA34
1319	Conduct at the Mt. Weather Emergency Operations Center, the Olney Federal Support Center, the National Emergency Training Center, and the Noble Training Center	1660–AA42

Directorate of Emergency Preparedness and Response/FEMA—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1320	Flood Mitigation Assistance Program	1660–AA00
1321	Criminal and Civil Penalties Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act	1660–AA01
1322	Disaster Assistance; Hazard Mitigation Grant Program	1660–AA02
1323	Debt Collection	1660–AA05
1324	National Urban Search and Rescue Response System	1660–AA07
1325	National Flood Insurance Program (NFIP); Insurance Coverage and Rates	1660–AA09
1326	Hazard Mitigation Planning and Hazard Mitigation Grant Program	1660–AA17
1327	Disaster Assistance; Federal Assistance to Individuals and Households	1660–AA18
1328	Management Costs	1660–AA21
1329	National Flood Insurance Program (NFIP); Group Flood Insurance Policy (GFIP)	1660–AA22
1330	Disaster Assistance; Crisis Counseling Regular Program; Amendment to Regulation	1660–AA23
1331	National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers	1660–AA28
1332	National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Extension of Term of Arrangement	1660–AA29
1333	Disaster Assistance; Public Assistance Insurance Requirements	1660–AA32
1334	Estimating Eligible Cost	1660–AA33
1335	National Flood Insurance Program (NFIP); State Renewal of Group Flood Insurance Policy	1660–AA35
1336	Pilot Program for the Mitigation of Severe Repetitive Loss Properties	1660–AA36
1337	Flood Mitigation Assistance Program	1660–AA37
1338	Grants for Repetitive Insurance Claim Properties	1660–AA38
1339	Disaster Assistance; Hazard Mitigation Grant Program	1660–AA39
1340	Pre-Disaster Mitigation Program	1660–AA40
1341	National Flood Insurance Program; Appeal of Decisions Relating to Flood Insurance Coverage	1660–AA41

DHS

Directorate of Emergency Preparedness and Response/FEMA—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
1342	Hazard Mitigation Planning and Hazard Mitigation Grant Program Funding	1660–AA43

Department of Homeland Security (DHS) — Proposed Rule Stage

Office of the Secretary (OS)

1050. SUPPLEMENTAL STANDARDS OF CONDUCT FOR EMPLOYEES OF THE DEPARTMENT OF HOMELAND SECURITY

Priority: Info./Admin./Other. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 CFR 2625.105

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This regulation will tailor the Executive Branchwide Standards of Conduct for application in DHS. This regulation will replace the existing regulations of agencies that were incorporated into DHS that have continued to apply to those employees whose duties and organizational structure have remained largely unchanged after their incorporation. Two significant areas to be addressed are outside employment and participation as an officer or director of non-Governmental organizations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Robert E. Coyle, Designated Agency Ethics Official, Department of Homeland Security, Washington, DC 20528
Phone: 202 692–4248
Fax: 202 772–9728

RIN: 1601–AA17

1051. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS; ADMINISTRATION OF GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER ED., HOSPITALS, AND OTHER NONPROFIT ORGS.

Priority: Info./Admin./Other. Major status under 5 USC 801 is undetermined.

Legal Authority: 31 USC 503; 31 USC 1111; 41 USC 405; Reorganization Plan No. 2 of 1970; EO 11541

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Department of Homeland Security (DHS) is issuing regulations that will establish uniform administrative procedures for Federal grants and cooperative agreements and subawards to State, local, and Indian tribal governments and for Federal grants and agreements with institutions of higher education, hospitals and other nonprofit organizations. DHS is also issuing regulations setting for audit requirements of State and local governments and nonprofit organizations.

Timetable:

Action	Date	FR Cite
NPRM	02/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Agency Contact: Van Pace, Chief Procurement Officer, Department of Homeland Security, Washington, DC 20528
Phone: 202 205–3608
Email: van.pace@dhs.gov

RIN: 1601–AA18

1052. IDENTIFYING, SAFEGUARDING, AND SHARING SENSITIVE HOMELAND SECURITY INFORMATION

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: PL 107–296; 116 Stat 2135; 6 USC 301

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This proposed regulation will establish procedures for sharing, identifying and safeguarding, processing and handling, Homeland Security Information between agencies and appropriate State, Tribal, local and private sector personnel.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal, Local, State

Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: Grace Mastalli, Deputy Director, ISCO, Department of Homeland Security, Washington, DC 20528
Phone: 202 282–9415
Fax: 202–282–8828
Email: grace.l.mastalli@dhs.gov

RIN: 1601–AA25

Department of Homeland Security (DHS) — Final Rule Stage
Office of the Secretary (OS)

1053. FREEDOM OF INFORMATION ACT AND PRIVACY ACT PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: PL 107–296, 116 Stat 2135; 5 USC 301; 5 USC 552; 5 USC 552(a)

CFR Citation: 6 CFR 5.1

Legal Deadline: None

Abstract: This action establishes procedures for the Department's Office of the Secretary, necessary to implement the Freedom of Information Act (5 U.S.C. 552) (FOIA) and the Privacy Act (5 U.S.C. 552a) (Privacy Act). The provisions of this subpart shall apply to each component of the Department. FOIA provides for the full disclosure of agency records and information to the public unless that information is exempt under clearly delineated statutory language. The Privacy Act serves to safeguard public interest in informational privacy by delineating the duties and responsibilities of Federal agencies that collect, store, and disseminate personal information about individuals. The procedures established here assist the Department in satisfying its responsibility to the public to disclose departmental information while simultaneously safeguarding individual privacy. The Privacy Act serves to balance the Government's need to maintain information about individuals with the rights of individuals to be protected against unwarranted invasions of their privacy stemming from Federal agencies' collection, maintenance, use, and disclosure of personal information about them. Agencies are required to issue regulations outlining the agency's rules and procedures for implementation of the Privacy Act and its provisions in the agency. This action includes DHS procedures on how individuals may request access to information about themselves, request amendment or correction of those records, and request an accounting of disclosures of their records by the Department.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/27/03	68 FR 4056
Interim Final Rule Effective	01/27/03	
Interim Final Rule Comment Period End	02/26/03	
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Elizabeth Withnell, Chief Counsel to the Privacy Officer, Department of Homeland Security, Washington, DC 20528
Phone: 202 772–5015
Fax: 202 772–5036
Email: elizabeth.withnell@dhs.gov

Tony Kendrick, Director, Departmental Disclosure, Department of Homeland Security, Washington, DC 20528
Phone: 202 772–9848
Email: tony.kendrick@dhs.gov

RIN: 1601–AA00

1054. PRODUCTION OR DISCLOSURE OF OFFICIAL INFORMATION IN CONNECTION WITH LEGAL PROCEEDINGS

Priority: Substantive, Nonsignificant

Legal Authority: PL 107–296, 116 Stat 2135; 5 USC 301; 5 USC 552; 5 USC 552(a)

CFR Citation: 6 CFR 5.1

Legal Deadline: None

Abstract: This action establishes procedures governing the disclosure of information in connection with litigation and certain other types of proceedings.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/27/03	68 FR 4070
Interim Final Rule Effective	01/27/03	
Interim Final Rule Comment Period End	02/26/03	
Interim Final Rule	09/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Michael Russell, Acting Deputy Associate General Counsel, Department of Homeland Security, Office of the General Counsel, Washington, DC 20528
Phone: 202 205–4634
Fax: 202 772–9735
Email: michael.d.russell@dhs.gov

RIN: 1601–AA01

1055. CLASSIFIED NATIONAL SECURITY INFORMATION

Priority: Other Significant

Legal Authority: PL 107–296, 116 Stat 2135; 5 USC 301; EO 12958; EO 13142; 3 CFR ch 1

CFR Citation: 6 CFR 7.1

Legal Deadline: None

Abstract: This final rule will implement Executive Order 12958, ''Classified National Security Information,'' as amended, by establishing elements of the Department of Homeland Security's classified national security information regulations, specifically the Secretary of Homeland Security's designation of a Senior Agency Official to direct and administer the classified information program at the Department of Homeland Security.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/27/03	68 FR 4073
Interim Final Rule Effective	01/27/03	
Interim Final Rule Comment Period End	02/26/03	
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: John J. Young, Department of Homeland Security, Office of Security, Washington, DC 20528
Phone: 202 358–1438
Fax: 202 772–9741
Email: john.young@dhs.gov

RIN: 1601–AA02

1056. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF DISABILITY IN DEPARTMENT OF HOMELAND SECURITY PROGRAMS OR ACTIVITIES

Priority: Substantive, Nonsignificant

Legal Authority: PL 107–296, 116 Stat 2135; 5 USC 301; 29 USC 794

CFR Citation: 6 CFR 15.1

Legal Deadline: None

Abstract: This interim final rule establishes for the Department of Homeland Security, procedures for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the

basis of handicap, as it applies to programs or activities conducted by the Department. The rule establishes standards for what constitutes discrimination on the basis of mental or physical handicap, provides a definition for individual with handicaps and qualified individual with handicaps, and establishes a complaint mechanism for resolving allegations of discrimination.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/06/03	68 FR 10886
Interim Final Rule Comment Period End	04/07/03	
Interim Final Rule Effective	04/07/03	
Interim Final Rule	10/00/05	
Interim Final Rule Comment Period End	12/00/05	
Final Action	05/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Tim Keefer, Department of Homeland Security, Civil Rights and Civil Liberties, Washington, DC 20528
Phone: 202 205–4529
Fax: 202 772–9738
Email: timothy.keefer@dhs.gov

RIN: 1601–AA03

1057. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG–FREE WORKPLACE

Priority: Substantive, Nonsignificant

Legal Authority: PL 107–296, 116 Stat 2135; 5 USC 301; PL 100–690; 41 USC 701

CFR Citation: 6 CFR 27.1

Legal Deadline: None

Abstract: This action establishes new procedures under Executive Order 12549, signed February 18, 1986, and Executive Order 12689, signed August 16, 1989. This regulation is similar to rules of other Federal agencies as part of a uniform system of nonprocurement debarment and suspension. The rules are intended to prevent waste, fraud, and abuse, in Federal nonprocurement transactions.

Timetable:

Action	Date	FR Cite
Final Action	01/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Michael Russell, Acting Deputy Associate General Counsel, Department of Homeland Security, Office of the General Counsel, Washington, DC 20528
Phone: 202 205–4634
Fax: 202 772–9735
Email: michael.d.russell@dhs.gov

RIN: 1601–AA10

1058. PROGRAM FRAUD CIVIL REMEDIES

Priority: Substantive, Nonsignificant

Legal Authority: PL 107–296, 116 Stat 2135; 5 USC 301; 31 USC 3801 to 3812

CFR Citation: 6 CFR 19.1

Legal Deadline: None

Abstract: This action implements the Program Fraud Civil Remedies Act of 1986, which is codified at 31 U.S.C. 3801-3812. This Act imposes through administrative adjudication, civil penalties, and assessments against certain persons making false claims or statements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Michael Russell, Acting Deputy Associate General Counsel, Department of Homeland Security, Office of the General Counsel, Washington, DC 20528
Phone: 202 205–4634
Fax: 202 772–9735
Email: michael.d.russell@dhs.gov

RIN: 1601–AA11

1059. REGULATIONS IMPOSING RESTRICTIONS UPON LOBBYING

Priority: Substantive, Nonsignificant

Legal Authority: PL 107–296, 116 Stat 2135; 5 USC 301; 31 USC 1352, PL 101–121

CFR Citation: 6 CFR 9.1

Legal Deadline: None

Abstract: This interim final rule establishes those procedures necessary to fulfill departmental obligations to impose restrictions upon lobbying. Except to the extent a Department component has adopted separate guidance under 31 U.S.C. 1352, the provisions of this subpart shall apply to each component of the Department of Homeland Security (DHS).

This regulation establishes procedures concerning general prohibitions on lobbying, and the use of certain appropriated funds, and the appropriate penalties for violations of those prohibitions. The purpose of the procedures is to ensure that neither the recipients of appropriated funds nor the employees of DHS inappropriately solicit for action by the Congress.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/06/03	68 FR 10912
Interim Final Rule Effective	03/06/03	
Interim Final Rule Comment Period End	04/07/03	
Final Action	01/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Michael Russell, Acting Deputy Associate General Counsel, Department of Homeland Security, Office of the General Counsel, Washington, DC 20528
Phone: 202 205–4634
Fax: 202 772–9735
Email: michael.d.russell@dhs.gov

RIN: 1601–AA12

1060. NATIONAL ENVIRONMENTAL POLICY ACT PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: PL 107–296; 5 USC 301; 42 USC 4321 et seq; 40 CFR 1500 to 1508; EO 12114; EO 12898

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, August 1, 2003.

Abstract: The purpose of this action is to establish the procedures that the Department of Homeland Security shall use to comply with section 102(2) of the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4332(2)); the Council on Environmental Quality's (CEQ) regulations for

implementing the procedural provisions of NEPA (40 CFR parts 1500-1508); Executive Order 12114, ''Environmental Effects Abroad of Major Federal Actions,'' dated January 4, 1979; and Executive Order 12898, ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,'' dated February 11, 1994. This publication is to be used in conjunction with the CEQ regulations.

Timetable:

Action	Date	FR Cite
Case Opened	06/14/04	69 FR 33043
Comment Period End	07/14/04	
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: David Reese, Director, Office of Safety and Environment, Department of Homeland Security, Washington, DC 20528
Phone: 202 692–4224
Email: david.reese@dhs.gov

RIN: 1601–AA13

1061. PROCEDURES FOR HANDLING CRITICAL INFRASTRUCTURE INFORMATION

Priority: Other Significant

Legal Authority: PL 107–296, 116 Stat 2135; 5 USC ch 1, sec 301; Section 214 of The Homeland Security Act of 2002

CFR Citation: 6 CFR 29

Legal Deadline: None

Abstract: This notice of proposed rulemaking establishes the procedures necessary to fulfill the provisions of section 214(e) of the Critical Infrastructure Information (CII) Act of 2002. This regulation establishes uniform procedures for the receipt, care, and storage of CII voluntarily submitted to the Federal Government. These procedures apply to all Federal agencies that receive, care for, or store CII voluntarily submitted to the Federal Government pursuant to the CII Act of 2002 (6 U.S.C. 214). In addition, these procedures apply to United States Government contractors, to foreign, State, and local governments, and Government authorities, pursuant to their express agreements.

Timetable:

Action	Date	FR Cite
NPRM	04/15/03	68 FR 18524
NPRM Comment Period End	06/16/03	
Interim Final Rule	02/20/04	69 FR 8073
Interim Final Rule Effective	02/20/04	
Interim Final Rule Comment Period End	05/20/04	
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: Raghav Kotval, Department of Homeland Security, Washington, DC 20528
Phone: 202 772–5025

RIN: 1601–AA14

1062. REGULATIONS IMPLEMENTING THE SUPPORT ANTITERRORISM BY FOSTERING EFFECTIVE TECHNOLOGIES ACT OF 2002 (THE SAFETY ACT)

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: Safety Act, 6 USC 441 to 444

CFR Citation: 6 CFR 25

Legal Deadline: None

Abstract: This second interim rule implements subtitle G of title VIII of the Homeland Security Act of 2002—the Support of Antiterrorism by Fostering Effective Technologies Act of 2002 (the SAFETY Act). As discussed in the SAFETY Act, through regulations promulgated by the Department of Homeland Security (the Department), it provides critical incentives for the development and deployment of antiterrorism technologies by providing liability protections for sellers of ''qualified antiterrorism technologies'' and others.

Timetable:

Action	Date	FR Cite
NPRM	07/11/03	68 FR 41419
NPRM Comment Period End	08/11/03	
Interim Final Rule	08/16/03	68 FR 59683
Interim Final Rule Effective	10/16/03	
Interim Final Rule Comment Period End	12/15/03	
Interim Final Rule	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Wendy Howe, Directorate of Science and Technology, Department of Homeland Security, Washington, DC 20528
Phone: 703 575–4511

RIN: 1601–AA15

1063. HOMELAND SECURITY ACQUISITION REGULATION (HSAR)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 41 USC 418b(a); 41 USC 418(b)

CFR Citation: 48 CFR ch 30

Legal Deadline: None

Abstract: This final rule revises the Homeland Security Acquisition Regulation published in the December 4, 2003, Federal Register (69 FR 67868) as an interim rule. It addresses public comments received as a result of the December 4, 2003, interim rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/04/03	68 FR 67868
Interim Final Rule Effective	12/04/03	
Interim Final Rule Comment Period End	01/05/04	
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Kathy Strouss, Department of Homeland Security, Office of the Chief of Procurement, Washington, DC 20528
Phone: 202 205–0141

RIN: 1601–AA16

Department of Homeland Security (DHS)
Office of the Secretary (OS)

Long-Term Actions

1064. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Priority: Substantive, Nonsignificant

Legal Authority: PL 107–296, 116 Stat 2135; 5 USC 301; 20 USC 1681 to 1683; 20 USC 1685 to 1688

CFR Citation: 6 CFR 17.1

Legal Deadline: None

Abstract: This action establishes for the Department of Homeland Security procedures for effectuating title IX of the Education Amendments of 1972, as amended (except sections 904 and 906 of those Amendments), which is designed to eliminate (with certain exceptions) discrimination on the basis of sex in any education program or activity receiving Federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution as defined in these title IX regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/06/03	68 FR 10892
Interim Final Rule Effective	03/06/03	
Interim Final Rule Comment Period End	04/07/03	
Final Action	05/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Tim Keefer, Department of Homeland Security, Civil Rights and Civil Liberties, Washington, DC 20528
Phone: 202 205–4529
Fax: 202 772–9738
Email: timothy.keefer@dhs.gov

RIN: 1601–AA04

1065. REGULATIONS REGARDING NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Priority: Substantive, Nonsignificant

Legal Authority: PL 107–296, 116 Stat 2135; 5 USC 310; 42 USC 2000d to 2000d–7

CFR Citation: 6 CFR 21.1

Legal Deadline: None

Abstract: This action effectuates the provisions of title VI of the Civil Rights Act of 1964 to the end that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Homeland Security.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/06/03	68 FR 10904
Interim Final Rule Effective	03/06/03	
Interim Final Rule Comment Period End	04/07/03	
Final Action	05/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Tim Keefer, Department of Homeland Security, Civil Rights and Civil Liberties, Washington, DC 20528
Phone: 202 205–4529
Fax: 202 772–9738
Email: timothy.keefer@dhs.gov

RIN: 1601–AA05

1066. AUTHORITY OF THE SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY; DELEGATIONS OF AUTHORITY; IMMIGRATION LAWS

Priority: Substantive, Nonsignificant

Legal Authority: PL 107–296, 116 Stat 2135; 5 USC 301; 8 USC 1101; 8 USC 1103

CFR Citation: 8 CFR 1.1; 8 CFR 2.1; 8 CFR 103.1; 8 CFR 239.1

Legal Deadline: None

Abstract: This action amends certain regulations relating to the administration and enforcement of the immigration laws to reflect the authority of the Secretary of the Department of Homeland Security (DHS), and to address delegation of that authority within the Department, as a result of the March 1, 2003, transfer of the Immigration and Naturalization Service of the Department of Justice to DHS.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/06/03	68 FR 10922
Interim Final Rule Effective	03/06/03	
Interim Final Rule Comment Period End	04/07/03	
Final Action	05/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Daniel Brown, Deputy Associate General Counsel, Department of Homeland Security, Office of the General Counsel, Washington, DC 20528
Phone: 202 282–9111
Email: daniel.brown@dhs.gov

RIN: 1601–AA06

1067. PROCEDURES RELATING TO AWARDS UNDER THE EQUAL ACCESS TO JUSTICE ACT

Priority: Substantive, Nonsignificant

Legal Authority: PL 107–296, 116 Stat 2135; 5 USC 301; 5 USC 504(c)(1)

CFR Citation: 6 CFR 13.1

Legal Deadline: None

Abstract: This action implements the provisions of the Equal Access to Justice Act, which provides for the award of attorney fees and other expenses to eligible individuals, and entities who are parties to certain administrative proceedings before agencies of the Federal Government, including the Department of Homeland Security (DHS). The purpose of these rules is to establish procedures for the submission and consideration of applications for awards before DHS.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Michael Russell, Acting Deputy Associate General Counsel, Department of Homeland Security, Office of the General Counsel, Washington, DC 20528
Phone: 202 205–4634
Fax: 202 772–9735
Email: michael.d.russell@dhs.gov

RIN: 1601–AA22

DHS—OS

Long-Term Actions

1068. COLLECTION OF NONTAX DEBTS OWED TO THE DEPARTMENT OF HOMELAND SECURITY

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: PL 107–296; 116 Stat 2135; 5 USC 301; 5 USC 5514; 26 USC 6402; 31 USC 3701; 31 USC 3711; 31 USC 3716 to 3718; 31 USC 3720A; 31 USC 3720B; 31 USC 3720D; . . .

CFR Citation: 6 CFR 23.1

Legal Deadline: None

Abstract: This rule implements the Department of Homeland Security's (DHS) debt collection regulations to conform to the Debt Collection Act of 1982, Public Law 97-365, 96 Stat. 1749 (October 25, 1982), as amended by the Debt Collection Improvement Act of 1996 (DCIA), Public Law 104-134, 110 Stat. 1321, 1358 (April 26, 1996), the Federal Claims Collection Standards, 31 CFR chapter IX (parts 900 through 904), and other laws applicable to the collection of nontax debts owed to DHS entities.

DHS adopts the Governmentwide debt collection standards promulgated by the Departments of the Treasury and Justice, known as the Federal Claims Collection Standards (FCCS), as revised on November 22, 2000 (65 FR 70390), and supplements the FCCS by prescribing procedures consistent with the FCCS, as necessary and appropriate for DHS operations. DHS entities may, but are not required to, promulgate additional policies and procedures consistent with this regulation, the FCCS, and other applicable Federal laws, policies, and procedures. This regulation also provides the procedures for the collection of debts owed to other Federal agencies when a request for offset is received by DHS.

This regulation does not apply to the collection of tax debts, which is governed by the Internal Revenue Code of 1986 (26 U.S.C. et seq.), and regulations, policies, and procedures issued by the Internal Revenue Service or other Federal agency collecting tax debts.

Nothing in this regulation precludes the use of collection remedies not contained in this regulation. For example, DHS entities may collect unused travel advances through setoff of an employee's pay under 5 U.S.C. 5705. DHS entities and other Federal agencies may simultaneously use multiple collection remedies to collect a debt, except as prohibited by law.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michael Russell, Acting Deputy Associate General Counsel, Department of Homeland Security, Office of the General Counsel, Washington, DC 20528
Phone: 202 205–4634
Fax: 202 772–9735
Email: michael.d.russell@dhs.gov

RIN: 1601–AA23

1069. RIGHT TO FINANCIAL PRIVACY

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: PL 107–296; 116 Stat 2135; 5 USC 3012; 12 USC 3401 et seq, Right to Financial Privacy Act of 1978; . . .

CFR Citation: 6 CFR 25.1

Legal Deadline: None

Abstract: This regulation establishes procedures for requesting information under the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.). The Act provides for the protection of financial records and information from disclosure by financial institutions. Under certain limited circumstances and procedures, the Act permits law enforcement agencies to request financial records from the holding financial institution. These proposed provisions will authorize Departmental units to request such information under the format request procedure established by section 1108 of the Act.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Michael Russell, Acting Deputy Associate General Counsel, Department of Homeland Security, Office of the General Counsel, Washington, DC 20528
Phone: 202 205–4634
Fax: 202 772–9735
Email: michael.d.russell@dhs.gov

RIN: 1601–AA24

Department of Homeland Security (DHS)
Office of the Secretary (OS)

Completed Actions

1070. DEPARTMENT OF HOMELAND SECURITY (DHS) HUMAN RESOURCES MANAGEMENT SYSTEM

Priority: Other Significant

Legal Authority: PL 107–296, Homeland Security Act

CFR Citation: 5 CFR 9701

Legal Deadline: None

Abstract: The Department of Homeland Security and the Office of Personnel Management are issuing final regulations to establish a new human resources management system within DHS, as authorized by the Homeland Security Act of 2002. The affected subsystems include those governing basic pay, classification, performance management, labor relations, adverse actions, and employee appeals. These changes are designed to ensure the Department's human resources management system aligns with its critical mission requirements without compromising the statutorily protected civil service rights of its employees.

Timetable:

Action	Date	FR Cite
NPRM	02/20/04	69 FR 8030
NPRM Comment Period End	03/22/04	
Final Action	02/01/05	70 FR 5272
Final Action Effective	03/03/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Kay Frances Dolan, Department of Homeland Security,

DHS—OS

Completed Actions

1201 New York Avenue NW.,
Washington, DC 20528
Phone: 202 357–8202
Fax: 202 357–8295
Email: kayfrances.dolan@dhs.gov

Related RIN: Related to 3206–AK31

RIN: 1601–AA21

1071. ● PRIVACY ACT OF 1974: IMPLEMENTATION OF EXEMPTION

Priority: Routine and Frequent

Legal Authority: PL 107–296; 6 USC 101 et seq; 5 USC 301; 5 USC 552(a) to 552(b)

CFR Citation: None

Legal Deadline: None

Abstract: DHS proposes to exempt two systems of record from one or more provisions of the Privacy Act.

Timetable:

Action	Date	FR Cite
Withdrawn	03/02/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Elizabeth Withnell, Chief Counsel to the Privacy Officer, Department of Homeland Security, Washington, DC 20528
Phone: 202 772–5015
Fax: 202 772–5036
Email: elizabeth.withnell@dhs.gov

RIN: 1601–AA26

Department of Homeland Security (DHS)
U.S. Citizenship and Immigration Services (USCIS)

Proposed Rule Stage

1072. REVISED GROUNDS OF INADMISSIBILITY; EXCEPTIONS AND WAIVERS FOR IMMIGRANTS AND NONIMMIGRANTS

Priority: Other Significant. Major under 5 USC 801.

Legal Authority: 5 USC 552; 8 USC 1158 to 1160; 8 USC 1182 to 1184; 5 USC 552a; 8 USC 1101 to 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1157

CFR Citation: 8 CFR 103; 8 CFR 207; 8 CFR 208; 8 CFR 210; 8 CFR 212; 8 CFR 240; 8 CFR 241; 8 CFR 245; 8 CFR 245a; 8 CFR 249; 8 CFR 274a; 8 CFR 299; . . .

Legal Deadline: None

Abstract: This rulemaking covers several grounds of inadmissibility applicable to those aliens seeking admission to the United States temporarily or permanently—criminal, security, labor certification, licensure requirements for foreign medical graduates and health care workers, failure to attend a removal proceeding, fraud, improperly issued immigrant visa, permanent ineligibility for U.S. citizenship, and miscellaneous grounds. It implements several pieces of legislation. The most significant is the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), signed on September 30, 1996, which substantially revised most grounds of inadmissibility under section 212 of the Act and the waivers available to both immigrants and nonimmigrants.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Additional Information: CIS No. 1413-92

Transferred from RIN 1115-AB45

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA00

1073. INTERNATIONAL MATCHMAKING ORGANIZATIONS

Priority: Other Significant

Legal Authority: 8 USC 1375; PL 104–208

CFR Citation: 8 CFR 207; 28 CFR 68

Legal Deadline: None

Abstract: This rule requires international matchmaking organizations doing business in the United States to provide certain immigration information to any person recruited for matchmaking through these entities. This provision implements section 652 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104-208.

Timetable:

Action	Date	FR Cite
ANPRM (CIS No. 1838–97)	07/16/97	62 FR 38041
ANPRM Comment Period End	09/15/97	
NPRM (CIS No. 1838–97)	08/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: CIS No. 1838-97

Transferred from RIN 1115-AE77

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA11

1074. SPECIAL IMMIGRANT JUVENILE PETITIONS

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 CFR 2

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: The Department proposes to amend its regulations to add eligibility and consent requirements for approvals of special immigrant juvenile petitions, Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant. The proposed rule would require petitioners for special immigrant juvenile classification to demonstrate that a dependency order relating to the juvenile beneficiary (juvenile) was granted on account of abuse, neglect, or abandonment and establish that a court has determined that the juvenile should not be returned to the home country. The proposed rule would also provide that a dependency order may not serve as a precondition to the approval of the petition unless the Secretary gives his express consent. These changes are necessary to conform the regulations to the statutory eligibility changes made by the Departments of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act of 1998.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	
NPRM Comment Period End	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 1948-98

Transferred from RIN 1115-AF11

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA15

1075. IMMIGRANT AND NONIMMIGRANT; RELIGIOUS WORKERS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 CFR 2

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: On June 8, 1995, at 60 FR 29751, the Department of Justice published a final rule that provided that all persons, other than ministers, immigrating to the United States as religious workers must immigrate or adjust status to permanent residence before October 1, 1997. By statute, this special immigrant category for religious workers expired on October 1, 2000. Congress extended the category again for an additional three years, until October 1, 2003. DHS is promulgating this regulation to implement the extension of this category and modify qualifying employment experience requirements for those persons affected by this provision of immigration regulations. In order to maintain consistency in the adjudication of nonimmigrant and special immigrant religious worker classifications, the nonimmigrant religious workers classification will, where appropriate, reflect the special immigration religious worker changes.

Timetable:

Action	Date	FR Cite
NPRM (CIS No. 1436–94)	09/00/05	
NPRM Comment Period End	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 1436-94

Transferred from RIN 1115-AF12

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AA16

1076. DISMISSAL OF ASYLUM APPLICATION FOR UNEXCUSED FAILURE TO APPEAR AND AFFECT ON ELIGIBILITY FOR EMPLOYMENT AUTHORIZATION

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; 8 CFR 2; 8 USC 1101; 8 USC 1329a

CFR Citation: 8 CFR 208; 8 CFR 274a

Legal Deadline: None

Abstract: On December 6, 2000, a final rule was published by the Department of Justice to implement the asylum provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). This DHS rule proposes to amend current regulations to clarify that dismissal of an asylum application will result in ineligibility for asylum-based employment authorization.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2011-99

Transferred from RIN 1115-AF38

Agency Contact: Joanna Ruppel, Deputy Director, Asylum Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 3rd Floor, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272–1625
Fax: 202 272–1687
Email: joanna.ruppel@dhs.gov

RIN: 1615–AA18

1077. SPECIAL IMMIGRANT STATUS FOR CERTAIN NATO CIVILIAN EMPLOYEES

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154

CFR Citation: 8 CFR 204; 8 CFR 214; 8 CFR 245; 8 CFR 274

Legal Deadline: None

Abstract: This rule amends Department regulations by establishing procedures for certain North Atlantic Treaty Organization (NATO) civilian employees and their family members to receive special immigrant status in the United States and become lawful permanent residents of this country. This rule also offers nonimmigrant

status to any parent or child of a NATO civilian employee who has been granted special immigrant status. This rule is intended to ensure the qualifying NATO employees and their family members are aware of their opportunity to acquire special immigrant status and adjustment of status or otherwise obtain corresponding nonimmigrant status.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 1984-99

Transferred from RIN 1115-AF44

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AA21

1078. INADMISSIBILITY TO ENTER THE UNITED STATES FOR FORMER U.S. CITIZENS WHO RENOUNCED CITIZENSHIP TO AVOID TAXATION

Priority: Other Significant

Legal Authority: 8 USC 1182(a)(10); PL 104–208

CFR Citation: 8 CFR 212

Legal Deadline: None

Abstract: This rule amends Department regulations by establishing procedures to be followed by DHS personnel and Department of State personnel in determining whether or not an expatriate alien is inadmissible to the United States under section 212(a)(10)(E) of the Immigration and Nationality Act. This ground of inadmissibility relates to former U.S. citizens who renounced U.S. citizenship on or after September 30, 1996, and the Secretary has determined that such renunciation was done for the purpose of avoiding taxation by the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	
NPRM Comment Period End	02/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2039-99

Transferred from RIN 1115-AF69

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA32

1079. IMPLEMENTATION OF THE NUMERICAL LIMIT ON ASYLUM GRANTS AND REFUGEE ADMISSIONS BASED ON RESISTANCE TO COERCIVE POPULATION CONTROL MEASURES

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1157; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; 8 CFR 2

CFR Citation: 8 CFR 208; 8 CFR 274a

Legal Deadline: None

Abstract: Section 601(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) provides that, for any fiscal year, not more than a total of 1,000 refugees may be admitted or granted asylum based solely on resistance to coercive population control measures. This rule authorizes DHS and the Executive Office for Immigration Review of the Department of Justice to make conditional grants of asylum in those cases in which an applicant is found to merit asylum solely on the basis of resistance to coercive population control measures and establishes a mechanism for converting no more than 1,000 conditional grants per fiscal year to final asylum grants. The rule also establishes procedures for administering a waiting list in those years that the number of conditional grants exceeds the statutory limit for final grants, reserves a certain number of authorization numbers for purposes of refugee admission, and addresses procedures for administering derivative conditional grants, terminating conditional grants, and other procedures specific to this rule.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2067-00

Transferred from RIN 1115-AF84

Agency Contact: Joanna Ruppel, Deputy Director, Asylum Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 3rd Floor, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272–1625
Fax: 202 272–1687
Email: joanna.ruppel@dhs.gov

RIN: 1615–AA37

1080. INTERCOUNTRY ADOPTIONS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641; 8 CFR 2

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: The Department proposes to amend its regulations regarding the immigration of children of foreign states adopted by United States citizens. The proposed rule would establish a new definition of child to include children adopted from countries that have implemented the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. The proposed rule would also change evidentiary requirements for the immigration of adopted children to state that a certificate of adoption or custody issued by the Secretary of State of the United States is conclusive evidence of the relationship between an adoptive parent and the adoptive child. These

changes are necessary to conform the regulations to the Intercountry Adoption Act of 2000 (IAA) (Pub. L. 106-279). The proposed rule would also make other technical changes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2098-00.

Transferred from RIN 1115-AF96

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA43

1081. WAIVER OF FEES

Priority: Other Significant

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252; 8 USC 1252(b); 8 USC 1252(note); 8 USC 1304; 8 USC 1356

CFR Citation: 8 CFR 103; 8 CFR 244

Legal Deadline: None

Abstract: This rule proposes to amend Department regulations concerning the adjudication of requests for fee waivers filed by applicants for DHS benefits pursuant to 8 CFR 103.7(c). This applies to a waiver of fees by an immigration judge for benefit applications, petitions, appeals, motions, or requests in any case when an alien substantiates that he or she cannot pay the fee. When implemented, this rule will facilitate the adjudication of these requests. This rule also proposes to amend 8 CFR 244.20, which is a waiver of fees for Temporary Protected Status (TPS) applicants, for the same reasons as stated in 8 CFR 103.7(c). The rule will also be implemented in conjunction with the new Form I-912, Request for Fee Waiver Form.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	
NPRM Comment Period End	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2091-00

Transferred from RIN 1115-AG02

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AA48

1082. ADJUSTMENT OF STATUS UNDER SECTION 245(K)

Priority: Other Significant

Legal Authority: PL 105–119

CFR Citation: 9 CFR 245

Legal Deadline: None

Abstract: This rule proposes amending Department regulations for persons using section 245(k) of the Immigration and Nationality Act to adjust status to that of lawful permanent resident (LPR). Section 245(k) of the Act allows an alien with an approved employment-based petition to adjust status to LPR despite violations of status if those violations have lasted no longer than 180 days since the alien's last entry. This rule proposes eligibility criteria and adjustment procedures for persons wishing to use this section of the Act to become an LPR without leaving the United States.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2120-01

Transferred from RIN 1115-AG10

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA54

1083. IMPLEMENTATION OF THE AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT OF 1998 (ACWIA), THE AMERICAN COMPETITIVENESS IN THE TWENTY–FIRST CENTURY ACT OF 2000 (AC21), AND OTHER RELATED BILLS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1255; . . .

CFR Citation: 8 CFR 103; 8 CFR 202; 8 CFR 212; 8 CFR 214; 8 CFR 245; . . .

Legal Deadline: None

Abstract: The American Competitiveness in the 21st Century Act, Public Law 106-313, was enacted on October 17, 2000, along with two bills, the Visa Waiver Permanent Program Act, Public Law 106-311, and a bill to increase the fee for certain H-1B petitions. An earlier piece of legislation, the American Competitiveness and Workforce Improvement Act (ACWIA), Public Law 105-277, was enacted to place certain conditions on the employment of H-1B workers. Together, these bills make significant changes to the H-1B classification. Public Law 106-313 increased the numerical H-1B cap to 195,000 for fiscal year 2000-2002 and the percentage of the fees that DHS receives to 4 percent. It exempts certain aliens from the numerical cap, provides for the ''portability'' of employment authorization, and in certain circumstances extensions of stay for certain aliens who have permanent residence applications pending. Public Law 105-277 imposes penalties for employers violating certain representations and prohibits retaliation against H-1B workers who disclose these violations. Finally, on November 2, 2002, the President approved

enactment of Public Law 107-273, The Twenty First Century Department of Justice Appropriations Act (21st Century DOJ Appropriations Act), which codified a provision that amends section 106(a) of AC21. This regulation clarifies several interpretive questions raised by the bills and ensures that the Department practice is consistent with these laws.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DHS rule 1615-AG11 implemented the American Competitiveness and Workforce Improvement Act (ACWIA); it was the result of a prior rule that was overtaken by new legislation relating to H-1B classification. ACWIA increased the numerical cap on H-1B nonimmigrant aliens; required certain dependent employers to make additional attestations to the Department of Labor (DOL); increased the penalties for employers who have been found to be in violation of DOL's rules; and created a ''whistleblower'' clause to protect H-1B workers who filed complaints against their employer.

In 1190-AA48, the Civil Rights Division, in cooperation with DOL, will implement in the Justice Department's regulations the ACWIA ''failure to select'' protections—codified in the Immigration and Nationality Act at section 212(n)(5)—by establishing a process under which U.S. workers may file complaints against employers for denying them employment opportunities by improperly hiring temporary foreign professionals on H-1B visas. Under that process, the Secretary is to receive and review these complaints and then—where there is reasonable cause to believe a complainant's allegations—initiate binding arbitration proceedings through Federal Mediation and Conciliation Service.

Transferred from RIN 1115-AG11

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AA55

1084. CONSTRUCTION WORK AND THE B NONIMMIGRANT VISA CLASSIFICATION

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: The Department of Justice previously solicited comments from the public on the issue of aliens admitted to the United States as B nonimmigrant visitors whose intent is to engage in construction work during the alien's stay. In particular, the Department sought to explore the feasibility of defining the term construction as it relates to B nonimmigrant visitors. A standard definition of construction may assist both the public and Federal Government in determining if an alien admitted as a B nonimmigrant visitor may engage in construction during his or her period of authorized stay. DHS is revising the proposed bill for additional public comment.

Timetable:

Action	Date	FR Cite
ANPRM	09/19/01	66 FR 48223
ANPRM Comment Period End	11/19/01	
NPRM	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2126-01

Transferred from RIN 1115-AG15

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AA58

1085. CONSENT TO REAPPLY FOR ADMISSION AFTER REMOVAL

Priority: Other Significant

Legal Authority: 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225 to 1228; 8 USC 1252

CFR Citation: 8 CFR 212; 8 CFR 299

Legal Deadline: None

Abstract: This rule proposes to amend the provisions regarding consent to reapply after removal to conform with the requirements of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). This rulemaking intends to remove the provisions contained in 8 CFR 212.2(i) relating to a request for consent to reapply in conjunction with an application for admission at a port-of-entry or with an application for adjustment of status. The proposed removal of section 212.2(i) reflects the overall scope of the changes made by IIRIRA and congressional intent to impose severe penalties on aliens who enter illegally or otherwise violate the U.S. immigration laws, by restricting the relief available to them in the United States.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2147-01

Transferred from RIN 1115-AG28

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA61

1086. WAIVERS OF THE TWO–YEAR FOREIGN RESIDENCE REQUIREMENT FOR CERTAIN EXCHANGE VISITORS

Priority: Other Significant

Legal Authority: 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; . . .

CFR Citation: 8 CFR 212; 8 CFR 299

Legal Deadline: None

Abstract: This rule proposes to amend Department regulations relating to the two-year foreign residence requirement under section 212(e) of the Immigration and Nationality Act (Act). The proposed changes would conform to the requirements of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), and the Department of Justice Appropriations Act, 2000. The proposed rulemaking would affect aliens who enter the United States as J-1 or J-2 nonimmigrant exchange visitors and who are subject to the requirement of section 212(e) of the Act, which stipulates that they must return to their home country for a period of two years before they are eligible to change to a different nonimmigrant classification or apply for lawful permanent residence in the United States.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2158-01

Transferred from RIN 1115-AG31

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA62

1087. ILLEGAL ENTRIES, UNLAWFUL PRESENCE, AND AUTOMATIC VOIDING OF NONIMMIGRANT VISAS

Priority: Other Significant

Legal Authority: 5 USC 552; 8 USC 1101 to 1103; 8 USC 1182; . . .

CFR Citation: 8 CFR 103; 8 CFR 212; 8 CFR 299

Legal Deadline: None

Abstract: This proposed rule defines the categories of aliens who are not eligible to be issued a visa or be admitted if: they are in the United States illegally because they entered without proper inspection at a port-of-entry (section 212(a)(6)(A) of the Act); they accumulated certain periods of unlawful presence because they entered the United States illegally or stayed in the United States longer than authorized (section 212(a)(9)(B) of the Act); or they entered the United States illegally (or attempted an illegal entry) after they accumulated unlawful presence or after they were removed (section 212(a)(9)(C) of the Act). This proposed rule also describes how a nonimmigrant visa becomes automatically void, as provided under section 222(g) of the Act. This proposed rule also explains when the provisions for unlawful presence (sections 212(a)(9)(B) and (C) of the Act) do not apply, and the legal and documentary requirements for a waiver. Promulgation of this rule ensures that the admission to the United States of any ineligible alien would not adversely affect the national welfare, safety, or security of the United States.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: Split from CIS No. 1413

Transferred from RIN 1115-AG36

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA64

1088. MEDICAL EXAMINATION REQUIREMENTS AND DESIGNATION OF CIVIL SURGEONS

Priority: Other Significant

Legal Authority: 5 USC 552; 8 USC 1101 to 1103; 8 USC 1222; . . .

CFR Citation: 8 CFR 103; 8 CFR 232; 8 CFR 299

Legal Deadline: None

Abstract: This proposed rule defines the medical examination requirements for arriving aliens. It also overhauls the civil surgeon program to create standards for designation, procedures for periodic review of the civil surgeon designation, and specific provisions for revocation, when necessary.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	
NPRM Comment Period End	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: Split from CIS No. 1413

Transferred from RIN 1115-AG37

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA65

1089. MEDICAL GROUNDS OF INADMISSIBILITY AND WAIVERS

Priority: Other Significant

Legal Authority: 5 USC 552; 8 USC 1101 to 1103; 8 USC 1157; . . .

CFR Citation: 8 CFR 103, ; 8 CFR 212; 8 CFR 299

Legal Deadline: None

Abstract: This proposed rule describes the medical grounds of inadmissibility

under section 212(a)(1) of the Immigration and Nationality Act. It also describes which medical grounds of inadmissibility can be waived and the requirements for those waivers (including conditions for compliance).

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: Split from CIS No. 1413 to move forward as a stand-alone rule.

Transferred from RIN 1115-AG38

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA66

1090. CHANGES TO EMPLOYMENT AUTHORIZATION ELIGIBILITY FOR CERTAIN APPLICANTS AND TO STANDARDS FOR DETERMINING A FRIVOLOUS ASYLUM APPLICATION

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; . . .

CFR Citation: 8 CFR 208; 8 CFR 274a

Legal Deadline: None

Abstract: This rule proposes to amend the employment authorization and asylum regulations to restrict employment authorization for certain applicants facing cancellation of removal status and to modify the standard by which the Immigration Court may find an asylum application frivolous. In addition, the amendment will clarify that the Department's decision to grant employment authorization on the basis of certain pending applications is discretionary. The Department is proposing these amendments to curb abuse of the immigration system by nonbona fide asylum applicants who improperly use the asylum process as a vehicle to be placed in proceedings in Immigration Court to obtain nonasylum-related employment authorization or who submit abusive, fraudulent, or clearly baseless asylum applications.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2251-02

Transferred from RIN 1115-AG91

Agency Contact: Joanna Ruppel, Deputy Director, Asylum Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 3rd Floor, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272–1625
Fax: 202 272–1687
Email: joanna.ruppel@dhs.gov

RIN: 1615–AA89

1091. WAIVER OF CRIMINAL GROUNDS OF INADMISSIBILITY FOR IMMIGRANTS

Priority: Other Significant

Legal Authority: 5 USC 552; 5 USC 552(a); 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1304; 8 USC 1356; 31 USC 9701; EO 12356; . . .

CFR Citation: 8 CFR 103; 8 CFR 210; 8 CFR 212; 8 CFR 299

Legal Deadline: None

Abstract: The Department is in the process of reorganizing section 212 of title 8 of the Federal regulations. This regulation will create subsection C of 8 CFR 212, which covers criminal grounds of inadmissibility listed in section 212(a)(2) of the Immigration and Nationality Act (INA). The Illegal Immigration Reform and Immigrant Responsibility Act (Pub. L. 104-208) revised section 212(a)(2) of the INA, and subsequent laws revised it further. This regulation will implement those sections of law. Previously, this regulation was part of a larger 212 regulation (CIS No. 1413-97, RIN 1615-AA00), but due to the desire for clarity and the need to have different DHS components concentrate on different areas of inadmissibility, these criminal sections have been reported in a separate regulation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2249-02

Transferred from RIN 1115-AG90

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA94

1092. CRIMINAL GROUNDS OF INADMISSIBILITY, EXCEPTIONS AND WAIVERS FOR IMMIGRANTS AND NONIMMIGRANTS, REFUGEES AND ASYLEES

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: PL 104–208, Illegal Immigration Reform and Immigrant Responsibility Act; PL 101–649, Miscellaneous and Technical Immigration and Naturalization Amendments of 1991; PL 104–232, Anti–Terrorism and Effective Death Penalty Act of 1996; PL 104–132, International Religious Freedom Act of 1998; . . .

CFR Citation: 8 CFR 103; 8 CFR 210; 8 CFR 212; 8 CFR 299

Legal Deadline: None

Abstract: DHS is in the process of reorganizing section 212 of title 8 of the Federal regulations. This regulation will create subsection C of 8 CFR 212, which covers criminal grounds of inadmissibility listed in section 212(a)(2) of the Immigration and Nationality Act (INA). The Illegal

Immigration Reform and Immigrant Responsibility Act (Pub. L. 104-208) revised section 212(a)(2) of the INA, and subsequent laws revised it further. This regulation will implement those sections of law. Previously, this regulation was part of a larger 212 regulation (CIS No. 1413-97, RIN 1115-AB45), but due to the desire for clarity and the need to have different DHS components concentrate on different areas of inadmissibility, these criminal sections have been broken out into a separate regulation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	
NPRM Comment Period End	02/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2276-03

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AB15

1093. ESTABLISHMENT OF FEE FOR PROCESSING GENEALOGICAL RESEARCH REQUESTS

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1201; 8 USC 1252; 8 USC 1252b

CFR Citation: 8 CFR 103; 8 CFR 299

Legal Deadline: None

Abstract: Under the Freedom of Information Act and Privacy Act, the Department of Homeland Security processes all requests for its records including historical and genealogical records. This rule proposes to amend the Department's regulations by establishing the Genealogy Program to process requests for historical records. The Department's U.S. Citizenship and Immigration Services agency will charge a fee to recover the cost of searching, locating, retrieving, copying, reviewing, and mailing these records to the requester. The Genealogy Program is necessary to provide a more timely response to requests for genealogical and historical records.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	
NPRM Comment Period End	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2074-00

Transferred from RIN 1680-AA01

Agency Contact: Ronald Whitelaw, Branch Chief, Office of Records Management, Department of Homeland Security, U.S. Citizenship and Immigration Services, 4th Floor (ULLICO), 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 305–8274
Fax: 202 616–4282

RIN: 1615–AB19

1094. PETITIONS FOR EMPLOYMENT CREATION ALIENS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153

CFR Citation: 8 CFR 204; 8 CFR 214; 8 CFR 245

Legal Deadline: NPRM, Statutory, January 30, 2004, To reflect changes in the law and to improve the EB–5 investor program.

Abstract: Promulgation of this rule is necessary to reflect changes made by the 21st Century Department of Justice Appropriations Authorization Act of 2001 and to revise a number of issues concerning employment creation immigrant petitions which have arisen since enactment of the Immigration Act of 1990.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	
NPRM Comment Period End	02/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: cis 2303-03

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AB20

1095. ADMINISTRATIVE APPEALS OFFICE: PROCEDURAL REFORMS TO IMPROVE EFFICIENCY

Priority: Other Significant

Legal Authority: 5 USC 301; 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1304; . . .

CFR Citation: 8 CFR 103; 8 CFR 204; 8 CFR 205; 8 CFR 210; 8 CFR 214; 8 CFR 245a; 8 CFR 320; . . .

Legal Deadline: None

Abstract: This proposed rule revises the requirements and procedures for the filing of motions and appeals before the Department's U.S. Citizenship and Immigration Services agency and the Administrative Appeals Office. The proposed changes are intended to streamline the existing processes for filing motions and appeals and will reduce delays in the review and appellate process. This rule also makes additional changes necessitated by the establishment of the Department of Homeland Security and its resulting Bureaus.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	
NPRM Comment Period End	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS 2311-04

Agency Contact: Maura Deadrick, Adjudications Officer, Administrative Appeals Office, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3040, 3rd Floor, 20 Massachusetts Avenue NW., Washington, DC 20528
Phone: 202 272–1250

DHS—USCIS

Proposed Rule Stage

Fax: 202 272–1262

RIN: 1615–AB29

1096. • AFTER–SALES SERVICE AND AFTER–LEASE SERVICE FOR B–1 TEMPORARY VISITORS FOR BUSINESS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 8 USC 1101 to 1103; 8 USC 1182; . . .

CFR Citation: 8 CFR 214.2

Legal Deadline: None

Abstract: The temporary visitor for business (B-1) classification offers a simple and efficient means to expeditiously and conveniently facilitate the movement to and from the United States of valid business visitors whose primary purpose is to participate in activities that are incidental to international trade or commerce. In today's evolving global economy, both sales contracts and lease contracts are increasingly becoming equally standard in export transactions. In light of this fact, DHS is proposing to amend its regulations to allow nonimmigrant aliens admitted to the United States as B-1 temporary visitors for business to provide after-sales service or after-lease service on commercial or industrial equipment or machinery pursuant to a contract of sale or a contract of lease. This proposed regulatory amendment seeks both to keep pace with the evolving global business industry and to further facilitate the movement of legitimate business visitors to and from the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	
NPRM Comment Period End	02/00/06	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AB33

1097. • EMPLOYMENT BASED IMMIGRANTS—ELIMINATION OF BENEFICIARY SUBSTITUTION ON APPROVED LABOR CERTIFICATIONS AND VALIDITY PERIOD OF APPROVED LABOR CERTIFICATIONS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; . . .

CFR Citation: 8 CFR 2

Legal Deadline: None

Abstract: DHS and the Department of Labor's Employment and Training Administration (DOL) are proposing changes to reduce the incentives and opportunities for fraud and abuse related to the permanent employment of aliens in the United States. DHS is proposing to eliminate the current practice of allowing the substitution of alien beneficiaries on permanent labor certifications. In addition, DHS is proposing to reduce further the likelihood of the submission of mala fide Form I-140, Immigration Petition for Alien Worker, which are employment-based petitions that are supported by fraudulent or stale labor certification applications for the permanent employment of aliens in the United States by proposing a 45-day period for employers to file approved permanent labor certifications in support of Form I-140 petitions with DHS after the issuance of an approved labor certification by DOL.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	
NPRM Comment Period End	11/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: CIS No. 2347-05

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AB34

Department of Homeland Security (DHS)
U.S. Citizenship and Immigration Services (USCIS)

Final Rule Stage

1098. ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE: CONDITIONAL RESIDENTS AND FIANCE(E)S

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1257; 8 CFR 2

CFR Citation: 8 CFR 245

Legal Deadline: None

Abstract: This final rule amends Department regulations by clarifying that an alien remains ineligible for adjustment of status after termination of conditional permanent resident status. The clarification is necessary in view of the determination by the Board of Immigration Appeals that the current regulations do not prohibit the adjustment of status of an alien whose conditional resident status has been terminated. This final rule would also modify provisions regulating the adjustment of status of nonimmigrant fiancé(e)s to reflect the current statue and to eliminate hardships on certain persons who are unable, despite their good faith intentions, to marry until after the expiration of the alien spouse's period of admission as a nonimmigrant fiance(e).

Timetable:

Action	Date	FR Cite
NPRM	08/20/96	61 FR 43028
NPRM Comment Period End	10/21/96	
Final Action	08/00/05	

Regulatory Flexibility Analysis Required: No

DHS—USCIS

Final Rule Stage

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: CIS No. 1353-91

Transferred from RIN 1115-AC70

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA02

1099. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR AS A PREFERENCE IMMIGRANT; SELF–PETITIONING FOR CERTAIN BATTERED OR ABUSED ALIEN SPOUSES AND CHILDREN

Priority: Other Significant

Legal Authority: 8 USC 1101; PL 103–322; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: The Department of Justice published an interim rule on this subject in 1996 at 61 FR 13061. DHS is now finalizing that action. This DHS final rule will allow battered and abused spouses and children of U.S. citizens and lawful permanent residents to petition for immigrant classification. The consent of the abuser would not be required. The final rule uses the term abused to mean either battered or subjected to extreme cruelty.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/26/96	61 FR 13061
Interim Final Rule Effective	03/26/96	
Interim Final Rule Comment Period End	05/28/96	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: CIS No. 1705-95

Transferred from RIN 1115-AE04

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA03

1100. DEFINITION OF THE TERM ''LAWFULLY PRESENT'' FOR PURPOSES OF ELIGIBILITY FOR PUBLIC BENEFITS

Priority: Other Significant

Legal Authority: 5 USC 552; 31 USC 9701; EO 12356; 47 FR 14874 to 15557; 3 CFR 1982 comp; 8 CFR 2; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252B; 8 USC 1304; 8 USC 1356

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: Section 401(a) of the Personal Responsibility and Work Reconciliation Act of 1996 (PRWORA) provides that, with limited exceptions, only qualified aliens, as defined under section 431, may receive certain Federal public benefits. Section 401(b)(2) provides an exception that allows aliens who are ''lawfully present in the United States'' as to receive social security benefits under title II of the Social Security Act. PRWORA, and other laws, use the term ''lawfully present'' in other benefit-related contexts as well.

The Department of Justice published an interim final rule on September 6, 1996, which amended then-INS regulations to define the term ''an alien who is lawfully present in the United States'' so that the Social Security Administration may determine which aliens are eligible for benefits under title II of the Social Security Act. DHS now plans to issue a final rule to complete the rulemaking action.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/06/96	61 FR 47039
Interim Final Rule Comment Period End	11/05/96	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: CIS No. 1792-96

Transferred from RIN 1115-AE51

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA05

1101. AFFIDAVIT OF SUPPORT ON BEHALF OF IMMIGRANTS

Priority: Other Significant

Legal Authority: 8 USC 1183a; PL 104–208; PL 104–193; 8 CFR 2

CFR Citation: 8 CFR 213a; 8 CFR 299

Legal Deadline: None

Abstract: This rule amends USCIS regulations by establishing that an individual (the sponsor) who files an affidavit of support under section 213A of the Immigration and Nationality Act (INA) on behalf of an intending immigrant incurs an obligation that may be enforced by a civil action. This rule also specifies the requirements that Federal, State, or local agencies or private entities must meet to request reimbursement from the sponsor for provision of means-tested public benefits and provides procedures for imposing the civil penalty provided for under section 213A of the INA, if the sponsor fails to give notice of any change of address. This rule is necessary to ensure that sponsors of aliens meet their obligations under section 213A of the INA.

Timetable:

Action	Date	FR Cite
Interim Final Rule (CIS No. 1807–96)	10/20/97	62 FR 52346
Interim Final Rule Comment Period End	02/07/98	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 1807-96; PL 104-208, title IV; and PL 104-193, title IV

Transferred from RIN 1115-AE58

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA06

1102. ADJUSTMENT OF STATUS, CONTINUED VALIDITY OF NONIMMIGRANT STATUS, AND UNEXPIRED EMPLOYMENT AUTHORIZATION FOR APPLICANTS MAINTAINING NONIMMIGRANT H OR L STATUS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1282; 8 CFR 2; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1255; 8 USC 1281

CFR Citation: 8 CFR 214; 8 CFR 245

Legal Deadline: None

Abstract: The Department has issued numerous policy statements regarding its position on employment authorization, advance parole, and extension of nonimmigrant status for certain skilled nonimmigrant workers who have filed for adjustment to permanent resident status. This interim final rule codifies existing DHS policy statements by incorporating them into the Department's regulations; and eliminates the requirement for permission for overseas travel for adjustment applicants who are maintaining H-1 or L nonimmigrant status. The Department is publishing a final rule in response to public comments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/01/99	64 FR 29208
Interim Final Rule Comment Period End	08/02/99	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 1881-97

Transferred from RIN 1115-AE96

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA12

1103. FINGERPRINTING APPLICANTS AND PETITIONERS FOR IMMIGRATION BENEFITS; ESTABLISHING A FEE FOR FINGERPRINTING BY THE DEPARTMENT OF HOMELAND SECURITY

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252b; 8 USC 1304; 8 USC 1356

CFR Citation: 8 CFR 103; 8 CFR 299; 8 CFR 316; 8 CFR 335

Legal Deadline: None

Abstract: This rule amends the Department of Homeland Security (DHS) regulations relating to fingerprinting applicants and petitioners for benefits under the Immigration and Nationality Act by: 1) canceling the Designated Fingerprinting Service program; 2) requiring applicants and petitioners for benefits to be fingerprinted at either a DHS Office, a State, or local law enforcement agency, or at a United States consular or military office; 3) establishing a fee for fingerprinting by the Department; and 4) requiring confirmation from the Federal Bureau of Investigation that a full criminal background check has been completed before adjudication of a naturalization application is completed.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/17/98	63 FR 12979
Interim Final Rule Effective	03/29/98	
Interim Final Rule Correction	04/09/98	63 FR 17489
Interim Final Rule Comment Period End	05/18/98	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: CIS No. 1891-97

Transferred from RIN 1115-AF03

Agency Contact: Pamela T. Wallace, Staff Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 980, Field Operations, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272–1017

RIN: 1615–AA14

1104. SUSPENSION OF DEPORTATION AND SPECIAL RULE CANCELLATION OF REMOVAL FOR CERTAIN NATIONALS OF GUATEMALA, EL SALVADOR, AND FORMER SOVIET BLOC COUNTRIES

Priority: Other Significant

Legal Authority: 5 USC 552; 8 USC 1225 to 1227; 8 USC 1251; 8 USC 1252 note; 8 USC 1252a; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1186a; 8 USC 1224

CFR Citation: 8 CFR 103; 8 CFR 208; 8 CFR 240; 8 CFR 246; 8 CFR 274a; . . .

Legal Deadline: None

Abstract: This rule implements section 203 of the Nicaraguan Adjustment and Central American Relief Act (NACARA), enacted as title II of Public Law No. 105-100, 111 Stat. 2160, 2193 (1997) (as amended by Technical Corrections to the Nicaraguan Adjustment and Central American Relief Act (NACARA), Public Law 105-139, Stat. 2644 (1997)). Section 203 of NACARA provides that certain Guatemalans, Salvadorans, and nationals of former Soviet Bloc countries are eligible to apply for cancellation of removal under the standards for suspension of deportation similar to those that existed prior to enactment of Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). The rule establishes the authority of DHS asylum officers to

adjudicate certain applications under section 203 of NACARA, provides application and adjudication procedures, identifies factors and standards relevant to eligibility, and establishes a rebuttable presumption of extreme hardship for certain NACARA beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM (CIS No. 1915–98)	11/24/98	63 FR 64895
NPRM Comment Period End (CIS No. 1915–98)	01/25/99	
Interim Rule (CIS No. 1915–98)	05/21/99	64 FR 27856
Interim Rule Comment Period End	07/20/99	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: CIS No. 1915-98

Transferred from RIN 1115-AF14

Agency Contact: Joanna Ruppel, Deputy Director, Asylum Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 3rd Floor, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272–1625
Fax: 202 272–1687
Email: joanna.ruppel@dhs.gov

RIN: 1615–AA17

1105. REGULATIONS CONCERNING THE CONVENTION AGAINST TORTURE

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282

CFR Citation: 8 CFR 3; 8 CFR 208; 8 CFR 235; 8 CFR 238; 8 CFR 240; 8 CFR 241

Legal Deadline: Other, Statutory, February 18, 1999, Requirements promulgated under the Immigration and Nationality Act.

Abstract: This rule implements article 3 of the United Nations Convention Against Torture or Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment for persons who may be subject to removal from the United States under the provisions of the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/19/99	64 FR 8478
Interim Final Rule Corrections	03/22/99	64 FR 13881
Interim Final Rule Effective	03/22/99	
Interim Final Rule Comment Period End	04/20/99	
Final Action	12/00/05	
Final Action Effective	01/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 1976-99

Transferred from RIN 1115-AF39

Agency Contact: Ron Rosenberg, Associate Counsel, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of the Chief Counsel, 20 Massachusetts Avenue NW., Washington, DC, DC 20529
Phone: 202 272–1400

Mary Beth Keller, General Counsel, Department of Justice, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041
Phone: 703 305–0470
Email: eoir.regs@usdoj.gov

RIN: 1615–AA19

1106. INADMISSIBILITY AND DEPORTABILITY ON PUBLIC CHARGE GROUNDS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1183; . . .

CFR Citation: 8 CFR 212; 8 CFR 237

Legal Deadline: None

Abstract: This rule amends Department regulations to establish clear standards governing a determination that an alien is admissible or ineligible to adjust status, or has become deportable, on public charge grounds. This rule is necessary to alleviate growing public confusion over the meaning of the currently undefined term public charge in immigration law and its relationship to the receipt of Federal, State, or local public benefits. By defining public charge, DHS seeks to reduce the existing confusion and to provide aliens with better guidance as to the types of public benefits that will and will not be considered in public charge determinations.

Timetable:

Action	Date	FR Cite
NPRM	05/26/99	64 FR 28676
NPRM Comment Period End	07/26/99	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: CIS No. 1989-99

Transferred from RIN 1115-AF45

Agency Contact: Alice Smith, Associate Counsel, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 6100, Office of the Chief Counsel, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272–1400
Fax: 202 272–1405

RIN: 1615–AA22

1107. APPLICATION FOR REFUGEE STATUS; ACCEPTABLE SPONSORSHIP AGREEMENT GUARANTY OF TRANSPORTATION

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1157; 8 USC 1158; . . .

CFR Citation: 8 CFR 207

Legal Deadline: None

Abstract: Section 207 of the Immigration and Nationality Act authorizes the Attorney General to admit refugees to the United States under certain conditions, including those provided for by regulation. That authority was delegated to the Secretary of Homeland Security under the Homeland Security Act. DHS regulations require that sponsorship agreements be secured before an applicant is granted admission as a refugee at a U.S. port-of-entry. The determination of whether or not someone is classified as a refugee is described in the Act as a separate decision from whether a refugee may

be admitted to the United States in refugee status. This rule amends DHS regulations by removing language that erroneously implies that DHS requires a sponsorship agreement and guarantee of transportation prior to determining whether an applicant is a refugee. This rule is necessary to clarify issues in the existing regulation, and provides more advantageous treatment for the limited number of applicants for refugee status who have their DHS interviews before sponsorship agreements have been secured.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/21/99	64 FR 27660
Interim Final Rule Comment Period End	07/20/99	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 1999-99

Transferred from RIN 1115-AF49

Agency Contact: Kathleen Thompson, Staff Officer, Office of International Affairs, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 305–2756

RIN: 1615–AA24

1108. BATTERED AND ABUSED CONDITIONAL RESIDENTS; TERMINATION OF MARRIAGE BY CONDITIONAL RESIDENTS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1154; 8 USC 1184; 8 USC 1186a

CFR Citation: 8 CFR 216; 8 CFR 299

Legal Deadline: None

Abstract: Enacted on November 10, 1986, the Immigration Marriage Fraud Amendments of 1986 (IMFA) made a number of changes to the Immigration and Nationality Act (Act) to deter aliens from marrying solely to obtain immigration benefits. IMFA established a conditional resident status for aliens who obtained lawful permanent resident status based upon a marriage of less than two years duration. The interim rule published on May 16, 1991, established procedures to allow a conditional resident who married in good faith but whose marriage was terminated by the United States citizen or lawful permanent resident spouse to seek a waiver of the joint filing requirement. The interim rule published on May 16, 1991, also was necessary to provide a method by which a battered conditional resident, or a conditional resident parent of an abused conditional resident child, may apply for removal of the conditional basis of resident status without filing a joint petition. This final rule implements certain technical changes made by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and addresses comments received in response to the interim rule published on May 16, 1991.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/16/91	56 FR 22635
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Interim Rule for CIS No. 1423-91 published on May 16, 1991.

Transferred from RIN 1115-AF59

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA29

1109. REVOKING GRANTS OF NATURALIZATION

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1443

CFR Citation: 8 CFR 340

Legal Deadline: None

Abstract: This rule amends DHS regulations by rescinding the regulations relating to administrative revocation of naturalization. This change is necessary since the previous regulations at 8 CFR 340.1 were invalidated on July 20, 2000, by the Ninth Court of Appeals in the class action lawsuit Gorbach v. Reno, 219 F.3d 1087 (9th Cir. 2000), and final injunction prohibiting the use of these regulations on February 14, 2001.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/31/00	65 FR 17127
Interim Final Rule Comment Period End	05/30/00	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No.1858-97

Transferred from RIN 1115-AF63

Agency Contact: John D. Miles, Associate Area Counsel, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Chief Counsel, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272–1400
Fax: 202 272–1405

RIN: 1615–AA30

1110. REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES: CONTROL OF EMPLOYMENT OF ALIENS

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1201; 8 USC 1201a; 8 USC 1301; 8 USC 1305

CFR Citation: 8 CFR 264; 8 CFR 274a

Legal Deadline: None

Abstract: This rule amends Department regulations governing applications for renewal of 10-year Permanent Resident Cards upon their expiration. This rule adds documents to the acceptable list of registration requirements and clarifies the requirements for lawful permanent residents to file Form I-90, Application to Replace Alien Registration Card, if they are also applying for naturalization. This rule also provides additional methods to verify employment eligibility for those in the process of renewing their expired or expiring Form I-551, Permanent Resident Card. These changes are necessary to facilitate the 10-year Form I-551 renewal process. This rule also

clarifies the fingerprinting requirements for lawful permanent residents who reach the age of 14 years.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/05	
Interim Final Rule Comment Period End	02/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No.2042-00

Transferred from RIN 1115-AF71

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA33

1111. NATIONAL INTEREST WAIVERS FOR SECOND PREFERENCE EMPLOYMENT–BASED IMMIGRANT PHYSICIANS SERVING IN MEDICALLY UNDERSERVED AREAS OR AT DEPARTMENT OF VETERANS AFFAIRS FACILITIES

Priority: Other Significant

Legal Authority: PL 106–113; 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641

CFR Citation: 8 CFR 204; 8 CFR 245

Legal Deadline: None

Abstract: On November 29, 1999, Public Law 106-113 was enacted. Section 117 amended the Immigration and Nationality Act at section 203 to provide national interest waivers to alien physicians agreeing to practice five years in designated medically underserved areas or at Veterans Affairs facilities. The Department of Justice issued two interim rules to amend 8 CFR parts 204 and 245 to implement the new statutory provisions and to allow applicants to begin to take advantage of the new provisions. The Department of Homeland Security now seeks to finalize the process by issuing a final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/06/00	65 FR 53889
Correction to Interim Final Rule	09/27/00	65 FR 57943
Interim Final Rule Effective	10/06/00	
Correction to Interim Final Rule	10/20/00	65 FR 63118
Interim Final Rule Comment Period End	11/06/00	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2048-00

Transferred from RIN 1115-AF75

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AA34

1112. PETITIONING REQUIREMENTS FOR THE H–1C NONIMMIGRANT CLASSIFICATION UNDER PUBLIC LAW 106–95

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; . . .

CFR Citation: 8 CFR 214.2

Legal Deadline: None

Abstract: On November 12, 1999, the Nursing Relief for Disadvantaged Areas Act (NRDAA) was enacted creating a new H-1C nonimmigrant nurse category. This rule amends the Department's regulations in order to implement the NRDAA as it relates to the adjudication petitions for H-1C classification. This rule will facilitate the hiring of alien registered nurses to reduce the shortage of nurses in certain areas of the United States while protecting the rights of U.S. nurses.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/11/01	66 FR 31107
Interim Final Rule Comment Period End	08/10/01	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2050-00

Transferred from RIN 1115-AF76

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AA35

1113. ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE; TEMPORARY REMOVAL OF CERTAIN RESTRICTIONS OF ELIGIBILITY

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252; 8 USC 1252b; 8 USC 1304; 8 USC 1356

CFR Citation: 8 CFR 103; 8 CFR 205; 8 CFR 245

Legal Deadline: None

Abstract: The Department is amending its regulations governing eligibility for adjustment of status under section 245(i) of the Immigration and Nationality Act to conform the regulations to existing policy and procedures and to remove language that has been superseded by subsequent legislation. Specifically, this rule conforms the regulations to include the changes made by Public Law 105-119 and Public Law 106-544. It also provides for the changes contained in the Legal Immigration Family Equity Act of 2000 (LIFE Act). As required by the Life Act, this rule changes the sunset date of section 245(i) of the Immigration and Naturalization Act to the new date of April 30, 2001, for filing of qualifying petitions or applications that enable the applicant to apply to adjust status using section 245(i) and clarifies the effect of the new sunset date on eligibility. This means

that in order to preserve the ability to apply for adjustment of status under section 245(i), an alien must be the beneficiary of a visa petition for classification under section 204 of the Act or application for labor certification properly filed on or before April 30, 2001, and determined to have approval when filed. This rule also provides guidance on the standard for review of filing for immigrant visa petitions and applications for labor certification on or before April 30, 2001.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/26/01	66 FR 16383
Interim Final Rule Effective	03/26/01	
Interim Final Rule Comment Period End	05/25/01	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2078-00; This rulemaking supersedes RIN 1615-AA85

Transferred from RIN 1115-AF91

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA40

1114. ASYLUM AND WITHHOLDING DEFINITIONS

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; 8 CFR 2

CFR Citation: 8 CFR 208

Legal Deadline: None

Abstract: This rule proposes to amend regulations that govern establishing asylum eligibility by providing guidance on certain issues that have arisen in the context of asylum adjudications. The amendments focus on portions of the regulations that deal with the definitions of membership in a particular social group, State action requirements, and determinations about whether persecution is inflicted on account of a protected tort. This rule codifies long-standing concepts of the definitions. It clarifies that gender can be a basis for membership in a particular social group. It also clarifies that a person who has suffered or fears domestic violence may under certain circumstances be eligible for asylum on that basis. The Department of Homeland Security believes this issue required further examination after the Board of Immigration Appeals decision, Matter of R-A.

Timetable:

Action	Date	FR Cite
NPRM	12/07/00	65 FR 76588
NPRM Comment Period End	01/22/01	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2092-00

Transferred from RIN 1115-AF92

Agency Contact: Dorthea Lay, Associate Counsel, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of the Chief Counsel, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272–1400
Fax: 202 272–1405

RIN: 1615–AA41

1115. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR PREFERENCE IMMIGRANT; ADJUSTMENT OF STATUS TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; . . .

CFR Citation: 8 CFR 204; 8 CFR 245

Legal Deadline: None

Abstract: This final rule amends regulations of the Department of Homeland Security to provide an exception from the general prohibition against approval of immigration benefits based upon a marriage entered into during removal proceedings. The rule creates a good faith exception to the prohibition. This final rule completes the regulatory implementation of the Immigration Act of 1990.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/20/91	56 FR 28311
Interim Final Rule Comment Period End	07/20/91	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: See CIS No. 1419-91

Transferred from RIN 1115-AF94

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA42

1116. ACADEMIC HONORARIUM FOR B NONIMMIGRANT ALIENS

Priority: Other Significant

Legal Authority: PL 105–277; 8 USC 1182; 8 USC 1184

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: DHS is proposing to amend its regulations relating to the acceptance of academic honoraria by nonimmigrant aliens admitted to the United States as a B visa visitor status. This is necessary to implement changes to section 212 of the Immigration and Nationality Act made by the American Competitiveness and Workforce Improvement Act of 1998. The amendment outlines the proposed procedures necessary for a nonimmigrant alien visiting the United States in valid B visa status to accept honoraria in connection with usual academic activities.

Timetable:

Action	Date	FR Cite
NPRM	05/30/02	67 FR 37727

DHS—USCIS

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	07/29/02	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2100-00

Transferred from RIN 1115-AF97

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AA44

1117. CHILDREN BORN OUTSIDE THE UNITED STATES; APPLICATIONS FOR CERTIFICATE OF CITIZENSHIP

Priority: Other Significant

Legal Authority: PL 106–395

CFR Citation: 8 CFR 103; 8 CFR 299; 8 CFR 310; 8 CFR 320; 8 CFR 322; 8 CFR 338; 8 CFR 341; 8 CFR 499; . . .

Legal Deadline: Final, Statutory, February 27, 2001, Child Citizenship Act of 2000.

Abstract: This rule implements title I of the Child Citizenship Act of 2000, Public Law 106-395. First, it amends DHS regulations by adding a new part which addresses application procedures for foreign-born children residing in the United States pursuant to a lawful admission for permanent residence, who acquire citizenship automatically under section 320 of the Immigration and Nationality Act (Act), as amended. This rule established procedures for these foreign-born children, including adopted children, to obtain certificates of citizenship. Second, this rule also addresses application procedures for foreign-born children residing outside the United States, who can acquire citizenship under section 322 of the Act, as amended, by approval of an application and taking the oath of allegiance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/13/01	66 FR 32138
Interim Final Rule Effective	06/13/01	
Interim Final Rule Comment Period End	08/13/01	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2101-00

Transferred from RIN 1115-AF98

Agency Contact: John D. Miles, Associate Area Counsel, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Chief Counsel, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272–1400
Fax: 202 272–1405

RIN: 1615–AA45

1118. ALLOWING FOR THE FILING OF FORM I–140 VISA PETITION CONCURRENTLY WITH A FORM I–485 APPLICATION IN CERTAIN CIRCUMSTANCES

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641

CFR Citation: 8 CFR 204; 8 CFR 245

Legal Deadline: None

Abstract: The current regulations provide that an alien worker who wants to apply for permanent residence by filing the appropriate Form I-485, Application To Register Permanent Residence or Adjust Status, cannot do so until he or she obtains approval of the underlying petition, Form I-140, Immigrant Petition for Alien Worker. This procedure has resulted in aliens experiencing unnecessary delays due to the heavy backlog created by increasing numbers of cases received by the Department of Homeland Security (DHS). This rule amends DHS regulations by allowing the Forms I-140 and I-485 to be filed concurrently when a visa is immediately available, thereby improving the efficiency of the system, as well as customer service. This rule will also allow the alien worker to apply for employment authorization (Form I-765, Application for Employment Authorization) and advance parole authorization (Form I-131, Application for Travel Document) while the Form I-485 is pending.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/31/02	67 FR 49561
Interim Final Rule Effective	07/31/02	
Interim Final Rule Comment Period End	09/30/02	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2104-00

Transferred from RIN 1115-AG00

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AA46

1119. SPECIAL IMMIGRANT VISA FOR FOURTH PREFERENCE EMPLOYMENT–BASED BROADCASTERS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: This interim final rule amends Department regulations by establishing the procedure under which the International Broadcasting Bureau of the United States Broadcasting Board of Governors (BBG), or a BBG grantee organization, may file special fourth preference immigrant petitions for alien broadcasters. This rule explains the requirements the alien broadcaster must meet in order to be the beneficiary of an immigrant visa petition. This regulatory change is necessary in order to assist the BBG in fulfilling its statutory obligation to hire alien broadcasters.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/11/01	66 FR 51819
Interim Final Rule Effective	11/13/01	
Interim Final Rule Comment Period End	12/10/01	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2106-00

Transferred from RIN 1115-AG01

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AA47

1120. ESTABLISHING PREMIUM PROCESSING SERVICE FOR EMPLOYMENT–BASED PETITIONS AND APPLICATIONS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103

CFR Citation: 8 CFR 103; 8 CFR 299

Legal Deadline: None

Abstract: This rule changes DHS regulations to establish premium processing service for certain employment-based petitions and applications. If an individual pays a fee for premium processing service, DHS will process the petition or application in 15 days. Premium Processing Service will give American businesses an option to pay for more rapid processing of petitions and applications to meet their needs for foreign workers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/01/01	66 FR 29682
Interim Final Rule Effective	06/01/01	
Interim Final Rule Comment Period End	07/31/01	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2108-01

Transferred from RIN 1115-AG03

Agency Contact: Cindy Keiss, Staff Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, 10th Floor, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272–1508

RIN: 1615–AA49

1121. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS OF NICARAGUA, CUBA, AND HAITI

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1255

CFR Citation: 8 CFR 241; 8 CFR 245

Legal Deadline: None

Abstract: This final rule implements the provisions of the Legal Immigration Family Equity Act (LIFE Act) and its technical amendments to both the Nicaraguan Adjustment and Central American Relief Act (NACARA), and the Haitian Refugee Immigration Fairness Act (HRIFA) of 1998. Specifically, section 1505 of the amendments to the LIFE Act states that section 241(a)(5) of the Immigration and Nationality Act (I&NA) does not apply to adjustment applicants under NACARA/HRIFA and that the grounds of inadmissibility under section 212(a)(9)(A) and (C) of the I&NA may be waived for NACARA/HRIFA adjustment applicants. Section 241(a)(5) of the I&NA provides for the reinstatement of a removal order against any alien who illegally re-enters the United States after having been removed or after having departed voluntarily under an order of removal. It also bars any alien whose removal order has been reinstated from receiving any relief under the I&NA, including any waivers of grounds of inadmissibility necessary for the grant of adjustment of status. Sections 212(a)(9)(A) and 212(a)(9)(C) of the I&NA are grounds of inadmissibility relating to aliens previously removed and aliens who are unlawfully present in the United States after previous immigration violations, respectively. Section 1505 of the amendments to the LIFE Act also states that an alien who has become eligible for benefits under NACARA/HRIFA as a result of the enactment of the LIFE Act may file a motion to reopen his or her removal proceedings in order to apply for adjustment or to apply for cancellation of removal or suspension of deportation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/31/01	66 FR 29449
Interim Final Rule Comment Period End	05/31/01	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2113-01

Transferred from RIN 1115-AG05

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA51

1122. ADJUSTMENT TO LAWFUL RESIDENT STATUS OF CERTAIN CLASS ACTION PARTICIPANTS WHO ENTERED BEFORE JANUARY 1, 1982, UNDER THE LEGAL IMMIGRATION AND FAMILY EQUITY ACT (LIFE ACT)

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1255a; 8 USC 1225a note

CFR Citation: 8 CFR 245a

Legal Deadline: None

Abstract: This interim final rule (CIS No. 2115-01) implements section 1104 of the Legal Immigration Family Equity Act (LIFE) and LIFE Act Amendments pertaining to adjustment of status of certain class action participants (specifically, Catholic Social Services v. Meese (CSS), 509 U.S. 43 (1993), League of United Latin American Citizens v. INS (LULAC), 509 U.S. 43 (1993), and Zambrano v. INS, 509 U.S.

918 (1993) class applicants) who entered before January 1, 1982, to that of a person admitted for lawful residence. This rule establishes procedures for a one-year application period to allow CSS, LULAC, and Zambrano class applicants to apply for adjustment of status to that of lawful permanent residence.

CIS No. 2145-01 amends the Department's regulations by establishing procedures to apply for Family Unity benefits for certain spouses and unmarried children of aliens who adjusted to lawful permanent resident (LPR) status pursuant to section 1104 of the Legal Immigration Family Equity (LIFE) Act—known as the LIFE Legalization provision. It applies to those persons who are no longer present in the United States to allow them to apply for Family Unity benefits pursuant to section 1504 of the LIFE Act Amendments. This rule also establishes procedures for certain spouses and unmarried children who previously were granted Family Unity benefits pursuant to section 1504 of the LIFE Act Amendments to apply for an extension of their Family Unity benefits. This rule is necessary to ensure that those aliens eligible to apply for, and extend, Family Unity benefits under the provisions of the LIFE Act Amendments are able to do so in a timely manner.

Timetable:

Action	Date	FR Cite
Interim Final Rule (CIS No. 2115) Life Legalization	06/01/01	66 FR 29661
Interim Final Rule Comment Period End	07/31/01	
Notice	08/29/01	66 FR 45694
Final Action (CIS No. 2115–01)	06/04/02	67 FR 38341
Final Action Effective	06/04/02	
Interim Final Rule (CIS No. 2145) Family Unity Benefits	10/00/05	
Interim Final Rule Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2115-01

CIS No. 2145-01

Transferred from RIN 1115-AG06

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA52

1123. NONIMMIGRANT CLASSES; SPOUSES AND CHILDREN OF LAWFUL PERMANENT RESIDENTS; V CLASSIFICATION

Priority: Other Significant

Legal Authority: 8 USC 1102; PL 106–553

CFR Citation: 8 CFR 103; 8 CFR 204; 8 CFR 205; 8 CFR 212; 8 CFR 214; 8 CFR 245; 8 CFR 248; 8 CFR 299

Legal Deadline: None

Abstract: Section 1102 of the LIFE Act of 2000 amends the Immigration and Nationality Act to create a new nonimmigrant classification V for the spouses and children of lawful permanent residents awaiting the availability of an immigrant visa number in the appropriate preference category in accordance with the State Department's monthly Visa Bulletin. Eligible spouses and children of lawful permanent residents residing abroad that obtain the V nonimmigrant visa from the Department of State may work and reside in the United States on the basis of the V classification until they can apply for adjustment of status to that of lawful permanent resident. Certain eligible spouses and children of lawful permanent residents already present in the United States may be granted V classification until they can apply to adjust status to that of lawful permanent resident. This rule sets forth eligibility criteria and procedures for obtaining the V visa classification and related employment authorization.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/07/01	66 FR 46697
Interim Final Rule Effective	09/07/01	
Interim Final Rule Comment Period End	11/06/01	
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2117-01

Transferred from RIN 1115-AG08

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA53

1124. K NONIMMIGRANT CLASSIFICATION; LEGAL IMMIGRATION FAMILY EQUITY ACT (LIFE)

Priority: Other Significant

Legal Authority: PL 106–553

CFR Citation: 8 CFR 212; 8 CFR 214; 8 CFR 245; 8 CFR 248; 8 CFR 274a

Legal Deadline: Final, Statutory, December 21, 2000.

Abstract: Section 1103 of the Legal Immigration Family Equity Act (LIFE), Public Law 106-553, creates a new nonimmigrant classification under the Immigration and Nationality Act section 101(a)(15)(K) for the spouses and children of U.S. citizens who have pending immigrant visa applications. This rule establishes this classification in DHS regulations, including creating filing and adjudication procedures, as well as procedures for adjusting status from this new nonimmigrant classification to that of a lawful permanent resident.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/14/01	66 FR 42587
Interim Final Rule Comment Period End	10/15/01	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: LIFE creates another separate nonimmigrant

classification V and also amends the INA for other purposes. Each of these will be addressed in a separate rule. CIS No. 2127-01.

Transferred from RIN 1115-AG12

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA56

1125. ADJUSTMENT OF STATUS FOR CERTAIN SYRIAN NATIONALS GRANTED ASYLUM IN THE UNITED STATES

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1255; 8 CFR 2

CFR Citation: None

Legal Deadline: None

Abstract: On October 27, 2000, the President signed into law Public Law 106-378, Adjustment of Status of Certain Syrian Nationals, which provides for the adjustment of status to lawful permanent resident of certain Syrian nationals, without regard to the annual numerical limitation requirement. This interim final rule discusses eligibility and sets forth application procedures for persons wishing to adjust status on the basis of Public Law 106-378. The Department issued this action as an interim rule because Public Law 106-378 provided for a one-year application period, which ended on October 26, 2001. Publication of the interim final rule ensured that applicants were provided with as much time as possible to apply for the benefits under Public Law 106-378.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/17/01	66 FR 27445
Interim Final Rule Effective	05/17/01	
Interim Final Rule Comment Period End	07/17/01	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1115-AG13

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA57

1126. NEW CLASSIFICATION FOR VICTIMS OF SEVERE FORMS OF TRAFFICKING IN PERSONS ELIGIBLE FOR THE T NONIMMIGRANT STATUS

Priority: Other Significant

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101 to 1104; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1201; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1252; 8 USC 1252a; 22 USC 7101; 22 USC 7105; . . .

CFR Citation: 8 CFR 103; 8 CFR 212; 8 CFR 214; 8 CFR 274a; 8 CFR 299

Legal Deadline: None

Abstract: This rule sets forth application requirements for a new nonimmigrant classification. The T classification was created by 107(e) of the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), Public Law 106-386. The T nonimmigrant classification was designed for eligible victims of severe forms of trafficking in persons who aid the Government with their case against the traffickers and who can establish that they would suffer extreme hardship involving unusual and severe harm if they were removed from the United States after having completed their assistance to law enforcement. The rule establishes application procedures and responsibilities for the Department of Homeland Security and provides guidance to the public on how to meet certain requirements to obtain T nonimmigrant status.

There is a statutory cap for T nonimmigrant status for victims of a severe form of trafficking (principals), which is set at 5,000 per annum. The law also provides that certain family members can derive T status through the principal's application.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/02	67 FR 4784
Interim Final Rule Effective	03/04/02	
Interim Final Rule Comment Period End	04/01/02	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: CIS No. 2132-01; AG Order No. 2554-2002

There is a related rulemaking, CIS No. 2170-01, the new U nonimmigrant status (RIN 1615-AA67).

Transferred from RIN 1115-AG19

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA59

1127. ADJUSTMENT OF STATUS FOR VICTIMS OF TRAFFICKING

Priority: Other Significant

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101 to 1104; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1201; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1252; 8 USC 1252a; 8 USC 1255; 22 USC 7101; 22 USC 7105; . . .

CFR Citation: 8 CFR 204; 8 CFR 214; 8 CFR 245

Legal Deadline: None

Abstract: This rule sets forth measures by which certain victims of severe forms of trafficking who have been granted T nonimmigrant status may apply for adjustment to permanent resident status in accordance with Public Law 106-386, the Victims of Trafficking and Violence Protection Act of 2000.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/05	

Action	Date	FR Cite
Interim Final Rule Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2134-01

Transferred from RIN 1115-AG21

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA60

1128. REMOVAL OF LIMITATIONS ON THE VALIDITY PERIOD FOR EMPLOYMENT AUTHORIZATION DOCUMENTS

Priority: Other Significant

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; . . .

CFR Citation: 8 CFR 103; 8 CFR 274a

Legal Deadline: None

Abstract: This rule amends DHS regulations governing issuance of Employment Authorization Documents (EADs) to give the agency discretion to modify EAD validity periods for initial, renewal, and replacement EADs. This rule also amended the regulations to reflect that the agency will issue EADs to aliens granted asylum by the Department of Justice, Executive Office of Immigration Review (EOIR), with validity periods of up to five years, unless otherwise appropriate.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/30/04	69 FR 45555
Interim Final Rule Comment Period End	09/28/04	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2152-01

Transferred from RIN 1115-AG32

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA63

1129. NEW CLASSIFICATION FOR VICTIMS OF CERTAIN CRIMINAL ACTIVITY; ELIGIBILITY FOR THE U NONIMMIGRANT STATUS

Priority: Other Significant

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1101 note; 8 USC 1102; . . .

CFR Citation: 8 CFR 103; 8 CFR 204; 8 CFR 212; 8 CFR 214; 8 CFR 299

Legal Deadline: None

Abstract: This rule sets forth application requirements for a new nonimmigrant status. The U classification is for non-U.S. Citizen/Lawful Permanent Resident victims of certain crimes who cooperate with an investigation or prosecution of those crimes. There is a limit of 10,000 principals per year.

This rule establishes the procedures to be followed in order to petition for the U nonimmigrant classifications. Specifically, the rule addresses: the essential elements that must be demonstrated to receive the nonimmigrant classification; procedures that must be followed to make an application; and evidentiary guidance to assist in the petitioning process. Eligible victims will be allowed to remain in the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/05	
Interim Final Rule Comment Period End	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local

Additional Information: Transferred from RIN 1115-AG39

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA67

1130. DOCUMENTARY REQUIREMENTS FOR CERTAIN TEMPORARY RESIDENTS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1203; 8 USC 1225; 8 USC 1257; 8 CFR 2

CFR Citation: 8 CFR 211

Legal Deadline: None

Abstract: This final rule adds a document to the list of documents that may be presented by certain returning temporary residents in lieu of an immigrant visa. This rule will allow the Form I-797, Notice of Action, issued to certain aliens who have adjusted to temporary resident status pursuant to 8 CFR 245a to be used as an entry document at a port-of-entry. This rule is necessary to ensure that those temporary resident aliens eligible to reenter the United States with a Form I-797 are able to do so.

Timetable:

Action	Date	FR Cite
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2177-01

Transferred from RIN 1115-AG44

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754

Email: pearl.chang@dhs.gov

RIN: 1615–AA69

1131. REQUIRING CHANGE OF STATUS FROM B TO F–1 OR M–1 NONIMMIGRANT PRIOR TO PURSUING A COURSE OF STUDY

Priority: Other Significant. Major under 5 USC 801.

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1258; 8 CFR 2

CFR Citation: 8 CFR 214; 8 CFR 248

Legal Deadline: None

Abstract: The interim final rule amends Department regulations by eliminating the current provision allowing a nonimmigrant visitor for business or pleasure to enroll in a DHS-approved school without first obtaining approval of a change of nonimmigrant status request from the Department. The amendment will ensure that no B nonimmigrant is allowed to begin taking classes until the Department has approved the alien's request to change nonimmigrant status to that of F or M student

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/12/02	67 FR 18061
Interim Final Rule Comment Period End	06/11/02	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2195-02

Transferred from RIN 1115-AG60

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AA73

1132. RESTRUCTURING THE NONIMMIGRANT REGULATIONS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186

CFR Citation: 8 CFR 214; 8 CFR 252

Legal Deadline: None

Abstract: This interim regulation reorganizes the nonimmigrant regulations. It divides existing 8 CFR 214 into several new CFR parts, creating a new part for each major nonimmigrant classification. The regulation does not make significant changes to the regulations, but does rewrite and reorganize them to make them easier to read and follow. In addition the regulation eliminates obsolete provisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/05	
Interim Final Rule Comment Period End	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2218-02

Transferred from RIN 1115-AG62

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AA74

1133. WAIVERS FOR NONIMMIGRANTS UNDER SECTION 212(D)(3)(A) OF THE IMMIGRATION AND NATIONALITY ACT

Priority: Other Significant

Legal Authority: 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184

CFR Citation: 8 CFR 212

Legal Deadline: None

Abstract: This rule amends regulations pertaining to the process by which waiver requests are referred to DHS by the Department of State for certain nonimmigrants. This rule affects individuals located outside of the United States who are applying for temporary visas. Promulgation of this rulemaking ensures that DHS' rules are consistent with long-standing agency practices.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/05	
Interim Final Rule Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2200-02

Transferred from RIN 1115-AG63

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA75

1134. CLARIFICATION OF REGULATIONS RELATING TO ALIENS THAT ARE EMPLOYMENT AUTHORIZED INCIDENT TO STATUS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1201a; 8 USC 1301 to 1305; 8 USC 1324a

CFR Citation: 8 CFR 2; 8 CFR 264; 8 CFR 274a

Legal Deadline: None

Abstract: This interim rule: 1) clarifies the regulations relating to aliens who are ''employment authorized incident to status;'' 2) implements regulations to Public Laws 107-124 and 107-125, which provide for employment authorization for certain spouses of E and L nonimmigrants; and 3) makes a series of technical changes to the 8 CFR to update and clarify language relating to employment authorization and employment authorization documents.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/05	
Interim Final Rule Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2204-02

Transferred from RIN 1115-AG74

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA78

1135. PROCEDURES FOR CONDUCTING EXAMINATIONS AND WAIVING THE OATH OF ALLEGIANCE FOR NATURALIZATION APPLICANTS WITH DISABILITIES

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1421; 8 USC 1443; 8 USC 1447; 8 CFR 2.1; . . .

CFR Citation: 8 CFR 310; 8 CFR 313; 8 CFR 316; 8 CFR 319; 8 CFR 333; . . .

Legal Deadline: None

Abstract: This regulation provides procedures for conducting examinations and waiving the oath of allegiance attachment requirement and the oath requirement for any individual who has a developmental, physical, or mental impairment that makes him or her unable to understand, or communicate an understanding of, the meaning of the oath. The rule incorporates changes made by Public Law 106-448, which authorized the Secretary of the Department of Homeland Security to waive the oath requirement for such individuals. It also specifies who is authorized to act as a designated representative on behalf of applicants who qualify for the waiver and addresses how DHS will conduct examinations with such representatives to ensure that applicants with disabilities have the opportunity to establish eligibility for naturalization.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/05	
Interim Final Rule Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2191-02

Transferred from RIN 1115-AG77

Agency Contact: Kellie LeClair, Staff Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 980, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272–1018

RIN: 1615–AA81

1136. ELECTRONIC SIGNATURE ON APPLICATIONS AND PETITIONS FOR IMMIGRATION AND NATURALIZATION BENEFITS

Priority: Other Significant

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 1252 note; . . .

CFR Citation: 8 CFR 103

Legal Deadline: Other, Statutory, September 2003, Public Law 105–277.

Abstract: This rule amends DHS regulations concerning the acceptance of electronic signatures on applications and petitions for immigration and naturalization benefits. The change is necessary to allow the Department to begin accepting electronically filed applications and petitions as required by law. By accepting electronically filed applications and petitions, the Department expects to streamline its information collection process, improve customer service, and move towards fulfilling the mandates of the Government Paperwork Elimination Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/29/03	68 FR 23009
Interim Final Rule Effective	05/29/03	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2224-02

Transferred from RIN 1115-AG79

Agency Contact: Kellie LeClair, Staff Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 980, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272–1018

RIN: 1615–AA83

1137. WITHHOLDING OF ADJUDICATION

Priority: Other Significant

Legal Authority: 8 USC 552; 8 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1304; 8 USC 1356; 8 USC 1421; 8 USC 1443; 8 USC 1447; . . .

CFR Citation: 8 CFR 103; 8 CFR 208; 8 CFR 310; 8 CFR 335; 8 CFR 336

Legal Deadline: None

Abstract: This regulation expands the situations where a director can withhold the adjudication of an application or petition. The director may withhold adjudication at six-month increments while there is an ongoing investigation relating to that application or petition. Any regulatory deadlines will be tolled while adjudication is withheld. The director will give notice of withholding to the petitioner or applicant if it will not prejudice the investigation. The Department is now conducting security checks on all applicants and petitions, so this rule is necessary to ensure that immigration benefits are not granted while there is an ongoing investigation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/05	
Interim Final Rule Comment Period End	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2234-02

Transferred from RIN 1115-AG86

DHS—USCIS

Final Rule Stage

Agency Contact: Louis D. Crocetti, Director, Office of Fraud Detection and National Security, Office of Operations, Department of Homeland Security, U.S. Citizenship and Immigration Services, 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–2168
Fax: 202 353–2933

RIN: 1615–AA86

1138. ADJUSTMENT OF THE APPEAL AND MOTION FEE TO RECOVER FULL COSTS

Priority: Other Significant

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1304; 8 USC 1356; 31 USC 9701; EO 12356; . . .

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: This rule raises the fees for filing an appeal or motion to reopen/reconsider any decision under the immigration laws in any type of proceeding over which the Board of Immigration Appeals does not have appellate jurisdiction. The fee is being raised from $110 to $368 to recover the full costs associated with the processing of an appeal or motion to reopen/reconsider. Fees collected are deposited into the Immigration Examinations Fee Account and used to fund the full cost of processing immigration benefit applications and associated support benefits; the full cost of providing similar benefits to asylum and refugee applicants; and the full cost of similar benefits provided to other immigrants, as specified in the regulation, at no charge. Federal guidelines require the Department of Homeland Security to establish and collect fees to recover the full cost of processing immigration benefit applications, rather than supporting these services with tax revenue.

Timetable:

Action	Date	FR Cite
NPRM	11/30/04	69 FR 69546
NPRM Comment Period End	12/30/04	
Final Action	08/00/05	
Final Action Effective	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2245-02

Transferred from RIN 1115-AG89

Agency Contact: Paul Schlesinger, Director, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 5307, Office of Budget, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272–1920
Email: paul.l.schlesinger@dhs.gov

RIN: 1615–AA88

1139. IMPLEMENTATION OF AMENDMENTS AFFECTING PETITIONS FOR EMPLOYMENT CREATION ALIENS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; . . .

CFR Citation: 8 CFR 204; 8 CFR 216; 8 CFR 245; 8 CFR 299

Legal Deadline: Final, Statutory, March 2, 2003.

Abstract: This rule proposes amendments to the regulations of the Department of Homeland Security to implement changes made by the 21st Century Department of Justice Appropriations Authorization of 2001. This legislation made various changes to the EB-5 Alien immigrant classification. This rule is being issued as an interim rule to comply with the statutory requirement that implementing regulations be issued by the Department within 120 days of enactment, and to ensure that the Department's regulations are consistent with the new legislation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/05	
Interim Final Rule Comment Period End	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2253-03; Regulatory actions announced in 1115-AF27 are merged with this rulemaking.

Transferred from RIN 1115-AG93

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AA90

1140. IMPLEMENTATION OF THE AGE OUT PROTECTIONS AFFORDED UNDER THE CHILD STATUS PROTECTION ACT

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; . . .

CFR Citation: 8 CFR 204; 8 CFR 205

Legal Deadline: None

Abstract: The Department will promulgate an interim final rule that amends regulations contained in title 8 of the Code of Federal Regulations to implement certain provisions of the Child Status Protection Act (Pub. L. 107-288). The rule will ensure that the age-out protections afforded to certain alien beneficiaries in the Child Status Protection Act are codified.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/05	
Interim Final Rule Comment Period End	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1115-AH01

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA95

1141. ELIMINATING THE NUMERICAL CAP ON MEXICAN TN NONIMMIGRANTS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; . . .

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This rule eliminates the 5,500 annual limit on the number of Mexican professional admissions under the North American Free Trade Agreement (NAFTA). It also eliminates the associated requirement of a petition on Form I-129 and the certified labor condition application. Rather than submit a petition to DHS, aliens seeking TN classification will apply for a TN visa from the State Department. This rule brings the treatment of Mexican TNs under NAFTA closer to that of Canadian TNs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/10/04	69 FR 11287
Interim Final Rule Comment Period End	05/10/04	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2266-03

Transferred from RIN 1115-AH02

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AA96

1142. FILING OF PROPOSALS FOR DESIGNATION AS A REGIONAL CENTER APPROVED TO PARTICIPATE IN THE IMMIGRANT INVESTOR PILOT PROGRAM

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1154; 8 USC 1182; 8 USC 1186a

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: The regulation changes the location for the filing and adjudication of proposals to participate in the Immigrant Investor Pilot Program from Headquarters, Office of Adjudication, to the Texas and California DHS Centers. This change is necessary to ensure the uniform and effective adjudication of these complex proposals related to economic development, export trade, and job creation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/05	
Interim Final Rule Comment Period End	02/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: CIS No. 1944-98

Transferred from RIN 1115-AF27

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AB00

1143. APPLICATION FOR NATURALIZATION BY ALTERNATIVE APPLICATION IF CITIZEN PARENT HAS DIED

Priority: Other Significant

Legal Authority: PL 107–273; 21st Century Department of Justice Appropriations Authorization Act

CFR Citation: 8 CFR 103; 8 CFR 299; 8 CFR 320; 8 CFR 322; 8 CFR 499

Legal Deadline: None

Abstract: One of the changes made by Public Law 107-273 is the addition of the U.S. citizen grandparents and U.S. citizen of legal guardians as eligible to apply for citizenship on behalf of a child born and residing outside the United States pursuant to the Immigration and Nationality Act, section 322. This rule amends DHS regulations to authorize an alternative applicant to file an application for citizenship on behalf of a foreign-born child if the U.S. citizen parent has died.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/05	
Interim Final Rule Comment Period End	02/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2289-03

Agency Contact: Pamela T. Wallace, Staff Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 980, Field Operations, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272–1017

RIN: 1615–AB08

1144. REQUIRING COMPLETION OF SECURITY CHECKS BEFORE ISSUANCE OF EVIDENCE OF ALIEN REGISTRATION

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 8 USC 1103; 8 USC 1201; 8 USC 1303 to 1305; 8 CFR 2

CFR Citation: 8 CFR 264

Legal Deadline: None

Abstract: This interim rule amends Department of Homeland Security regulations relating to the issuance of evidence of alien registration. Under the amended rule, the Department will not issue evidence of an alien's registration under sections 262 and 264 of the Immigration and Nationality Act until the Department has completed all appropriate security checks. This rule is necessary to minimize the risk that aliens who may present threats to the public safety or national security may escape detection and removal from the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/05	
Interim Final Rule Comment Period End	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2291-03

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, (ULLICO), Office of Program and Regulations Development, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754

RIN: 1615–AB12

1145. REMOVAL OF STANDARDIZED REQUEST FOR EVIDENCE PROCESSING TIMEFRAME

Priority: Other Significant

Legal Authority: 8 USC 1103

CFR Citation: 8 CFR 103

Legal Deadline: NPRM, Statutory, September 1, 2003, NPRM Comment Period Ends January 31, 2005.

Abstract: This rule proposes to amend Department of Homeland Security regulations by removing the absolute requirement for, and the fixed regulatory time limitations on responses to, a U.S. Citizenship and Immigration Services issued Request for Evidence (RFE) or Notice of Intent to Deny (NOID). These changes will enable USCIS to set an appropriate deadline for responding to an RFE or NOID, specific to the type of case, benefit category, or classification, and thus improve the process of adjudication of applications and petitions by reducing the time a case is held awaiting evidence, and by reducing average case processing time. This rule will result in improved efficiency in the USCIS adjudication process.

In addition, this rule includes certain organizational changes necessitated by the implementation of the Homeland Security Act of 2002, Public Law 107-296. This rule also removes obsolete regulatory language related to the Replenishment Agricultural Worker (RAW) program under section 210A of the Immigration and Nationality Act (Act), which was repealed by section 219(ee)(1) of the Immigration and Technical Corrections Act of 1994, Public Law 103-416. The rule further removes references to the use of qualified designated entities for filing of applications for adjustment of status in the Seasonal Agricultural Workers (SAW) and legalization programs under section 210 and 245A of the Act. By including the organizational changes, the rule will also assist the public in understanding the delegation of authority for adjudicating cases.

Timetable:

Action	Date	FR Cite
NPRM	11/30/04	69 FR 69549
NPRM Comment Period End	01/31/05	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2287-03

Agency Contact: Christopher M. Quimby, Chief, Operations Support Branch, Office of Program and Regulations Development, Department of Homeland Security, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 616–7708
Email: christopher.quimby@dhs.gov

RIN: 1615–AB13

1146. CLASSIFICATION OF CERTAIN SCIENTISTS OF THE COMMONWEALTH OF INDEPENDENT STATES OF THE FORMER SOVIET UNION AND THE BALTIC STATES AS EMPLOYMENT–BASED IMMIGRANTS

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: The Soviet Scientists Immigration Act of 1992 (SSIA) provided for 750 visas to be provided to eligible scientists and engineers from the former Soviet Union. This Program expired on October 24, 1996. Recent legislation extended the eligibility deadline for filling under the SSIA to September 30, 2006, and raised the numerical limit on these visas from 750 to 950. It also required DHS to consult with the Department of State and other agencies regarding previous experiences with the program and their recommendations for making the program more effective. This rule improves administration of the program by requiring each applicant to submit a statement signed by the State Department's Bureau of Nonproliferation (Bureau) regarding his or her qualifications. Because the Bureau has been in close contact with this group of scientists and with the organizations that have employed them for a number of years, the Bureau is in a better position than DHS to assess the individual applicant's qualifications. Accordingly, this signed statement will be submitted for the evidence of qualifications previously required under the program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/25/05	70 FR 21129
Interim Final Rule Effective	05/25/05	
Interim Final Rule Comment Period End	06/24/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2277-03

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AB14

1147. PETITIONING REQUIREMENTS FOR THE O AND P NONIMMIGRANT CLASSIFICATIONS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; . . .

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This interim rule amends the regulations of the Department of Homeland Security to enable certain petitioners to file O and P nonimmigrant petitions up to one year prior to the petitioners' need for the alien's services. Petitioners frequently plan for an event or performance more

than one year in advance when seeking O and/or P nonimmigrant workers for employment in the United States. By extending the filing time requirement for O and P petitions from the current six months to one year, DHS hopes to provide relief and assurance to petitioners that, if approvable, such petitions will be approved prior to the date of the petitioners' need for the alien's services.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/28/05	70 FR 21983
Interim Final Rule Comment Period End	07/27/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Current filing times combined with processing times often result in an O or P petition being adjudicated at the same time or later than the date of the petitioner's stated need for the alien. This creates a hardship for employers who are seeking to hire the alien based on a scheduled performance, competition, or event, and who may have booked a venue and sold advance tickets. If the petition is not approved by the time of the petitioner's stated need, the petitioner may be required to cancel a scheduled event or performance, may lose funds advanced for booking a venue, and may also be liable for the costs associated with ticket refunds. Since an O or P employer may plan for the competition, event, or performance more than one year in advance, DHS has determined that extending the filing time will provide relief to many such employers.

Although this rule may have an impact on small entities, the rule has been drafted in a way to minimize the economic impact that it has on small businesses while meeting its intended objective. This rule will ensure that certain O and P nonimmigrant petitions are adjudicated well in advance of the date of the employers' stated need, and thus prevent employers from having to cancel an event, competition, or performance either because the petition was denied at the last minute, or because the petition was not adjudicated in advance of the need. Employers will be less likely to lose booking costs or have to issue refunds if they receive a decision on the petition well in advance of the event, competition, or performance. Extending the time requirements for the filing of O and P petitions will provide immediate relief to affected United States employers, and any economic impact on small entities is likely to be positive.

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AB17

1148. CHANGE OR EXTENSION OF NONIMMIGRANT STATUS UNDER THE CHILE AND SINGAPORE FREE TRADE AGREEMENTS

Priority: Other Significant

Legal Authority: PL 108–77; PL 108–78; 8 USC 1101; 8 USC 1102; . . .

CFR Citation: 8 CFR 214; 8 CFR 248

Legal Deadline: None

Abstract: The Free Trade Agreements with Chile and Singapore, Public Laws 108-77 and 108-98, respectively, allow for the temporary entry of business persons from these countries in order to provide professional services for U.S. employers. While the agreements vest the Departments of Labor and State with determining initial eligibility for issuance of a free trade nonimmigrant visa, the Department of Homeland Security's U.S. Citizenship and Immigration Services oversees cases where a citizen of Chile or Singapore requests a change of nonimmigrant status to that of free trade nonimmigrant as well as requests a change of nonimmigrant status to that of free trade nonimmigrant as well as requests for extensions of free trade nonimmigrant status. The interim rule outlines the procedures for such change of extension requests.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/05	
Interim Final Rule Comment Period End	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS 2310-03

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AB22

1149. ELIGIBILITY PILOT PROGRAM (PRECERTIFICATION OF CERTAIN I–129 AND I–140 PETITIONERS)

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; . . .

CFR Citation: 8 CFR 204; 8 CFR 214; 8 CFR 299

Legal Deadline: None

Abstract: This rule amends DHS regulations by establishing a new Employer Precertification Pilot Program (Pilot Program or EPPP), and provides the eligibility requirements and procedures for participating in this Pilot Program. This Pilot Program is being established to enable the U.S. Citizenship and Immigration Services (USCIS) to streamline the adjudication process for those approved qualifying employers who submit Form I-129, Petition for a Nonimmigrant Worker and Form I-140, Immigrant Petition for Alien Workers, to USCIS. The Pilot Program is intended to reduce backlogs and increase efficiencies in adjudicating of certain employment-related nonimmigrant and immigrant visa petitions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/05	
Interim Final Rule Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations

Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AB25

1150. PETITIONS FOR EMPLOYMENT BASED IMMIGRANTS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641

CFR Citation: 8 CFR 204.5

Legal Deadline: None

Abstract: The rule amends 8 CFR 204.5(g)(2) eliminating specific reference to ability to pay and replacing it with the statutory requirement that petitioner establish its bona fides as a U.S. employer through specifically cited initial evidence. This rule provides clarification and focus that reflects the statutory requirement that the petitioning employer establish its bona fides as a U.S. employer and the viability of the proffered job.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/05	
Interim Final Rule Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AB27

1151. EXTENSION OF THE DEADLINE FOR CERTAIN HEALTH CARE WORKERS REQUIRED TO OBTAIN CERTIFICATES

Priority: Other Significant

Legal Authority: 8 USC 1101 to 1103; 8 USC 1182; . . .

CFR Citation: 8 CFR 212; 8 CFR 214

Legal Deadline: None

Abstract: This rule amends Department of Homeland Security regulations to extend the deadline by which certain health care workers from Canada and Mexico must obtain health care worker certifications. This rule applies only to affected health care workers, who, before September 23, 2003, were previously employed as TN nonimmigrant health care workers (Canadian or Mexican citizens), and held a valid license from a U.S. jurisdiction. This interim rule does not change the licensing requirements for employment purposes. Publication of this rule ensures that the U.S. health care system is not adversely affected by the expiration of the transition period for certain health care workers to present the required certification.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/22/04	69 FR 43729
Interim Final Rule Comment Period End	09/20/04	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AB28

1152. ● ADDING A FILING FEE FOR RE–REGISTRATION AND EXTENSION OF TEMPORARY PROTECTED STATUS

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1254

CFR Citation: 8 CFR 103; 8 CFR 244

Legal Deadline: None

Abstract: This interim rule amends Department of Homeland Security regulations to require each Temporary Protected Status (TPS) initial registrant and re-registrant to submit to U.S. Citizenship and Immigration Services (USCIS) at an Application Support Center (ASC): 1) her/his biometrics; 2) a $175 filing fee or fee waiver request with Form I-765, Application for Employment Authorization, when requesting an Employment Authorization Document (EAD); and 3) a $70 biometric services fee. For TPS registrants and re-registrants who are under 14 years of age, this rule only imposes these requirements where an EAD is requested. This interim rule also clarifies current regulations governing registration and imposes a new requirement that each TPS re-registrant submit a $50 filing fee or a fee waiver request with Form I-821, Application for Temporary Protected Status. The changes made by this interim rule to the current regulations are necessary to improve DHS' ability to identify fraud and security threats while improving the efficiency of the adjudicative process. In addition, collection of these filing fees will help enable USCIS to recover the costs incurred by adjudicating these forms, capturing biometric information, and producing the EAD.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/05	
Interim Final Rule Comment Period End	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS 2334-04

Agency Contact: Collen Cook, Adjudications Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 307–0502
Email: collen.cook@dhs.gov

RIN: 1615–AB31

1153. ● ALLOCATION OF H–1B VISAS CREATED BY THE H–1B VISA REFORM ACT OF 2004

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: PL 108–447; 5 USC 301; 5 USC 552; 5 USC 552a; 8 USC 1101; . . .

CFR Citation: 8 CFR 103; 8 CFR 214

Legal Deadline: None

DHS—USCIS

Final Rule Stage

Abstract: This interim rule implements certain changes made by the Omnibus Appropriations Act for Fiscal Year 2005 to the numerical limits of the H-1B nonimmigrant visa category and the fees for filing of H-1B petitions. This interim rule also notifies the public of the procedures U.S. Citizenship and Immigration Services (USCIS) will use to allocate the additional H-1B numbers made available pursuant to that act. This rule further modifies USCIS premium processing regulations by providing authority to delay, suspend or set an alternate date on which the 15 calendar day premium processing period commences.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/05	
Interim Final Rule Comment Period End	06/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AB32

Department of Homeland Security (DHS)
U.S. Citizenship and Immigration Services (USCIS)

Long-Term Actions

1154. REDUCTION OF THE NUMBER OF ACCEPTABLE DOCUMENTS AND OTHER CHANGES TO EMPLOYMENT VERIFICATION REQUIREMENTS

Priority: Other Significant. Major under 5 USC 801.

Legal Authority: 8 USC 1324a; PL 104–208

CFR Citation: 8 CFR 274a

Legal Deadline: Final, Statutory, March 31, 1998, An interim rule, published September 30, 1997, makes the minimal changes required by statute. The provisions will remain in effect until completion of this rulemaking.

Abstract: On September 30, 1996, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) was enacted. Section 412(a) of IIRIRA requires a reduction in the number of documents that may be accepted in the employment verification process. Section 412(d) clarifies the applicability of section 274A to the Federal Government. Section 610 of the Regulatory Flexibility Act requires agencies to review rules that have a significant economic impact on a substantial number of small entities every 10 years. The Department is conducting this review in conjunction with IIRIRA implementation. The Department of Justice published a proposed rulemaking on February 12, 1998, to implement sections 212(a) and (d) of IIRIRA and propose other changes to the employment verification process identified through that review. A revised Form I-9, Employment Eligibility Verification, was included with the proposed rulemaking. The comment period closed on April 3, 1998. The Department of Homeland Security continues to analyze the comments and take into consideration issues raised by the Alien Registration Form (I-551) program. It should be noted that this action supersedes the previously published regulatory action titled ''Reduction in the Number of Documents Accepted for Employment Verification.'' In order to avoid confusion, this regulatory action is being referenced under the current RIN, which captures all prior actions related to employment verification.

Timetable:

Action	Date	FR Cite
NPRM (No. 1399 Comment Period End 12/23/93)	11/23/93	58 FR 61846
NPRM (No. 1339S Comment Period End 07/24/95)	06/22/95	60 FR 32472
Notice (No. 1713 Applications Due 01/29/96)	11/30/95	60 FR 61630
Appl. Extension Through 3/8/96; Notice Pilot Demonstration Program (No. 1713)	02/06/96	61 FR 4378
Final Rule (No. 1399E)	09/04/96	61 FR 46534
Interim Final Rule (No. 1818)	09/30/97	62 FR 51001
NPRM (No. 1890–97 Comment Period End 04/03/98)	02/02/98	63 FR 5287
Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: The deadline for implementing section 412(a) of IIRIRA was extended to March 31, 1998, by Public Law 105-54. This rulemaking has been delayed by the need to coordinate implementation with other provisions of IIRIRA, by several complex policy and regulatory issues that have taken time to resolve, and by the review required by section 610 of the Regulatory Flexibility Act, and by the need to coordinate policy issues with the Border Security Act of 2002 and, more generally, the post-September 11th environment in which document security is of a paramount concern.

Docket No. 1890-97; Public Law 104-208, title 4.

Nos. 1399 and 1399S-94, Control of Employment of Aliens, Supplemental Rule; Action for Nos. 1399 and 1399S is canceled as a result of IIRIRA requirements.

Docket No. 1399E is an extracted portion of No. 1399, published separately to allow for the production of a new, more secure Employment Authorization Document.

Docket No. 1713-95, Demonstration Project for Electronic I-9.

Interim Rule No. 1818 was published on September 30, 1997, at 62 FR 51001 to maintain the status quo as much as possible until the agency completes the more comprehensive document reduction initiative designated by No. 1890-97.

Transferred from RIN 1115-AB73

Agency Contact: Pearl Chang, Chief, Residence and Status Branch,

Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA01

1155. TEMPORARY PROTECTED STATUS NOTICES AND REGULATIONS

Priority: Other Significant

Legal Authority: 8 USC 1103; 5 USC 552; 5 USC 552a; 8 USC 1201; 28 USC 509; 31 USC 9701; 8 USC 1254a; 8 USC 1254a note; 8 USC 1362; 8 USC 1324a; 8 USC 1101; 8 USC 1303; 8 CFR 2; 5 USC 301

CFR Citation: 8 CFR 103; 8 CFR 244; 8 CFR 299

Legal Deadline: None

Abstract: Under section 244 of the Immigration and Nationality Act (INA), 8 U.S.C. section 1254a, the Department of Homeland Security (DHS), after consultation with appropriate agencies of the government, is authorized to designate a foreign state (or part thereof) for temporary protected status (TPS). DHS then may grant TPS to eligible nationals of that foreign state (or aliens having no nationality who last habitually resided in that state). Under TPS, aliens subject to such status shall be permitted to remain in the United States. DHS currently grants temporary protected status to 7 countries.

At least 60 days before the end of the TPS designation, or any extension thereof, DHS is required to review the conditions in a foreign state designated under the TPS program to determine whether the conditions for TPS continue to be met and, if so, the length of an extension of TPS. The determination by DHS to grant, extend or terminate TPS is announced by a notice in the Federal Register.

Timetable:

Action	Date	FR Cite
TPS Final Rule (CIS No. 1612) Removal of Obsolete Sections Covering TPS for Salvadorans	09/10/96	61 FR 47667
TPS Notice (CIS No. 1832–97) Extension and Redesignation of Liberia	04/07/97	62 FR 16608
TPS Notice (CIS No. 1853–97) Extension and Termination of Rwanda Eff. 06/07/97	06/19/97	62 FR 33442
TPS Notice (CIS No. 1862–97) Extension of Bosnia–Herzegovina	08/01/97	62 FR 41420
TPS Notice (CIS No. 1863–97) Extension of Somalia	08/01/97	62 FR 41421
TPS Notice (CIS No. 1878–97) TPS Designation of Montserrat	08/28/97	62 FR 45685
TPS Notice (CIS No. 1775–96) TPS Designation of Burundi	11/04/97	62 FR 59735
TPS Notice (CIS No. 1780–97) TPS Designation of Sudan	11/04/97	62 FR 59737
TPS Notice (CIS No. 1877–97) TPS Designation of Sierra Leone	11/04/97	62 FR 59736
TPS Notice (CIS No. 1910–98) Termination of Designation of Liberia	03/31/98	63 FR 15437
TPS Notice (CIS No. 1929–98) TPS Designation of Province	06/09/98	63 FR 31527
TPS Notice (CIS No. 1945–98) Extension of Designation of Somalia	09/28/98	63 FR 51602
TPS Notice (CIS No. 1953–98) Redesignation of Liberia	09/29/98	63 FR 51958
TPS Notice (CIS No. 1957–98) TPS Extension of Designation of Burundi	11/03/98	63 FR 59334
TPS Notice (CIS No. 1958–98) TPS Extension of Designation of Sierra Leone	11/03/98	63 FR 59336
TPS Notice (CIS No. 1959–98) Extension of Designation of Sudan	11/03/98	63 FR 59337
Final Action, Temporary Protected Status, Exception to Registration Deadlines	11/16/98	63 FR 63593
TPS Notice (CIS No. 1964–98) TPS Designation of Honduras	01/05/99	64 FR 524
TPS Notice (CIS No. 1965–98) TPS Designation of Nicaragua	01/05/99	64 FR 526
TPS Notice (CIS No. 1960–98) TPS Designation of Guinea–Bissau	03/11/99	64 FR 12181
TPS Notice (CIS No. 1986–99) TPS Extension and Redesignation of the Province of Kosovo	06/08/99	64 FR 30542
TPS Notice (CIS No. 1953–99) Termination of TPS Designation of Liberia	07/30/99	64 FR 41463
TPS Notice (CIS No. 2009–99) Extension of the TPS Registration Period for Hondurans and Nicaraguans	08/06/99	64 FR 42991
TPS Notice (CIS No. 2006–99) Extension of TPS Designation of Bosnia–Herzegovina	08/11/99	64 FR 43720
TPS Notice (CIS No. 2010–99) Extension of TPS Designation of Montserrat	09/02/99	64 FR 48190
TPS Notice (CIS No. 2015–99) Extension of TPS Designation of Somalia	09/13/99	64 FR 49511
TPS Notice (CIS No. 2022–99) Extension and Redesignation of Burundi Under Temporary Protected Status	11/09/99	64 FR 61123
TPS Notice (CIS No. 2023–99) Extension and Redesignation of Sudan Under the Temporary Protected Stat	11/09/99	64 FR 61128
TPS Notice (CIS No. 2024–99) Extension and Redesignation of Sierra Leone Under Temporary Protected S	11/09/99	64 FR 61125

DHS—USCIS

Long-Term Actions

Action	Date	FR Cite
TPS Notice (CIS No. 2043–00) Extension and Termination of Designation of Guinea–Bissau Under TPS	03/20/00	65 FR 15016
TPS Notice (CIS No. 2044–00) Designation of Angola Under TPS	03/29/00	65 FR 16634
TPS Notice (CIS No. 2064–00) Extension of Nicaragua Designation	05/11/00	65 FR 30440
TPS Notice (CIS No. 2065–00) Extension of Designation Hondurans	05/11/00	65 FR 30438
TPS Notice (CIS No. 2066–00) Termination of the Kosovo. . .	05/23/00	65 FR 33356
TPS Notice (CIS No. 2064R–00) Extension of Re–Registration for Nicaraguans	06/09/00	65 FR 36729
TPS Notice (CIS No. 2065R–00) Extension of Re–Registration for Hondurans	06/09/00	65 FR 36719
TPS Notice (CIS No. 2079–00) Termination of Bosnia–Herzegovina	08/30/00	65 FR 52789
TPS Notice (CIS No. 2087–00) Extension of Designation of Montserrat Under Temporary Protected Status	10/02/00	65 FR 58806
TPS Notice (CIS No. 2094–00) Extension of Designation of Sudan	11/09/00	65 FR 67407
TPS Notice (CIS No. 2095–00) Extension of Designation of Sierra Leone	11/09/00	65 FR 67405
TPS Notice (CIS No. 2096–00) Extension of Designation of Burundi	11/09/00	65 FR 67404
Correction TPS Notice (CIS No.2090–00) Extension of Designation of Somalia	12/08/00	65 FR 69789
TPS Notice (CIS No. 2125–01) Designation of El Salvador	03/09/01	66 FR 14214
TPS Notice (CIS No. 2114–01) Extension and Redesignation of Angola	04/05/01	66 FR 18111
TPS Notice (CIS No. 2135–01) Extension of Designation of Honduras under TPS	05/08/01	66 FR 23269
TPS Notice (CIS No. 2136–01) Extension of Designation of Nicaragua under TPS	05/08/01	66 FR 23271
TPS Notice (CIS No. 2148–01) Auto. Ext. of Work Authorization for Hondurans & Nicaraguans Under TPS	07/03/01	66 FR 35270
TPS Notice (CIS No. 2146–01) Extension of the Designation of Montserrat under TPS	08/03/01	66 FR 40834
TPS Notice (CIS No. 2162–01) Extension of Designation of Burundi under TPS	08/31/01	66 FR 46027
TPS Notice (CIS No. 2163–01) Extension of the Designation of Sierra Leone under TPS	08/31/01	66 FR 46029
TPS Notice (CIS No. 2164–01) Extension of Designation of Sudan under TPS	08/31/01	66 FR 46031
TPS Notice (CIS No. 2151–01) Extension of Redesignation of Somalia under TPS	09/04/01	66 FR 46288
TPS Notice (CIS No. 2114–01) Extension of the Designation of Angola under TPS	02/01/02	67 FR 4997
TPS Notice (CIS No. 2196–02) Extension of Designation of Nicaragua under TPS	05/03/02	67 FR 22450
TPS Notice (CIS No. 2197–02) Extension of the Designation Honduras under TPS	05/03/02	67 FR 22451
TPS Notice (CIS No. 2212–02) Extension of Designation of El Salvador under TPS	07/11/02	67 FR 46000
TPS Notice (CIS No. 2209–02) Extension of Designation of Montserrat	07/17/02	67 FR 47002
TPS Notice (CIS No. 2209–02) Extension of Designation of Montserrat under TPS	07/17/02	67 FR 47002
TPS Notice (CIS No. 2215–02) Extension of Designation of Somalia	07/26/02	67 FR 48950
TPS Notice (CIS 2226–02) Extension of the Designation of Sudan under TPS	08/30/02	67 FR 55877
TPS Notice (CIS No. 2225–02) Extension of Designation of Burundi under TPS	08/30/02	67 FR 55875
TPS Notice (CIS No. 2235–02) Designation of Liberia under TPS	10/01/02	67 FR 61664
TPS Notice (CIS No. 2237–02) Extension of TPS for Sierra Leone	10/31/02	67 FR 66423
TPS Notice (CIS No. 2229–02) Termination of Designation of Angola under TPS	01/27/03	68 FR 3896
TPS Notice (CIS No. 2314–04) Termination of the Designation of Montserrat	07/06/04	69 FR 40642
TPS Notice (CIS No. 2319–04) Extension of the Designation of Somalia	08/06/04	69 FR 47937
TPS Notice (CIS No. 2324–04) Termination and Redesignation of Liberia	08/25/04	69 FR 52297
TPS Notice (CIS 2325–04) Extension of the Designation of TPS for Burundi	10/07/04	69 FR 60165
TPS Notice (CIS 2322–04) Extension and Redesignation of TPS for Sudan	10/07/04	69 FR 60168
TPS Notice (CIS 2331–04) Extension of the Designation of TPS for Honduras; . . .	11/03/04	69 FR 64084
TPS Notice (CIS 2332–04) Extension of the Designation of TPS for Nicaragua;. . .	11/03/04	69 FR 64088
TPS Notice (CIS 2337–04) Extension of the Designation of TPS for El Salvador	01/07/05	70 FR 1451
Next Action Undetermined		

DHS—USCIS

Long-Term Actions

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: The Secretary may designate other countries for TPS.

CIS Nos. 1608, 1612, 1832-97, 1853-97 and 1877-97.

CIS No. 1608 issued as an interim final rule on 11/5/93 at 58 FR 58935

Transferred from RIN 1115-AE26

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA04

1156. PETITIONS FOR ALIENS TO PERFORM TEMPORARY NONAGRICULTURAL SERVICES OR LABOR (H–2B)

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1281; 8 USC 1282

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: The Department of Homeland Security, after consulting with the Department of Labor and the Department of State, is proposing significant changes to its regulations that are designed to increase the effectiveness of the H-2B nonimmigrant classification. These proposals will increase the usefulness of the program for U.S. employers by eliminating certain regulatory barriers, by adding protections for foreign workers, and increasing Government efficiency and coordination.

Timetable:

Action	Date	FR Cite
NPRM	01/27/05	70 FR 3983
NPRM Comment Period End	02/28/05	
Comment Period Extended	03/09/05	70 FR 11585
NPRM Comment Period End	04/08/05	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: CIS No. 2228-02

Transferred from RIN 1115-AG78

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AA82

Department of Homeland Security (DHS)
U.S. Citizenship and Immigration Services (USCIS)

Completed Actions

1157. ADDING ACTUARIES AND PLANT PATHOLOGISTS TO THE NORTH AMERICAN FREE TRADE AGREEMENT

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1281; 8 USC 1282

CFR Citation: 8 CFR 214.6

Legal Deadline: None

Abstract: The rule proposes to amend 8 CFR 214.6 by adding the occupations of actuary and plant pathologists to appendix 1603.D.1. This rule proposes to modify the licensure requirements for Canadian citizens seeking admission to the United States as a TN nonimmigrant category alien. These amendments are being proposed to reflect the agreements made among the three parties to the North American Free Trade Agreement.

Timetable:

Action	Date	FR Cite
NPRM	12/19/00	65 FR 79320
NPRM Comment Period End	02/20/01	
Final Action	10/13/04	69 FR 60939
Final Action Effective	11/12/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2068-00

Transferred from RIN 1115-AF85

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AA38

1158. ADOPTION OF SIBLINGS; ADOPTED ALIEN CHILDREN LESS THAN 18 YEARS OF AGE CONSIDERED A ''CHILD''

Priority: Other Significant

Legal Authority: PL 106–139; 8 USC 1103; 8 CFR 2

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: This proposed rule changes the definition of an adopted ''child'' or ''orphan'' from 16 years old to 18 years old in cases where the alien has a younger sibling, under the age of 16, who is also the subject of an orphan petition held by the same U.S. citizen or lawful permanent resident. The change is necessary to conform the regulations to the statutory eligibility changes made by Public Law 106-139. This change allows natural siblings, who might otherwise be separated, to be adopted together into the family of a citizen or lawful permanent resident of the United States.

Timetable:

Action	Date	FR Cite
Withdrawn	02/23/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2110-01

Transferred from RIN 1115-AG04

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514–4754
Email: pearl.chang@dhs.gov

RIN: 1615–AA50

1159. IMPLEMENTATION OF THE AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES REGARDING ASYLUM CLAIMS

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282

CFR Citation: 8 CFR 208

Legal Deadline: None

Abstract: The terms of a recently signed agreement between the United States and Canada bar certain categories of aliens arriving from Canada at land border ports-of-entry and in transit from Canada from formally applying for protection in the United States. The Department of Homeland Security proposes to amend the asylum regulations to establish the U.S. Citizenship and Immigration Services asylum officers' authority to make threshold determinations concerning the applicability of the agreement in the expedited removal context. DHS is proceeding with final rulemaking to implement this agreement by the end of calendar year 2004.

Timetable:

Action	Date	FR Cite
NPRM	03/08/04	69 FR 10620
NPRM Comment Period End	03/07/04	
Final Action	11/29/04	69 FR 69479
Final Action Effective	12/29/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2255-03

Transferred from RIN 1115-AG95

Agency Contact: Joanna Ruppel, Deputy Director, Asylum Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 3rd Floor, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272–1625
Fax: 202 272–1687
Email: joanna.ruppel@dhs.gov

RIN: 1615–AA91

1160. SUNSET OF ADDITIONAL $1,000 FILING FEE AND RETURN TO 65,000 ANNUAL LIMIT ON H–1B NONIMMIGRANT PETITION APPROVALS

Priority: Other Significant

Legal Authority: 5 USC 301; 5 USC 552; 5 USC 552a; 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1281; 8 USC 1282; 8 USC 1301 to 1305; 8 USC 1356; 8 USC 1372; PL 105–277; PL 106–311; PL 106–313; . . .

CFR Citation: 8 CFR 103; 8 CFR 214

Legal Deadline: None

Abstract: The American Competitiveness and Workforce Improvement Act, Public Law 105-277, temporarily increased the number of temporary skilled personnel admitted to the United States under the H-1B program, and imposed an additional fee for petitioning employers. The increase in temporary workers and additional fee sunset on October 1, 2003. Accordingly, this final rule amends DHS regulations by removing references to the additional filing fee for certain H-1B nonimmigrant petitions. This final rule also removes language related to the annual H-1B numerical limit.

Timetable:

Action	Date	FR Cite
Withdrawn	02/23/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2286-03

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AB10

1161. • PETITIONS FOR ALIENS TO PERFORM TEMPORARY NONAGRICULTURAL SERVICES OR LABOR (H–2B)

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; . . .

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: An H-2B alien is someone who comes temporarily to the United States to perform temporary nonagricultural labor or services. The Department of Homeland Security (DHS), after consulting with the Department of Labor (DOL) and the Department of State (DOS), is proposing significant changes to its regulations that are designed to increase the effectiveness of the H-2B nonimmigrant classification. This proposed rule will facilitate use of the H-2B program by U.S. employers who are unable to find U.S. workers to perform the temporary labor or services for which the H-2B nonimmigrant is sought. Through this proposed rule, DHS has created a one-step application process whereby certain U.S. employers seeking H-2B temporary workers now will only be required to file one application: Form I-129, Petition for Nonimmigrant Worker, which will include a modified H supplement containing certain labor attestations. With limited exceptions, U.S. employers will no longer need to file for or receive a labor certification from the Department of Labor. In addition, DHS is reducing significantly the paper-based application process by now requiring that most Form I-129 petitions (including the H supplement) be submitted to U.S. Citizenship and Immigration Services (CIS) electronically, through e-filing. DHS

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Completed Actions

anticipates that this one-step process and the e-filing will enhance the effectiveness of the H-2B program, reduce costs and delays associated with separate CIS petition adjudication and DOL labor certification processes, and will match a U.S. employer with a qualified H-2B worker in a more timely fashion. Finally, this proposed rule makes changes that will maintain the integrity of the program through enforcement mechanisms while retaining the current definition of the word ''temporary'' in 8 CFR 214.2(h)(6)(ii) in order to ensure continued availability of the program to its traditional users. These proposals will increase the efficiency of the program by eliminating certain regulatory barriers, and improve Government coordination.

Timetable:

Action	Date	FR Cite
NPRM	01/27/05	70 FR 3983
Withdrawn	03/15/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DHS 2004-0033

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

Related RIN: Previously reported as 1615–AA82

RIN: 1615–AB30

Department of Homeland Security (DHS)
U.S. Coast Guard (USCG)

Proposed Rule Stage

1162. CLAIMS PROCEDURES UNDER THE OIL POLLUTION ACT OF 1990 (USCG–2004–17697)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 2713; 33 USC 2714

CFR Citation: 33 CFR 136

Legal Deadline: None

Abstract: This rulemaking implements section 1013 (Claims Procedures) and section 1014 (Designation of Source and Advertisement) of the Oil Pollution Act of 1990. An interim rule was published in 1992 and provides the basic requirements for the filing of claims for uncompensated removal costs or damages resulting from the discharge of oil, for the designation of the sources of the discharge, and for the advertisement of where claims are to be filed. The interim rule also includes the processing of natural resource damage (NRD) claims. The NRD claims, however, were not processed until September 25, 1997, when the Department of Justice issued an opinion that the Oil Spill Liability Trust Fund (OSLTF) is available without further appropriation to pay trustee NRD claims under the general claims provisions of the Oil Pollution Act (OPA) of 1990, 33 U.S.C. 2712(a)(4). Release of this more comprehensive notice of proposed rulemaking has been delayed while the Coast Guard gained experience on NRD claims, as well as other OPA damages. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

Timetable:

Action	Date	FR Cite
Interim Rule	08/12/92	57 FR 36314
Correction	09/09/92	57 FR 41104
Interim Rule Comment Period End	12/10/92	
NPRM	10/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: Transferred from RIN 2115-AD90

Agency Contact: Carolyn R. Boltin, Project Manager, National Pollution Fund Center, Department of Homeland Security, U.S. Coast Guard, 4200 Wilson Boulevard, Arlington, VA 22203
Phone: 202 493–6864

RIN: 1625–AA03

1163. WEARING OF PERSONAL FLOTATION DEVICES BY PERSONS OPERATING OR RIDING ON PERSONAL WATERCRAFT OR BEING TOWED BEHIND RECREATIONAL VESSELS (USCG–2002–11421)

Priority: Other Significant

Legal Authority: 46 USC 4302

CFR Citation: 33 CFR 175

Legal Deadline: None

Abstract: This rule would require every person to wear a personal flotation device (PFD)—also called a lifejacket—while operating or riding on personal watercraft (PWC) or being towed behind a recreational vessel. On waters subject to the jurisdiction of the United States within any State or territory, the rule would not preempt any requirement established for such persons as specified by the State. The rule would set a Federal requirement on waters subject to the jurisdiction of the United States within any State or territory. The new requirement would reduce the number of persons who drown while participating in these activities. This project supports the Coast Guard's strategic goal of maritime safety.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	
NPRM Comment Period End	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG32

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: Carlton Perry, Project Manager, G–OPB–1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–0979

RIN: 1625–AA40

1164. TRAFFIC SEPARATION SCHEMES: IN THE STRAIT OF JUAN DE FUCA AND ITS APPROACHES; IN PUGET SOUND AND ITS APPROACHES; IN HARO STRAIT, BOUNDARY PASS, AND IN THE STRAIT OF GEORGIA (USCG–2002–12702)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1223

CFR Citation: 33 CFR 167

Legal Deadline: None

Abstract: This rulemaking will propose amendments to the existing traffic separation schemes (TSS): in the Strait of Juan de Fuca and its approaches; in Puget Sound and its approaches; in Haro Strait, Boundary Pass, and in the Strait of Georgia. These amendments are approved by the International Maritime Organization and have been validated by several recent vessel routing studies. With the amendments in place, commercial vessels would be routed farther offshore when entering or departing the TSS, providing an extra margin of safety and environmental protection in the Olympic Coast National Marine Sanctuary and adjacent waters. This rulemaking will incorporate the modified TSS into the Code of Federal Regulations. This project supports the Coast Guard's strategic goals of safety and protecting the marine environment.

Timetable:

Action	Date	FR Cite
NPRM	08/27/02	67 FR 54981
NPRM Comment Period End	10/28/02	
Supplemental NPRM	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Tribal

Additional Information: Based on comments received in response to the notice of proposed rulemaking (NPRM), the agency has decided to develop and publish a supplemental NPRM.

Transferred from RIN 2115-AG45

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: George Detweiler, Project Manager G–MWV, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–0574

RIN: 1625–AA48

1165. VESSEL TRAFFIC SERVICE LOWER MISSISSIPPI RIVER (USCG–1998–4399)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1223(a)

CFR Citation: 33 CFR 26; 33 CFR 161; 33 CFR 165

Legal Deadline: None

Abstract: This project proposes to establish a new Vessel Traffic Service (VTS) area in the Lower Mississippi River region. This Vessel Traffic Service Area (VTSA) will span from 20 miles north of Baton Rouge (mile 255 Above Head of Passes (AHP)) out to sea, including the South and Southwest Pass. As part of the VTSA, a VTS Special Area will be designated between mile 93.5 and 95 AHP. Unlike traditional VTSs, which are based on radar and video surveillance and rely on voice communications by VHF-FM radio, when fully operational VTS Lower Mississippi River will use Automatic Identification System transponder technology to perform the majority of both surveillance and information exchange. This rulemaking supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	04/26/00	65 FR 24616
NPRM Comment Period End	07/25/00	
NPRM Comment Period Reopened	08/18/00	65 FR 50479
NPRM Comment Period End	12/01/00	
Second NPRM	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: This project was originally entitled ''Vessel Traffic Service Lower Mississippi/Automatic Identification System Carriage Requirement.'' The VTS LMR will retain RIN 1625-AA58. The AIS carriage requirement was developed in a separate rulemaking (see USCG-2003-14757, RIN 1625-AA67).

Transferred from RIN 2115-AF75

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: Jorge Arroyo, Project Manager, G–MWV, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–6277

RIN: 1625–AA58

1166. ESCORT VESSELS FOR CERTAIN TANKERS—CRASH STOP CRITERIA (USCG–2003–14734)

Priority: Substantive, Nonsignificant

Legal Authority: PL 101–380, sec 4116(c) (codified as 46 USC 3703 note)

CFR Citation: 33 CFR 168

Legal Deadline: None

Abstract: This rulemaking would remove the suspension of 33 CFR 168.50(b)(2) made in 1994 by related rulemaking RIN 1625-AA05, and would finalize that provision's status either by allowing it to take effect, by amending it, or by removing it. This project would support the Coast Guard's strategic goals of maritime safety and maritime mobility.

Timetable:

Action	Date	FR Cite
NPRM	03/28/05	70 FR 15609
NPRM Comment Period End	06/27/05	
Final Rule	10/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: This project is related to RIN 1625-AA05 (Escort Vessels for Certain Tankers, CGD91-202). RIN 1625-AA05 promulgated 33 CFR part 168, but suspended one provision, 33 CFR 168.50(b)(2), before it ever took effect. Suspension is not a final action. Final action in RIN 1625-AA05 took place before the Coast Guard's participation in the Department of Transportation's Docket Management System (DMS). DMS is an electronic docketing system that provides the public with computerized access to Coast Guard rulemaking documents, but it does not support older Coast Guard docket numbers like CGD91-202 (the Coast Guard docket number

equivalent for RIN 1625-AA05). Consequently, the rulemaking docket for RIN 1625-AA05 is available only in paper form and must be viewed at Coast Guard Headquarters (contact the Office of Regulations and Administrative Law, G-LRA, at 202-267-1534). In order to finalize RIN 1625-AA05 in a way that is accessible to the public through DMS, the Coast Guard decided to open this rulemaking, RIN 1625-AA65, under a DMS-compatible Coast Guard docket number, USCG-2003-14734. All publications under RIN 1625-AA65 will appear electronically in the DMS docket. In addition, for ease of reference, we will scan relevant paper documents from RIN 1625-AA05 into the electronic DMS docket for RIN 1625-AA65, as supplemental materials.

Agency Contact: LT Sam Stevens, Project Manager, G–MSE–1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., 2100 Second Street SW., Washington, DC 20593
Phone: 202 267–0173

Related RIN: Related to 1625–AA05, Related to 1625–AA10

RIN: 1625–AA65

1167. ADMINISTRATIVE CHANGES TO NUMBERING OF VESSELS AND REPORTING OF CASUALTIES (USCG–2003–14963)

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 9701; 46 USC 2110; 46 USC 4302; 46 USC 4310; 46 USC 6101; 46 USC 6102; 46 USC 12301; 46 USC 12302; 46 USC 12502; PL 100–710; DHS Security Delegation No. 0170.1

CFR Citation: 33 CFR 173; 33 CFR 174; 33 CFR 181

Legal Deadline: None

Abstract: This rulemaking would amend the Coast Guard's rules on States' numbering of undocumented vessels and on the reporting of accidents. It would harmonize terminology governing the Standard Numbering System, the Vessel Identification System, and the Casualty or Accident Report to help us collect better data, process them more efficiently, and use them more effectively to prevent boating accidents. This project supports the Coast Guard's strategic goals of maritime safety and maritime security.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jeanne Timmons, Project Manager, G–OPB–1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–0857

RIN: 1625–AA70

1168. COMMERCIAL FISHING INDUSTRY VESSELS (USCG–2003–16158)

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 46 USC 4502(a) to 4502(d)

CFR Citation: 46 CFR 28

Legal Deadline: None

Abstract: This rulemaking would add new and clarify existing rules for commercial fishing vessels in 46 CFR part 28. It would also establish rules on stability and watertight integrity for fishing vessels under 79 feet in length and institute regulations for the carriage of immersion suits in seasonally cold waters. To improve crew preparedness in case of an emergency, this project would also add requirements such as mandatory logging of already required drills, providing evidence of training, and ensuring that personnel required to be trained are current in their training. The project would amend 46 CFR part 28 to clarify and improve the consistency of the regulatory language so to aid in vessels compliance with the existing rules. This rulemaking supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal, Tribal

Agency Contact: LT Kenneth Vazquez, Project Manager, G–MOC–3, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267–0478

RIN: 1625–AA77

1169. POLLUTION PREVENTION EQUIPMENT (USCG–2004–18939)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 33 USC 1903; 46 USC 3703; DHS Delegation No. 0170.1

CFR Citation: 33 CFR 151; 33 CFR 155; 33 CFR 157; 46 CFR 162

Legal Deadline: None

Abstract: This rulemaking would revise the Coast Guard's pollution prevention equipment (PPE) regulations to reflect and implement International Convention for the Prevention of Pollution from Ships (MARPOL) Annex I, Regulations for the Prevention of Pollution guidelines and specifications that Member States are invited to make applicable on or after January 1, 2005. The new standards will require equipment designed to reduce the amount of oil discharged from ships and eliminate the need for ozone-depleting solvents to test this equipment for approval. Additionally, this rulemaking proposes the removal of the bilge monitor standard to better align the 46 CFR subpart 162.050 regulations with the IMO PPE guidelines. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State

Agency Contact: LT George Grills, Project Manager (G–MSE–3), Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 29593–0001
Phone: 202 267–6640
Email: ggrills@comdt.uscg.mil

RIN: 1625–AA90

1170. • NAVIGATION EQUIPMENT; SOLAS CHAPTER V AMENDMENTS (USCG–2004–19588)

Priority: Routine and Frequent. Major status under 5 USC 801 is undetermined.

Legal Authority: 33 USC 1223(a)(3); 46 USC 3306(a)(1); 46 USC 3703

CFR Citation: 33 CFR 164; 46 CFR 165; 46 CFR 159

Legal Deadline: None

Abstract: This rulemaking project would add new, and clarify existing navigation safety equipment regulations in 33 CFR part 164. This project would also create a new 46 CFR part 165, and a new subpart: 46 CFR part 159, subpart 159.008. These new title 46 regulations would provide for specific type-approval procedures and quality assurance processes, respectively, to require uniform function and capability of equipment across a myriad of manufacturers. These changes would reconcile existing domestic safety navigation regulations with SOLAS Chapter V navigation safety regulations amended in 2000. By making these revisions to 33 CFR and 46 CFR, we would fulfill the United States' obligations as an International Maritime Organization Contracting Government to implement SOLAS Chapter V as amended for U.S. flag vessels and other vessels operating on navigable waters of the United States to which these SOLAS amendments apply. This project supports the Coast Guard's strategic goals of maritime safety and mobility.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: LCDR James Rocco, Project Manager, G–MWV–2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267–0550

RIN: 1625–AA91

1171. • ALTERNATE COMPLIANCE PROGRAM: VESSEL INSPECTION ALTERNATIVES

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 33 USC 1903; 43 USC 1333; 46 USC 3703; . . .

CFR Citation: 46 CFR 2; 46 CFR 8; 46 CFR 115; 46 CFR 176; 46 CFR 189

Legal Deadline: None

Abstract: This rulemaking will conform the Coast Guard's Small Passenger Vessel carrying more than 150 passengers, Small Passenger Vessel under 100 Gross Tons, and Oceanographic Research Vessel regulations contained in 46 CFR Parts 115, 176, and 189 (Subchapters K, T, and U) with the Alternate Compliance Program (ACP) applicability guidelines set forth in 46 CFR 8.410. This action will expand the ACP to include all small passenger vessels on International Voyages, and oceanographic research vessels. This project will also expand the number of certificates an authorized classification society may issue under ACP to include the SOLAS Passenger Ship Safety Certificate and the IMO High-Speed Craft Safety Certificate as well as update the ''Incorporation by reference'' list in 46 CFR 8.110 to reflect the numerous class society rules and supplements that have been approved since 1998. This rulemaking is intended to expand the benefits available under the ACP. This project supports the Coast Guard's strategic goals of facilitating maritime safety and mobility.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: LT William Nabach, Department of Homeland Security, U.S. Coast Guard, 2100 2nd Street SW., Washington, DC 20593
Phone: 202 267–4004

RIN: 1625–AA92

1172. • VESSEL DOCUMENTATION: LEASE FINANCING FOR VESSELS ENGAGED IN THE COASTWISE TRADE

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 12106

CFR Citation: 46 CFR 67; 46 CFR 68

Legal Deadline: Final, Statutory, August 9, 2005.

Abstract: The Coast Guard proposes to amend its regulations on the documentation of foreign-owned, U.S.-built vessels that are lease financed by demise charter to a U.S. citizen for use in the coastwise trade. These proposals address amendments under the Coast Guard and Maritime Transportation Act of 2004.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Thomas Willis, Project Manager, NVDC, Department of Homeland Security, U.S. Coast Guard, 792 TJ Jackson Drive, Falling Waters, WV 25419
Phone: 304 271–2506

RIN: 1625–AA95

1173. • WAIVER FOR MARKING SUNKEN VESSELS WITH LIGHT AT NIGHT (USCG–2005–20488)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 409

CFR Citation: 33 CFR 64

Legal Deadline: None

Abstract: The proposed rulemaking would implement new legislation that allows the Coast Guard the option to waive the requirement for an owner of a vessel wrecked and sunk in a navigable channel to mark it with a light at night. The proposed rulemaking would meet the Commandant's objectives of maritime safety, maritime mobility, and protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: No

DHS—USCG

Proposed Rule Stage

Small Entities Affected: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Daniel Andrusiak, Project Manager, G–OPN–2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–0327

RIN: 1625–AA97

Department of Homeland Security (DHS)
U.S. Coast Guard (USCG)

Final Rule Stage

1174. REPORTING MARINE CASUALTIES (USCG–2000–6927)

Priority: Other Significant

Legal Authority: 46 USC 6101; 33 USC 1901 et seq

CFR Citation: 33 CFR 151; 46 CFR 4

Legal Deadline: None

Abstract: This action would add to the definition of a reportable marine casualty, ''significant harm to the environment.'' Some casualty reporting requirements are extended to include foreign tank vessels operating in U.S. waters, including the Exclusive Economic Zone. This project supports the Coast Guard's Marine Safety and Environmental Protection program's goal to reduce the consequence of pollution incidents and further supports the Coast Guard's strategic goal of protection of natural resources.

Timetable:

Action	Date	FR Cite
Request for Comments	12/20/94	59 FR 65522
Comment Period End	02/20/95	
NPRM	11/02/00	65 FR 65808
Supplemental NPRM	07/12/01	66 FR 36530
Supplemental NPRM Comment Period End	09/10/01	
Final Rule	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AD98

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: LCDR Kelly Post, Project Manager, G–MOA–1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW, Washington , DC 20593
Phone: 202 267–1418

RIN: 1625–AA04

1175. LIMITED SERVICE DOMESTIC VOYAGE LOAD LINES FOR RIVER BARGES ON LAKE MICHIGAN (USCG–1998–4623)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 51

CFR Citation: 46 CFR 45

Legal Deadline: None

Abstract: This regulatory project will allow certain unmanned dry cargo river barges operating on Lake Michigan to be exempted from the normal Great Lakes load line requirements. Instead, they may qualify for a conditional load line exemption, or for a limited service domestic voyage load line (depending on which Lake Michigan route). This rulemaking pertains to two specific routes: Chicago to Milwaukee, and Chicago to Muskegon. This will allow certain non-hazardous cargoes originating at inland river ports to be transported as far as Milwaukee and Muskegon by river barge, thereby benefiting from the relatively low cost per ton-mile of river barge transportation. Compliance is not mandatory other than for those river barge operators who voluntarily seek to expand their operations onto these routes. This rulemaking supports the Coast Guard's strategic goals of maritime safety and maritime mobility.

Timetable:

Action	Date	FR Cite
NPRM	11/02/98	63 FR 58679
NPRM Comment Period Extended	12/28/98	63 FR 71411
Comment Period End	01/04/99	
NPRM Comment Period End	03/04/99	
Interim Final Rule	04/23/02	67 FR 19685
Interim Final Rule Effective	05/23/02	
Collection of Information Sections Effective	06/20/02	
Interim Final Rule—Announcement of Effective Date of COI Sections	06/20/02	67 FR 41847
Interim Final Rule Comment Period End	10/23/02	
Final Rule	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: Old Docket Number CGD 95-015.

Transferred from RIN 2115-AF38

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: Thomas Jordan, Project Manager, G–MSE–2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–2988

RIN: 1625–AA17

1176. OUTER CONTINENTAL SHELF ACTIVITIES (USCG–1998–3868)

Priority: Substantive, Nonsignificant

Legal Authority: 43 USC 1333(d)(1); 43 USC 1348(c); 43 USC 1356

CFR Citation: 33 CFR 140 to 147

Legal Deadline: None

Abstract: This project would revise the regulations on Outer Continental Shelf (OCS) activities to: 1) add new requirements for fixed OCS facilities for lifesaving, fire protection, training, hazardous materials used as stores, and accommodation spaces; 2) require foreign vessels engaged in OCS activities to comply with requirements similar to those imposed on U.S. vessels similarly engaged; and 3) allow all mobile inland drilling units to operate on the OCS out to a defined boundary line if they meet requirements for lifesaving, firefighting, and operations similar to those for

fixed OCS facilities. This project would affect the owners and operators of facilities and vessels engaged in offshore activities associated with the exploration for, development of, or production of the resources of the OCS. The preliminary estimate of costs imposed by these amendments varies according to the unit. The Coast Guard is consulting with the Minerals Management Service, part of the Department of the Interior. It supports the Coast Guard's strategic goal of marine safety and environmental protection.

Timetable:

Action	Date	FR Cite
Request for Comments	06/27/95	60 FR 33185
Comment Period End	09/25/95	
NPRM	12/07/99	64 FR 68416
NPRM Correction	02/22/00	65 FR 8671
NPRM Comment Period Extended	03/16/00	65 FR 14226
NPRM Comment Period Extended	06/30/00	65 FR 40559
NPRM Comment Period End	11/30/00	
Final Rule	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: The notice of request for comments published June 27, 1995, was assigned Coast Guard docket number 95-016. Following the request for comments, that docket was terminated. This project continues under Docket No. USCG-1998-3868 and RIN 1625-AA18.

Transferred from RIN 2115-AF39

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: James Magill, Project Manager, G–MSO–2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–1082

RIN: 1625–AA18

1177. ANCHORAGE GROUND; SAFETY ZONE; SPEED LIMIT; TONGASS NARROWS AND KETCHIKAN, ALASKA (CGD17–99–002)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 471; 33 USC 1231; 33 USC 2071

CFR Citation: 33 CFR 162; 33 CFR 165; 33 CFR 110

Legal Deadline: None

Abstract: This rulemaking would grant an exemption from the present 7-knot speed limit in Tongass Narrows, Alaska, for float plane take-off and landing and vessels 23 feet in length or less. The geographic area for the speed limit would be expanded. A safety zone used for cruise ship anchorages would be redesignated as an anchorage area to reflect actual usage of the area and transiting vessels would be required to move quickly and directly through the anchorage, without rapid course changes, to increase safety. This project supports the Coast Guard's strategic goal of marine safety.

Timetable:

Action	Date	FR Cite
NPRM	03/25/99	64 FR 14414
NPRM Comment Period End	05/10/99	
Interim Final Rule	06/02/99	64 FR 29554
Interim Final Rule Comment Period End	11/30/99	
Interim Final Rule	04/07/00	65 FR 18242
Interim Final Rule Comment Period End	10/31/00	
Notice to Reopen Comment Period	10/21/03	68 FR 60034
Comment Period End	12/22/03	
Final Rule	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AF81

Agency Contact: LT Gary Koehler, MSO, Juneau, Alaska, Department of Homeland Security, U.S. Coast Guard, 2760 Sherwood Lane, Suite 2A, Juneau, AK 99801
Phone: 907 463–2470

RIN: 1625–AA23

1178. POST CASUALTY DRUG AND ALCOHOL TESTING (USCG–2001–8773)

Priority: Other Significant

Legal Authority: PL 105–383, sec 304

CFR Citation: 46 CFR 4

Legal Deadline: None

Abstract: This project will revise the requirements for chemical testing following a serious marine incident. The revision will establish procedures to ensure that alcohol testing be conducted within two hours of a serious marine incident, as required by the Coast Guard Authorization Act of 1998. The rule will also make additional minor procedural changes to the part. This rule supports the Coast Guard strategic goal of maritime safety.

Timetable:

Action	Date	FR Cite
NPRM	02/28/03	68 FR 9622
NPRM Comment Period End	06/30/03	
Notice of Public Meeting; Reopening of Comment Period	08/25/03	68 FR 50992
NPRM; Reopening of Comment Period	10/21/03	68 FR 60073
Comment Period End	11/20/03	
Final Rule	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: Transferred from RIN 2115-AG07

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: Robert C. Schoening, Project Manager, G–MOA–1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Room 2406, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–0684
Email: rschoening@comdt.uscg.mil

RIN: 1625–AA27

1179. ELECTRONIC CHART DISPLAY AND INFORMATION SYSTEM (ECDIS) (USCG–2001–8826)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1223; 33 USC 1231; 46 USC 2103; 46 USC 3703; 46 USC 6101; 46 USC 8502

CFR Citation: 33 CFR 164

Legal Deadline: None

Abstract: This rule would allow commercial vessels the option of using an IMO-approved Electronic Charting Display and Information System (ECDIS) as a primary means of navigation in U.S. waters instead of paper charts. Compliance with this rule would be optional; any vessel choosing not to use such an ECDIS must continue to navigate using corrected and updated printed charts and publications. This rule supports the Coast Guard's strategic goal of maritime safety.

Timetable:

Action	Date	FR Cite
ANPRM	05/02/01	66 FR 21899
ANPRM Comment Period End	07/02/01	
Notice of Withdrawal	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: This rulemaking has been merged with 1625-AA91, Navigation Equipment; SOLAS Chapter V Amendments.

Transferred from RIN 2115-AG09

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: LCDR James Rocco, Project Manager, G–MWV–2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267–0550

RIN: 1625–AA29

1180. DRAWBRIDGE OPERATIONS REGULATIONS; REVISIONS (USCG–2001–10881)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 499

CFR Citation: 33 CFR 117

Legal Deadline: None

Abstract: The Coast Guard is proposing changes to its drawbridge regulations that provide guidance for general requirements relating to the use and operation of drawbridges. This project will create a new deviation for short-term closures, provide Coast Guard Eighth District Bridges Administration St. Louis, MO, with a general bridge closure requirement during the winter season when navigation is reduced, and eliminate any unnecessary distinction between commercial and recreational vessels in subpart B. It will also make changes throughout part 117 to remove redundancies, make amendments and technical corrections, and remove special bridge regulations that are no longer functional. Corrections and clarification of these requirements will help to streamline the drawbridge regulatory process and should shorten and simplify part 117 for the reader. This rulemaking supports the Coast Guard's strategic goal of maritime mobility.

Timetable:

Action	Date	FR Cite
NPRM	04/17/03	68 FR 18922
NPRM Comment Period End	06/02/03	
Final Rule	09/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG27

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: J. Christopher Jaufmann, Project Manager (G–OPT–1), Department of Homeland Security, U.S. Coast Guard, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–0377

RIN: 1625–AA36

1181. RATES FOR PILOTAGE ON THE GREAT LAKES (USCG–2002–11288)

Priority: Other Significant

Legal Authority: 46 USC 9303(f)

CFR Citation: 46 CFR 401

Legal Deadline: None

Abstract: The Coast Guard conducts an annual review of the Great Lakes Pilotage based on the ''Ratemaking Analyses and Methodology'' published in the Federal Register on May 9, 1996. Depending on the results of this review, the Coast Guard can make rate adjustments in accordance with 46 CFR part 404, appendix A, step 7. Or, if the director determines that pilotage rates are within a reasonable range of their target, make no adjustments. This rulemaking may take place annually. It supports the Coast Guard's strategic goal of maritime mobility.

Timetable:

Action	Date	FR Cite
NPRM	01/23/03	68 FR 3202
NPRM Comment Period Extended	02/14/03	68 FR 7489
NPRM Comment Period Extended	04/01/03	68 FR 15697
NPRM Correction	04/01/03	
Public Meeting (04/14)	04/01/03	
NPRM Comment Period End	05/01/03	
Interim Rule	12/12/03	68 FR 69564
Interim Rule Comment Period End	02/10/04	
Interim Rule	03/10/05	70 FR 12082
Interim Rule Correction	03/21/05	70 FR 13574
Interim Rule Correction	03/29/05	70 FR 15779
Interim Final Rule Effective	04/11/05	
Interim Final Rule Comment Period End	06/08/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG30

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: Paul Wasserman, Project Manager, G–MW–1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267–2856

RIN: 1625–AA38

1182. REVIEW AND UPDATE OF STANDARDS FOR MARINE EQUIPMENT (USCG–2003–16630)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 4102; 46 USC 4302

CFR Citation: 46 CFR 32; 46 CFR 50; 46 CFR 52; 46 CFR 54; 46 CFR 56; 46 CFR 58; 46 CFR 62; 46 CFR 63; 46 CFR 110 to 113; 46 CFR 182

Legal Deadline: None

Abstract: This project would incorporate national and international standards for certain marine equipment and marine electrical equipment into title 46 of the Code of Federal Regulations (CFR). These standards would replace long-outdated ones, or update standards that were superseded fairly recently. The Coast Guard has actively participated in the development of national and international standards of safety for marine equipment through the International Maritime Organization, the International Organization for Standardization, and the American Society for Testing and Materials, as well as through other standards-setting bodies under the American National Standards Institute. We would incorporate these standards into the appropriate parts of title 46.

Timetable:

Action	Date	FR Cite
NPRM	06/30/04	69 FR 39742
NPRM Comment Period End	09/28/04	
Final Rule	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Thane Gilman, Project Manager, G–MSE, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267–6048
Email: tgilman@comdt.uscg.mil

RIN: 1625–AA83

1183. VALIDATION OF MERCHANT MARINERS' VITAL INFORMATION AND ISSUANCE OF COAST GUARD MERCHANT MARINER'S LICENSES AND CERTIFICATES OF REGISTRY (USCG–2004–17455)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 2103; DHS Delegation No. 0170.1, para (92)

CFR Citation: 46 CFR 10

Legal Deadline: None

Abstract: This rule would impose certain security-related requirements in order to obtain a license or certificate of registry. Applicants would be required to appear in person at least once during the application process, to provide two acceptable forms of identification, and be fingerprinted by Coast Guard personnel.

Timetable:

Action	Date	FR Cite
Interim Rule	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Gerald P. Miante, Project Manager, G–MSO–1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–0221

RIN: 1625–AA85

1184. • NOTIFICATION OF ARRIVAL IN U.S. PORTS; CERTAIN DANGEROUS CARGOES; ELECTRONIC SUBMISSION (USCG–2004–19963)

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 33 USC 1226; 46 USC ch 701; 50 USC 191; 33 CFR 1.05–1; 33 CFR 6.04–11; 33 CFR 6.14; 33 CFR 6.16; 33 CFR 6.19; DHS Delegation No. 0170.1; 33 USC 1223

CFR Citation: 33 CFR 160; 33 CFR 104; 33 CFR 105

Legal Deadline: None

Abstract: This rulemaking project would permanently revise the Notice of Arrival (NOA) regulation, 33 CFR part 160, subpart C, by: 1) adding to the list of certain dangerous cargo (CDC) ammonium nitrate and certain ammonium nitrate based fertilizers, in bulk, as well as propylene oxide, alone or mixed with ethylene oxide, in bulk; and 2) adding two options for vessels to submit NOAs electronically. In addition, the proposed rule would clarify that foreign, but not U.S., recreational vessels must submit NOAs. The rulemaking would also permanently revise 33 CFR parts 104 and 105 as necessary. This project supports the Coast Guard's strategic goals of maritime safety, maritime security, and protection of natural resources.

Timetable:

Action	Date	FR Cite
Interim Rule	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: LTJG James Stern, Project Manager, G–MPP, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267–0069

Related RIN: Related to 1625–AA41, Related to 1625–AA96

RIN: 1625–AA93

1185. • TANK LEVEL OR PRESSURE MONITORING DEVICES ON SINGLE–HULL TANK SHIPS AND SINGLE–HULL TANK BARGES CARRYING OIL OR OIL RESIDUE AS CARGO

Priority: Other Significant

Legal Authority: 33 USC 1231 ; 33 USC 1321; 33 USC 1321(J); EO 11735; 3 CFR, 1971–1075 Comp., p. 793; . . .

CFR Citation: 33 CFR 155; 33 CFR 156

Legal Deadline: None

Abstract: The Coast Guard is suspending the regulations in title 33 Code of Federal Regulations parts 155 and 156 for tank level or pressure monitoring (TLPM) devices published in the Federal Register of September 17, 2002 (67 FR 58515). Furthermore, we are seeking public comments on the status of TLPM technology development and the other means of detecting leaks from oil cargo tanks into the water. This rulemaking supports the Coast Guard's strategic goal of facilitating maritime transportation.

DHS—USCG

Final Rule Stage

Timetable:

Action	Date	FR Cite
Final Rule	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: Additional legal authority information: Sections 155.100 through 155.130, 150.350 through 155.400, 155.430, 155.440, 155.470, 155.1030(j) and (k); and 155.1065(g) are also issued under 33 U.S.C. 1903(b). Sections 155.480, 155.490, 155.750(e), and 155.775 are also issued under 46 U.S.C. 3703. 33 CFR 155.490 is also issued under the authority of 46 U.S.C. 4110(b).

Agency Contact: LCDR Roger K. Butturini, Project Manager, G–MSR–2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267–2857

RIN: 1625–AA94

Department of Homeland Security (DHS)
U.S. Coast Guard (USCG)

Long-Term Actions

1186. SAFETY ZONE REGULATIONS

Priority: Routine and Frequent

Legal Authority: 33 USC 1225; 33 USC 1231; 33 USC 1233

CFR Citation: 33 CFR 165

Legal Deadline: None

Abstract: The Coast Guard uses these routine and frequent regulations to establish control of access to areas to ensure the safety of events, vessels, or individuals. Many of these zones are of short duration, ranging from a few hours to a few days, and all are geographically limited in area. Safety zones, defined in 33 CFR 165.20, are established for events such as fireworks displays, high-speed races, bridge repairs, dredging, or salvage operations, or the transit of dangerous cargoes such as explosives or liquefied petroleum gas. Safety zones are promulgated by Captains of the Port or District Commanders. These routine and frequent rulemakings support the Coast Guard's strategic goals of marine safety, maritime mobility, and protection of natural resources. The total actions expected from May 1, 2005, to April 30, 2006, are 450.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Routine and frequent rulemakings issued under this RIN will each have an individual docket number.

Agency Contact: George Detweiler, Project Manager G–MWV, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–0574

RIN: 1625–AA00

1187. SPECIAL ANCHORAGE AREAS/ANCHORAGE GROUNDS REGULATIONS

Priority: Routine and Frequent

Legal Authority: 33 USC 471; 33 USC 2030; 33 USC 2035; 33 USC 2071

CFR Citation: 33 CFR 110

Legal Deadline: None

Abstract: These routine and frequent regulations are established where maritime and commercial interests require them for safety of navigation. Special anchorage areas are areas in which vessels of not more than 65 feet may anchor without displaying the required lights or sound signals. These special anchorage areas are limited geographically, and depending upon the purpose, establish both long- and short-term anchorages. Anchorage grounds are limited geographically, delineate the types and size of vessel which may use the anchorage, and may place time and other restrictions on its use. Special anchorage areas and anchorage grounds are promulgated by District Commanders in response to requests from appropriate officials. These routine and frequent rulemakings support the Coast Guard's strategic goal of marine safety. The total actions expected from May 1, 2005, to April 30, 2006, are 18.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Routine and frequent rulemakings issued under this RIN will have individual docket numbers.

Transferred from RIN 2115-AA98

Agency Contact: Ed LaRue, Project Manager, G–MWV, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267–0416
Email: elarue@comdt.uscg.mil

RIN: 1625–AA01

1188. DISCHARGE–REMOVAL EQUIPMENT FOR VESSELS CARRYING OIL (CGD 90–068)

Priority: Other Significant

Legal Authority: 33 USC 1321

CFR Citation: 33 CFR 155

Legal Deadline: Final, Statutory, August 18, 1992.

Abstract: The Oil Pollution Act of 1990 directed the President by August 18, 1992, to require periodic inspection of discharge-removal equipment to ensure that it is available in an emergency, and to require carriage of discharge-removal equipment by vessels operating in the navigable waters of the United States and carrying oil or hazardous substances. This action implemented those provisions. This project supports the Coast Guard's strategic goal of protection of natural resources. This project is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	08/30/91	56 FR 43534
ANPRM Comment Period End	10/16/91	

Action	Date	FR Cite
NPRM	09/29/92	57 FR 44912
NPRM Comment Period Extended	10/26/92	57 FR 48489
NPRM Comment Period End	10/29/92	
NPRM Comment Period Extended	11/16/92	
Interim Final Rule	12/22/93	58 FR 67988
Interim Final Rule Effective	01/21/94	
Correction	01/26/94	59 FR 3749
Interim Final Rule Comment Period End	02/22/94	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AD66

Agency Contact: David A. DuPont, Project Manager, G–MSR–2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–0971

RIN: 1625–AA02

1189. ESCORT VESSELS FOR CERTAIN TANKERS (CGD 91–202)

Priority: Other Significant

Legal Authority: PL 101–380, sec 4116(c) (codified as 46 USC 3703 note)

CFR Citation: 33 CFR 168

Legal Deadline: None

Abstract: This project promulgates 33 CFR part 168 and provides escort requirements for certain single-hull tankers in Prince William Sound and Puget Sound. It supports the Coast Guard's strategic goal of protecting natural resources, and is considered significant because of substantial public and State government interest.

Timetable:

Action	Date	FR Cite
NPRM	07/07/92	57 FR 30058
NPRM Comment Period End	09/08/92	
NPRM Comment Period Reopened	03/26/93	58 FR 16391
Notice of Public Hearings	04/29/93	58 FR 25959
Correction	05/19/93	58 FR 29157
NPRM Comment Period End	06/24/93	
Notice of Availability – Part 1 of Study	01/10/94	59 FR 1411
Final Rule	08/19/94	59 FR 42962
Final Rule – Suspension of Crash–Stop Provision	11/01/94	59 FR 54519
Final Rule – Partial Suspension Effective	11/17/94	
Final Rule Effective	11/17/94	
Notice of Availability – Part II of Study	02/01/95	60 FR 6345
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: This project (RIN 1625-AA05; transferred from RIN 2115-AA10 when Coast Guard transferred from the Department of Transportation to DHS) is related to RIN 1625-AA65 (Escort Vessels for Certain Tankers - Crash Stop Criteria, USCG-2003-14734). RIN 1625-AA05 promulgated 33 CFR part 168, but suspended one provision, 33 CFR 168.50(b)(2), before it ever took effect. Suspension is not a final action. Final action requires the Coast Guard to remove the suspension of 33 CFR 168.50(b)(2) and to determine its final status (either effective as promulgated, amended, or removed). All previous activity for RIN 1625-AA05 took place before the Coast Guard's participation in the Department of Transportation's Docket Management System (DMS). DMS is an electronic docketing system that provides the public with computerized access to Coast Guard rulemaking documents, but it does not support older Coast Guard docket numbers like CGD 91-202 (the Coast Guard docket number equivalent for RIN 1625-AA05). Consequently, the rulemaking docket for RIN 1625-AA05 is available only in paper form and must be viewed at Coast Guard Headquarters (contact the Office of Regulations and Administrative Law, G-LRA, at 202-267-1534). In order to finalize RIN 1625-AA05 in a way that is accessible to the public through DMS, the Coast Guard decided to open RIN 1625-AA65 under a DMS-compatible Coast Guard docket number, USCG-2003-14734, and to treat it as the rulemaking vehicle for resolving the status of 33 CFR 168.50(b)(2). All publications under RIN 1625-AA05 will appear electronically in the DMS docket. In addition, for ease of reference, we will scan relevant paper documents from RIN 1625-AA05 into the electronic DMS docket for RIN 1625-AA65, as supplemental materials.

ANALYSIS: Regulatory Evaluation, August 19, 1994, 59 FR 42962.

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: LT Sam Stevens, Project Manager, G–MSE–1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., 2100 Second Street SW., Washington, DC 20593
Phone: 202 267–0173

Related RIN: Related to 1625–AA10, Related to 1625–AA65

RIN: 1625–AA05

1190. STATE ACCESS TO THE OIL SPILL LIABILITY TRUST FUND (USCG–2004–19123)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 2712

CFR Citation: 33 CFR 133

Legal Deadline: NPRM, Statutory, February 18, 1991.

Abstract: Pursuant to the Oil Pollution Act of 1990 (OPA 90), this action specifies how the authority to obligate the pollution trust fund for oil spill response and clean-up efforts and to enter into agreements with the States will be exercised. The Coast Guard is evaluating the performance of the interim rule. This rulemaking supports the Coast Guard's strategic goal of the protection of natural resources.

Timetable:

Action	Date	FR Cite
Interim Rule	11/13/92	57 FR 53968
Interim Final Rule Comment Period End	02/11/93	
Supplementary NPRM	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: The rulemaking priority was downgraded from Other Significant to Substantive, Nonsignificant in the November 14,

1994, agenda. However, due to administrative error, the document erroneously reflected Other Significant in subsequent agenda entries.

Transferred from RIN 2115-AE19

This rulemaking was formerly docket number CGD92-014.

Agency Contact: Allen R. Thuring, Project Manager, National Pollution Funds Center, Department of Homeland Security, U.S. Coast Guard, Suite 1000, 4200 Wilson Boulevard, Arlington, VA 22203–1804
Phone: 202 493–6801

RIN: 1625–AA06

1191. REGATTA AND MARINE PARADE REGULATIONS

Priority: Routine and Frequent

Legal Authority: 33 USC 1233

CFR Citation: 33 CFR 100

Legal Deadline: None

Abstract: These routine and frequent, special local regulations ensure the safety of participants and spectators during regattas and marine parades. The regulations or rules specify such controls as separate participant and spectator areas, separation schemes for watercraft in the area of the event, and temporary restrictions on waterways to accommodate the event. These rules are short-term in nature, usually applying to a single event not exceeding eight hours in duration, and usually encompass only a small portion of a navigable waterway. These rules are promulgated by District Commanders in response to a request from an event-sponsoring organization. These routine and frequent rulemakings support the Coast Guard's strategic goals of maritime safety and maritime mobility of commercial and recreational vessel traffic. The total actions expected from May 1, 2005, to April 30, 2006, are 68.

Timetable:

Action	Date	FR Cite
Action Will Continue Through	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: Routine and frequent rulemakings issued under this RIN will have individual docket numbers.

Transferred from RIN 2115-AE46

Agency Contact: Carlton Perry, Project Manager, G–OPB–1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–0979

RIN: 1625–AA08

1192. DRAWBRIDGE REGULATIONS

Priority: Routine and Frequent

Legal Authority: 33 USC 499

CFR Citation: 33 CFR 117

Legal Deadline: None

Abstract: These routine and frequent regulations establish operating schedules and notice requirements for drawbridges across navigable waterways. Drawbridge regulations establish the permanent draw operation schedules for bridges and specify what notice mariners must give to request an opening. Short-term deviations from the permanent schedule may be issued for bridge repairs or to test the effectiveness of a proposed new opening schedule. Drawbridge regulations are promulgated by District Commanders usually at the request of the bridge owner or operator, or of local officials or local Coast Guard bridge administration officials. These routine and frequent rulemakings support the Coast Guard's strategic goals of maritime safety and maritime mobility of commercial and recreational vessel traffic. The total actions expected from May 1, 2005, to April 30, 2006, are 150.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: None

Additional Information: Routine and frequent rulemakings issued under this RIN will have individual docket numbers.

Transferred from RIN 2115-AE47

Agency Contact: Alesia Steinberger, Project Manager, G–OPT–1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–6215

RIN: 1625–AA09

1193. ESCORT VESSELS IN CERTAIN U.S. WATERS (CGD 91–202A)

Priority: Other Significant

Legal Authority: PL 101–380, sec 4116(c) (codified as 46 USC 373 note)

CFR Citation: 33 CFR 168

Legal Deadline: None

Abstract: This rule would designate those U.S. waters, other than Prince William Sound and Puget Sound, where tankers and other vessels must be escorted by a towing vessel or other appropriate vessel. This project supports the Coast Guard's Marine Safety, Security and Environmental Protection program's goal to reduce the amount of oil discharged into the marine environment and the Coast Guard's strategic goal of protecting natural resources. It is significant because of substantial public and State government interest.

Timetable:

Action	Date	FR Cite
ANPRM	04/27/93	58 FR 25766
Comment Period End	06/28/93	
Request for Comments	12/21/94	59 FR 65741
Comment Period End	02/13/95	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Federalism: Undetermined

Additional Information: We are in the process of deciding how to respond to the comments we have received. This rulemaking is a companion to RIN 1625-AA05, which concerns Prince William Sound and Puget Sound.

Transferred from RIN 2115-AE56

Agency Contact: LT Sam Stevens, Project Manager, G–MSE–1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., 2100 Second Street SW., Washington, DC 20593
Phone: 202 267–0173

Related RIN: Related to 2115–AE10

RIN: 1625–AA10

1194. REGULATED NAVIGATION AREAS

Priority: Routine and Frequent

Legal Authority: 33 USC 1231; 33 USC 1221; 33 USC 1223

CFR Citation: 33 CFR 165

Legal Deadline: None

Abstract: These routine and frequent regulations establish operating requirements for vessels within specified geographic areas to ensure safety on the navigable waters where some special or unusual circumstance exists. Regulated navigation areas are limited areas in which the Coast Guard specifies operational or vessel restrictions such as vessel entry, movement or departure, and vessel size, speed, horsepower, or draft limitations. Regulated navigation areas are promulgated by District Commanders, usually at the request of Coast Guard marine safety or local maritime safety officials. These routine and frequent rulemakings support the Coast Guard's strategic goals of waterways management, marine safety, and maritime mobility. The total actions expected from May 1, 2005, to April 30, 2006, are 11.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Routine and frequent rulemakings issued under this RIN will have individual docket numbers.

Transferred from RIN 2115-AE84

Agency Contact: Ed LaRue, Project Manager, G–MWV, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267–0416
Email: elarue@comdt.uscg.mil

RIN: 1625–AA11

1195. MARINE TRANSPORTATION–RELATED FACILITY RESPONSE PLANS FOR HAZARDOUS SUBSTANCES (USCG–1999–5705)

Priority: Other Significant

Legal Authority: 33 USC 1321(j); PL 101–380

CFR Citation: 33 CFR 154

Legal Deadline: None

Abstract: This project would implement provisions of the Oil Pollution Act of 1990 that require an owner or operator of a marine transportation-related facility transferring bulk hazardous substances to develop and operate in accordance with an approved response plan. The regulations would apply to marine transportation-related facilities that, because of their location, could cause harm to the environment by discharging a hazardous substance into or on the navigable waters or adjoining shoreline. A separate rulemaking, under RIN 1625-AA13, was developed in tandem with this rulemaking and addresses hazardous substances response plan requirements for tank vessels. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources by reducing the consequence of pollution incidents. This action is considered significant because of substantial public and industry interest.

Timetable:

Action	Date	FR Cite
ANPRM	05/03/96	61 FR 20084
Notice of Public Hearings	07/03/96	61 FR 34775
ANPRM Comment Period End	09/03/96	
NPRM	03/31/00	65 FR 17416
NPRM Comment Period End	06/29/00	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Old Docket Number CGD 94-048. Public hearings regarding this rulemaking were held in Washington, DC on July 30, 1996; Houston, TX on August 5, 1996; and Houston, TX on February 26 and 27, 1997. Public meetings for the notice of proposed rulemaking were held in New Orleans, LA on May 10 and 11, 2000.

Transferred from RIN 2115-AE87

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: LT Eric Bauer, Project Manager, G–MOR, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–0417

RIN: 1625–AA12

1196. TANK VESSEL RESPONSE PLANS FOR HAZARDOUS SUBSTANCES (USCG–1998–4354)

Priority: Other Significant

Legal Authority: 33 USC 1231; 33 USC 1321(j); PL 101–380

CFR Citation: 33 CFR 155

Legal Deadline: None

Abstract: This project would implement provisions of the Oil Pollution Act of 1990 that require an owner or operator of a tank vessel carrying bulk hazardous substances to develop and operate in accordance with an approved response plan. The regulations would apply to vessels operating on the navigable waters or within the Exclusive Economic Zone (EEZ) of the United States that carry bulk hazardous substances. A separate rulemaking, under RIN 1625-AA12, would address hazardous substances response plan requirements for marine transportation-related facilities. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources by reducing the amount of chemicals entering the environment, as well as reducing the consequences of pollution incidents. This project is considered significant because of substantial public and industry interest.

Timetable:

Action	Date	FR Cite
ANPRM	05/03/96	61 FR 20084
Notice of Public Hearings	07/03/96	61 FR 34775
ANPRM Comment Period End	09/03/96	
NPRM	03/22/99	64 FR 13734
Notice of Public Hearing	06/15/99	64 FR 31994
NPRM Comment Period Extended	06/15/99	
NPRM Comment Period End	06/21/99	

Action	Date	FR Cite
NPRM Extended Comment Period End	08/30/99	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Old Docket Number CGD 94-032.

Public meetings regarding this rulemaking were held in Washington, DC, on July 30, 1996; Houston, TX, on August 5, 1996; and Houston, TX, on February 26 and 27, 1997. Public meetings for the notice of proposed rulemaking were held in Houston, TX, on August 12 and 13, 1999.

Transferred from RIN 2115-AE88

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: LT Eric Bauer, Project Manager, G–MOR, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–0417

RIN: 1625–AA13

1197. NUMBERING OF UNDOCUMENTED BARGES (USCG–1998–3798)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 12301

CFR Citation: 33 CFR 189

Legal Deadline: None

Abstract: Title 46 U.S.C. 12301, as amended by the Abandoned Barge Act of 1992, requires that all undocumented barges more than 100 gross tons operating on the navigable waters of the United States be numbered. This rulemaking would establish a numbering system for these barges. The numbering of undocumented barges will allow identification of owners of barges found abandoned and help prevent future marine pollution. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

Timetable:

Action	Date	FR Cite
Request for Comments	10/18/94	59 FR 52646
Comment Period End	01/17/95	
ANPRM	07/06/98	63 FR 36384
ANPRM Comment Period End	11/03/98	
NPRM	01/11/01	66 FR 2385
NPRM Comment Period End	04/11/01	
NPRM Reopening of Comment Period	08/12/04	69 FR 49844
NPRM Comment Period End	11/10/04	
Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Old Docket Number CGD 93-091. In the 2002 spring agenda, we announced that we would be withdrawing this rulemaking but we are currently reevaluating that decision. We are in the process of deciding how to respond to the comments we have received.

Transferred from RIN 2115-AF13

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: Patricia Williams, Project Manager, NVDC, Department of Homeland Security, U.S. Coast Guard, National Vessel Documentation Center, 792 T.J. Jackson Drive, Falling Waters, WV 25419
Phone: 304 271–2506

RIN: 1625–AA14

1198. IMPLEMENTATION OF THE 1995 AMENDMENTS TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION, AND WATCHKEEPING (STCW) FOR SEAFARERS, 1978 (CGD 95–062)

Priority: Other Significant

Legal Authority: 44 USC 3507; 46 USC 2103; 46 USC 7101; 46 USC 7107

CFR Citation: 46 CFR 10; 46 CFR 12; 46 CFR 15

Legal Deadline: None

Abstract: The International Maritime Organization (IMO) comprehensively amended the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978, in 1995. The amendments came into force on February 1, 1997. This project implements them by revising current rules to ensure that the United States complies with their requirements on: the training of merchant mariners, the documenting of their qualifications, and watch-standing and other arrangements aboard seagoing merchant ships of the United States. This project supports the Coast Guard's strategic goal of maritime safety. It also supports the goal of our directorate for Marine Safety and Environmental Protection for reducing deaths and injuries of crewmembers on domestic merchant vessels and eliminating substandard vessels from the navigable waters of the United States. It is significant because of the potential impact on industry and the potential effect on international interests.

Timetable:

Action	Date	FR Cite
Notice of Meeting	08/02/95	60 FR 39306
Comment Period End	09/29/95	
Notice of Inquiry	11/13/95	60 FR 56970
Comment Period End	01/12/96	
NPRM	03/26/96	61 FR 13284
Notice of Public Meetings	04/08/96	61 FR 15438
Comment Period End	07/24/96	
Notice of Intent	02/04/97	62 FR 5197
Interim Rule	06/26/97	62 FR 34505
Interim Rule Effective	07/28/97	
Supplemental NPRM	06/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Old Docket Number CGD 95-062.

Transferred from RIN 2115-AF26

Agency Contact: Mark Gould, Project Manager, G–MSO–1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–6890

RIN: 1625–AA16

1199. SALVAGE AND MARINE FIREFIGHTING REQUIREMENTS; VESSEL RESPONSE PLANS FOR OIL (USCG–1998–3417)

Priority: Economically Significant

Unfunded Mandates: This action may affect the private sector under PL 104-4.

Legal Authority: 33 USC 1321

CFR Citation: 33 CFR 155

Legal Deadline: None

Abstract: Current vessel response plan regulations require that the owners or operators of vessels carrying groups I through V petroleum oil as a primary cargo identify in their response plans a salvage company with expertise and equipment, and a company with firefighting capability that can be deployed to a port nearest to the vessel's operating area within 24 hours of notification (groups I-IV) or a discovery of a discharge (group V). Numerous requests for clarification revealed widespread misunderstanding and confusion regarding the regulatory language, which will make the implementation of this requirement difficult. Based on comments received after the Vessel Response Plan final rule publication (61 FR 1052; January 12, 1996) and during a Coast Guard hosted workshop, the Coast Guard intends to better define the terms ''salvage expertise and equipment'' and ''vessel firefighting capability'' requirements and will reconsider the 24-hour deployment requirement which was scheduled to go into effect on February 18, 1998. Therefore, the Coast Guard suspended the effective dates of the 24-hour deployment requirements as published in the final rule. The Coast Guard will continue with this project to better define the requirements. This rulemaking supports the Coast Guard's strategic goals of maritime safety and protection of the natural resources. This rulemaking is also significant because it concerns a matter of substantial public interest or controversy.

Timetable:

Action	Date	FR Cite
Final Rule – Partial Suspension	02/12/98	63 FR 7069
Final Rule – Partial Suspension	01/17/01	66 FR 3876
NPRM	05/10/02	67 FR 31868
Public Meeting 7/9/02, 7/17/02, 7/25/02	06/12/02	67 FR 40254
Public Meeting 9/26/02	08/07/02	67 FR 51159
NPRM Comment Period Extended	08/07/02	
NPRM Comment Period End	10/18/02	
Final Rule – Partial Suspension	01/23/04	69 FR 3236
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Partial suspension of regulations created through the Vessel Response Plan final rule, Docket No. 91-034, RIN 2115-AD81. The project was originally titled ''Salvage and Firefighting Equipment; Vessel Response Plans.'' The change was made in order to distinguish this project from other similarly titled projects within the Coast Guard.

Transferred from RIN 2115-AF60

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: LT Reed Kohberger, Project Manager, G–MOR–3, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–0448

RIN: 1625–AA19

1200. DEEPWATER PORTS (USCG–1998–3884)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1504

CFR Citation: 33 CFR 148 to 150

Legal Deadline: None

Abstract: This rulemaking project revises regulations adopted in 1975 to implement the Deepwater Port Act of 1974. It updates and streamlines those regulations in accordance with the 1996 Deepwater Port Modernization Act. It also extends the deepwater port regulations to the natural gas deepwater ports authorized by Congress in the Maritime Transportation Security Act of 2002. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

Timetable:

Action	Date	FR Cite
ANPRM	08/29/97	62 FR 45774
ANPRM Comment Period End	10/13/97	
NPRM	05/30/02	67 FR 37920
NPRM Comment Period End	07/29/02	
NPRM Comment Period Reopened	08/19/02	67 FR 53764
Second NPRM Comment Period End	09/18/02	
Temporary Interim Rule	01/06/04	69 FR 724
Temporary Interim Rule Comment Period End	07/05/04	
Final Rule	10/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: An advance notice of proposed rulemaking was published under Docket Number USCG-1998-4441. That docket number is replaced with USCG-1998-3884.

Transferred from RIN 2115-AF63

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: Mark Prescott, Project Manager, G–MSO, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–0225

RIN: 1625–AA20

1201. COMMERCIAL DIVING OPERATIONS (USCG–1998–3786)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1509; 43 USC 1333; 46 USC 3306; 46 USC 3703; 46 USC 6101

CFR Citation: 46 CFR 197

Legal Deadline: None

Abstract: This project involves reviewing and updating the commercial diving regulations, which were first adopted in 1977. A review of the commercial diving regulations is needed to determine what parts should be updated or changed based on the current standards of safety, technology, and industry practices and to evaluate and minimize any significant economic impact of the rules upon small entities. The project supports the Coast Guard Marine Safety, Security and Environmental Protection Program's goal to reduce deaths and injuries on U.S. commercial vessels and the Coast Guard's strategic goal of maritime safety.

Timetable:

Action	Date	FR Cite
ANPRM	06/26/98	63 FR 34840
ANPRM Comment Period Extended	09/23/98	63 FR 50848
ANPRM Comment Period End	11/09/98	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AF64

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: Mark Prescott, Project Manager, G–MSO, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–0225

RIN: 1625–AA21

1202. IMPROVEMENTS TO MARITIME SAFETY IN PUGET SOUND–AREA WATERS (USCG–1998–4501)

Priority: Other Significant

Legal Authority: 33 USC 1223 to 1224

CFR Citation: 33 CFR ch. 1

Legal Deadline: None

Abstract: This rulemaking would promulgate measures to improve maritime safety in Puget Sound-Area waters including Puget Sound, the Strait of Juan de Fuca, passages around and through the San Juan Islands, and the Olympic Coast National Marine Sanctuary. Based on a determination by the Secretary of Transportation regarding the status of maritime safety in the Puget Sound area, the Coast Guard has initiated a comprehensive cost-benefit analysis to study the feasibility of implementing new safety measures, including extended tug escort requirements and a dedicated response vessel. Public input will help focus this cost-benefit analysis and develop any future proposed rules, if deemed necessary. This rulemaking supports the Coast Guard Marine Safety, Security and Environmental Protection Program's goal to reduce the amount of oil discharged into the marine environment and the Coast Guard's strategic goal of protection of natural resources. This is a significant action due to substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	11/24/98	63 FR 64937
ANPRM Comment Period End	05/24/99	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Federalism: Undetermined

Additional Information: Transferred from RIN 2115-AF68

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: LT Sam Stevens, Project Manager, G–MSE–1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., 2100 Second Street SW., Washington, DC 20593
Phone: 202 267–0173

RIN: 1625–AA22

1203. CARGO SECURING ON VESSELS OPERATING IN U.S. WATERS (USCG–2000–7080)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 33 CFR 97

Legal Deadline: None

Abstract: This rulemaking would amend the cargo stowage and securing rules for U.S. vessels operating in U.S. waters. In addition, it would amend rules to require cargo-securing manuals for U.S. or foreign vessels of 500 gross tons or more on international voyages. Its goal is to reduce hazardous material cargo losses from vessels in U.S. waters. It supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	12/01/00	65 FR 75201
NPRM Comment Period End	03/01/01	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: This rulemaking is being returned to a long-term schedule. In the 2002 spring agenda, we announced we would be withdrawing this rulemaking but we are currently reevaluating that decision.

Transferred from RIN 2115-AF97

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: David H. Dulloff, CDR, Department of Homeland Security, U.S. Coast Guard, Suite 651, 4200 Wilson Boulevard, Arlington, VA 22203
Phone: 202 493–1021
Email: ddolloff@ballston.uscg.mil

RIN: 1625–AA25

1204. VESSEL AND FACILITY RESPONSE PLANS FOR OIL: 2003 REMOVAL EQUIPMENT REQUIREMENTS AND ALTERNATIVE TECHNOLOGY REVISIONS (USCG–2001–8661)

Priority: Other Significant

Legal Authority: 33 USC 1321

CFR Citation: 33 CFR 153; 33 CFR 154; 33 CFR 155

Legal Deadline: None

Abstract: This rulemaking will propose changes to the Vessel Response Plans and Marine Transportation Facility Response Plans, and revise the language in the Code of Federal Regulations concerning methods and procedures for removing oil from coastal waters. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	10/11/02	67 FR 63331
NPRM Comment Period Extended	11/19/02	67 FR 69697
NPRM Comment Period End	01/09/03	
Extended NPRM Comment Period End	04/08/03	
Final Rule	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG05

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: LT Eric Bauer, Project Manager, G–MOR, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–0417

RIN: 1625–AA26

1205. FEDERAL REQUIREMENTS FOR PROPELLER INJURY AVOIDANCE MEASURES (USCG 2001–10163)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 4302

CFR Citation: 33 CFR 175

Legal Deadline: None

Abstract: This rule would establish Federal requirements for nonplaning recreational houseboats equipped with propeller driven propulsion located aft of the transom. This rule would require owners of these nonplaning recreational houseboats to install either one or two propulsion unit measures (a propeller guard or a jet pump drive) or employ three combined measures (use of an ignition cut-off switch, where installed, and install a swim ladder interlock device and an aft-visibility device). Owners of rental houseboats would have to also install an ignition cut-off switch, if not already installed. These requirements would reduce the number of boaters who are seriously or fatally injured when struck by the propeller of a nonplaning recreational houseboat. This rulemaking would implement recommendations made by the National Boating Safety Advisory Council. It supports the Coast Guard's strategic goal of marine safety.

Timetable:

Action	Date	FR Cite
NPRM	12/10/01	66 FR 63645
NPRM Comment Period End	03/11/02	
NPRM Comment Period Extended	03/26/02	67 FR 13738
NPRM Comment Period End	05/11/02	
Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG18

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: Carlton Perry, Project Manager, G–OPB–1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–0979

RIN: 1625–AA31

1206. STANDARDS FOR LIVING ORGANISMS IN SHIPS' BALLAST WATER DISCHARGED IN U.S. WATERS (USCG–2001–10486)

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 16 USC 4711

CFR Citation: 33 CFR 151

Legal Deadline: None

Abstract: This rulemaking would add a performance standard to 33 CFR part 151, subpart D, for all ballast water treatment methods being used as alternatives to mid ocean ballast water exchange. It supports the Coast Guard's strategic goals of marine safety and protection of natural resources. This project is significant due to high interest among several Federal and State agencies.

Timetable:

Action	Date	FR Cite
ANPRM	03/04/02	67 FR 9632
ANPRM Comment Period End	06/03/02	
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG21

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: Dr. Richard Everett, Project Manager, Department of Homeland Security, U.S. Coast Guard, Office of Operating & Environmental Standards (G–MSO), 2100 Second Street SW., Washington, DC 20593
Phone: 202 267–2243

RIN: 1625–AA32

1207. MARINE EVENTS: PERMIT PROCEDURES (USCG–2001–10713)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1233

CFR Citation: 33 CFR 100

Legal Deadline: None

Abstract: This rule would revise Coast Guard procedures to expedite approval of organized marine events conducted on the navigable waters of the United States. These new procedures would establish general permits with nationwide or regional applicability and would encourage sponsors to submit information to the Coast Guard by electronic means. These new procedures would reduce the paperwork burden on both the public and the Coast Guard without adversely affecting vessel safety or the environment in the event areas. This project supports the Coast Guard's strategic goals of maritime safety and maritime mobility.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG26

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: Carlton Perry, Project Manager, G–OPB–1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–0979

RIN: 1625–AA35

1208. NOTIFICATIONS OF ARRIVAL AND DEPARTURE IN PORTS OR PLACES IN THE UNITED STATES (USCG–2001–11865)

Priority: Other Significant

Legal Authority: 33 USC 1223(a)(5); 33 USC 1226; 33 USC 1231

CFR Citation: 33 CFR 160

Legal Deadline: None

Abstract: The Coast Guard needs to permanently amend its regulations relating to the Notifications of Arrival (NOA) and Departure (NOD) requirements in 33 CFR part 160 to ensure port safety, security, and environmental protection as well as maintain the uninterrupted flow of commerce. Subsequent to the terrorist attacks of September 2001, we published an emergency temporary final rule (96-hour rule) amending the NOA and NOD requirements for commercial vessels bound for or departing from ports or places in the United States. The temporary final rule terminated on March 31, 2003. In this final rule, most of the changes introduced by the temporary final rule have been made permanent. This rulemaking supports the Coast Guard's strategic goals of maritime safety, maritime security, protection of natural resources, and maritime mobility.

Timetable:

Action	Date	FR Cite
NPRM	06/19/02	67 FR 41659
NPRM Comment Period End	08/19/02	
Final Rule	02/28/03	68 FR 9537
Final Rule Effective	04/01/03	
Final Rule Partial Suspension	05/22/03	68 FR 27907
Final Rule Correction	11/10/03	68 FR 63735
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG35

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: LT Kimberly Andersen, Project Manager, G–MPP, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267–2562

Related RIN: Related to 1625–AA96, Related to 1625–AA93

RIN: 1625–AA41

1209. PROTECTION FOR WHISTLEBLOWERS IN THE COAST GUARD (USCG–2002–13016)

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 1034

CFR Citation: 33 CFR 53

Legal Deadline: None

Abstract: This rulemaking would amend 33 CFR part 53 both by extending coverage to uniformed members of the Coast Guard who make ''protected'' communications either to an organization within the Department within which the Coast Guard is operating concerned with audit, inspection, or law enforcement, or to any other person or organization (including any person or organization in the chain of command) designated pursuant to regulations to receive such communications, and by extending the nature of protected communications to comprise complaints: (a) of violations of statute or regulation prohibiting sexual harassment; (b) of unlawful discrimination; and (c) of gross mismanagement. This project supports the Coast Guard's five strategic goals of maritime safety and security, protection of natural resources, maritime mobility, and national defense.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG49

Agency Contact: LT Patrick Grace, Project Manager, G–LGL, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267–0064

RIN: 1625–AA50

1210. RULES OF PRACTICE, PROCEDURE, AND EVIDENCE FOR ADMINISTRATIVE PROCEEDINGS OF THE COAST GUARD (USCG 1998–3472)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 7701; 46 USC 7702; 33 USC 1321; 42 USC 9609

CFR Citation: 33 CFR 20; 46 CFR 5

Legal Deadline: None

Abstract: The Coast Guard maintains two separate sets of procedural rules: the administrative adjudication rules against merchant mariners' licenses, certificates of registry, and documents; and those for the adjudication of class II civil penalties. The rules for suspension and revocation, contained in part 5 of title 46 of the Code of Federal Regulations (CFR), date from 1948, and are based on criminal procedure. The rules for class II civil penalties, contained in part 20 of title 33 of the CFR, date from 1994, and are based on the Model Rules of Administrative Procedure and on other modern rules for civil procedure. Neither set implements the authority of the Oil Pollution Act of 1990 (OPA 90), which provides for the temporary suspension of a license, certificate of registry, or document for up to 45 days without a hearing, in certain circumstances, and a hearing within 30 days of any such suspension. This rulemaking would consolidate all procedural rules for administrative adjudications for class II civil penalties, and allow the Coast Guard to promulgate regulations implementing the OPA 90 authority. This project supports the strategic goal of the Coast Guard to promote marine safety. We are in the process of deciding how to respond to comments received.

Timetable:

Action	Date	FR Cite
NPRM	04/06/98	63 FR 16731
NPRM Comment Period End	05/06/98	
NPRM Comment Period Reopened	05/20/98	63 FR 27700
NPRM Comment Period End	06/19/98	
Interim Final Rule	05/24/99	64 FR 28054
Interim Final Rule Effective	06/23/99	
Interim Final Rule Correction	06/28/99	64 FR 34540
Interim Final Rule Comment Period End	07/23/99	
Interim Final Rule Comment Period Reopened	10/05/99	64 FR 53970
Interim Final Rule Comment Period End	04/03/00	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: This rulemaking revises in part the previous docket of CGD 94-101, which was terminated on December 20, 1995.

Transferred from RIN 2115-AF59

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: George Jordan, Project Manager, G–CJ, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–2940

RIN: 1625–AA59

1211. VALIDATION OF MERCHANT MARINERS' VITAL INFORMATION AND ISSUANCE OF COAST GUARD MERCHANT MARINER'S DOCUMENTS (MMDS) (USCG–2003–14500)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 46 USC 21; 46 USC 73; 46 USC 75; 46 USC 77

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This rulemaking describes enhancements to the application procedures for the ''Merchant Mariners Documents'' (MMDs) required for ocean going vessels of over 200 gross tons. This includes a background check, fingerprinting for each application, showing up physically at a Regional Exam Center (REC) at least once during each application and furnishing proof of identity before fingerprints are taken.

Timetable:

Action	Date	FR Cite
Notice of Meeting	02/20/03	68 FR 8326
Notice of Policy	04/08/03	68 FR 17064
Interim Rule	01/06/04	69 FR 526
Correction to Interim Rule	02/11/04	69 FR 6575
Interim Rule Comment Period End	04/05/04	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: Gerald P. Miante, Project Manager, G–MSO–1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–0221

RIN: 1625–AA81

1212. SECURITY ZONE REGULATIONS

Priority: Routine and Frequent

Legal Authority: 33 USC 1226; 33 USC 1231; 50 USC 191; 33 CFR 6

CFR Citation: 33 CFR 165

Legal Deadline: None

Abstract: The Coast Guard uses these routine and frequent regulations to establish control of access to areas to ensure the security of vessels, waterfront facilities, or individuals. Many of these zones are of short duration, a few hours to a few days, and all are geographically limited in area. Security zones are established for Presidential or Vice Presidential visits, high profile events such as the Olympics, controversial events such as transport of spent nuclear fuel, and in response to the threat of terrorist attacks. Some security zones are implemented only at heightened security levels and only for the duration of the heightened alert. Security zones are promulgated by Captains of the Port or District Commanders. These routine and frequent rulemakings support the Coast Guard's strategic goals of marine security, mobility, protection of natural resources, and national defense. The total actions expected from May 1, 2005, to April 30, 2006, are 200.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Routine and frequent rulemakings issued under this RIN will each have an individual docket number.

Agency Contact: CDR Cynthia Stowe, Project Manager (G–MPS–2), Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–4150
Email: cstowe@comdt.uscg.mil

RIN: 1625–AA87

1213. DRY CARGO RESIDUE DISCHARGES IN THE GREAT LAKES (USCG–2004–19621)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1901; 33 USC 1321 et seq; PL 108–293

CFR Citation: 33 CFR 151

Legal Deadline: None

Abstract: This rulemaking implements congressional directives. Public Law 108-293 directs the Coast Guard to continue implementation of an existing enforcement policy that regulates incidental dry cargo residue on the Great Lakes, until September 30, 2008, or until the promulgation of new regulations that would replace the existing policy. The statute also directs the Coast Guard to undertake any environmental assessment that would be necessary to support new regulations.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: A timetable for this rulemaking will be set after completion of the environmental assessment. Supplementary information about this rulemaking may be found in the docket for this rulemaking. The docket may be accessed via the URL listed below.

URL For More Information: www.dms.dot.gov

Agency Contact: LCDR Mary Sohlberg, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267–0713
Email: msohlberg@comdt.uscg.mil

RIN: 1625–AA89

1214. ● NOTIFICATION OF ARRIVAL IN U.S. PORTS; CERTAIN DANGEROUS CARGOES; ELECTRONIC SUBMISSION (USCG–2003–16688)

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 33 USC 1223; 33 USC 1231; 46 USC ch 701; DHS Delegation No. 0170.1

CFR Citation: 33 CFR 160.204; 33 CFR 160.210

Legal Deadline: None

Abstract: This regulatory project will revise the definition of Certain Dangerous Cargo (CDC) as listed in 33 CFR 160 subpart C, to include ammonium nitrate and propylene oxide. Furthermore, this project will also provide for optional electronic submission of NOA reports via a Web portal. This rulemaking supports the Coast Guard's strategic goals of Maritime Security, Maritime Safety, and National Defense.

Timetable:

Action	Date	FR Cite
Temporary Final Rule	08/18/04	69 FR 51176
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: This rulemaking project is a continuation of RIN 1625-AA82 that was labeled a completed action in the Fall 2004 Unified Agenda.

Agency Contact: LT Kimberly Andersen, Project Manager, G–MPP, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267–2562

Related RIN: Previously reported as 1625–AA82, Related to 1625–AA93, Related to 1625–AA41

RIN: 1625–AA96

Department of Homeland Security (DHS) — Completed Actions

U.S. Coast Guard (USCG)

1215. VESSEL DOCUMENTATION: LEASE FINANCING FOR VESSELS ENGAGED IN THE COASTWISE TRADE; SECOND RULEMAKING (USCG–2003–14472)

Priority: Other Significant

Legal Authority: 14 USC 664; 31 USC 9701; 42 USC 9118; 46 USC 2103; 46 USC 2107; 46 USC 2110; 46 USC 12106; 46 USC 12120; 46 USC 12122; 46 USC app 876

CFR Citation: 46 CFR 67

Legal Deadline: None

Abstract: On August 9, 2004, the President signed the Coast Guard and Maritime Transportation Act of 2004 (the 2004 Act) (Pub. L. 108-293), which made significant amendments to 46 U.S.C. 12106 with regard to certain vessels engaged in coastwise trade. In response to those changes, the Coast Guard and Maritime Administration are withdrawing the joint notice of proposed rulemaking published on February 4, 2004, and the Coast Guard will begin a new rulemaking. The question raised by the Coast Guard on third-party auditing of applications for an endorsement was not addressed in the 2004 Act and will be carried forward in the new rulemaking. All comments and documents received in this docket will be available for use in the new rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	02/04/04	69 FR 5403
NPRM Comment Period End	05/04/04	
Notice of Withdrawal	04/13/05	70 FR 19376

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG55

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: Patricia Williams, Project Manager, NVDC, Department of Homeland Security, U.S. Coast Guard, National Vessel Documentation Center, 792 T.J. Jackson Drive, Falling Waters, WV 25419
Phone: 304 271–2506

RIN: 1625–AA63

1216. TERMS IMPOSED BY STATES ON NUMBERING OF VESSELS (USCG–2003–15708)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 12307

CFR Citation: 33 CFR 174, subpart B

Legal Deadline: None

Abstract: This rulemaking would expand the number of conditions that a State may require in order for owners to obtain vessel numbering certificates in that State. Current Federal statutes and regulations limit these conditions to proof of ownership or payment of State or local taxes. The proposed rule would allow any State to impose proof of liability insurance as a condition for obtaining vessel numbering certificates in that State. This project supports the Coast Guard's strategic goals of maritime safety and maritime mobility.

Timetable:

Action	Date	FR Cite
NPRM	02/14/04	69 FR 2098
NPRM Comment Period End	04/13/04	
Final Rule	03/18/05	70 FR 13102
Final Rule Correction	03/28/05	70 FR 15587

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: Audrey Pickup, Project Manager, G–OPB–2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267–0872

RIN: 1625–AA75

Department of Homeland Security (DHS) — Proposed Rule Stage
Directorate of Border and Transportation Security (BTS)

1217. UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY PROGRAM (US–VISIT); AUTHORITY TO COLLECT BIOMETRIC DATA FROM ADDITIONAL TRAVELERS

Priority: Other Significant. Major under 5 USC 801.

Legal Authority: PL 106–215; PL 106–396; PL 107–56; PL 107–173; 8 USC 1104; 8 USC 1184; 8 USC 1185 (pursuant to EO 13323, 1/2/04); 8 USC 1365a; 8 USC 1365a (note); 8 USC 1379; 8 USC 1731; 8 USC 1732

CFR Citation: 8 CFR 215.8; 8 CFR 235.1

Legal Deadline: NPRM, Statutory, October 26, 2005, Compliance with section 303(b)(2)(A) of the Border Security Act, PL 107–173.
Final, Statutory, October 26, 2005, Compliance with section 303(b)(2)(A) of the Border Security Act, PL 107–173.

Abstract: This regulation will propose to include additional classifications of aliens who may be subject to biometric collection of information upon entering or exiting the United States. Following review of the comments received during the comment period, DHS will publish a final rule under section 302((b)(2)(A) of the Border Security Act, Public Law 107-173, requiring DHS to have the capabilities to allow biometric comparison and authentication of all U.S. Visas and travel and entry documents, plus Visa Waiver Program passports. DHS is issuing this rule to provide itself with the legal authority to enroll these additional alien classifications but will do so as technology and border concerns allow.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/31/04	69 FR 53318
Correction	09/02/04	69 FR 53603
Correction	09/29/04	69 FR 58037
Interim Final Rule Effective	09/30/04	
Comment Period End	11/01/04	
Comment Period Extended	11/05/04	69 FR 64477
Correction	11/12/04	69 FR 65508
Comment Period End	12/01/04	
NPRM	05/00/05	
NPRM Comment Period End	06/00/05	
Final Action Effective	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael Hardin, Senior Policy Advisor, US–VISIT, Department of Homeland Security, Directorate of Border and Transportation Security, 18th Floor, 1616 N. Fort Myer Drive, Arlington, VA 22209
Phone: 202 298–5200
Fax: 202 298–5201
Email: usvisitregs@dhs.gov

Related RIN: Related to 1651–AA54

RIN: 1650–AA00

Department of Homeland Security (DHS) — Final Rule Stage
Directorate of Border and Transportation Security (BTS)

1218. ● UNITED STATES VISITOR AND IMMIGRATION STATUS INDICATOR TECHNOLOGY PROGRAM (US–VISIT); AUTOMATIC IDENTIFICATION OF CERTAIN NONIMMIGRANTS EXITING THE UNITED STATES AT SELECT LAND BORDER PORTS OF ENTRY

Priority: Other Significant. Major under 5 USC 801.

Legal Authority: PL 106–215; PL 106–396; PL 107–56; PL 107–173; 8 USC 1104; 8 USC 1184; 8 USC 1185 (pursuant to EO 13323, 1/2/04); 8 USC 1365a; 8 USC 1365a (note); 8 USC 1379; 8 USC 1731; 8 USC 1732

CFR Citation: 8 CFR 215.8

Legal Deadline: None

Abstract: This interim regulation will amend Department of Homeland Security (DHS) regulations to allow the US-VISIT program, an integrated, automated entry-exit system that records the arrival and departure of aliens, verifies aliens' identities, and authenticates aliens' travel documents through comparison of biometric identifiers, to establish a protocol for automatically documenting the exits and any subsequent re-entries of certain aliens at land border ports of entry. Radio frequency technology is the proposed technology that DHS will use to automatically document the exit and any subsequent re-entry of certain nonimmigrant aliens from U.S. land border ports of entry. Initially, DHS will deploy proof of concept programs at a limited number of ports of entry to test the viability of the proposals. If effective, DHS will use the results of these land border proof of concept programs to determine the most effective method of matching the required biometrics with the automatic identifiers issues to exiting aliens prior to a universal expansion of the program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/05	
Interim Final Rule Effective	07/00/05	
Interim Final Rule Comment Period End	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Agency Contact: Craig Howie, Senior Policy Advisor, Department of Homeland Security, 18th floor, 1616 N. Fort Myer Drive, Arlington, VA 22209
Phone: 202 298–5200
Fax: 202 298–5201
Email: craig.howie@dhs.gov

RIN: 1650–AA01

Department of Homeland Security (DHS) — Prerule Stage
Bureau of Customs and Border Protection (BCBP)

1219. ● WESTERN HEMISPHERE TRAVEL DOCUMENT REQUIREMENTS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: PL 108–458

CFR Citation: 8 CFR 212; 8 CFR 235

Legal Deadline: Final, Statutory, January 1, 2008, Public Law 108–458, Intelligence Reform and Terrorism Prevention Act of 2004.

Abstract: Amendment to require U.S. citizens and non-U.S. citizens who previously were exempt from presenting a passport or other authorized travel document to present such documents that denote identity and citizenship when entering the United States.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: Sidney Aki, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Policy and Planning, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344–2166

RIN: 1651–AA63

Department of Homeland Security (DHS) — Proposed Rule Stage
Bureau of Customs and Border Protection (BCBP)

1220. ADVANCE NOTICE REQUIREMENTS FOR AIRCRAFT LANDINGS AND ARRIVALS; REVISIONS TO THE PRIVATE AIRCRAFT OVERFLIGHT PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1433; 19 USC 1436; 19 USC 1448; 19 USC 1459; 19 USC 1590; 19 USC 1594; 19 USC 1623; 19 USC 1624; 19 USC 1644; 19 USC 1644a

CFR Citation: 19 CFR 122

Legal Deadline: None

Abstract: Amendment to part 122 of the Customs and Border Protection Regulations to require that the owners or operators of commercial aircraft that operate as scheduled airlines and enter the United States from foreign areas who intend to land at landing rights or user fee airports, request from U.S. Customs and Border Protection permission to land in writing at least 30 days before the first flight date and secure customs approval to land before the first flight begins. Amendment would also make the advance notice of arrival requirement applicable to all aircraft. The advance notice of arrival would be required to be given by the aircraft commander directly to the appropriate customs location at least one hour before the aircraft crosses any border or coastline of the United States. Amendment would also modify the application process for the Overflight Program and provide for centralized processing of requests for an overflight exemption.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AD10

Agency Contact: Elizabeth Tritt, Operations Officer, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344–2594

RIN: 1651–AA41

1221. PRIOR DISCLOSURE AND LOST DUTY OR REVENUE DEMANDS WHEN PENALTY CLAIM NOT ISSUED

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1592; 19 USC 1593a; 19 USC 1624

CFR Citation: 19 CFR 162

Legal Deadline: None

Abstract: Amendment to part 142 of the Customs and Border Protection Regulations pertaining to prior disclosure and to the procedure for demanding payment of duties, taxes, fees, or revenue for violations of 19 U.S.C. sections 1592 or 1593a when a penalty claim is not issued. Amendments are designed to encourage participation in the prior disclosure program and to enhance the effectiveness of the duty/revenue demand process.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AD13

Agency Contact: Alan Cohen, Senior Attorney, Penalties Branch, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 572–8742

RIN: 1651–AA42

1222. CARGO INFORMATION (MANIFEST) DISCREPANCY REPORTING REQUIREMENTS AND PENALTY GUIDELINES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1431; 19 USC 1433; 19 USC 1434; 19 USC 1436; 19 USC 1581; 19 USC 1584; 19 USC 1498; 46 USC app 3; 46 USC app 91

CFR Citation: 19 CFR 4; 19 CFR 18; 19 CFR 113; 19 CFR 122; 19 CFR 123; 19 CFR 146; 19 CFR 158

Legal Deadline: None

Abstract: Amendment to parts 4, 18, 113, 122, 123, 146, and 158 of the Customs and Border Protection Regulations concerning cargo information (manifest) discrepancy reporting requirements for all modes of commercial transportation (air, sea, rail and truck). Amendment sets forth corresponding guidelines for the assessment of penalties or claims for liquidated damages for manifesting violations. Amendment would require that any discrepancy from previously

filed cargo information be reported to CBP by the responsible party immediately upon discovery and that such reports, with limited exceptions be submitted to CBP in an electronic format. Amendment would eliminate Customs Form 5931 and require that cargo declaration information be kept for a period of five years after conveyance arrival. Also provides (as Appendices to the regulations) guidelines for the assessment of penalties for failing to reporting discrepancies.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AD26

Agency Contact: Pete Flores, Inspector, Department of Homeland Security, Bureau of Customs and Border Protection, Manifest and Conveyance Branch, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344–3127

Jeremy Baskin, Attorney–Advisor, Penalties Branch, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 572–8753

RIN: 1651–AA45

1223. AIR TRANSIT PROGRAM

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1223; 8 USC 1225; 8 USC 1226; 8 USC 1227; . . .

CFR Citation: 8 CFR 212; 8 CFR 214; 8 CFR 231; 8 CFR 233

Legal Deadline: None

Abstract: The Immediate and Continuous Transit program, also known as the Transit Without Visa (TWOV) program and the International-to-International (ITI) program allowed an alien to be transported in-transit through the United States to another foreign country without first obtaining a nonimmigrant visa from the Department of State overseas, provided the carrier had entered into an Immediate and Continuous Transit Agreement on Form I-426, pursuant to section 233(c) of the Immigration and Nationality Act. Both the TWOV and ITI programs were suspended due to security concerns in an interim rule published in August 2003. The Department of Homeland Security in this rule would be terminating these programs and establishing a new program allowing in-transit travelers that will incorporate necessary security measures.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	08/02/03	
Interim Final Rule	08/07/03	68 FR 46926
Interim Final Rule Comment Period End	09/22/03	
NPRM	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AD36

Agency Contact: Kenneth Sava, Director, Air and Sea Passenger Operations, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344–2589

RIN: 1651–AA50

1224. CHANGES TO THE ADMINISTRATIVE PROCESS FOR PETITIONS FOR RELIEF REGARDING SEIZURES AND FORFEITURES RESULTING FROM VIOLATIONS OF IMMIGRATION AND NATURALIZATION LAWS

Priority: Substantive, Nonsignificant

Legal Authority: 6 USC 101; 8 USC 1103; 8 USC 1324(b); 19 USC 66; . . .

CFR Citation: 8 CFR 274 ; 19 CFR 162

Legal Deadline: None

Abstract: Amendment of the Immigration and Naturalization Regulations to bring them into confluence with the Customs and Border Protection (CBP) preforfeiture petition process as provided in the CBP Regulations. The Homeland Security Act of 2002 gives CBP the authority to coordinate and unify the administrative petition process CBP uses for seizures and forfeitures based on violations of immigration laws with that process used by CBP for violations of customs laws. Amendment is also made to the CBP Regulations to state that seizures effected by Immigration and Customs Enforcement under the customs and navigation laws will continue to be processed under the CBP Regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Jeremy Baskin, Attorney–Advisor, Penalties Branch, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 572–8753

RIN: 1651–AA58

1225. • CONTAINER SEALS

Priority: Economically Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 46 USC 70116; 46 USC 70177; 46 USC 70119; 19 USC 66; 19 USC 1624; . . .

CFR Citation: 19 CFR 4; 19 CFR 113

Legal Deadline: None

Abstract: Amendment to require that loaded containers be appropriately secured by use of an International Organization for Standardization (ISO)-compliant seal prior to being transported by vessel to the United States.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Tricia Bauer Kennedy, Program Manager, Department of Homeland Security, Bureau of Customs and Border

Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344–3726
Email: tricia.kennedy@dhs.gov

RIN: 1651–AA61

1226. ● PASSENGER MANIFEST FOR COMMERCIAL AIRCRAFT ARRIVING IN AND DEPARTING FROM THE UNITED STATES; PASSENGERS AND CREW MANIFESTS FOR COMMERCIAL VESSELS DEPARTING FROM THE UNITED STATES

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect the private sector under PL 104-4.

Legal Authority: 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1431; 19 USC 1433; 19 USC 1434; 19 USC 1436; 19 USC 1448; 19 USC 1459; 19 USC 1590; 19 USC 1594; 19 USC 1623; 19 USC 1624; 19 USC 1644; 19 USC 1644a; 19 USC 2071 note; 46 USC app 3; 46 USC 91; . . .

CFR Citation: 19 CFR 4; 19 CFR 122

Legal Deadline: None

Abstract: Proposed amendment of parts 4 and 122 of the Customs and Border Protection regulations to change the electronic manifest transmission requirement for passengers on arriving and departing aircraft and for passengers and crew on departing vessels; the new requirement in each instance is 60 minutes prior to departure.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Charles Perez, Program Manager, Office of Field Operations, Department of Homeland Security, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344–1983

Related RIN: Related to 1651–AA37

RIN: 1651–AA62

1227. ● USE OF SAMPLING METHODS IN CBP AUDITS AND OFFSETTING OF OVERPAYMENTS AND OVER–DECLARATIONS IN 19 U.S.C. 1592 PENALTY CASES

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1484; 19 USC 1508 to 1510; 19 USC 1624

CFR Citation: 19 CFR 163

Legal Deadline: None

Abstract: Amendment to provide for the use of sampling methods by CBP auditors and for offsetting of overpayments and over-declarations when an audit involves a calculation of lost revenue or monetary penalty under 19 U.S.C. 1592.

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Mark Hanson, Department of Homeland Security, Office of Strategic Trade, Regulatory Audit Division, 1300 Pennsylvania Avenue NW., Washington, DC 22029
Phone: 202 344–2877
Email: mark.hanson@dhs.gov

RIN: 1651–AA64

Department of Homeland Security (DHS) — Final Rule Stage
Bureau of Customs and Border Protection (BCBP)

1228. ELIMINATION OF IMMIGRATION AND NATURALIZATION SERVICE–ISSUED MEXICAN AND CANADIAN BORDER CROSSING CARDS

Priority: Other Significant

Legal Authority: 5 USC 552; 8 USC 1228; 8 USC 1252; 8 USC 1304; 8 USC 1356; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1201; 8 USC 1225 to 1227

CFR Citation: 8 CFR 103; 8 CFR 212; 8 CFR 214; 8 CFR 235; 8 CFR 247; 8 CFR 264; 8 CFR 286; 8 CFR 299

Legal Deadline: Final, Statutory, October 1, 2002.

Abstract: This rule amends the Immigration and Naturalization regulations to eliminate the use of Form I-175, Application for Nonresident Alien Canadian Border Crossing Card, and Form I-190, Application for Nonresident Alien Mexican Border Crossing Card. It also terminates the production of Form I-185, Nonresident Alien Canadian Border Crossing Card, and Form I-586, Nonresident Alien Mexican Border Crossing Card. In addition, this rule prohibits the use of Form I-186 (previous version of Mexican Border Crossing Card), Form I-185 and Form I-586 Border Crossing Cards (BCCs) after September 30, 2002, for required use of a card containing a machine readable biometric identifier for entry (such as the fingerprint or handprint of the alien). Under the provisions of this rulemaking, an alien seeking entry into the United States by presentation of a BCC must complete a biometric verification upon each entry.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/02/02	67 FR 71442
Interim Final Rule Effective	10/01/02	
Interim Final Rule Comment Period End	01/31/03	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1931-98

Transferred from RIN 1115-AF24

Agency Contact: Linda Loveless, Inspector, Immigration Policy and Programs, Department of Homeland

Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344–2493

RIN: 1651–AA08

1229. EXTENSION OF 25–MILE LIMIT AT SELECT ARIZONA PORTS–OF–ENTRY

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1183; 8 USC 1201; . . .

CFR Citation: 8 CFR 235

Legal Deadline: None

Abstract: This rule amends the Immigration and Naturalization regulations to extend the distance Mexican nationals with border crossing cards may travel into the United States without obtaining additional Immigration documentation at selected ports-of-entry (POEs) along the United States and Mexico border. The selected POEs are located in the State of Arizona at Sasabe, Nogales, Mariposa, Douglas, and Naco. Once visitors to Arizona meet the inspection requirements of legal entry to the United States, they will be able to travel within the 75-mile border region of Arizona. This rule is intended to promote commerce in the southern Arizona border area while still ensuring that sufficient safeguards are in place to prevent illegal entry to the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/08/99	64 FR 68616
Interim Final Rule Comment Period End	02/07/00	
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2026-99

Transferred from RIN 1115-AF60

Agency Contact: Diane Hinckley, Program Officer, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344–1401

RIN: 1651–AA11

1230. ACCESS TO CUSTOMS SECURITY AREAS AT AIRPORTS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1433; 19 USC 1436; 19 USC 1448; 19 USC 1459; 19 USC 1590; 19 USC 1594; 19 USC 1623; 19 USC 1624; 19 USC 1644; 19 USC 1644a

CFR Citation: 19 CFR 122

Legal Deadline: None

Abstract: Amendments to part 122 of the Customs and Border Protection Regulations regarding the standards for employee access to customs security areas at airports that accommodate international air commerce. Amendments involve the addition of a biennial access approval reapplication requirement; an expansion of the grounds for denial of an application for access; the addition of a requirement that each employee granted access must report certain changes in the employee's circumstances; the inclusion of several new employer responsibilities; an expansion of the grounds for revocation or suspension of access and for proposed revocation or suspension of access; and a limitation of the opportunity to have a hearing in a revocation or suspension action to only cases in which there is a genuine issue regarding a material fact. These changes are needed to enhance the security areas at all airports.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/29/02	67 FR 48977
Interim Final Rule Effective	07/29/02	
Interim Final Rule Comment Period End	09/27/02	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AD04

Agency Contact: Elizabeth Tritt, Operations Officer, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344–2594

RIN: 1651–AA38

1231. CONDITIONAL RELEASE PERIOD AND CUSTOMS BOND OBLIGATIONS FOR FOOD, DRUGS, DEVICES, AND COSMETICS

Priority: Substantive, Nonsignificant

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1448; 19 USC 1484; 19 USC 1499; 19 USC 1623; 19 USC 1624; 21 USC 381

CFR Citation: 19 CFR 141; 19 CFR 151

Legal Deadline: None

Abstract: Amendment to provide for a specific conditional release period for any food, drug, device, or cosmetic that has been released under bond and for which admissibility is to be determined under the provisions of the Food, Drug, and Cosmetic Act. Amendment also clarifies the amount of liquidated damages that may be assessed when there is a breach of the terms and conditions of the customs bond. Lastly, amendment authorizes any representative of the Food and Drug Administration to obtain a sample of any food, drug, device, or cosmetic, the importation of which is governed by section 801 of the Food, Drug, and Cosmetic Act, as amended.

Timetable:

Action	Date	FR Cite
NPRM	06/07/02	67 FR 39322
NPRM Comment Period End	08/06/02	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AD05

Agency Contact: Jeremy Baskin, Attorney–Advisor, Penalties Branch, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 572–8753

RIN: 1651–AA39

1232. PASSENGER NAME RECORD INFORMATION REQUIRED FOR PASSENGERS ON FLIGHTS IN FOREIGN AIR TRANSPORTATION TO OR FROM THE UNITED STATES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1433; 19 USC 1436; 19 USC 1448; 19 USC 1459; 19 USC 1590; 19 USC 1594; 19 USC 1623; 19 USC 1624; 19 USC 1644; 19 USC 1644a; 19 USC 1431; 49 USC 44909(c)

CFR Citation: 19 CFR 122

Legal Deadline: None

Abstract: Amendment to part 122 of the Customs and Border Protection implements a provision of the Aviation and Transportation Security Act, which requires that air carriers make Passenger Name Record (PNR) information available to CBP upon request. The availability of PNR information is necessary for purposes of ensuring aviation safety and protecting national security.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/25/02	67 FR 42710
Interim Final Rule Effective	06/25/02	
Interim Final Rule Comment Period End	08/26/02	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AD06

Agency Contact: Lashonda Jones, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344–1005

RIN: 1651–AA40

1233. CONFIDENTIALITY OF COMMERCIAL INFORMATION

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 5 USC 552; 5 USC 552a; 19 USC 66; 19 USC 1431; 19 USC 1624; 19 USC 1628; EO 12600

CFR Citation: 19 CFR 103

Legal Deadline: None

Abstract: Amendment to part 103 of the Customs and Border Protection Regulations regarding the disclosure procedures followed when commercial information related to customs transactions is provided by a business submitter.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/11/03	68 FR 47453
Interim Final Rule Effective	08/11/03	
Interim Final Rule Comment Period End	10/10/03	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AD29

Agency Contact: Gregory R. Vilders, Attorney, Disclosure Law Branch, Department of Homeland Security, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 572–8772

RIN: 1651–AA47

1234. LETTERS AND DOCUMENTS; ADVANCE ELECTRONIC PRESENTATION OF CARGO DATA

Priority: Economically Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 301; 19 USC 1431; 19 USC 1436; 19 USC 2071 note; . . .

CFR Citation: 19 CFR 122

Legal Deadline: Final, Statutory, October 1, 2003, Section 343(a) of the Trade Act of 2002.

Abstract: Pursuant to section 343(a) of the Trade Act of 2002, as amended by the Maritime Transportation Act of 2002, CBP requires that it receive electronically information pertaining to cargo before the cargo is either brought into or sent from the United States by any mode of commercial transportation. This rule concerns letters and documents that are being transported by air transportation. The rule exempts from full manifesting requirements flat documents and letters not exceeding 16 ounces.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David M. King, Program Officer, Office of Field Operations, Department of Homeland Security, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344–1133

Related RIN: Split from 1651–AA49

RIN: 1651–AA55

1235. REMITTANCE OF IMMIGRATION USER FEE

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1103; 8 USC 1356

CFR Citation: 8 CFR 286

Legal Deadline: None

Abstract: Amendment to change address to which remittances of immigration user fees are sent.

Timetable:

Action	Date	FR Cite
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Robert Reiley, Financial Officer, Financial Management Division, Department of Homeland Security, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344–1504

RIN: 1651–AA57

1236. EXTENSION OF TIME LIMIT ON ADMISSION OF CERTAIN MEXICAN NATIONALS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1183; 8 USC 1185; . . .

CFR Citation: 8 CFR 235

Legal Deadline: None

Abstract: The rule extends the period of time certain Mexican nationals may

remain in the United States without obtaining additional immigration documentation. The rule extends the time limit to which border crossing card holders may remain in the United States for up to 30 days without being issued a Form I-94. The rule is intended to promote commerce along the border while ensuring that sufficient safeguards are in place to prevent illegal entry into the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/13/04	69 FR 50051
Interim Final Rule Comment Period End	10/12/04	
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Diane Hinckley, Program Officer, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344–1401

RIN: 1651–AA60

Department of Homeland Security (DHS) — Long-Term Actions
Bureau of Customs and Border Protection (BCBP)

1237. VISA WAIVER PROGRAM

Priority: Other Significant

Legal Authority: 8 USC 1356; 8 USC 1187; 8 USC 1103; 8 CFR 2

CFR Citation: 8 CFR 217

Legal Deadline: None

Abstract: On October 30, 2000, Public Law 106-396, made the Visa Waiver Pilot Program (VWPP) a permanent program. The Visa Waiver Program (VWP), allows nationals of designated countries to apply for admission to the United States at land border ports, air and sea ports, and to enter the United States for business or pleasure for up to 90 days without first obtaining a nonimmigrant visa.

INS Rule No. 1799 finalizes all those VWP countries that were added through the publication of interim regulations. This rule will also incorporate those statutory changes made to section 217 of the Immigration and Nationality Act by the Illegal Immigration Reform and Responsibility Immigration Act.

Timetable:

Action	Date	FR Cite
NPRM–INS No. 1406–91 Comment Period End 5/22/91	05/07/91	56 FR 21101
Final Rule–INS No. 1406–91 Eff. 7/18/91*	07/18/91	56 FR 32952
Interim Final Rule–INS No. 1447 Eff. 10/1/91; Comment Period End 10/15/91	09/13/91	56 FR 46716
Interim Final Rule–1622–93; Eff. 7/29/93; Com. End 8/30/93; (To be merged with 1447R–93)*	07/29/93	58 FR 40581
Public Notice–INS No. 1674 Eff. 10/25/94, Comment Period End 09/30/96	02/21/95	60 FR 9699
Interim Final Rule–INS No. 1685 Eff. 4/1/95; Comment Period End 5/30/95	03/28/95	60 FR 15855
Interim Final Rule–INS No. 1777	07/08/96	61 FR 35598
Interim Final Rule–INS No. 1782–96 With Comments (Australia)	07/29/96	61 FR 39721
Interim Final Rule–INS 1786–96 With Comments (Slovenia)	09/30/97	62 FR 50998
Final Rule–INS No. 1799	12/30/98	63 FR 71726
Interim Final Rule–INS 2002–99 With Comments (Portugal, Singapore, and Uruguay)	08/03/99	64 FR 42006
Interim Final Rule–INS 2188–02 (Removing Argentina)	02/21/02	67 FR 7943
Interim Final Rule	03/07/03	68 FR 10954
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: Transferred from RIN 1115-AB93

Agency Contact: Marty Newingham, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536
Phone: 202 616–7992

Related RIN: Merged with 1115–AG25

RIN: 1651–AA00

1238. INSPECTION AND EXPEDITED REMOVAL OF ALIENS; DETENTION AND REMOVAL OF ALIENS; CONDUCT OF REMOVAL PROCEEDINGS

Priority: Other Significant

Legal Authority: 5 USC 301; 8 USC 1182 to 1185; 8 USC 1186a; 8 USC 1187; 5 USC 552; 5 USC 552a; 8 USC 1101 to 1103; 8 USC 1154; 8 USC 1181

CFR Citation: 8 CFR 1; 8 CFR 213; 8 CFR 214; 8 CFR 216; 8 CFR 217; 8 CFR 221; 8 CFR 223; 8 CFR 3; 8 CFR 103; 8 CFR 204; 8 CFR 207; 8 CFR 209; 8 CFR 211; 8 CFR 212

Legal Deadline: Other, Statutory, March 1, 1997, The statute requires the Attorney General to promulgate implementing regulations by March 1, 1997.
This rule was automatically transferred from the former INS to CBP after the creation of DHS. The general authority to promulgate immigration regulations, with certain exceptions, now lies in the Secretary of Homeland Security as per the transfer of authority from the Attorney General in the Homeland Security Act.

Abstract: Many of the provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) became effective April 1, 1997. Some provisions of the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) that were not superseded by IIRIRA became effective November 1, 1996. On March 6, 1997, DOJ and The Executive Office of Immigration Review (EOIR) published an interim final rule

revising the asylum process; providing a mechanism for the determination and review of certain applicants who demonstrate a credible fear of persecution if returned to their own country; defining the inspection and admission process including new expedited removal procedures for aliens attempting to enter the United States through fraud or misrepresentation by apprehension, detention, and removal of aliens; addressing conduct of removal proceedings; and revising many other sections of the regulations to conform with the new laws. Following transfer of authorities to DHS, on December 6, 2000, DHS published the rule ''Asylum Procedures'' (INS No. 1865-97; RIN 1115-AE93), which finalized the asylum portions of this interim rule. The Department still intends to publish a final rule to finalize the portions of this rulemaking relating to inspection and expedited removal of aliens, detention and deportation and removal of aliens, and the conduct of removal proceedings.

Timetable:

Action	Date	FR Cite
Final Action–INS No. 1669–94	03/22/96	61 FR 11717
NPRM–INS No. 1788–96 Comment Period End 2/3/97	01/03/97	62 FR 444
Interim Final Rule–INS No. 1788–96 Comment Period End 7/15/97	03/06/97	62 FR 10312
Interim Final Rule Correction (Effective 04/01/97)	04/01/97	62 FR 15362
Interim Final Rule–INS No. 1788–96 Correction	04/09/97	62 FR 17048
Final Rule–INS No. 1920–98	07/22/98	63 FR 39217
Final Action–INS No. 1788–96	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1115-AE47

Agency Contact: Linda Loveless, Inspector, Department of Homeland Security, Bureau of Customs and Border Protection, Immigration Policy and Programs, Washington, DC 20528
Phone: 202 344–2493
Email: linda.loveless@dhs.gov

RIN: 1651–AA04

1239. ESTABLISHMENT OF PREINSPECTED AUTOMATED LANE (PAL) PROGRAM

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2

CFR Citation: 8 CFR 287; 8 CFR 299

Legal Deadline: None

Abstract: This rule amends the Immigration and Naturalization regulations by establishing a Preinspected Automated Lane (PAL) Program for the use of eligible persons and vehicles at immigration checkpoints within the United States. This rule will facilitate the passage of people and vehicles through DHS checkpoints while safeguarding the integrity of law enforcement objectives at the checkpoints.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/18/97	62 FR 19024
Interim Final Rule Comment Period End	06/17/97	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1115-AE80

Agency Contact: Rudolph J. Miranda, Assistant Chief, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4226, United States Border Patrol, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927–0931

RIN: 1651–AA06

1240. AMENDMENT OF THE REGULATORY DEFINITION OF ARRIVING ALIEN

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 CFR 2

CFR Citation: 8 CFR 1

Legal Deadline: None

Abstract: This rule amends the Immigration and Naturalization regulations by changing the regulatory definition of an arriving alien. Under section 235(b)(1)(A)(i) of the Immigration and Nationality Act, which was effective on April 1, 1997, certain arriving aliens are subject to expedited removal procedures. The existing regulatory definition of arriving aliens includes parolees. As a matter of policy, the Department has decided that it is appropriate to exempt from the new expedited removal procedures aliens who were paroled into the United States before April 1997. This rule clarifies that these aliens, as well as certain other aliens who were paroled into the United States pursuant to advance parole, will not be subjected to expedited removal upon termination at parole. The rule also makes several changes in the ordering of 1.1(q) to use language that is clearer and more consistent with the wording of the statute.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/20/98	63 FR 19382
Interim Final Rule Comment Period End	06/19/98	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1115-AE87

Agency Contact: Jerry Liu, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536
Phone: 202 514–3410

RIN: 1651–AA07

1241. REMOVAL OF VISA AND PASSPORT WAIVER FOR CERTAIN PERMANENT RESIDENTS OF CANADA AND BERMUDA

Priority: Other Significant

Legal Authority: 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225 to 1227; . . .

CFR Citation: 8 CFR 2; 8 CFR 212; 8 CFR 231; 8 CFR 235; 8 CFR 286

Legal Deadline: None

Abstract: Currently, certain permanent residents of Canada and Bermuda are permitted to enter the United States without a passport or visa. Many of these former British Commonwealth countries have high rates of fraud and abuse, and the documents presented by these permanent residents, for entry to the United States, do not meet current document security standards. This rule amends the Immigration and Naturalization regulations by providing that a passport and visa will be required for permanent residents of Canada and Bermuda having a common nationality with Canadian Nationals or with British subjects in Bermuda. These permanent residents of Canada and Bermuda will be required to present a passport and visa to enter the United States. This rule also amends several other sections of the regulations that provide exceptions for these individuals based on the prior passport and visa exemption. DHS is taking this action in conjunction with the Department of State. This rule is intended to increase security and safeguard the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/03	68 FR 5189
Interim Final Rule Effective	03/17/03	
Interim Final Rule Comment Period End	04/01/03	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1115-AG68

Agency Contact: Linda Loveless, Inspector, Immigration Policy and Programs, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344–2493

RIN: 1651–AA23

1242. NONIMMIGRANT VISA EXEMPTION FOR NATIONALS OF THE BRITISH VIRGIN ISLANDS ENTERING THE UNITED STATES THROUGH ST. THOMAS, U.S. VIRGIN ISLANDS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1252; 8 USC 1102; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228

CFR Citation: 8 CFR 212

Legal Deadline: None

Abstract: This rule amends the Department of Homeland Security's regulations to allow nonimmigrant visitors for business or pleasure who are nationals of the British Virgin Islands to apply for admission to the United States without a visa at the ports-of-entry of St. Thomas, U.S. Virgin Islands. Since visas are no longer issued from the British Virgin Islands by the Department of State, all persons needing a nonimmigrant visa have to either travel or mail their applications to Barbados, the nearest visa-issuing location. The Department's action will facilitate travel to the United States for nationals of the British Virgin Islands while still ensuring that the proper application provisions of the INA are met.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/18/99	64 FR 7989
Interim Final Rule Comment Period End	04/18/99	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: Transferred from RIN 1115-AF28

Agency Contact: Linda Loveless, Inspector, Immigration Policy and Programs, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344–2493

RIN: 1651–AA29

1243. PROCEDURES GOVERNING THE BORDER RELEASE ADVANCED SCREENING AND SELECTIVITY (BRASS) PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 19 USC 66; 19 USC 1448; 19 USC 1484; 19 USC 1624

CFR Citation: 19 CFR 24; 19 CFR 123; 19 CFR 132; 19 CFR 142

Legal Deadline: None

Abstract: Amendment to part 142 of the Customs and Border Protection Regulations to provide for the Border Release Advanced Screening and Selectivity (BRASS) Program, an improved automated and electronic system that will replace the Line Release method of processing certain repetitive and high volume shipments of merchandise into the United States.

Timetable:

Action	Date	FR Cite
NPRM	02/01/02	67 FR 4930
NPRM Comment Period End	04/02/02	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AC92

Agency Contact: Enrique S. Tamayo, Operations Officer, Trade Programs, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344–3112

RIN: 1651–AA35

Department of Homeland Security (DHS) — Completed Actions
Bureau of Customs and Border Protection (BCBP)

1244. ELECTRONIC TRANSMISSION OF PASSENGER AND CREW MANIFESTS FOR VESSELS AND AIRCRAFT

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect the private sector under PL 104-4.

Legal Authority: 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1433; 19 USC 1436; 19 USC 1448; 19 USC 1459; 19 USC 1590; 19 USC 1594; 19 USC 1623; 19 USC 1624; 19 USC 1644; 19 USC 1644a; 49 USC 44909(c); 19 USC 1431; . . .

CFR Citation: 19 CFR 122; 19 CFR 4; 8 CFR 217; 8 CFR 231; 8 CFR 251

Legal Deadline: None

Abstract: Amendment of parts 4 and 122 of the Customs and Border Protection Regulations and parts 217, 231, and 251 of the Immigration and Naturalization regulations to implement a provision of the Aviation and Transportation Security Act, which requires that each air carrier, foreign and domestic, operating a passenger flight in foreign air transportation to the United States electronically transmit in advance of arrival a passenger and crew manifest that contains certain specified information. The submission of this information is required for purposes of ensuring aviation safety and protecting national security. Amendment also implements a provision of the Border and Security and Visa Reform Act of 2002 which requires the electronic transmission of passenger and crew member manifest information to immigration officers in advance of an aircraft or vessel arrival in, or departure from, the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/01	66 FR 67482
Interim Final Rule Comment Period End	03/01/02	
Final Action	04/07/05	70 FR 17820
Final Action Effective	06/06/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AC99

Agency Contact: Tricia Bauer Kennedy, Program Manager, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344–3726
Email: tricia.kennedy@dhs.gov

Charles G. Perez, APIS Program Manager, Department of Homeland Security, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344–2605
Email: charles.perez@dhs.gov

RIN: 1651–AA37

1245. PUBLICATION OF ADMINISTRATIVE FORFEITURE NOTICES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1592; 19 USC 1593a; 19 USC 1624; 19 USC 1607; 19 USC 1608

CFR Citation: 19 CFR 162

Legal Deadline: None

Abstract: Amendment to part 162 of the Customs and Border Protection Regulations to raise the value threshold of seized property for which publication of a notice in a newspaper is necessary from $2,500 to $5,000. By changing the requirements for publication of administrative forfeiture notices, amendment significantly reduces the publication costs, which have often exceeded the value of seized property.

Timetable:

Action	Date	FR Cite
NPRM	01/14/04	69 FR 2093
NPRM Comment Period End	03/15/04	
Final Action	02/22/05	70 FR 8509
Final Action Effective	03/24/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AD31

Agency Contact: Ricardo Scheller, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344–1095

RIN: 1651–AA48

Department of Homeland Security (DHS) — Proposed Rule Stage
Transportation Security Administration (TSA)

1246. FOREIGN AIR CARRIERS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 49 USC 114; 49 USC 5103; 49 USC 40113; 49 USC 44901 to 44905; 49 USC 44907; 49 USC 44914; 49 USC 44916 to 44917; 49 USC 44935; 49 USC 44936; 49 USC 44942; 49 USC 46105

CFR Citation: 49 CFR 1546

Legal Deadline: None

Abstract: The Transportation Security Administration (TSA) is proposing to amend the current aviation security rules applicable to foreign air carriers in 49 CFR part 1546 to make them more consistent with the rules applicable to domestic air carriers. The proposal extends regulations to foreign air carriers flying over the United States and to foreign air carrier private charters and those using aircraft with a maximum certificated takeoff weight of 12,500 pounds or more in their operations. The proposal also adds new security requirements to foreign air carriers including requiring the use of security coordinators, the prohibition of loaded firearms in checked baggage, and restricted access to the flight deck.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Dan Furlong, Director, International Policy, Department of Homeland Security, Transportation Security Administration, Office of Transportation Security Policy, TSA–9, HQ, E3, 601 South 12th Street, Arlington, VA 22205–4220
Phone: 571 227–2787
Fax: 571 227–1378
Email: dan.furlong@dhs.gov

Nathan Dickerson, Economist, Department of Homeland Security, Transportation Security Administration, Office of Transportation Security Policy, TSA–9, HQ, E3, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–3286
Fax: 571 227–1374
Email: nathan.dickerson@dhs.gov

Linda L. Kent, Attorney–Advisor, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–126S, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2675
Email: linda.kent@dhs.gov

RIN: 1652–AA40

1247. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 46 USC 70105; 49 USC 44903

CFR Citation: 49 CFR 1572

Legal Deadline: None

Abstract: The Transportation Security Administration (TSA), in a joint rulemaking with the U.S. Coast Guard (USCG), are proposing standards for a Transportation Worker Identification Credential (TWIC) program for conducting security threat assessments, and issuing biometric credentials to, maritime transportation workers who require unescorted access to secured areas of vessels and maritime facilities.

The Aviation and Transportation Security Act (ATSA) (Pub. L. 107-071; 11/19/2001; 115 Stat. 609) directs the Transportation Security Administration (TSA) to improve access control in secured areas. The Maritime Transportation Security Act of 2002 (MTSA) (Pub. L. 107-295; 11/25/2002; 116 Stat. 2073) requires that workers with unescorted access to secured areas of vessels and facilities must be subject to a security threat assessment and receive a credential needed to access secured areas. Section 7208 of Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. L. 108-458; 12/17/2004) requires that DHS develop a plan to accelerate full implementation of an automated biometric entry and exit data system (entry-exit system).

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Ellen Siegler, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA–2, Office of the Chief Counsel, TSA–2, HQ, E12–335N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2723
Fax: 571–227–1380
Email: ellen.siegler@dhs.gov

Christine Beyer, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA–2, Chief Counsel, Office of the Chief Counsel, TSA–2, HQ, E12–336N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2657
Email: christine.beyer@dhs.gov

Related RIN: Merged with 1652–AA27, Related to 1652–AA47

RIN: 1652–AA41

1248. MODIFICATION OF THE AVIATION SECURITY INFRASTRUCTURE FEE

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 49 USC 44901; 49 USC 44940

CFR Citation: 49 CFR 1511

Legal Deadline: None

Abstract: This rulemaking will seek comment on a proposed revision to the method for apportioning the Aviation Security Infrastructure Fee (ASIF) among air carriers.

Starting in fiscal year 2005, the Aviation and Transportation Security Act (ATSA) (Pub. L. 107—71; 11/19/2001), authorizes TSA to change the methodology for imposing the ASIF on air carriers and foreign air carriers from a system based on their 2000 screening costs to a system based on market share or other appropriate measures. There is great interest from the industry to do so, but each option affects the carriers differently.

On November 5, 2003, the Transportation Security Administration (TSA) published a notice requesting comment on possible changes to the way it sets the ASIF, which is a fee imposed on air carriers and foreign air carriers to help pay the Government's costs of providing civil aviation security services, in order to allow for open industry and public input before beginning the formal rulemaking process for changing this fee.

TSA sought comments on issues such as how to impose the ASIF, and whether, when, and how often the ASIF should be adjusted. The comment period was extended on the notice for an additional 30 days, until February 5, 2004, at the request of the Air Transport Association.

Timetable:

Action	Date	FR Cite
Notice; Requesting Comment–Imposition of the Aviation Security Infrastructure Fee (ASIF)	11/05/03	68 FR 62613
Notice–Imposition of ASIF Comment Period Extended	12/31/03	68 FR 75611
Notice–Imposition of ASIF Comment Period End	01/05/04	
Notice–Imposition of ASIF Extended Comment Period End	02/05/04	
NPRM	11/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Randall Fiertz, Chief, Office of Revenue, Department of Homeland Security, Transportation Security Administration, TSA HQ, Finance and Administration, West Building, Floor 5, TSA–14, Finance and Administration, TSA–14, HQ, West

Building, Floor 5, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–1080
Email: randall.fiertz@dhs.gov

Greg Moxness, Director, Regulatory and Economic Analysis, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–309N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–1002
Email: greg.moxness@dhs.gov

Linda L. Kent, Attorney–Advisor, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–126S, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2675
Email: linda.kent@dhs.gov

Related RIN: Related to 1652–AA01

RIN: 1652–AA43

1249. DUE PROCESS FOR FAA CERTIFICATE HOLDERS AND FOR OTHER THREAT ASSESSMENTS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 49 USC 114; 48 USC 5103; 49 USC 40113; 49 USC 44901 to 44907; 49 USC 44913; 49 USC 44914; 49 USC 44916; 49 USC 44935; 49 USC 44936; 49 USC 44942; 49 USC 46105; 49 USC 46111

CFR Citation: 49 CFR 1540

Legal Deadline: None

Abstract: This action provides administrative appeal procedures for U.S. citizens that hold or are applying for a certificate, rating, or authorization issued by the Federal Aviation Administration (FAA) to challenge a determination by the Transportation Security Administration (TSA) that the individual poses a threat to transportation, aviation, or national security.

The procedures implement the new requirements of Vision 100—Century of Aviation Reauthorization Act (Pub. L. 108-176: 12/12/2003; 117 Stat. 2490) and provide U.S. citizens that hold an FAA certificate, rating, or authorization the opportunity to request a hearing on the record before an administrative law judge as well as final review by a panel of the Transportation Security Oversight Board. This action also provides aliens lawfully admitted for permanent residence in the United States that hold or apply for a FAA certificate, rating, or authorization and that are determined by TSA to be a risk to transportation, aviation, or national security the opportunity to seek review of such a determination.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Robert Seasonwein, Assistant Chief Counsel for Criminal Enforcement, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–303N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2542
Fax: 571 227–1380
Email: robert.seasonwein@dhs.gov

Linda L. Kent, Attorney–Advisor, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–126S, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2675
Email: linda.kent@dhs.gov

Related RIN: Split from 1652–AA12, Split from 1652–AA15

RIN: 1652–AA44

1250. • REGISTERED TRAVELER

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: PL 107–071, sec 109

CFR Citation: 49 CFR 1540; 49 CFR 1542

Legal Deadline: None

Abstract: TSA is proposing to revise current transportation security regulations to establish a voluntary Registered Traveler (RT) program. Registered Travelers are individuals who voluntarily have submitted biographic and biometric data and have undergone a security threat assessment resulting in a determination by the TSA that they are eligible for expedited security screening at participating airports. Registered Travelers will be required to pay a fee to defray TSA's costs for background checks.

The RT program is designed to improve the security screening process by helping TSA to align screeners and resources with potential risks. Travelers that voluntarily submit to background checks and are approved for enrollment will be positively identified at the airport through biometric technology. These passengers will be permitted to go through expedited security screening, such as a dedicated security checkpoint line, which will allow TSA to more efficiently focus its resources.

Section 7208, Biometric Entry and Exit Data System, of the Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. L. 108-458; 12/17/2004), requires the Department of Homeland Security (DHS) to develop and implement a registered traveler program to expedite processing of travelers entering and exiting the United States, which would be integrated with the entry-exit system.

Several statutory provisions express congressional intent that the RT program be implemented and funded by user fees: section 109 of the Aviation and Transportation Security Act (ATSA), (Pub. L. 107-71; 11/19/2001; 115 Stat. 597); and section 520 of the Department of Homeland Security Appropriations Act, 2004, (Pub. L. 108-90; 10/01/2003; 117 Stat. 1137).

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Pamela Friedmann, Subject Matter Expert, Department of Homeland Security, Transportation Security Administration, Office of Transportation Security Policy, TSA–9, HQ, E11, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–3656
Email: pamela.friedmann@dhs.gov

Greg Moxness, Director, Regulatory and Economic Analysis, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–309N,

DHS—TSA

Proposed Rule Stage

601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–1002
Email: greg.moxness@dhs.gov

Ellen Siegler, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA–2, Office of the Chief Counsel, TSA–2, HQ, E12–335N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2723
Fax: 571–227–1380
Email: ellen.siegler@dhs.gov

Related RIN: Related to 1652–AA36, Related to 1652–AA41

RIN: 1652–AA47

1251. • PRIVACY ACT OF 1974: IMPLEMENTATION OF EXEMPTIONS; SECURE FLIGHT RECORDS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 49 USC 114(l)(1); 49 USC 552a(k)

CFR Citation: 49 CFR 1507

Legal Deadline: None

Abstract: The Transportation Security Administration (TSA) is issuing an interim final rule to exempt portions of its system of records (SOR) for the Secure Flight Program from several provisions, as yet to be determined, of the Privacy Act.

TSA is developing the Secure Flight Program under the mandate in section 4012 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) (Pub. L. 108-458; 12/17/2004), which requires TSA to assume from aircraft operators the function of comparing passenger information to Federal watch lists.

Timetable:

Action	Date	FR Cite
Notice–Establish Privacy Act System of Records (SOR)	09/24/04	69 FR 57345
Notice–Establish Privacy Act SOR Comment Period End	10/25/04	
Notice–Privacy Impact Assessment	09/24/04	69 FR 57352
NPRM–Privacy Act; Implementation of Exemptions (SOR)	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lisa S. Dean, Privacy Officer, Department of Homeland Security, Transportation Security Administration, Office of Transportation Security Policy, TSA–9, HQ, E7, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–3947
Fax: 571 227–2555
Email: lisa.dean@dhs.gov

Brandon B. Straus, Assistant Chief Counsel for Regulations, Department of Homeland Security, Transportation Security Administration, TSA–2, Chief Counsel, Office of the Chief Counsel, TSA–2, HQ, E12–318N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2724
Fax: 571 227–1379
Email: brandon.straus@dhs.gov

Related RIN: Related to 1652–AA45

RIN: 1652–AA48

Department of Homeland Security (DHS)
Transportation Security Administration (TSA)

Final Rule Stage

1252. SECURITY THREAT ASSESSMENT FOR INDIVIDUALS APPLYING FOR A HAZARDOUS MATERIALS ENDORSEMENT FOR A COMMERCIAL DRIVERS LICENSE

Priority: Other Significant

Legal Authority: 49 USC 114; 49 USC 5103a; 49 USC 40113; 49 USC 46105

CFR Citation: 49 CFR 1572

Legal Deadline: None

Abstract: The Transportation Security Administration (TSA) will take final action on the November 24, 2004, interim final rule by responding to comments.

This action, initiated with a rule published on May 5, 2003, implements requirements in the Safe Explosives Act and the USA Patriot Act, relating to security threat assessments of commercial truck drivers who are authorized to transport hazardous materials.

This rule amends the May 5 rule by providing additional guidance to the States and industry on the process for collecting fingerprints and information from commercial drivers who apply to obtain or renew a hazardous materials endorsement. In addition, the rule requires the States to formally decide whether they will collect this information or whether TSA will complete the collection. TSA has added definitions, and made organizational and substantive changes to the current standards codified at 49 Code of Federal Regulations (CFR) part 1572.

The rule moves the start date of the fingerprint-based checks for transfer and renewal applicants to May 31, 2005. TSA made these changes in response to comments received from the affected parties and to clarify further the implementation of this program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/05/03	68 FR 23852
Interim Final Rule Effective	05/05/03	
Interim Final Rule Comment Period End	07/07/03	
Interim Final Rule; Amendment	11/07/03	68 FR 63033
Interim Final Rule; Amendment Effective	11/03/03	
Final Rule	04/06/04	69 FR 17969
Final Rule Effective	04/06/04	
Interim Final Rule	11/24/04	69 FR 68720
Interim Final Rule Effective	11/24/04	
Interim Final Rule Comment Period End	12/27/04	
Final Rule	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, State

Additional Information: Transferred from RIN 2110-AA19

Agency Contact: George Petersen, Deputy Program Manager, Department of Homeland Security, Transportation Security Administration, Office of Credentialing & Vetting, TSA–19, HQ E8, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2215
Email: george.petersen@dhs.gov

Willie Abney, Economist, Department of Homeland Security, Transportation Security Administration, Office of Transportation Security Policy, TSA–9, HQ, E3, 601 South 12th Street, Arlington , VA 22202–4220
Phone: 571 227–2610
Fax: 571–227–1374
Email: willie.abney@dhs.gov

Christine Beyer, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA–2, Chief Counsel, Office of the Chief Counsel, TSA–2, HQ, E12–336N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2657
Email: christine.beyer@dhs.gov

Related RIN: Related to 1652–AA33

RIN: 1652–AA17

1253. AIR CARGO SECURITY REQUIREMENTS

Priority: Other Significant

Legal Authority: 49 USC 114; 49 USC 5103; 49 USC 40113; 49 USC 44901 to 44907; 49 USC 44913 to 44914; 49 USC 44916 to 44918; 49 USC 44935 to 44936; 49 USC 44942; 49 USC 46105

CFR Citation: 49 CFR 1540; 49 CFR 1542; 49 CFR 1544; 49 CFR 1546; 49 CFR 1548

Legal Deadline: Final, Statutory, August 14, 2005, Section 4053 of IRPTA requires TSA to issue a final rule NLT 240 days from enactment to enhance and improve the security of air cargo transported in both passenger and all–cargo aircraft.
Section 4053 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) (Pub. L. 108-458), mandates that TSA issue a final rule not later than 240 days from enactment.

Abstract: The Transportation Security Administrations (TSA) is proposing these amendments after extensive consultation with industry through its Aviation Security Advisory Committee, and with other Federal agencies including the Department of Transportation and Bureau of Customs and Border Protection.

This rulemaking would amend current transportation security regulations to enhance and improve the security of air cargo transportation, by requiring the adoption of security measures throughout the air cargo supply chain—applicable to airport operators, aircraft operators, foreign air carriers, and indirect air carriers.

These proposed regulatory requirements would impose significant barriers to terrorists seeking to use the air cargo transportation system for malicious purposes. This proposal would also change the requirement for a Twelve-Five Program from aircraft with a maximum certificated takeoff weight ''of 12,500 pounds or more'' to ''more than 12,500 pounds.'' This change would conform the regulation to recent legislation.

Timetable:

Action	Date	FR Cite
NPRM	11/10/04	69 FR 65258
NPRM Comment Period End	01/10/05	
Final Rule	08/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Pamela Hamilton, Director, Aviation Inspections, Department of Homeland Security, Transportation Security Administration, Office of Aviation Operations, TSA–7, HQ, E3, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2623
Fax: 571 227–1374
Email: pamela.hamilton@dhs.gov

Benjamin Klein, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA–2, Chief Counsel, Office of the Chief Counsel, TSA–2, HQ, E12–333N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2694
Fax: 571 227–1379
Email: benjamin.klein@dhs.gov

RIN: 1652–AA23

1254. PRIVACY ACT OF 1974: IMPLEMENTATION OF EXEMPTIONS; TRANSPORTATION SECURITY INTELLIGENCE SERVICE (TSIS) OPERATIONS FILES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 114(l)(1); 5 USC 552a(k)

CFR Citation: 49 CFR 1507

Legal Deadline: None

Abstract: The Transportation Security Administration (TSA) is issuing a final rule to exempt several systems of records from the Privacy Act of 1974 by implementing the following changes:

In conjunction with the establishment of a new system of records, Transportation Security Intelligence Service (TSIS) Operations Files (DHS/TSA 011), TSA published a notice of proposed rulemaking (NPRM) on December 10, 2004, to exempt this system of records (SOR) from several provisions of the Privacy Act. The purpose of this system is to maintain records on intelligence, counterintelligence, transportation security, and information systems security matters as they relate to TSA's mission of protecting the nation's transportation systems.

TSA proposes adding 5 U.S.C. 552a(k)(1) as an authority to exempt the Personnel Background Investigation File System (DHS/TSA 004) from the provisions previously claimed for this system that allows TSA to maintain investigative and background records used to make suitability and eligibility determinations for employment.

Finally, TSA proposes adding 5 U.S.C. 552a(j)(2) as an authority to exempt the Transportation Security Enforcement Record System (TSERS) (DHS/TSA 001) and the Internal Investigation Record System (DHS/TSA 005) from the provisions previously claimed for those two systems and to now include subsection (e)(3) of the Privacy Act. DHS/TSA 001 serves as an enforcement docket system while DHS/TSA 005 is maintained to facilitate the management of investigations into allegations or appearances of misconduct by current and former TSA employees or contractors and is being modified to cover investigations of security-related incidents and reviews of TSA programs and operations.

Timetable:

Action	Date	FR Cite
Notice–Establish or Alter Privacy Act Systems of Records (SOR)	08/18/03	68 FR 49496
Notice–Establish or Alter Privacy Act SOR Comment Period End	09/17/03	
Notice–Establish or Alter Privacy Act Systems of Records	12/10/04	69 FR 71828
Notice–Establish or Alter Privacy Act SOR Comment Period End	01/10/05	
NPRM–Privacy Act; Implementation of Exemptions	12/10/04	69 FR 71767
NPRM–Privacy Act; Implementation of Exemptions; Comment Period End	01/10/05	
Final Rule–Privacy Act; Implementation of Exemptions	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lisa S. Dean, Privacy Officer, Department of Homeland Security, Transportation Security Administration, Office of Transportation Security Policy, TSA–9, HQ, E7, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–3947
Fax: 571 227–2555
Email: lisa.dean@dhs.gov

Brandon B. Straus, Assistant Chief Counsel for Regulations, Department of Homeland Security, Transportation Security Administration, TSA–2, Chief Counsel, Office of the Chief Counsel, TSA–2, HQ, E12–318N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2724
Fax: 571 227–1379
Email: brandon.straus@dhs.gov

RIN: 1652–AA34

1255. PRIVACY ACT OF 1974: IMPLEMENTATION OF EXEMPTIONS; REGISTERED TRAVELER OPERATIONS FILES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 114 (l)(1); 5 USC 552a(j); 5 USC 552a(k); 49 USC 40113

CFR Citation: 49 CFR 1507

Legal Deadline: None

Abstract: The Transportation Security Administration (TSA) is issuing a final rule that will exempt the Registered Traveler Operations Files (DHS/TSA 015) from several provisions of the Privacy Act of 1974, to prevent the unauthorized disclosure of classified and law enforcement information.

In conjunction with the notice of establishment of the Registered Traveler Operations Files (DHS/TSA 015), TSA published a notice of proposed rulemaking (NPRM) on September 8, 2004, to exempt this system of records (SOR) from several provisions of the Privacy Act. Specifically, the TSA proposed to exempt the system of records from 5 U.S.C. 552a(c)(3) (accounting of disclosures); (d) (access to records); (e)(1) (relevancy and necessity of information); (e)(4)(G), (H) and (I) (agency requirements); and (f) (agency rules) pursuant to exemptions (k)(1) and (k)(2) of the Act. TSA did not receive any comments on the proposed rule.

Registered Traveler Operations Files (DHS/TSA 015) will be used to conduct a Registered Traveler (RT) Pilot Program in a limited number of airports to test and evaluate the merits of the RT concept on a completely voluntary basis. RT is designed to pre-screen and positively identify volunteer travelers using advanced identification technologies and conduct a terrorist-focused background check to ensure that the volunteer is not connected to terrorists or terrorist activity. This system may expedite the pre-boarding process for the traveler and improve the allocation of TSA's security resources on individuals who may pose a security threat. All passengers who volunteer and are deemed eligible for the RT pilot program will be required to undergo screening at the screening checkpoint in the selected pilot locations.

Timetable:

Action	Date	FR Cite
Notice–Establish Privacy Act Systems of Records (SOR)	06/01/04	69 FR 30948
Notice–Establish Privacy Act SOR Comment Period End	07/01/04	
NPRM–Privacy Act; Implementation of Exemptions	09/08/04	69 FR 54256
NPRM–Privacy Act; Implementation of Exemptions; Comment Period End	10/08/04	
Final Rule–Privacy Act; Implementation of Exemptions	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lisa S. Dean, Privacy Officer, Department of Homeland Security, Transportation Security Administration, Office of Transportation Security Policy, TSA–9, HQ, E7, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–3947
Fax: 571 227–2555
Email: lisa.dean@dhs.gov

Pamela Friedmann, Subject Matter Expert, Department of Homeland Security, Transportation Security Administration, Office of Transportation Security Policy, TSA–9, HQ, E11, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–3656
Email: pamela.friedmann@dhs.gov

Ellen Siegler, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–335N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2723
Email: ellen.siegler@dhs.gov

Related RIN: Related to 1652–AA47

RIN: 1652–AA36

1256. SECURE FLIGHT PROGRAM

Priority: Economically Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 49 USC 114; 49 USC 40113; 49 USC 44901 to 44903

CFR Citation: 49 CFR 1560

Legal Deadline: Final, Statutory, August 17, 2005, IRPTA requires TSA to implement the advanced passenger prescreening system within 180 days of testing completion.

Sec. 4012 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) (Pub. L. 108-458; 12/17/2004) requires that not later than January 1, 2005, TSA commence testing of an advanced passenger prescreening system; and that not later than 180 days after completion of testing, TSA begin to assume the performance of the passenger prescreening function.

Abstract: The Transportation Security Administration (TSA) is issuing a rule to implement the requirement in section 4012 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) (Pub. L. 108-458; 12/17/2004) that TSA assume from aircraft operators the performance of the passenger screening function of comparing passenger information to the automatic selectee and no fly lists and utilize all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government in performing that function. The rule will require aircraft operators to provide the Federal Government with passenger information for certain flights operated within the United States for use in such a screening process.

Timetable:

Action	Date	FR Cite
Notice–Information Collection; Emergency Processing	09/24/04	69 FR 57342
Notice–Final Order for Secure Flight Test Phase; Response to Public Comments	11/15/04	69 FR 65619
Interim Final Rule; Request for Comments	06/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Kapila Juthani, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–309N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–1185
Fax: 571 227–1378
Email: kapila.juthani@dhs.gov

Willie Abney, Economist, Department of Homeland Security, Transportation Security Administration, Office of Transportation Security Policy, TSA–9, HQ, E3, 601 South 12th Street, Arlington , VA 22202–4220
Phone: 571 227–2610
Fax: 571–227–1374
Email: willie.abney@dhs.gov

Justin Oberman, Assistant Administrator, Department of Homeland Security, Transportation Security Administration, Office of Transportation Credentialing & Vetting, TSA–19, HQ, E8–358N, 601 South 12th Street, Arlington , VA 22202–4220
Phone: 571 227–1637
Fax: 571 227–1903
Email: justin.oberman@dhs.gov

Related RIN: Related to 1652–AA48

RIN: 1652–AA45

1257. ● TECHNICAL AMENDMENT: ADMINISTRATIVE CHANGE TO THE OFFICIAL TITLE OF THE HEAD OF TSA

Priority: Info./Admin./Other

Legal Authority: 6 USC 113(a)(8); 49 USC 114(b); 49 USC 40113

CFR Citation: 49 CFR 1500; 49 CFR 1502; 49 CFR 1503; 49 CFR 1510; 49 CFR 1511; 49 CFR 1520; 49 CFR 1540; 49 CFR 1542; 49 CFR 1544; 49 CFR 1546; 49 CFR 1548; 49 CFR 1572

Legal Deadline: None

Abstract: TSA is issuing a final rule making a technical change to the Transportation Security Regulations (TSR) to reflect a change in the official title of the head of TSA. Under the TSRs, the organizational head of TSA is referred to as the Administrator. This rule revises the definition of Administrator to reflect the appointment of the head of TSA as the Assistant Secretary of Homeland Security (Transportation Security Administration). This rule makes conforming technical changes to various parts of the TSRs, revising, where appropriate, all references to the title of the TSA ''Administrator.'' This regulation also makes conforming changes to the general definitions sections and revises any references to our Headquarters Visitors Center and Pass Office address, as necessary, due to its relocation from building 701 to building 601. This rule relates only to agency organization, procedure, and practice and will have no substantive effect on the public.

Timetable:

Action	Date	FR Cite
Final Rule–Technical Amendment	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Marisa Mullen, Senior Rulemaking Analyst, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA–2, Chief Counsel, Office of the Chief Counsel, TSA–2, HQ, E12–314N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2706
Fax: 571 227–1378
Email: marisa.mullen@dhs.gov

RIN: 1652–AA46

Department of Homeland Security (DHS) — Long-Term Actions
Transportation Security Administration (TSA)

1258. IMPOSITION AND COLLECTION OF PASSENGER CIVIL AVIATION SECURITY SERVICE FEES

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 49 USC 44940

CFR Citation: 49 CFR 1510

Legal Deadline: Final, Statutory, January 19, 2002, Section 118 directs TSA to impose uniform security service fees on certain aviation passengers within 60 days of enactment of ATSA, or as soon as possible thereafter.
Sec. 118 of the Aviation and Transportation Security Act (ATSA) (Pub.L. 107—71;11/19/2001), codified at 49 USC 44940, requires that within 60 days of ATSA's enactment, or as soon as possible thereafter, TSA impose uniform security service fees on passengers of domestic and foreign air carriers in air transportation; publish notice of these fees in the **Federal Register**; and exempts TSA from procedural rulemaking requirements of

5 USC 553 and the user fees requirements from 31 USC 9701.

Abstract: The Transportation Security Administration (TSA) will take final action on the December 31, 2001, interim final rule (IFR) by completing an economic analysis and responding to comments received.

That IFR established passenger civil aviation security service fees, known as the ''September 11th Security Fee,'' in the amount of $2.50 per emplanement on passengers of domestic and foreign carriers in air transportation, foreign air transportation, and intrastate air transportation originating in the United States, up to $5.00 per one-way trip and $10.00 per round trip. The fees are required under 49 U.S.C. 44940 to pay TSA for the costs of providing Federal civil aviation security services.

Timetable:

Action	Date	FR Cite
Interim Final Rule; Request for Comments	12/31/01	66 FR 67698
Interim Final Rule Effective	12/31/01	
Notice–Information Collection; Emergency Processing	01/31/02	67 FR 4866
Notice–Information Collection; Approval	02/19/02	67 FR 7582
Interim Final Rule Comment Period End	03/01/02	
Interim Final Rule Comment Period Reopened	03/28/02	67 FR 14879
Interim Final Rule Reopened Comment Period End	04/30/02	
Notice–Information Collection; 30–Day Renewal	07/10/02	67 FR 45784
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: Transferred from RIN 2110-AA01

Agency Contact: Randall Fiertz, Chief, Office of Revenue, Department of Homeland Security, Transportation Security Administration, TSA HQ, Finance and Administration, West Building, Floor 5, TSA–14, Finance and Administration, TSA–14, HQ, West Building, Floor 5, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–1080
Email: randall.fiertz@dhs.gov

Greg Moxness, Director, Regulatory and Economic Analysis, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–309N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–1002
Email: greg.moxness@dhs.gov

Linda Kent, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–309N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2663
Fax: 571 227–1378
Email: linda.kent@dhs.gov

Related RIN: Related to 1652–AA01

RIN: 1652–AA00

1259. AVIATION SECURITY INFRASTRUCTURE FEES

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 49 USC 114; 49 USC 40113; 49 USC 44901; 49 USC 44940

CFR Citation: 49 CFR 1511

Legal Deadline: None

Abstract: The Transportation Security Administration (TSA) will take final action on the February 20, 2002, interim final rule (IFR) by completing an economic analysis and responding to comments received.

The IFR established the Aviation Security Infrastructure Fee (ASIF) imposed on air carriers and foreign air carriers in air transportation, foreign air transportation, and intrastate air transportation to help defray TSA's costs of providing U.S. civil aviation security services.

The Aviation and Transportation Security Act (ATSA) (Pub. L. 107—71; 11/19/2001), codified at 49 U.S.C. 44940, requires TSA to impose a uniform fee, the ''September 11th Security Fee,'' on certain aviation passengers at no more than $2.50 per enplanement originating in the United States, up to $5.00 per one-way trip and $10.00 per round trip.

To the extent that TSA estimates that the September 11th Security Fee will not cover TSA's estimated annual costs for providing specified security services, ATSA authorizes TSA to impose a second fee, the ASIF, on carriers based on the costs they incurred for screening passengers and property in calendar year 2000. Beginning in fiscal year 2005, TSA may change the way the ASIF is apportioned among air carriers according to a carrier's market share or other appropriate measure, in lieu of the carrier's actual screening costs in calendar year 2000. See 49 U.S.C. 44940(2)(B)(iii). Reapportionment of the ASIF will be the subject of a separate rulemaking.

Timetable:

Action	Date	FR Cite
Interim Final Rule; Request for Comments	02/20/02	67 FR 7926
Interim Final Rule Effective	02/18/02	
Interim Final Rule Correction	02/25/02	67 FR 8579
Notice–Information Collection; Approval	02/28/02	67 FR 9355
Interim Final Rule Comment Period End	03/18/02	
Interim Final Rule Comment Period Extended	03/20/02	67 FR 12954
Interim Final Rule Extension of Comment Period End	04/02/02	
Notice–Guidance Appendix A	05/01/02	67 FR 21582
Notice–Information Collection; 60–Day New Collection	01/27/04	69 FR 3938
Notice–Information Collection; 30–Day New Collection	05/18/04	69 FR 28141
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: Transferred from RIN 2110-AA02

Agency Contact: Randall Fiertz, Chief, Office of Revenue, Department of Homeland Security, Transportation Security Administration, TSA HQ, Finance and Administration, West Building, Floor 5, TSA–14, Finance and Administration, TSA–14, HQ, West Building, Floor 5, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–1080
Email: randall.fiertz@dhs.gov

Greg Moxness, Director, Regulatory and Economic Analysis, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–309N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–1002
Email: greg.moxness@dhs.gov

Linda Kent, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–309N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2675
Fax: 571 227–1378
Email: linda.kent@dhs.gov

Related RIN: Related to 1652–AA00, Related to 1652–AA43

RIN: 1652–AA01

1260. CIVIL AVIATION SECURITY RULES

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 49 USC 40101 et seq (PL 107–71)

CFR Citation: 14 CFR 91; 14 CFR 107 to 109; 14 CFR 121; 14 CFR 129; 14 CFR 135; 14 CFR 139; 14 CFR 191; 49 CFR 1500 to 1550

Legal Deadline: Final, Statutory, February 19, 2002, ATSA requires TSA to transfer aviation security responsibilities from FAA to TSA within 3 months of enactment of ATSA.
The Aviation and Transportation Security Act (ATSA) (Pub. L. 107—71; 11/19/2001), mandated that not later than 3 months after the date of enactment of this Act, TSA assume civil aviation security functions and responsibilities under chapter 449 of 49 U.S.C., in accordance with a schedule to be developed by the Secretary of Transportation, in consultation with air carriers, foreign air carriers, and the Administrator of the Federal Aviation Administration.

Abstract: The Transportation Security Administration (TSA) will take final action on the February 22, 2002, final rule; request for comments, by completing an economic analysis and responding to comments received.

On December 28, 2001 (66 FR 67117), the U.S. Department of Transportation (DOT) pursuant to the Aviation and Transportation Security Act (Pub. L. 107—71; 11/19/2001), published a final rule amending 49 U.S.C. part 1, to reflect the new DOT operating administration (TSA) and its general responsibilities.

On February 22, 2002, TSA published a final rule, with a request for comments, transferring the Federal Aviation Administration's (FAA) rules (14 CFR) governing civil aviation security to TSA (49 CFR). That rulemaking also amended those rules to enhance security as required by ATSA, codified at 49 U.S.C. 44940. ATSA requires that by November 19, 2002, the responsibility for inspecting persons and property carried by aircraft operators and foreign air carriers be transferred to TSA and that TSA make a number of improvements to aviation security screening in the United States; including that screening of individuals and property be conducted by TSA employees and companies under contract with TSA; enhanced qualifications and training of screeners; and that Federal law enforcement officers be present at screening locations.

It was intended to improve the quality of screening conducted by aircraft operators and foreign air carriers; to improve the qualifications of individuals performing screening, and thereby to improve the level of security in air transportation. The rule helped ensure a smooth transition of aviation security from the FAA to TSA, and avoid disruptions in air transportation due to any shortage of qualified screeners.

Timetable:

Action	Date	FR Cite
Final Rule	12/28/01	66 FR 67117
Final Rule Effective	12/28/01	
Final Rule; Request for Comments	02/22/02	67 FR 8340
Final Rule Effective	02/17/02	
Final Rule Comment Period End	03/25/02	
Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: Transferred from RIN 2110-AA03

Agency Contact: Greg Moxness, Director, Regulatory and Economic Analysis, Department of Homeland Security, Transportation Security Administration, Office of Transportation Security Policy, TSA–9, HQ, E3–202S, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–1002
Fax: 571 227–1378
Email: greg.moxness@dhs.gov

Benjamin Klein, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA–2, Chief Counsel, Office of the Chief Counsel, TSA–2, HQ, E12–333N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2694
Fax: 571 227–1379
Email: benjamin.klein@dhs.gov

RIN: 1652–AA02

1261. SECURITY PROGRAMS FOR AIRCRAFT WEIGHING 12,500 POUNDS OR MORE

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 49 USC 114; 49 USC 5103; 49 USC 40119; 49 USC 44901 to 44907; 49 USC 44913; 49 USC 44914; 49 USC 44916 to 44918; 49 USC 44935; 49 USC 44936; 49 USC 44942; 49 USC 46105

CFR Citation: 49 CFR 1540; 49 CFR 1544

Legal Deadline: Final, Statutory, February 19, 2002, Sec. 132(a) of ATSA requires TSA implement an aviation security program for certain air carriers within 90 days of enactment of ATSA. Sec. 132(a) of the Aviation and Transportation Security Act (ATSA) (Pub.L. 107—71; 11/19/2001), codified at 49 U.S.C. 44940, requires that within 90 days of ATSA's enactment, TSA implement an aviation security program for charter air carriers (as defined in sec. 40102(a)(13) of title 49, United States Code) with a maximum certificated takeoff weight of 12,500 pounds or more.

Abstract: The Transportation Security Administration (TSA) will take final action on the February 22, 2002, final rule, known as the ''Twelve-Five Rule,'' by completing an economic analysis and responding to comments received.

The rule required operators of aircraft with a maximum certificated takeoff weight of 12,500 pounds or more to implement a TSA-approved security program, known as the ''Twelve-Five

Security Program.'' The rule also required that certain aircraft operators conduct criminal history records checks on their flightcrew members, and restrict access to the flight deck. These measures were necessary to comply with congressional mandates and to enhance security in air transportation.

Security programs constitute sensitive security information (SSI), which are disclosed only to persons with a need to know, in accordance with 49 CFR part 1520. Therefore, the proposed Twelve-Five Security Program was distributed for comment only to the operators subject to the rule. TSA received comments on the proposed security program and amended the program, where appropriate, to accommodate the comments received. TSA provided the final security program to affected entities, and completed a training program for the operators to use to ensure that they operate in accordance with the final security program. In addition, TSA developed a fingerprint collection process that enables all affected operators to complete the fingerprint-based criminal history records checks of their flightcrew members, as required by the Twelve-Five Rule. Affected operators were required to be in compliance with the rule by April 1, 2003.

Timetable:

Action	Date	FR Cite
Final Rule; Request for Comments	02/22/02	67 FR 8205
Final Rule Comment Period End	04/23/02	
Final Rule Effective	06/24/02	
Notice–Extend Compliance Date to 12/01/2002	08/28/02	67 FR 55308
Notice–Extend Compliance Date; Comment Period End	09/30/02	
Notice–Extend Compliance Date to 02/01/2003	11/08/02	67 FR 68227
Notice–Extend Compliance Date to 04/01/2003	02/05/03	68 FR 5974
Notice–Information Collection 60 Day Renewal	11/26/03	68 FR 66473
Notice–Information Collection 30 Day Renewal	02/11/04	69 FR 6683
Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2110-AA04

Agency Contact: Lon M. Siro, Security Specialist, Department of Homeland Security, Transportation Security Administration, TSA–7–500, Air Carrier Operations Division, Aviation Operations, HQ, East Bldg, Floor 11, TSA–7, 601 South 12th Street, Arlington, VA 22202
Phone: 571 227–2217
Email: lon.siro@dhs.gov

Greg Moxness, Director, Regulatory and Economic Analysis, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–309N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–1002
Email: greg.moxness@dhs.gov

Christine Beyer, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA–2, Chief Counsel, Office of the Chief Counsel, TSA–2, HQ, E12–336N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2657
Email: christine.beyer@dhs.gov

Related RIN: Related to 1652–AA04

RIN: 1652–AA03

1262. PRIVATE CHARTER SECURITY RULES

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 49 USC 114; 49 USC 5102; 49 USC 40119; 49 USC 44901 to 44907; 49 USC 44913; 49 USC 44914; 49 USC 44916 to 44918; 49 USC 44935; 49 USC 44936; 49 USC 44942; 49 USC 46105

CFR Citation: 49 CFR 1540; 49 CFR 1544

Legal Deadline: Final, Statutory, February 19, 2002, Section 132 (a) of ATSA requires TSA to implement an aviation security program for certain air carriers within 90 days after enactment of ATSA.
Section 132(a) of the Aviation and Transportation Security Act (ATSA) (Pub.L. 107—71; 11/19/2001), codified at 49 U.S.C. 44940, requires that within 90 days of ATSA's enactment, TSA implement an aviation security program for charter air carriers (as defined in sec. 40102(a)(13) of title 49, United States Code) with a maximum certificated takeoff weight of 12,500 pounds or more.

Abstract: The Transportation Security Administration (TSA) will take final action on the December 31, 2002, final rule by completing an economic analysis.

This current rule amends the requirements applying to private charter passenger aircraft to increase the level of security required in private charter operations. TSA adopted an international security standard, in which Private charter operations in aircraft with a maximum certificated takeoff weight (MTOW) greater than 45,500 kg (100,309.3 pounds), or with a passenger seating configuration of 61 or more, are required to ensure that passengers and their accessible property are screened prior to boarding.

In response to section 132(a) of the Aviation and Transportation Security Act (ATSA) requirement that TSA implement an aviation security program for charter air carriers, TSA published a final rule on February 22, 2002, known as the ''Twelve-Five Rule.'' The rule required operators of aircraft with a maximum certificated takeoff weight of 12,500 pounds or more to implement a TSA-approved security program, known as the ''Twelve-Five Security Program.''

In June 2002, TSA issued another final rule, request for comments, that required private charter operators using aircraft with a maximum certificated takeoff weight of 95,000 pounds or more, to ensure that passengers and their carry-on baggage are screened prior to boarding. However, in response to the comments received from this rule and after further analysis, TSA determined that this threshold did not adequately capture the appropriate group of aircraft, so TSA published a further amendment in December 2002, adopting the international security standard above for private charter operations. As a result of this current amendment, additional aircraft are now covered by the rule that were not previously subject to it. TSA established a new compliance date for operators of these aircraft, in order to provide them sufficient time to develop procedures required by this rule and the security program. Also, in response to comments received, TSA is

permitting the use of non-TSA screeners in certain circumstances.

Security programs constitute sensitive security information (SSI), which can be disclosed only to persons with a need to know, in accordance with 49 CFR part 1520. Therefore, the proposed private charter security program was distributed for comment only to the operators subject to the rule. TSA received comments on the proposed security program and amended the program, where appropriate, to accommodate the comments received. TSA provided the final security program to affected entities, and completed a training program for the operators to use to ensure that they operate in accordance with the security program. Affected operators were required to be in compliance with the rule by April 1, 2003.

Timetable:

Action	Date	FR Cite
Final Rule; Request for Comments	02/22/02	67 FR 8205
Final Rule Comment Period End	04/23/02	
Final Rule Effective	06/24/02	
Final Rule; Request for Comments	06/19/02	67 FR 41635
Final Rule Comment Period End	07/19/02	
Final Rule Effective	08/19/02	
Notice–Extend Compliance Date to 12/01/2002	08/28/02	67 FR 55309
Notice–Extend Compliance Date; Comment Period End	09/30/02	
Final Rule	12/31/02	67 FR 79881
Final Rule Effective	02/01/03	
Notice–Extend Compliance Date to 04/01/2003	02/05/03	68 FR 5975
Notice–Information Collection 60 Day Renewal	11/26/03	68 FR 66473
Notice–Information Collection 30 Day Renewal	02/11/04	69 FR 6683
Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2110-AA05

Agency Contact: Lon M. Siro, Security Specialist, Department of Homeland Security, Transportation Security Administration, TSA–7–500, Air Carrier Operations Division, Aviation Operations, HQ, East Bldg, Floor 11, TSA–7, 601 South 12th Street, Arlington, VA 22202
Phone: 571 227–2217
Email: lon.siro@dhs.gov

Greg Moxness, Director, Regulatory and Economic Analysis, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–309N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–1002
Email: greg.moxness@dhs.gov

Christine Beyer, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA–2, Chief Counsel, Office of the Chief Counsel, TSA–2, HQ, E12–336N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2657
Email: christine.beyer@dhs.gov

Related RIN: Related to 1652–AA03

RIN: 1652–AA04

1263. BACKGROUND CHECKS FOR AIRPORT WORKERS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 49 USC 40101 et seq; PL 107–71

CFR Citation: 49 CFR 1542; 49 CFR 1544

Legal Deadline: None

Abstract: This action would address criminal history record checks (CHRC) for individuals who regularly have escorted access to secured areas of an airport, individuals who work in sterile areas of an airport, and others.

The Aviation and Transportation Security Act (ATSA) (Pub. L. 107—71; 11/19/2001), codified at 49 U.S.C. section 44936(a)(1)(B) directs TSA to publish a regulation requiring an employment investigation (including a criminal history record check and a review of available law enforcement databases and records of other governmental and international agencies) be conducted for certain individuals who work in secured areas of an airport.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: Transferred from RIN 2110-AA08

Agency Contact: Dion Casey, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA–2, West Bldg., 8th floor, Office of the Chief Counsel, TSA–2, HQ, E12–309N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2663
Fax: 571 227–1378
Email: dion.casey@dhs.gov

Christine Beyer, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA–2, Chief Counsel, Office of the Chief Counsel, TSA–2, HQ, E12–336N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2657
Email: christine.beyer@dhs.gov

RIN: 1652–AA06

1264. PROTECTION OF SENSITIVE SECURITY INFORMATION

Priority: Other Significant

Legal Authority: 49 USC 114; 49 USC 5103; 49 USC 40119; 49 USC 44901 to 44907; 49 USC 44913; 49 USC 44914; 49 USC 44916 to 44918; 49 USC 44935; 49 USC 44936; 49 USC 44942; 49 USC 46105

CFR Citation: 49 CFR 15; 49 CFR 1520

Legal Deadline: None

Abstract: The Transportation Security Administration (TSA) will take final action on the May 18, 2004, interim final rule (IFR) by responding to comments received.

In the IFR, published jointly with the Office of the Secretary of Transportation (OST) in May 2004, TSA revised its sensitive security information (SSI) regulations to expand the 2002 regulatory framework governing information generally related to aviation security to cover information related to security in maritime transportation, consistent

with the security framework required by the U.S. Coast Guard's regulations implementing the Maritime Transportation Security Act (MTSA). This expansion was the main theme of the IFR. However, the IFR also continued TSA's 2002 regulations coverage for vulnerability assessments and, with some changes, certain other SSI for all modes.

TSA and OST issued a technical amendment to the IFR in January 2005 to address provisions of the regulations that inadvertently restricted sharing of SSI. Specifically, the amendment removed the limiting words ''aviation or maritime'' from 49 CFR 15.11 and 49 CFR 1520.11 in order to clearly permit the sharing of vulnerability assessments and other documents properly designated as SSI with covered persons who meet the need to know requirements regardless of mode of transportation.

Timetable:

Action	Date	FR Cite
Interim Final Rule; Request for Comments	05/18/04	69 FR 28066
Interim Final Rule Effective	06/17/04	
Interim Final Rule Comment Period End	07/19/04	
Interim Final Rule–Technical Amendment	01/07/05	70 FR 1379
Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: Joint rulemaking with Department of Transportation, Office of the Secretary (RIN No. 2105-AD33)

Transferred from RIN 2110-AA10

Agency Contact: David Graceson, Acting Director, Department of Homeland Security, Transportation Security Administration, Aviation Operations Litigation Support and Special Activities, TSA–7, HQ, E5–408N, 601 South 12th Street, Arlington, VA 22202
Phone: 571 227–2277
Fax: 571 227–2939
Email: david.graceson@dhs.gov

Dion Casey, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA–2, West Bldg., 8th floor, Office of the Chief Counsel, TSA–2, HQ, E12–309N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2663
Fax: 571 227–1378
Email: dion.casey@dhs.gov

Brandon B. Straus, Assistant Chief Counsel for Regulations, Department of Homeland Security, Transportation Security Administration, TSA–2, Chief Counsel, Office of the Chief Counsel, TSA–2, HQ, E12–318N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2724
Fax: 571 227–1379
Email: brandon.straus@dhs.gov

Related RIN: Related to 1652–AA05

RIN: 1652–AA08

1265. SECURITY COMPLIANCE PROGRAM FOR AIRCRAFT OPERATORS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 49 USC 114; 49 USC 5103; 49 USC 40113; 49 USC 40119; 49 USC 44901 to 44905

CFR Citation: 49 CFR 1540; 49 CFR 1544

Legal Deadline: None

Abstract: TSA will establish a compliance program for aircraft operators to implement and test security contingency plans. The intent is to enhance security for the traveling public, air carriers, and persons employed by or conducting business at public airports by increasing awareness of and compliance with civil aviation security measures. This rulemaking will implement section 4 of the Airport Security Improvement Act of 2000 (ASIA), (Pub. L. 106-528, 11/22/2000; 114 Stat. 2517), codified at 49 U.S.C. 44903(g), on improving secured-area access control.

Rules governing civil aviation security were transferred from the Federal Aviation Administration (FAA) to the Transportation Security Administration (TSA). Part 108 of title 14 of the Code of Federal Regulations (CFR) on Aircraft Operator Security, is now codified in 49 CFR parts 1540 and 1544.

On August 1, 1997, the FAA published the Airport Security NPRM (Notice No. 97-13, 62 FR 41760) and the Aircraft Operator Security NPRM (Notice No. 97-12, 62 FR 41730) in the Federal Register for public comment. The comment period for both NPRM's closed on December 1, 1997.

These notices proposed to completely revise parts 107 and 108, and included a requirement for a compliance program to be included in the airport and aircraft operators' security programs. That compliance program would include procedures to ensure that those individuals with unescorted access authority to critical security areas or restricted operations areas comply with the proposed security program requirements.

In the aircraft operator security NPRM, the FAA noted that the aircraft operators would develop procedures to educate individuals on their responsibility and accountability for the control and use of airport approved identification media. The aircraft operator must also monitor the compliance of individuals with security requirements of part 108. Additionally, the NPRM included a discussion on the need for penalties being imposed on individuals not in compliance with the airport operator's security measures.

There were two comment periods for each NPRM in which four public meetings were held to address the proposed revisions for parts 107 and 108. During these public meetings, several non-supportive comments were received on the proposed compliance programs. Based on these comments, the FAA reopened the comment period on August 10, 1999 (64 FR 43321), to specifically address the compliance programs for both parts 107 and 108. This new comment period closed on September 24, 1999.

On July 17, 2001, the FAA issued final rules for the revisions of parts 107 (66 FR 37274) and 108 (66 FR 37330). These rules contain a section on the accountability of employees and other persons to carry out required security measures. See, sections 107.11 and 108.9.

Those final rules did not include the final compliance program requirements, however, which are included in this action.

Timetable:

Action	Date	FR Cite
Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: Transferred from RIN 2110-AA11

Agency Contact: Christine Beyer, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA–2, Chief Counsel, Office of the Chief Counsel, TSA–2, HQ, E12–336N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2657
Email: christine.beyer@dhs.gov

Related RIN: Related to 2120–AD45, Related to 1652–AA10, Related to 1652–AA11

RIN: 1652–AA09

1266. SECURITY COMPLIANCE PROGRAM FOR AIRPORTS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 49 USC 114; 49 USC 5103; 49 USC 40113; 49 USC 40119; 49 USC 44901 to 44905

CFR Citation: 49 CFR 1540; 49 CFR 1542

Legal Deadline: None

Abstract: TSA will establish a compliance program for airport operators to implement and test security contingency plans. The intent is to enhance security for the traveling public, air carriers, and persons employed by or conducting business at public airports by increasing awareness of and compliance with civil aviation security measures. This rulemaking will implement section 4 of the Airport Security Improvement Act of 2000 (ASIA), (Pub. L. 106-528, 11/22/2000; 114 Stat. 2517), codified at 49 U.S.C. 44903(g), on improving secured-area access control.

Rules governing civil aviation security were transferred from the Federal Aviation Administration (FAA) to the Transportation Security Administration (TSA). Part 107 of title 14 of the Code of Federal Regulations (CFR) on Airport Security, is now codified in 49 CFR parts 1540 and 1542.

On August 1, 1997, the FAA published the Airport Security NPRM (Notice No. 97-13, 62 FR 41760) and the Aircraft Operator Security NPRM (Notice No. 97-12, 62 FR 41730) in the Federal Register for public comment. The comment period for both NPRMs closed on December 1, 1997.

These notices proposed to completely revise parts 107 and 108, and included a requirement for a compliance program to be included in the airport and aircraft operators' security programs. That compliance program would include procedures to ensure that those individuals with unescorted access authority to critical security areas or restricted operations areas comply with the proposed security program requirements.

In the airport security NPRM, the FAA noted that some airports already had such programs in place and had established penalties, such as monetary fines and suspension of access authority. The FAA proposed that the airport operator would remain the primary party responsible for violations, including those committed by their employees, contractors, and tenants. Further, the FAA recognized that in appropriate cases, persons who failed to comply would be subjected to FAA enforcement action.

The NPRM proposed that the FAA would have a means to directly discipline individuals who fail to comply with certain security requirements. Having individuals accountable to both the airport operator and the FAA emphasizes the importance of individuals in ensuring that all security measures are carried out.

There were two comment periods for each NPRM in which four public meetings were held to address the proposed revisions for parts 107 and 108. During these public meetings, several non-supportive comments were received on the proposed compliance programs. Based on these comments, the FAA reopened the comment period on August 10, 1999 (64 FR 43321), to specifically address the compliance programs for both parts 107 and 108. This new comment period closed on September 24, 1999.

On July 17, 2001, the FAA issued final rules for the revisions of parts 107 (66 FR 37274) and 108 (66 FR 37330). These rules contain a section on the accountability of employees and other persons to carry out required security measures. See, sections 107.11 and 108.9. Those final rules did not include the final compliance program requirements, however, which are included in this rule.

Timetable:

Action	Date	FR Cite
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: Transferred from RIN 2110-AA12

Agency Contact: Christine Beyer, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA–2, Chief Counsel, Office of the Chief Counsel, TSA–2, HQ, E12–336N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2657
Email: christine.beyer@dhs.gov

Related RIN: Related to 2120–AD46, Related to 1652–AA09, Related to 1652–AA11

RIN: 1652–AA10

1267. CRIMINAL HISTORY RECORDS CHECKS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 49 USC 114; 49 USC 40113; 49 USC 44936

CFR Citation: 49 CFR 1540; 49 CFR 1542; 49 CFR 1544

Legal Deadline: None

Abstract: The Transportation Security Administration (TSA) will take final action on the December 6, 2001, Federal Aviation Administration (FAA) final rule by completing an economic analysis and responding to comments.

This rule, published by the FAA, requires each airport operator and aircraft operator that has adopted a security program under 14 CFR parts 107 or 108 to conduct fingerprint-based criminal history record checks (CHRC) for individuals if they have not already undergone CHRCs. The rule applies to those who either have, or apply for: Unescorted access authority to the Security Identification Display Area (SIDA) of an airport; authority to

authorize others to have unescorted access; and screening functions. The FAA determined the rule is needed because the current employment investigation method is not adequate. The rule will ensure that individuals in these positions do not have disqualifying criminal offenses.

Rules governing civil aviation security were transferred from the FAA to TSA. Parts 107 and 108 of title 14 of the Code of Federal Regulations (CFR) on Airport Security and Aircraft Operator Security, respectively, are now codified in 49 CFR parts 1540, 1542, and 1544. TSA will complete any further action required in this rulemaking.

The Aviation and Transportation Security Act (ATSA) (Pub. L. 107—71; 11/19/2001), codified at 49 U.S.C. section 44936(a)(1) directs TSA to publish a regulation requiring an employment investigation (including a criminal history record check and a review of available law enforcement data bases and records of other governmental and international agencies) be conducted for certain individuals who work in secured areas of an airport.

Timetable:

Action	Date	FR Cite
Final Rule; Request for Comments	12/06/01	66 FR 63474
Final Rule Effective	12/06/01	
Final Rule Comment Period End	01/07/02	
Final Rule Comment Period Reopened	01/25/02	67 FR 3810
Final Rule Reopened Comment Period End	03/11/02	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: Transferred from RIN 2110-AA11

Agency Contact: Greg Moxness, Director, Regulatory and Economic Analysis, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–309N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–1002
Email: greg.moxness@dhs.gov

Scott Houston, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–418N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–3653
Email: scott.houston@dhs.gov

Related RIN: Related to 2120–AH53, Related to 1652–AA09, Related to 1652–AA10

RIN: 1652–AA11

1268. TRANSPORTATION OF EXPLOSIVES FROM CANADA TO THE UNITED STATES VIA COMMERCIAL MOTOR VEHICLE AND RAILROAD CARRIER

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 49 USC 114; 49 USC 5103; 49 USC 5103a; 49 USC 40113; 49 USC 46105

CFR Citation: 49 CFR 1570; 49 CFR 1572

Legal Deadline: None

Abstract: The Transportation Security Administration (TSA) will take final action on the February 6, 2003, interim final rule by completing an economic analysis and responding to comments.

This interim final rule addresses security issues regarding transportation of explosives by commercial motor vehicles and railroads. It establishes temporary requirements that all motor carriers, motor private carriers, and railroad carriers not using United States citizens or lawful permanent resident aliens as drivers or railroad crews to transport explosives to the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule; Request for Comments	02/06/03	68 FR 6083
Interim Final Rule Effective	02/03/03	
Interim Final Rule Comment Period End	03/10/03	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: Transferred from RIN 2110-AA18

Agency Contact: Greg Moxness, Director, Regulatory and Economic Analysis, Department of Homeland Security, Transportation Security Administration, Office of Transportation Security Policy, TSA–9, HQ, E3–202S, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–1002
Fax: 571 227–1378
Email: greg.moxness@dhs.gov

Benjamin Klein, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA–2, Chief Counsel, Office of the Chief Counsel, TSA–2, HQ, E12–333N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2694
Fax: 571 227–1379
Email: benjamin.klein@dhs.gov

RIN: 1652–AA16

1269. SURFACE TRANSPORTATION SECURITY DIRECTIVES

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 49 USC 114; 49 USC 40113; 49 USC 46105

CFR Citation: 49 CFR 1570

Legal Deadline: None

Abstract: This document provides a regulatory framework through which the Transportation Security Administration (TSA) may issue Security Directives (SD) to owners or operators of conveyances, facilities, terminals, or infrastructure assets, involved in all modes of transportation, except aviation and maritime which have effective rules for Security Directives.

Security Directives, if issued, may require owners or operators of conveyances, facilities, terminals, or infrastructure assets to implement measures specified in the Security Directives to enhance transportation security. Under this framework, TSA may also issue Information Circulars (IC) advising operators of possible threats to transportation security. Since information contained in Security Directives may be Sensitive Security Information (SSI), this rule would require that sensitive security information be managed in accordance with procedures that restrict its availability.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: State

Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: Dean Walter, Director, Office of Intermodal Security Policy, Department of Homeland Security, Transportation Security Administration, Office of Transportation Security Policy, TSA–9, HQ, E3, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2645
Fax: 571 227–1374
Email: dean.walter@dhs.gov

David Kasminoff, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–310N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–3583
Fax: 571 227–1378
Email: david.kasminoff@dhs.gov

RIN: 1652–AA26

1270. FLIGHT TRAINING FOR ALIENS AND OTHER DESIGNATED INDIVIDUALS; SECURITY AWARENESS TRAINING FOR FLIGHT SCHOOL EMPLOYEES

Priority: Other Significant

Legal Authority: 49 USC 114; 49 USC 44939; 49 USC 46105

CFR Citation: 49 CFR 1552

Legal Deadline: Final, Statutory, February 10, 2004, Section 612 of Vision 100 requires TSA to issue an interim final rule within 60 days of enactment of Vision 100.
Requires Transportation Security Administration (TSA) to promulgate an interim final rule (IFR) implementing the requirements of Sec. 612 of Vision 100—Century of Aviation Reauthorization Act (Pub. L. 108-176, December 12, 2003; 117 Stat. 2490), including the fee provisions, not later than 60 days after the enactment of the Act.

Abstract: The Transportation Security Administration (TSA) will take final action on the September 20, 2004, interim final rule (IFR) by completing a regulatory flexibility analysis and responding to comments received.

This IFR creates a new part 1552, Flight Schools, in title 49 of the Code of Federal Regulations (CFR). This IFR applies to flight schools and to individuals who apply to obtain flight training.

The IFR is requiring flight schools to notify TSA when aliens and other individuals designated by TSA apply for flight training. TSA has established standards relating to the security threat assessment process that TSA will conduct to determine whether such individuals are a threat to aviation or national security, and thus prohibited from receiving flight training. In addition, TSA has established a fee to cover a portion of the costs of the security threat assessments that TSA will perform under this rule. Finally, TSA has established standards relating to security awareness training for certain flight school employees.

These requirements will help ensure that individuals who intend to use aircraft to perform terrorist attacks in the United States do not obtain flight training that would enable them to do so. These requirements also will improve security at flight schools.

Timetable:

Action	Date	FR Cite
Interim Final Rule; Request for Comments	09/20/04	69 FR 56324
Interim Final Rule Effective	09/20/04	
Interim Final Rule Comment Period End	10/20/04	
Notice–Information Collection 60–Day Renewal	11/26/04	69 FR 68952
Notice–Information Collection 30–Day Renewal	03/03/05	70 FR 16298
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Timothy Upham, Assistant Director, Department of Homeland Security, Transportation Security Administration, Office of Transportation Credentialing & Vetting, TSA–19, Hq, E8–410N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–3940
Fax: 571 227–1903
Email: timothy.upham@dhs.gov

Michael Derrick, Transportation Security Specialist, Department of Homeland Security, Transportation Security Administration, Office of Transportation Security Policy, TSA–9, HQ, E3, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–1198
Fax: 571 227–1374
Email: michael.derrick@dhs.gov

Greg Moxness, Director, Regulatory and Economic Analysis, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–309N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–1002
Email: greg.moxness@dhs.gov

Dion Casey, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA–2, West Bldg., 8th floor, Office of the Chief Counsel, TSA–2, HQ, E12–309N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2663
Fax: 571 227–1378
Email: dion.casey@dhs.gov

RIN: 1652–AA35

1271. AIRCRAFT REPAIR STATION SECURITY

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 49 USC 114; 49 USC 44924

CFR Citation: 49 CFR 1554

Legal Deadline: Final, Statutory, August 8, 2004, Section 611 of Vision 100 requires TSA to issue a final rule within 240 days from date of enactment of Vision 100.
Sec. 611(b)(1) of Vision 100—Century of Aviation Reauthorization Act (Pub.L. 108-176; 12/12/2003; 117 Stat. 2490), codified at 49 U.S.C. 44924, requires TSA to issue ''final regulations to ensure the security of foreign and domestic aircraft repair stations'' within 240 days from date of enactment of Vision 100.

Abstract: The Transportation Security Administration (TSA) is proposing to add a new 49 CFR part 1554 regulation to improve the security of domestic and foreign aircraft repair stations, as

required by the section 611 of Vision 100—Century of Aviation Reauthorization Act.

The proposed regulations establish general requirements for security programs to be adopted and implemented by repair stations certificated by the Federal Aviation Administration (FAA). Some flexibility would be provided to repair stations to reflect the fact that repair stations are diverse and that the specific measures needed to comply with the security requirements may vary depending on an assessment of the security vulnerability at a particular repair station location.

The proposed regulations also authorize TSA to conduct security audits, assessments, tests, and inspections of repair stations. The proposed regulations provide procedures to notify repair stations of any deficiencies in their security programs, and to notify those repair stations that present an immediate risk to security. Finally, the proposal includes a process whereby a repair station may seek review of a determination by TSA that the station has not adequately addressed security deficiencies or that the station poses an immediate risk to security.

Timetable:

Action	Date	FR Cite
Public Meeting	02/24/04	69 FR 8357
Report to Congress	08/24/04	
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Linda Valencia, Department of Homeland Security, Transportation Security Administration, Office of Aviation Operations, TSA–7, HQ, E3–417N, 601 East South Street, Arlington, VA 22202–4220
Phone: 571 227–2252
Fax: 571 227–2931
Email: linda.valencia@dhs.gov

Greg Moxness, Director, Regulatory and Economic Analysis, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–309N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–1002
Email: greg.moxness@dhs.gov

Linda L. Kent, Attorney–Advisor, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–126S, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2675
Email: linda.kent@dhs.gov

RIN: 1652–AA38

1272. ENHANCED SECURITY PROCEDURES FOR OPERATIONS AT CERTAIN AIRPORTS IN THE WASHINGTON, DC METROPOLITAN AREA FLIGHT RESTRICTED ZONE

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 49 USC 114; 49 USC 40113

CFR Citation: 49 CFR 1562

Legal Deadline: None

Abstract: The Transportation Security Administration (TSA) will take final action on the February 10, 2005, interim final rule (IFR) by responding to comments received.

This action creates a new part 1562, General Aviation, in title 49 of the Code of Federal Regulations (CFR). The IFR transfers responsibility for ground security requirements and procedures at three Maryland airports (College Park Airport (CGS), Potomac Airfield (VKX), and Washington Executive/Hyde Field (W32)) that are located within the Washington, DC, Metropolitan Area Flight Restricted Zone (FRZ), and for individuals operating aircraft to and from these airports, from the Federal Aviation Administration (FAA) to TSA. These airports are referred to as the Maryland Three Airports.

These requirements and procedures were previously issued by the FAA, in coordination with TSA, in Special Federal Aviation Regulation (SFAR) 94. TSA is assuming responsibility for these requirements and procedures because TSA and FAA agree that they are best handled under TSA's authority over transportation security. These requirements and procedures will continue to enhance the security of the critical infrastructure and Federal Government assets in the Washington, DC, Metropolitan Area.

Timetable:

Action	Date	FR Cite
Interim Final Rule; Request for Comments	02/10/05	70 FR 7150
Interim Final Rule Effective	02/13/05	
Interim Final Rule Comment Period End	04/11/05	
Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robert Rottman, Department of Homeland Security, Transportation Security Administration, Office of Aviation Security Policy, TSA–9, HQ, E3, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2289
Fax: 571 227–1374
Email: robert.rottman@dhs.gov

Dirk Ahle, Deputy Director for Operations, Department of Homeland Security, Transportation Security Administration, Office of Aviation Operations, TSA–7, E9, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–1504
Fax: 571 227–2920
Email: dirk.ahle@dhs.gov

Dion Casey, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA–2, West Bldg., 8th floor, Office of the Chief Counsel, TSA–2, HQ, E12–309N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2663
Fax: 571 227–1378
Email: dion.casey@dhs.gov

RIN: 1652–AA39

Department of Homeland Security (DHS) — Completed Actions

Transportation Security Administration (TSA)

1273. MARINE VESSEL SECURITY STANDARDS—PROHIBITED ITEMS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 49 USC 114

CFR Citation: 49 CFR 1576

Legal Deadline: None

Abstract: TSA is withdrawing this action, which proposed to establish lists of ''prohibited items'' (weapons, explosives, incendiaries, and other dangerous items) that individuals would not be allowed to carry on their person, or in their baggage when they travel onboard one of four categories of passenger vessels.

Timetable:

Action	Date	FR Cite
Withdrawn	02/25/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Jim Bamberger, Assistant Branch Chief, Department of Homeland Security, Transportation Security Administration, TSA–8, Maritime Passenger Security Branch, Maritime & Land Security, HQ, West Building, Floor 9, 601 South 12th Street, Arlington, VA 22202
Phone: 571 227–1218
Fax: 571 227–2932
Email: jim.bamberger@dhs.gov

David Kasminoff, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA–2, HQ, E12–310N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–3583
Fax: 571 227–1378
Email: david.kasminoff@dhs.gov

RIN: 1652–AA22

1274. FEDERAL FLIGHT DECK OFFICER PROGRAM

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 49 USC 114; 49 USC 40113; 49 USC 44921; 49 USC 5103; 49 USC 44901–44905; 49 USC 44907; 49 USC 44913–44914; 49 USC 44916–44918; 49 USC 44932; 49 USC 44935–44936; 49 USC 44942; 49 USC 46105

CFR Citation: 49 CFR 1552; 49 CFR 1544

Legal Deadline: None

Abstract: The Transportation Security Administration (TSA) is withdrawing this proposal as TSA currently provides direction and guidance on this program through Security Program amendments.

This action proposes a rule to govern a new program to screen, select, train, deputize, equip, and supervise certain air carrier flight deck crewmembers as Federal law enforcement officers, known as Federal Flight Deck Officers (FFDO). This action is required by the Arming Pilots Against Terrorism Act and Section 609 of the Century of Aviation Reauthorization Act, and is intended to improve aviation security by authorizing deputized flight deck crewmembers to transport and carry firearms and to use force, including deadly force, to defend the flight decks of aircraft of air carriers against acts of criminal violence or air piracy.

Timetable:

Action	Date	FR Cite
Withdrawn	02/25/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Paul Kinneberg, Lead FFDO Officer, Department of Homeland Security, Transportation Security Administration, Office of Aviation Operations, TSA–7, HQ, E4–331N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–1866
Fax: 571 227–1941
Email: paul.kinneberg@dhs.gov

Dion Casey, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA–2, West Bldg., 8th floor, Office of the Chief Counsel, TSA–2, HQ, E12–309N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2663
Fax: 571 227–1378
Email: dion.casey@dhs.gov

RIN: 1652–AA24

1275. MARITIME TRANSPORTATION SECURITY ACT— BACKGROUND CHECKS FOR MARITIME WORKERS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 46 USC 70105

CFR Citation: 49 CFR 1572

Legal Deadline: None

Abstract: This action, which proposes standards and procedures for security threat assessments to determine maritime workers' eligibility for unescorted access to secured areas, has been merged with the rulemaking at 1652-AA41, Transportation Worker Identification Credential (TWIC) program.

Timetable:

Action	Date	FR Cite
Merged With 1652–AA41	02/25/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Anthony Furst, Supervisory Transportation Security Specialist, Department of Homeland Security, Transportation Security Administration, TSA –8, Maritime and Land, Maritime & Land Security, HQ, West Building, Floor 10, TSA–8, 601 South 12th Street, Arlington, VA 22202
Phone: 571 227–1241
Email: anthony.furst@dhs.gov

Christine Beyer, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA–2, Chief Counsel, Office of the Chief Counsel, TSA–2, HQ, E12–336N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2657
Email: christine.beyer@dhs.gov

Related RIN: Merged with 1652–AA41

RIN: 1652–AA27

1276. HAZMAT FEE RULE: FEES FOR SECURITY THREAT ASSESSMENTS ON HAZMAT DRIVERS

Priority: Other Significant

Legal Authority: PL 108–90, sec 520; 49 USC 114; 49 USC 5103a; 49 USC 40113; 49 USC 46105

CFR Citation: 49 CFR 1572

Legal Deadline: None

Abstract: In response to recent statutory requirements, the Transportation Security Administration (TSA) is establishing a fee for security threat assessments that TSA is required

DHS—TSA

Completed Actions

to perform on individuals who apply for or renew a hazardous materials endorsement for a commercial driver's license. TSA also is establishing a fee for collection and transmission of fingerprints and biographical information, which is necessary to perform the security threat assessments. TSA intends to use fees collected under this rule to pay for the costs of the security threat assessments and the costs of collection and transmission of fingerprints and biographical information.

Timetable:

Action	Date	FR Cite
NPRM	11/10/04	69 FR 65332
NPRM Comment Period End	12/01/04	
Final Rule	01/13/05	70 FR 2542
Final Rule Effective	01/31/05	
Hazmat Fee Developmental Report	01/24/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Agency Contact: Dion Casey, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA–2, West Bldg., 8th floor, Office of the Chief Counsel, TSA–2, HQ, E12–309N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2663
Fax: 571 227–1378
Email: dion.casey@dhs.gov

Related RIN: Related to 1652–AA17

RIN: 1652–AA33

1277. SENSITIVE SECURITY INFORMATION (SSI) FOR LAND MODES

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 49 USC 114

CFR Citation: 49 CFR 1520

Legal Deadline: None

Abstract: The Transportation Security Administration (TSA) is withdrawing this action, which would have proposed to revise its regulation governing the protection of sensitive security information (SSI) in order to protect security plans, assessments, procedures, and other security measures being undertaken to address vulnerabilities in land modes of transportation.

Timetable:

Action	Date	FR Cite
Withdrawn	02/25/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Dion Casey, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA–2, West Bldg., 8th floor, Office of the Chief Counsel, TSA–2, HQ, E12–309N, 601 South 12th Street, Arlington, VA 22202–4220
Phone: 571 227–2663
Fax: 571 227–1378
Email: dion.casey@dhs.gov

Related RIN: Related to 1652–AA08

RIN: 1652–AA37

Department of Homeland Security (DHS)
Bureau of Immigration and Customs Enforcement (BICE)

Proposed Rule Stage

1278. PROCEDURES FOR DETAINEE HUNGER STRIKES

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1251; 8 USC 1253; . . .

CFR Citation: 8 CFR 241

Legal Deadline: None

Abstract: This rule proposes standards and procedures for responding to hunger strikes by individuals detained by the Department. All proposed medical treatments in this regulation conform to accepted medical practice. Also, this rule would supersede the Department's Detention Standard on Hunger Strikes.

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	
NPRM Comment Period End	02/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2142-01

Transferred from RIN 1115-AG26

Agency Contact: Tim Perry, Detention and Deportation Officer, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 800, Detention and Removal Operations, 801 I Street NW., Suite 800, Washington, DC 20536
Phone: 202 305–2734
Fax: 202 353–9435

RIN: 1653–AA12

1279. INTEREST PAYMENTS ON CANCELLED CASH BONDS

Priority: Other Significant

Legal Authority: 8 USC 1103; 31 USC 1322; 31 USC 9308

CFR Citation: 8 CFR 293

Legal Deadline: None

Abstract: When DHS receives a cash bond, it is deposited into an account where interest is accumulated from the date the bond is posted, to the date that the bond is paid out. If a cancelled cash bond is unclaimed after a year, the principal and any accumulated interest are transferred to the U.S. Department of the Treasury, account entitled ''Payments of Unclaimed Moneys of Individuals Whose Whereabouts are Unknown.'' This regulation at 8 CFR 293.1 concerns the computation of interest on cash bonds. It does not mention the Treasury requirement concerning the disposition of funds from unclaimed cash bonds. Since some cash bonds obligors have questioned the curtailment of interest a year after the bond is cancelled, we believe that this regulation should include language that clarifies the Department's requirement to comply with Treasury's regulation.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	
NPRM Comment Period End	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2258-03

Transferred from RIN 1115-AG97

Agency Contact: Sandra Waterton, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 800 K Street NW., Washington, DC 20536
Phone: 202 305–1200

RIN: 1653–AA20

1280. TRANSFER OF FLIGHT TRAINING PROGRAMS UNDER THE DEPARTMENT OF STATE OVERSIGHT TO THE DEPARTMENT OF HOMELAND SECURITY

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: 8 CFR 214; 22 CFR 62

Legal Deadline: None

Abstract: Department of State (DOS) has 10 flight training programs that are validated to enroll exchange visitors. This number is so small that it is administratively inefficient and resource intensive to manage. DHS has between 100 to 200 flight- training programs, which are certified by the Student and Exchange Visitor Program (SEVP). DOS has requested that its 10 programs be incorporated into DST. As a group that is of special interest for national security, it is important that DHS provide efficient and effective oversight of flight training programs. The DOS programs concern J visa; the DHS programs are in F and M visa categories. Rules between SEVP and DOS programs differ significantly and need to be modified accordingly.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Susan Geary, Acting Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 800 K Street NW., Washington, DC 20536
Phone: 202 305–2346
Fax: 202 353–3723
Email: susan.geary@dhs.gov

RIN: 1653–AA43

1281. STRENGTHENING CONTROL OVER IMMIGRATION SURETY BONDS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 8 USC 1103; 8 USC 1356; 31 USC 9701; 31 USC 9305; PL 104–208

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: The Department continues to experience problems collecting the funds for breached surety bonds. Several surety companies and/or their bonding agents continue to circumvent administrative remedies to address immigration surety bond claims sent out by the Department and have evaded the judicial review process.

This rule proposes to strengthen the Department's control over the collection of immigration surety bonds by improving current DHS procedures about and by providing the Department with stronger enforcement measures. Specifically, this rule will require surety companies and bonding agents to exhaust administrative remedies by using the Department's appeal procedures, as a prerequisite to challenging the Department's actions under the Administrative Procedures Act, before seeking judicial review of DHS actions. Also, this rule limits the exposure of the Department in case bonding agents who have acted improperly or whose authorities have been denied by their corporate principals; and encourages surety companies and bonding agents to respond early if there are any issues or disputes with the Department's claim. Further, the rule formalizes DHS' reporting requirements to the Department of Treasury and provides notification to the Treasury of high dollar volume of unpaid debt over 90 days old. Lastly the rule, adds an enforcement measure to suspend acceptance of surety bonds from bonding agents and or surety companies that have large unpaid balances or who do not otherwise respond to DHS invoices. This rule is necessary to ensure that the Department receives funds owed by the surety companies.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	
NPRM Comment Period End	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Prior RIN 1653-AA16 was withdrawn in Spring 2004 Agenda

Agency Contact: Frank Maguire, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 800 K Street NW., Washington, DC 20536
Phone: 202 514–2700

RIN: 1653–AA45

Department of Homeland Security (DHS) — Final Rule Stage
Bureau of Immigration and Customs Enforcement (BICE)

1282. REQUIRING ALIENS ORDERED REMOVED FROM THE UNITED STATES TO SURRENDER TO THE DEPARTMENT OF HOMELAND SECURITY FOR REMOVAL

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1231; 8 USC 1253

CFR Citation: 8 CFR 240.13 to 240.19

Legal Deadline: None

Abstract: This rule requires aliens subject to a final order of removal to surrender to the Department. This rule also establishes procedures for surrender and bars persons violating these procedures from obtaining discretionary immigration benefits.

Timetable:

Action	Date	FR Cite
NPRM	09/04/98	63 FR 47205
NPRM Comment Period End	11/03/98	
Supplemental NPRM	05/09/02	67 FR 31157
Supplemental NPRM Comment Period End	06/10/02	
Interim Final Rule	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1115-AE82

Agency Contact: Matthew Munroe, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 801 I Street NW., Room 800, Washington, DC 20536
Phone: 202 305–7891

RIN: 1653–AA05

1283. EARLY RELEASE FOR REMOVAL OF CRIMINAL ALIENS IN STATE CUSTODY FOR NONVIOLENT OFFENSES

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1251; 8 USC 1253; 8 USC 1255; 8 USC 1330; 8 CFR 2

CFR Citation: 8 CFR 241

Legal Deadline: None

Abstract: The final rule will establish an administrative process whereby criminal aliens in State custody convicted of nonviolent offenses may be removed prior to completion of their sentence of imprisonment. The rule will implement the authority contemplated by Congress to enhance the ability of the United States to remove criminal aliens.

Timetable:

Action	Date	FR Cite
NPRM–INS No. 1848–97	07/12/99	64 FR 37461
NPRM Comment Period End	09/10/99	
Final Action–INS No. 1848–97	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Federal

Additional Information: INS No.1848-97

Transferred from RIN 1115-AE83

Agency Contact: Dave Peter, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 801 I Street NW., Washington, DC 20536
Phone: 202 514–6778

RIN: 1653–AA06

1284. POWER OF SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY TO TERMINATE DEPORTATION PROCEEDINGS AND INITIATE REMOVAL PROCEEDINGS

Priority: Other Significant

Legal Authority: PL 104–208

CFR Citation: 8 CFR 309

Legal Deadline: None

Abstract: This rule proposes to implement section 309(c)(3) of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) by affording certain aliens rendered ineligible for relief from deportation by recent changes in the law the opportunity to have their deportation proceedings terminated and removal proceedings initiated in order to apply for relief. Certain permanent resident aliens rendered ineligible for section 212(c) relief by the Antiterrorism and Effective Death Penalty Act and certain nonpermanent resident aliens rendered ineligible for suspension of deportation by the stop-time rule in IIRIRA may apply for ''repapering'' (as it is commonly known) under this rule. This process would not apply to aliens eligible for 212(c) relief pursuant to the procedures described in the Executive Office for Immigration Review rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	11/30/00	65 FR 71273
NPRM Comment Period End	01/29/01	
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2083-00

Transferred from RIN 1115-AF87

Agency Contact: Roger Sagerman, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Chief Enforcement Law Division, 425 I Street NW., Suite 6100, Washington, DC 20536
Phone: 202 514–2895

RIN: 1653–AA08

1285. DETENTION OF ALIENS SUBJECT TO FINAL ORDERS OF REMOVAL

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1231; 8 USC 1253; . . .

CFR Citation: 8 CFR 241

Legal Deadline: None

Abstract: This rule addresses comments received upon publication of the interim rule on November 14, 2001. The rule was to be published as a proposed rule as significant structural changes were made to custody review procedures governing the detention of aliens who are the subject of an administratively final order of removal, exclusion, or deportation. The rule was initially revised in light of the U.S. Supreme Court decision of Zadvydas v Davis. With a new decision by the Supreme Court, Clark v Martinez, the rule requires further substantive revisions to conform to the ruling in Martinez. In this case, the Supreme Court has refined its interpretation of INA 241(a)(6) and further limited detention of certain aliens subject to administratively final orders of removal, exclusion or deportation where the alien's removal is not

significantly likely in the reasonably foreseeable future.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/14/01	66 FR 56967
Interim Final Rule Comment Period End	01/14/02	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2156-01

Transferred from RIN 1115-AG29

Agency Contact: Joan S. Lieberman, Attorney, Office of General Counsel, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 6100, 425 I Street NW., Washington, DC 20536
Phone: 202 514–2895

RIN: 1653–AA13

1286. CUSTODY PROCEDURES

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; . . .

CFR Citation: 8 CFR 287

Legal Deadline: None

Abstract: This rule amends Department regulations on the period of time after an alien's arrest within which the Department must make a determination whether the alien will be continued in custody or released on bond or recognizance and whether to issue a notice to appear and warrant of arrest. This rule provides that unless voluntary departure has been granted, DHS must make such determinations within 48 hours of arrest, except in the event of emergency or other extraordinary circumstance in which case the Department must make such determinations within an additional reasonable period of time.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	09/17/01	66 FR 48334
Interim Final Rule Published	09/20/01	66 FR 48334
Interim Final Rule Comment Period End	11/19/01	
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No 2171-01

Transferred from RIN 1115-AG40

Agency Contact: Roger Sagerman, Chief Law Enforcement Law Division, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Law Enforcement Division, 425 I Street NW., Suite 6100, Washington, DC 20536
Phone: 202 514–2895

RIN: 1653–AA14

1287. ADDRESS NOTIFICATION TO BE FILED WITH DESIGNATED APPLICATIONS

Priority: Other Significant

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1304; . . .

CFR Citation: 8 CFR 103; 8 CFR 299

Legal Deadline: None

Abstract: The proposed rule would amend DHS regulations by requiring every alien who is applying for immigration benefits to acknowledge having received notice that he or she is required to provide a valid current address to the Department, including any change of address within 10 days of the change; that the Department will use the most recent address provided by the alien for all purposes, including the service of a Notice to Appear if the Department initiates removal proceedings; and, if the alien has changed address and failed to provide the new address to DHS, that the alien will be held responsible for any communications sent to the most recent address provided by the alien. This rule will satisfy the requirements or advance notice to the alien of the obligation to provide a current address to the Department, and of the consequences that may result for failure to do so, including the entry of an in absentia removal order against the alien if the alien fails to appear at a removal hearing.

Timetable:

Action	Date	FR Cite
NPRM	07/26/02	67 FR 48818
NPRM Comment Period End	08/26/02	
Interim Final Rule	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2198-02

Transferred from RIN 1115-AG61

Agency Contact: Ian Hinds, Chief Adjudication, Department of Homeland Security, 20 Massachusetts Avenue NW., Washington, DC 20536
Phone: 202 514–7004

RIN: 1653–AA15

1288. ABBREVIATION OR WAIVER OF TRAINING FOR STATE OR LOCAL LAW ENFORCEMENT OFFICERS AUTHORIZED TO ENFORCE IMMIGRATION LAW DURING A MASS INFLUX OF ALIENS

Priority: Other Significant

Legal Authority: PL 98–473; 8 USC 1101; PL 102–410

CFR Citation: 28 CFR 65

Legal Deadline: None

Abstract: This rule would amend DHS regulations to authorize the Secretary to waive normally required training requirements in the event that the number of State or local law enforcement officers available to respond in an expeditious manner to urgent and quickly developing events during a declared mass influx of aliens is insufficient to protect public safety, public health, and national security.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/03	68 FR 8820
Interim Final Rule Effective	02/26/03	
Interim Final Rule Comment Period End	04/28/03	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: Transferred from RIN 1115-AG84

Agency Contact: Roger Sagerman, Chief, Enforcement Law Division, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 425 I Street NW., Washington, DC 20536
Phone: 202 514–2895

RIN: 1653–AA18

1289. SEVIS REPORTING REQUIREMENTS OF ACADEMIC INSTITUTIONS AT THE START OF EACH TERM OR SESSION

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1102m; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1282; 8 USC 1301 to 1305

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This rule amends the Department of Homeland Security (DHS) regulations by modifying the reporting requirements in the Student Exchange Visitor Information System (SEVIS) for academic institutions. Specifically this rule amends existing DHS regulations to require that notification is made to U.S. Immigration and Customs Enforcement if an alien fails to report to school within 30 days of the start of each term or session, rather than 30 days after the deadline for registering for classes. This rule is necessary for the proper monitoring of aliens admitted to the United States as students.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/05	
Interim Final Rule Comment Period End	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Organizations

Government Levels Affected: None

Additional Information: ICE 2300-03

Agency Contact: Susan Geary, Acting Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 800 K Street NW., Washington, DC 20536
Phone: 202 305–2346
Fax: 202 353–3723
Email: susan.geary@dhs.gov

RIN: 1653–AA28

1290. CHANGES IN REGISTRATION POLICIES AND MONITORING OF CERTAIN NONIMMIGRANTS

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1184; 8 USC 1185; 8 USC 1302; 8 USC 1303; 8 USC 1305

CFR Citation: 8 CFR 264

Legal Deadline: None

Abstract: This rule amends DHS regulations for the registration and monitoring of certain nonimmigrant aliens. This rule amends existing regulations by suspending the 30-day and annual re-registration requirements for aliens who are subject to the National Security Entry-Exit Registration System (NSEERS) Registration. Instead of requiring all aliens subject to NSEERS to appear for 30-day and/or annual registration interviews, DHS will utilize a more tailored system in which it will notify individual aliens of future registration requirements. This rule also eliminates the requirement for those nonimmigrant aliens subject to special registration who are also enrolled in the Student and Exchange Visitor Information System (SEVIS) to separately notify DHS of changes in educational institutions and addresses. Additionally, this rule clarifies how nonimmigrant aliens may apply for relief from special registration requirements and clarifies that certain alien crewmen are not subject to the departure requirements. Finally, certain conforming amendments have been made to existing regulations to reflect that the former Immigration and Naturalization Service has been abolished and its functions transferred from the Department of Justice to DHS, under the Homeland Security Act of 2002 (HSA), Public Law 107-296.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/02/03	68 FR 67578
Interim Final Rule Comment Period End	02/02/04	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: ICE No. 2301-03

Agency Contact: Robert Schoch, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 1000, 425 I Street NW., Washington, DC 20536
Phone: 202 353–3173

RIN: 1653–AA29

1291. EXTENDING THE PERIOD OF DURATION OF STATUS FOR CERTAIN F AND J NONIMMIGRANT ALIENS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186; . . .

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This interim rule amended DHS regulations to provide that the Secretary may publish a notice to extend the duration of status, under specified conditions, of certain F-1 and J-1 nonimmigrant aliens who may be affected adversely because the numerical limit (cap) on H-1B nonimmigrant aliens has been reached prior to the end of a given fiscal year. This rule was a necessary stopgap measure because of a large number of F-1 and J-1 nonimmigrant aliens seeking a change of nonimmigrant status to that of H-1B after completion of their studies or their program. However, many of these aliens were unable to change their nonimmigrant status for the remainder of a given fiscal year because of the cap on H-1B petitions. This rule allows such aliens to avoid a lapse in their status because of a circumstance that is not under their control.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/15/99	64 FR 32146
Interim Final Rule Comment Period End	08/16/99	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 1992-99

Transferred from RIN 1615-AA27

Agency Contact: Susan Geary, Acting Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 800 K Street NW., Washington, DC 20536
Phone: 202 305–2346
Fax: 202 353–3723
Email: susan.geary@dhs.gov

Related RIN: Previously reported as 1115–AF54

RIN: 1653–AA30

1292. REQUIRING CERTIFICATION OF ALL SERVICE–APPROVED SCHOOLS FOR ENROLLMENT IN THE STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM (SEVIS)

Priority: Other Significant

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1304; 8 USC 1356; 31 USC 1907; EO 12356

CFR Citation: 8 CFR 103; 8 CFR 214

Legal Deadline: None

Abstract: This rule continues the implementation of the process by which schools may be approved to obtain access to the Student and Exchange Visitor Information System (SEVIS). On October 30, 2001, the President issued Homeland Security Directive No. 2 requiring DHS to conduct periodic reviews of all institutions certified to receive nonimmigrant students. The Enhanced Border Security and Visa Entry Reform Act of 2002, Public Law 107-173 enacted May 14, 2002, also requires a periodic review of school approvals.

This rule governs the review and certification process that DHS uses to approve schools to enroll foreign students. While DHS had in place an existing process for certifying and decertifying schools, DHS requires all previously approved schools to apply for certification in accordance with these new mandates cited above, prior to being allowed to enroll in SEVIS.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/25/02	67 FR 60107
Interim Final Rule Effective	09/25/02	
Interim Final Rule Comment Period End	11/25/02	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2217-02

Transferred from RIN 1615-AA77

Agency Contact: Susan Geary, Acting Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 800 K Street NW., Washington, DC 20536
Phone: 202 305–2346
Fax: 202 353–3723
Email: susan.geary@dhs.gov

Related RIN: Previously reported as 1115–AG71

RIN: 1653–AA31

1293. REDUCED COURSE LOAD FOR CERTAIN F AND M NONIMMIGRANT STUDENTS AT BORDER COMMUNITIES

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1101 note 1; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1221; 8 USC 1281; 48 USC 1901; 48 USC 1931; PL 104–208; . . .

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This rule amends DHS regulations governing F and M nonimmigrants. This rule clarified that nonimmigrant aliens who reside outside the United States and regularly commute across a land border to study may do so on a part-time basis within the F or M nonimmigrant category. It is common for aliens residing outside the United States, such as in Canada or Mexico, to enroll part-time in a border educational institution, entering the United States daily to pursue part-time studies. This rule is written to overcome the significant disruption of part-time study that had become an accepted fact of life along the borders. Additionally, these changes were made to facilitate and legitimize certain part-time study along border communities while ensuring that all applicable requirements and safeguards were met.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/27/02	67 FR 54941
Interim Final Rule Comment Period End	10/27/02	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2220-02

Transferred from RIN 1615-AA79

Agency Contact: Susan Geary, Acting Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 800 K Street NW., Washington, DC 20536
Phone: 202 305–2346
Fax: 202 353–3723
Email: susan.geary@dhs.gov

Related RIN: Previously reported as 1115–AG75

RIN: 1653–AA32

1294. DENIAL AND WITHDRAWAL FOR APPROVAL OF SCHOOLS FOR ATTENDANCE BY NONIMMIGRANT STUDENTS

Priority: Other Significant

Legal Authority: 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; . . .

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: DHS amended its regulations to clarify its procedures for denial of applications by schools for approval to enroll nonimmigrant students. The DHS also streamlined and aligned the withdrawal process with the denial and appeal process. Finally, DHS assumed the authority to suspend a school's approval to issue form I-20, Certificate of Eligibility for Nonimmigrant Status for Academic and Language Students, during denial or withdrawal proceedings.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/05	
Interim Final Rule Comment Period End	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2239-02

Transferred from RIN 1615-AA85

Agency Contact: Jill Drury, Director, Student and Exchange Visitor Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 801 K Street NW., Washington, DC 20536
Phone: 202 305–2346

RIN: 1653–AA33

1295. AUTHORIZING SUSPENSION OF EMPLOYMENT AUTHORIZATION REQUIREMENTS ON THE BASIS OF SEVERE ECONOMIC HARDSHIP FOR F–1 STUDENTS AND EMERGENT CIRCUMSTANCES

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1281; 8 USC 1282

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This rule amended DHS regulations applying to on-campus employment, off-campus employment authorization, and duration of status for nonimmigrant F-1 students. The rule permits the Secretary to suspend some or all of the requirements for on-campus or off-campus employment where emergent circumstances exist as provided through notice in the Federal Register. The rule also amends the regulations to provide that an F-1 student who carries less than a full course of study as a result of this special employment authorization will be deemed to be maintaining status for the duration of the authorization, as long as the student carries a minimum course load of six credit hours if the student is an undergraduate, or three credit hours if the student is in graduate school.

Timetable:

Action	Date	FR Cite
Interim Final Rule–CIS No. 1914–98	06/10/98	63 FR 31871
Interim Final Rule Comment Period End	08/10/98	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: CIS No. 1914-98 (Employment Authorization for Certain F-1 Nonimmigrant Students Whose Means of Financial Support Comes From Indonesia, South Korea, Malaysia, Thailand, or the Philippines).

Transferred from RIN 1615-AA99

Agency Contact: Jill Drury, Director, Student and Exchange Visitor Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 801 K Street NW., Washington, DC 20536
Phone: 202 305–2346

Related RIN: Previously reported as 1115–AF15

RIN: 1653–AA34

1296. CHANGE IN BUSINESS PRACTICES; ACCEPTANCE OF PAYMENTS OF FEES BY CREDIT CARD AND OTHER ELECTRONIC MEANS WHERE POSSIBLE

Priority: Other Significant

Legal Authority: PL 98–369; 31 USC 3720

CFR Citation: 8 CFR 103.7

Legal Deadline: None

Abstract: The Department of Homeland Security (DHS) proposes to expand the acceptance of credit cards and other electronic means to collect fees from the public. DHS currently accepts fees at seven locations in three of its 33 districts. DHS proposes to implement credit card acceptance at 16 of these districts. The intended benefit is two-fold: to provide the Department with a faster, more efficient collection and record keeping mechanism while affording the customer a convenient alternative payment method.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/05	
Interim Final Rule Comment Period End	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2181-01

Transferred from RIN 1615-AA70

Agency Contact: Sandra Waterton, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 800 K Street NW., Washington, DC 20536
Phone: 202 305–1200

RIN: 1653–AA36

1297. IMPLEMENTATION OF THE BORDER COMMUTER STUDENT ACT OF 2002

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1101 note; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1221; 8 USC 1281; . . .

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This rule implements recent legislation creating new visa classifications applicable to part-time students who commute across the border. Previously, DHS created an option for F-1 and M-1 nonimmigrant students to enroll in a reduced course load if the nonimmigrant maintained residence in their home country of Mexico or Canada and commuted to schools within 75 miles of the border. These special F-1 and M-1 nonimmigrants were required to pursue a full course of study albeit at part-time enrollment. This rule has been drafted to effect congressional legislation that created new visa classifications, F-3 and M-3, for border commuter student nonimmigrants. The F-3 and M-3 visa categories replace the option of reduced course load for border commuter students within the F-1 and M-1 visa categories. When this rule is made effective, any student from Canada or Mexico wishing to enroll in a reduced course load for purposes of commuting must obtain an F-3 or an M-3 visa accordingly. The F-3 and M-3 visa holders will be tracked in the Student and Exchange Visitor Information System (SEVIS) administered by DHS and the Student and Exchange Visitor Program (SEVP), a component of U.S. Immigration and Customs Enforcement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/05	
Interim Final Rule Comment Period End	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2290-03

Agency Contact: Susan Geary, Acting Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 800 K Street NW., Washington, DC 20536
Phone: 202 305–2346
Fax: 202 353–3723
Email: susan.geary@dhs.gov

RIN: 1653–AA37

1298. CIVIL MONETARY PENALTIES INFLATION ADJUSTMENT

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1221; 8 USC 1223; 8 USC 1227; 8USC 1229; 8 USC 1253; . . .

CFR Citation: 8 CFR 280

Legal Deadline: None

Abstract: This rule revises the DHS civil monetary penalty regulations to make inflation adjustments to the civil monetary penalties imposed by DHS as amended by the Debt Collection Improvement Act of 1996. The rule raises the penalties that DHS may impose on violators, in accordance with the inflation adjusted procedures. The inflation adjustments are issued to ensure that penalties maintain their deterrent effect for various specified unlawful acts.

Timetable:

Action	Date	FR Cite
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ICE No. 2305-03

Agency Contact: Sandra Waterton, Acting Chief of Cash Management, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Office of Financial Management, 800 K Street NW., 10th Floor, Washington, DC 20536
Phone: 202 305–1200

RIN: 1653–AA39

1299. ESTABLISHING PROCEDURES FOR RECERTIFICATION OF SCHOOLS APPROVED BY THE STUDENT AND EXCHANGE VISITOR PROGRAM (SEVP) TO ENROLL F OR M NONIMMIGRANT STUDENTS

Priority: Other Significant

Legal Authority: PL 107–173, sec 502; 8 USC 1356(m); PL 107–56

CFR Citation: 8 CFR 103; 8 CFR 214

Legal Deadline: Final, Statutory, October 2004, Schools become eligible for recertification as early as October 1, 2004.
The Uniting and Strengthening America by Providing Appropriate Controls Required to Intercept and Obstruct Terrorism Act (USA PARTRIOT Act), Public Law 107-56, mandated that SEVIS be completely implemented before January 1, 2003. Both Directive No. 2 and the Border Security Act require DHS to conduct periodic reviews of all schools within two years of the initial approval of their SEVP certification, and every two years thereafter. In order to meet this mandate.

Abstract: This interim rule amends DHS regulations governing recertification of schools approved by the Student and Exchange Visitor Program (SEVP) for attendance by F or M nonimmigrant students. It sets the fee amount for recertification at a flat nonrefundable rate of $580, adds a provision to allow a school to voluntarily withdraw from its certification, and clarifies procedures for school operation with regard to nonimmigrant students during the review process and following withdrawal of certification.

On October 30, 2001, the President issued Homeland Security Directive No. 2, requiring periodic reviews of all institutions certified to receive nonimmigrant students. The Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act), Public Law 107-173, enacted May 14, 2002, also requires a periodic review of approved schools every two years. This rule is being promulgated consistent with these mandates.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/05	
Interim Final Rule Comment Period End	08/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: ICE No. 2329-04

Agency Contact: Susan Geary, Acting Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 800 K Street NW., Washington, DC 20536
Phone: 202 305–2346
Fax: 202 353–3723
Email: susan.geary@dhs.gov

RIN: 1653–AA42

1300. ESTABLISH COMPLIANCE CRITERIA AND COMPREHENSIVE FEE FOR RECERTIFICATION OF SCHOOLS APPROVED BY THE STUDENT AND EXCHANGE VISITOR PROGRAM (SEVP) TO ENROLL F OR M NONIMMIGRANT STUDENTS

Priority: Economically Significant

Legal Authority: 8 USC 1356(m); PL 107–56; PL 107–173

CFR Citation: 8 CFR 103; 8 CFR 214.3; 8 CFR 214.4

Legal Deadline: None

Abstract: On October 30, 2001, the President issued Homeland Security Directive No. 2, requiring periodic reviews of all institutions certified to accept nonimmigrant students. The Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act), enacted May 12, 2004, also requires a periodic review of approved schools every two years.

This interim rule amends DHS regulations governing recertification of schools approved by the Student and Exchange Visitor Program (SEVP) for attendance by F or M nonimmigrant students. The rule establishes criteria for recertification of SEVP certified schools every two years. The rule sets the fee amount for recertification at a rate, which incorporates all cost of implementing the recertification process.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/05	
Interim Final Rule Comment Period End	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Susan Geary, Acting Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 800 K Street NW., Washington, DC 20536
Phone: 202 305–2346
Fax: 202 353–3723
Email: susan.geary@dhs.gov

RIN: 1653–AA44

1301. • DUTIES OF OFFICERS; ADMINISTRATIVE CONTROL OF REMOVAL ORDERS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1183; 8 USC 1185; . . .

CFR Citation: 8 CFR 235; 8 CFR 236; 8 CFR 241; 8 CFR 287

Legal Deadline: None

Abstract: The Secretary of Homeland Security is publishing this rule to define: 1) which official has authority over an alien's immediate custody when detained by the Department of Homeland Security (DHS); and 2) which official has administrative control over an alien's removal (and execution of the warrant for an alien's removal, if applicable) from the United States. DHS is publishing this rule to reflect that the official with immediate custody of a detained alien shall be the official with day-to-day control over the alien's physical environment. The rule defines the duties of these custodians.

If an alien is not detained, the rule generally reflects that the Field Office Director (FOD) or his designee within the Bureau of Immigration and Customs Enforcement (ICE) has geographical jurisdiction over the place with administrative control over the Record of Proceeding of an alien's removal, whether that record is created by DHS or by the Executive Office for Immigration Review, a branch of the Department of Justice, shall have administrative control over the alien's removal and execution of the warrant of removal. The rule reflects that transfers of cases and control of removal and execution of the warrant of removal occur once the agency acknowledges a transfer in writing.

The rule generally reflects that if the alien is detained, only the FOD with geographical jurisdiction over the place where the alien is detained or his designee has administrative control over the alien's removal and execution of the warrant of removal. The rule also reflects that only the FOD or his designee can transfer this administrative control to a FOD or his designee in another geographical jurisdiction or to another person and/or office within the FOD's own district, whether or not an alien requests such a transfer. Finally, the regulation reflects that only the Director of Field Operations (DFO) or his designee for the Bureau of Customs and Border Protection (CBP) has administrative control over an alien's removal if the alien has been placed in expedited removal and the alien remains in CBP custody.

Timetable:

Action	Date	FR Cite
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Roger Sagerman, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Chief Enforcement Law Division, 425 I Street NW., Suite 6100, Washington, DC 20536
Phone: 202 514–2895

RIN: 1653–AA46

1302. • ELECTRONIC SIGNATURE AND STORAGE OF FORM I–9, EMPLOYMENT ELIGIBILITY VERIFICATION

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1324a; 8 CFR 2

CFR Citation: 8 CFR 274a

Legal Deadline: None

Abstract: This interim rule amends Department of Homeland Security (DHS) regulations to provide that employers and recruiters or referrers for a fee required to complete and retain Forms I-9, Employment Eligibility Verification, may sign and retain these forms electronically. This rule implements statutory changes to the Form I-9 retention requirement that President George W. Bush signed into law on October 30, 2004. In implementing these changes, this rule sets standards for electronic signatures and the electronic retention of the Form I-9.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/05	
Interim Final Rule Comment Period End	10/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: ICE 2345-05

Agency Contact: Tim Haugh, Director, Policy Formulation, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 5114, 425 I Street NW., Washington, DC 20536
Phone: 202 514–8693

RIN: 1653–AA47

Department of Homeland Security (DHS) — Long-Term Actions
Bureau of Immigration and Customs Enforcement (BICE)

1303. EMPLOYER SANCTIONS MODIFICATIONS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1324a

CFR Citation: 8 CFR 2; 8 CFR 274a

Legal Deadline: None

Abstract: DHS is considering further changes to streamline the verification and enforcement process requirements related to the Employer Sanctions provisions of the Immigration Reform and Control Act.

We published an interim rule in 1996, INS No. 1738, allowing DHS to issue

and serve a Warning Notice upon an alleged violator after DHS has determined that a person or entity has violated section 274a of the Act. This rule also allows interested parties to electronically generate blank copies of the Employment Eligibility Verification Form (Form I-9).

On September 30, 1996, the Illegal Immigration Reform and Immigrant Responsibility Act was enacted (IIRIRA). Section 411(a) of IIRIRA allows employers who have made a good faith attempt to comply with a particular employment verification requirement to correct technical or procedural failures before such failures are deemed to be violations of the INA. We issued a proposed rule on April 7, 1998, INS No. 1819, to implement this provision and we are in the process of preparing a final rule. Because the issuance of Warning Notices requires that violation determinations be made, it is being examined in conjunction with INS No. 1819 in light of section 411(a) of IIRIRA. The anticipated publication date of a final rule will not be determined until issues regarding implementation of section 411(a) of IIRIRA are resolved.

Timetable:

Action	Date	FR Cite
Interim Final Rule–INS No. 1738	10/07/96	61 FR 52235
Correction (Interim Final Rule)	10/29/96	61 FR 55840
Interim Final Rule Comment Period End	11/06/96	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: INS Nos. 1737 and 1738

Transferred from RIN 1115-AE21

Agency Contact: Richard Burgess, Investigator, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 425 I Street NW., Washington, DC 20536
Phone: 202 616–7487

RIN: 1653–AA01

1304. AGREEMENT PROMISING NONDEPORTATION OR OTHER IMMIGRATION BENEFITS

Priority: Other Significant

Legal Authority: 5 USC 301; 28 USC 509; 28 USC 510; 28 USC 515 to 519

CFR Citation: 28 CFR 0.197

Legal Deadline: None

Abstract: This rule will finalize a 1996 interim final rule that requires Federal prosecutors, law enforcement agencies, and other officials to obtain written consent from DHS when entering into a plea agreement, cooperation agreement, or similar agreement promising an alien favorable treatment by DHS. This rule ensures that favorable treatment under the immigration laws is extended only after a full consideration of its effect on overall immigration enforcement, alleviates confusion over the authority to enforce the immigration laws, and prevents the Department from being bound by agreements undertaken without its knowledge and approval.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/13/96	61 FR 48405
Interim Final Rule Comment Period End	11/12/96	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1791-96

Transferred from RIN 1115-AE50

Agency Contact: Rachel Silber, Attorney, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 425 I Street NW., Washington, DC 20536
Phone: 202 514–2895

RIN: 1653–AA02

1305. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING

Priority: Other Significant

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1104; 8 USC 1252; 22 USC 7101; 22 USC 7105; . . .

CFR Citation: 28 CFR 1100

Legal Deadline: Other, Statutory, April 28, 2001, Statutory deadline for promulgation of regulations.

Abstract: This rule amends 28 CFR and sets forth implementing guidance for section 107(c) of the Victims of Trafficking and Violence Protection Act of 2000. The Secretary and the Secretary of State are promulgating these regulations for law enforcement, Immigration, and Department of State (DOS) officials regarding the protection of victims of severe forms of trafficking who are in custody, the access of such victims to information about their rights and translation services, and the training of appropriate DHS and DOS personnel in identifying and protecting such victims. The rule also addresses the authority of Federal law enforcement officials to permit the continued presence in the United States of certain victims of severe forms of trafficking who are potential witnesses in order to aid prosecutions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/24/01	66 FR 38514
Interim Final Rule Comment Period End	10/22/01	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2133-01

Transferred from RIN 1115-AG20

Agency Contact: Sue Shriner, Victim–Witness Coordinator, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 425 I Street NW., Washington, DC 20536
Phone: 202 616–8737

RIN: 1653–AA09

1306. POWERS AND AUTHORITIES OF OFFICERS AND EMPLOYEES

Priority: Other Significant

Legal Authority: PL 107–296

CFR Citation: 8 CFR 236; 8 CFR 239; 8 CFR 241; 8 CFR 287

Legal Deadline: None

Abstract: On November 25, 2002, the President signed into law the Homeland Security Act of 2002 (Pub.

L. 107-296), which created the new Department of Homeland Security (DHS). Pursuant to the provisions of the HSA, DHS came into existence on January 24, 2003. The functions of the Immigration and Naturalization Service (Service) and all authorities with respect to those functions, transferred to DHS on March 1, 2003, and the Service was abolished on that date, pursuant to the HSA and the Department of Homeland Security Reorganization Plan, as modified (Reorganization Plan). The transition and savings provisions of the HSA, including sections 1512(d) and 1517, provide that references relating to the Service in statutes, regulations, directives, or delegations of authority shall be deemed to refer to the appropriate official or component of DHS. DHS is promulgating this rule to continue the process of conforming the text of title 8 of the Code of Federal Regulations to the governmental structures established in the HSA and Reorganization Plan. This rule is not intended to and does not restrict or otherwise limit the authority of any DHS officer.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Nelson Perez, Special Counsel, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Office of Principal Legal Advisor, 425 I Street NW., Washington, DC 20536
Phone: 202 514–2895
Email: nelson.perez1@dhs.gov

RIN: 1653–AA27

1307. REMOVAL OF COMPANIES HOLDING A CERTIFICATE FROM THE SECRETARY OF THE TREASURY AS AN ACCEPTABLE SURETY ON IMMIGRATION BONDS

Priority: Other Significant

Legal Authority: 5 USC 301; 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; . . .

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: This proposed amendment would revise the regulations of the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), by defining a cash bond system and eliminating the selected provisions. This regulatory change will increase alien appearance rates and minimize dollar losses to the United States. Under the proposed rule, surety companies holding a certificate from the Secretary of the Treasury will no longer be acceptable security for posting immigration bonds. Bonds posted before the effective date of the final rule will not be affected.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Bryan Wilcox, Chief, Bond Management Unit, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 801 I Street NW., Washington , DC 20536
Phone: 202 305–2734
Fax: 202 353–9435
Email: bryan.wilcox@dhs.gov

RIN: 1653–AA38

1308. REQUIREMENTS FOR ADMISSION, EXTENSION, AND MAINTENANCE OF NONIMMIGRANT STATUS; EFFECT OF VISA REVOCATION

Priority: Other Significant

Legal Authority: 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; . . .

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This rule proposes to amend the Department of Homeland Security (DHS) regulations by providing that aliens admitted to the United States may no longer maintain valid immigration status once their nonimmigrant visas have been revoked. DHS believes that having the ability to place admitted aliens whose nonimmigrant visas have been revoked pursuant to section 221(i) of the Immigration and Nationality Act in removal proceedings will enhance national security and public safety.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: ICE No. 2307

Agency Contact: Robert Emery, Chief, National Security Law Division, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 425 I Street NW., Room 6109, Washington, DC 20536
Phone: 202 514–2895

RIN: 1653–AA40

Department of Homeland Security (DHS) — Completed Actions
Bureau of Immigration and Customs Enforcement (BICE)

1309. NONIMMIGRANT CLASSES; S CLASSIFICATION; LAW ENFORCEMENT INITIATIVES; ALIEN WITNESSES

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1324a; 8 CFR 2; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252

CFR Citation: 8 CFR 212; 8 CFR 214; 8 CFR 274a; 8 CFR 299; 8 CFR 103

Legal Deadline: None

Abstract: Two regulatory initiatives dealing with the processing of alien witnesses have been prepared by the Department of Justice. INS No. 1683-94 provides the application and approval process for the admission of aliens in S nonimmigrant classification. It provides guidance to the various law enforcement agencies needing alien witnesses and informants to complete critical law enforcement initiatives in the United States. INS No. 1728-95

establishes a fee for the processing of Form I-854, Inter-Agency Alien Witness and Informant Record, for Law Enforcement Agency (LEA) requests for S nonimmigrant classification for eligible alien witnesses and informants. The fee recovers the costs of the processing of requests for immigration benefits and is needed to comply with specific Federal immigration laws and Federal user fee statute and regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule–INS No. 1683 Eff. 8/25/95; Comment Period End 12/4/95	08/25/95	60 FR 44260
Interim Final Rule–INS No. 1683 Correction	10/05/95	60 FR 52068
Interim Final Rule–INS No. 1683 Correction	10/05/95	60 FR 52248
Withdrawn	05/05/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: INS No. 1683-94; and INS No. 1728-95

Transferred from RIN 1115-AD86

Agency Contact: Angel Melendez, Section Chief, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 425 I Street NW., Washington, DC 20536
Phone: 202 353–0120
Email: angel.melendez@dhs.gov

RIN: 1653–AA00

1310. USE OF PAROLE FOR HUMANITARIAN REASONS OR SIGNIFICANT PUBLIC BENEFIT

Priority: Other Significant

Legal Authority: 8 USC 1182

CFR Citation: 8 CFR 212

Legal Deadline: NPRM, Statutory, September 11, 1997.

Abstract: Changes to the current regulations are necessitated by section 602 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. This section has reworded certain parole authority by stipulating parole on a case-by-case basis for urgent humanitarian reasons or significant public benefit.

Timetable:

Action	Date	FR Cite
Withdrawn	02/25/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: INS No. 1840-97

See also (INS No. 2004-99): This interim final rule published on December 28, 2000, amended the regulations concerning the authority to grant the parole of aliens from DHS custody by specifically identifying the scope of that authority to include the Secretary. This action was taken to clarify which individuals are authorized by the Secretary to grant parole from DHS custody.

Transferred from RIN 1115-AE68

Agency Contact: Kenneth Leutbecker, Director, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Attn: ULLICO Building, Third Floor, 800 North Capital Street NW., Washington, DC 20536
Phone: 202 305–2670

RIN: 1653–AA04

1311. INCREASING THE NUMBER OF OFFICERS AUTHORIZED TO ISSUE NOTICES TO APPEAR AND ARREST WARRANTS FOR IMMIGRATION VIOLATIONS

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1221; 8 USC 1229; 8 CFR 2

CFR Citation: 8 CFR 239; 8 CFR 287

Legal Deadline: None

Abstract: This rule increases the number of officers authorized to issue notices to appear, and warrants of arrest for immigration violations. Currently, the authority to issue notices to appear and to issue arrest warrants for immigration violations, is limited to a small number of DHS officers. The present listing identifies the officers authorized to issue by specific position. This revision increases the number of issuing officers and identifies issuing authority by job title. The action is necessary to improve Department operations since many DHS employees are posted great distances away from the officials who are currently authorized to issue notices to appear and arrest warrants.

Timetable:

Action	Date	FR Cite
Withdrawn	02/25/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2137-01

Transferred from RIN 1115-AG22

Agency Contact: Joseph Greene, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 425 I Street NW., Washington, DC 20536
Phone: 202 514–0078

RIN: 1653–AA10

1312. AUTHORIZING COLLECTION OF FEE LEVIED ON F, J, AND M NONIMMIGRANT CLASSIFICATIONS UNDER ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT (IIRIRA)

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; . . .

CFR Citation: 8 CFR 103; 8 CFR 214; 8 CFR 299

Legal Deadline: None

Abstract: This rule amends DHS regulations to establish a fee, pursuant to section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), as amended by Public Law 106-396. In accordance with these statutes, the alien will remit the fee directly to the Secretary of DHS at a time prior to the alien being classified as an F, J, or M nonimmigrant. The rule outlines fee amounts, who is subject to paying the fees, when the fee must be paid, and the consequences for failure to pay the fee. This rule is necessary to implement section 641 of the IIRIRA, as amended, as well as authorized under sections 103 and 214 of the Immigration and Nationality Act and under 31 U.S.C. 9701.

Timetable:

Action	Date	FR Cite
NPRM	12/21/99	64 FR 71323
NPRM Comment Period End	02/22/00	

Action	Date	FR Cite
Interim Final Rule	10/27/03	68 FR 61148
Final Action	07/01/04	69 FR 39814

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1991-99

Transferred from RIN 1115-AF56

Agency Contact: Susan Geary, Acting Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 800 K Street NW., Washington, DC 20536
Phone: 202 305–2346
Fax: 202 353–3723
Email: susan.geary@dhs.gov

RIN: 1653–AA23

1313. REVISION OF THE REGULATIONS CONCERNING F, J, AND M NONIMMIGRANT CLASSIFICATIONS

Priority: Other Significant

Legal Authority: 5 USC 552; 5 USC 552(a); 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252(b); 8 USC 1304; 8 USC 1356; 31 USC 9701; EO 12356; . . .

CFR Citation: 8 CFR 103; 8 CFR 214

Legal Deadline: None

Abstract: This rule sets the foundation for implementation of the Student and Exchange Visitor Information System (SEVIS), an Internet-based system that provides tracking and monitoring functionality, with access to current information on nonimmigrant students and exchange visitors. SEVIS is being integrated into the new Entry-Exit system, named U.S. Visitor and Immigrant Status Indication Technology System (U.S.VISIT). VISIT is a DHS program that enhances our country's entry exit system by enabling the U.S. to effectively verify the identity of incoming visitors and confirm compliance with visa and immigration policies. The initiative involves collecting travel information and ''biometric identifiers.''

There are three principal laws that require the Secretary to develop an automated system to track foreign students and exchange visitors:

1. Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA);

2. Section 416 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act 2001 (USA PATRIOT Act); and

3. Section 501 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act).

IIRIA requires the DHS to collect current information, on an ongoing basis, form schools and exchange programs relating to nonimmigrant foreign students and exchange visitors during their stay in the United States. Additionally, the USA PATRIOT Act amended section 641 of IIRIRA to require implementation and expansion of SEVIS before January 1, 2003. Furthermore, the Border Security Act clarifies the collection of information required by SEVIS and adds the specific requirement that educational institutions report failure of an alien to enroll not later than 30 days after the registration deadline of the institution.

While this rule implements SEVIS, this is only one component of the Student and Exchange Visitor Program (SEVP). Further rulemaking is necessary to the overall reengineering process and success of SEVP. The review and registration of all schools and exchange visitor programs in SEVIS was required before January 30, 2003, as well as subsequent recertifications of these institutions every two years. Implementation of the student fee regulation mandated by Congress in IIRIRA to pay for the operation and maintenance of SEVIS is pending.

As part of this ongoing program, DHS published an interim final rule at 67 FR 44344, July 1, 2002, allowing schools that met certain criteria to preliminary enroll in SEVIS beginning on July 1, 2002. DHS published another rule, 67 FR 60107, September 25, 2002, that required all schools to apply for certification in SEVIS in order to be able to begin accepting or continue accepting foreign students by August 1, 2003. This rule describes recertification, withdrawal, and the denial process for SEVIS. Finally, DHS reintroduced a rule for collection of the student and exchange visitor fee, 68 FR 61149, October 27, 2003.

Timetable:

Action	Date	FR Cite
NPRM (INS No. 2185–02)	05/16/02	67 FR 34862
NPRM Comment Period End	06/16/02	
Interim Final Rule (INS No. 2211–02)	07/01/02	67 FR 44343
Interim Final Rule Comment Period End	07/31/02	
Final Action (INS No. 2185–02)	12/02/02	67 FR 31184

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1991-99

Transferred from RIN 1115-AF56

Agency Contact: Susan Geary, Acting Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 800 K Street NW., Washington, DC 20536
Phone: 202 305–2346
Fax: 202 353–3723
Email: susan.geary@dhs.gov

RIN: 1653–AA24

1314. COUNTRIES TO WHICH ALIENS MAY BE REMOVED

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This interim rule will discuss and interpret section 241(b), countries to which aliens may be removed, of the Immigration and Nationality Act. The rule will discuss countries to which aliens with final administrative orders may be removed.

Timetable:

Action	Date	FR Cite
Withdrawn	02/10/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Roger Sagerman, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Chief Enforcement Law

Division, 425 I Street NW., Suite 6100, Washington, DC 20536
Phone: 202 514–2895

RIN: 1653–AA35

1315. EXECUTION OF REMOVAL ORDERS; COUNTRIES TO WHICH ALIENS MAY BE REMOVED

Priority: Other Significant

Legal Authority: 5 USC 301; 5 USC 552; 5 USC 552a; 8 USC 1103; 8 USC 1182; . . .

CFR Citation: 8 CFR 236; 8 CFR 241

Legal Deadline: None

Abstract: The Secretary of Homeland Security and the Attorney General published this combined notice of proposed rulemaking to amend their respective agencies' regulations pertaining to removal of aliens.

The Department of Homeland Security proposes to amend its rule to establish that acceptance by a country is not required under specific provisions of section 241(b) of the Immigration and Nationality Act (Act) (8 U.S.C. 1231(b)) in order to remove an alien to that country, and that a ''country'' for the purpose of removal is not premised on the existence or functionality of a government in that country. This rule clarifies the countries to which an alien may be removed and the situations in which the Secretary of Homeland Security will remove an alien to an alternative or additional country. The rule also implements a screening mechanism to review aliens' claims that they would face persecution or torture in a country of removal that was not identified during their removal proceedings before an immigration judge.

The Department of Justice proposed rule clarifies the procedure for an alien to designate the country to which he would prefer to be removed, provides that the immigration judge shall inform any alien making such a designation that the alien may be removed to another country under section 241(b) of the Act at the discretion of the Secretary of Homeland Security in effecting the foreign policy of the United States, and clarifies the effect of an identification of a country for removal in an immigration judge's order of removal from the United States. The rule clarifies that acceptance by a country is not a factor to be considered by the immigration judge. The Department of Justice proposed rule also makes technical changes to eliminate unnecessary provisions and update references pursuant to the enactment of the Homeland Security Act of 2002.

Timetable:

Action	Date	FR Cite
Final Action	01/05/05	70 FR 661
Final Action Effective	02/05/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Leonard Kovensky, DAD, Removals, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 801 I Street NW., Suite 900, Washington, DC 20536
Phone: 202 305–2734
Fax: 202 353–9435

Related RIN: Previously reported as 1653–AA41

RIN: 1653–AA41

Department of Homeland Security (DHS) — Proposed Rule Stage
Directorate of Emergency Preparedness and Response (EP&R)/FEMA

1316. DISASTER ASSISTANCE; FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 5121 to 5206

CFR Citation: 44 CFR 204

Legal Deadline: None

Abstract: This proposed rule would revise the implementing regulations for section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5187, as amended by section 303 of the Disaster Mitigation Act of 2000, which provides overall program guidance on the operation and administration of the Fire Management Assistance Grant Program (FMAGP). The revisions incorporated into this proposed rule are designed to facilitate the grant application and administration processes of FMAGP, thereby improving the delivery of financial assistance to the State, local, and Indian tribal governments.

Timetable:

Action	Date	FR Cite
NPRM	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

Agency Contact: James A. Walke, Recovery Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–2751
Fax: 202 646–3304
Email: james.walke@dhs.gov

RIN: 1660–AA26

1317. NATIONAL FLOOD INSURANCE PROGRAM; STANDARD FLOOD INSURANCE POLICY; EXPANSION OF INCREASED COST OF COMPLIANCE (ICC) COVERAGE AND PROSPECTIVE PAYMENT OF FLOOD INSURANCE PREMIUMS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 4011(b)(4); 42 USC 4015(f)

CFR Citation: 44 CFR 61

Legal Deadline: None

Abstract: This NPRM would amend the National Flood Insurance Program regulations to incorporate the statutory changes in the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Pub. L. 108-264) enacted on June 30, 2004. Specifically, this rule would address Sections 105 (Amendments to Additional Coverage for Compliance with Land Use and Control Measures) and 209 (Prospective

DHS—EP&R/FEMA — Proposed Rule Stage

Payment of Flood Insurance Premiums). Section 105 authorizes the extension of Increased Cost of Compliance coverage, which currently applies when a community is enforcing its substantial damage or cumulative substantial damage ordinance, to also include those properties for which an offer of mitigation assistance is made under a variety of FEMA-funded mitigation programs. Section 209 directs that if a policyholder is determined to be paying a lower premium than is required due to an error in the flood plain determination, the higher premium may only be charged prospectively.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Agency Contact: Thomas Hayes, Mitigation Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–3419
Fax: 202 646–4327
Email: thomas.hayes@dhs.gov

RIN: 1660–AA30

Department of Homeland Security (DHS) — Final Rule Stage
Directorate of Emergency Preparedness and Response (EP&R)/FEMA

1318. ASSISTANCE PROGRAM UNDER THE 9/11 HEROES STAMP ACT OF 2001

Priority: Other Significant

Legal Authority: PL 107–67

CFR Citation: 44 CFR 153

Legal Deadline: None

Abstract: The 9/11 Heroes Stamp Act of 2001 directed the United States Postal Service to issue a semipostal stamp and distribute the proceeds through FEMA to the families of emergency relief personnel killed or permanently disabled while serving in the line of duty in connection with the terrorist attacks of September 11, 2001. This interim final rule would establish the mechanism through which FEMA would distribute these funds.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael S. Herman, Office of General Counsel, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–4097
Fax: 2026464536
Email: michael.s.herman@dhs.gov

RIN: 1660–AA34

1319. • CONDUCT AT THE MT. WEATHER EMERGENCY OPERATIONS CENTER, THE OLNEY FEDERAL SUPPORT CENTER, THE NATIONAL EMERGENCY TRAINING CENTER, AND THE NOBLE TRAINING CENTER

Priority: Substantive, Nonsignificant

Legal Authority: Homeland Security Act of 2002, 6 USC 101 to 557, 116 Stat. 2135; Federal Property and Administrative Services Act of 1949, 40 USC 271 et seq; Federal Fire Prevention and Control Act of 1974, 15 USC 2201

CFR Citation: 44 CFR 15

Legal Deadline: None

Abstract: This final rule makes certain technical amendments to 44 CFR part 15 to reflect changes governing conduct at the Mt. Weather Emergency Operations Center (Mt. Weather), the Olney Federal Support Center (Olney), the National Emergency Training Center (NETC), and the Noble Training Center (NTC), and to consolidate the rules applicable to the four facilities.

Timetable:

Action	Date	FR Cite
Final Action	09/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: H. Crane Miller, Office of General Counsel, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–3340
Fax: 2026464536
Email: crane.miller@dhs.gov

RIN: 1660–AA42

Department of Homeland Security (DHS) — Long-Term Actions
Directorate of Emergency Preparedness and Response (EP&R)/FEMA

1320. FLOOD MITIGATION ASSISTANCE PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4104c; 42 USC 4104d

CFR Citation: 44 CFR 78

Legal Deadline: None

Abstract: This interim final rule implements sections 553 and 554 of the National Flood Insurance Act of 1968, as amended, to provide grants under the National Flood Mitigation Fund to States and communities for planning assistance and for mitigation projects that reduce the risk of flood damages to structures covered under contracts for flood insurance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/20/97	62 FR 13346
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State, Tribal

Additional Information: Transferred from RIN 3067-AC45

Agency Contact: Sheila Donahoe, Mitigation Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–3121
Fax: 202 646–4127
Email: sheila.donahoe@dhs.gov

RIN: 1660–AA00

1321. CRIMINAL AND CIVIL PENALTIES UNDER THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 5157(d); PL 101–410; 28 USC 2461; PL 104–134, sec 31001(s)

CFR Citation: 44 CFR 206

Legal Deadline: None

Abstract: This rule would increase the maximum civil penalty under the Robert T. Stafford Disaster Relief and Emergency Assistance Act from $5,000 to $5,500.

Timetable:

Action	Date	FR Cite
NPRM	02/10/97	62 FR 5957
NPRM Comment Period End	04/11/97	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 3067-AC61

Agency Contact: Jordan Fried, Office of General Counsel, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–4105
Fax: 202 646–4536
Email: jordan.fried@dhs.gov

RIN: 1660–AA01

1322. DISASTER ASSISTANCE; HAZARD MITIGATION GRANT PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 5121 et seq

CFR Citation: 44 CFR 206

Legal Deadline: None

Abstract: This rule would revise the categories of projects eligible for funding under the Hazard Mitigation Grant Program. It emphasizes nonstructural flood mitigation measures to reduce the number of flood-prone structures and clarifies that major structural flood control projects will not be considered for funding under the grant program.

Timetable:

Action	Date	FR Cite
NPRM	05/01/98	63 FR 24143
NPRM Comment Period End	07/01/98	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 3067-AC69

Agency Contact: Deborah Ingram, Mitigation Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–2856
Fax: 202 646–3104
Email: deborah.ingram@dhs.gov

RIN: 1660–AA02

1323. DEBT COLLECTION

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 3720A

CFR Citation: 44 CFR 11

Legal Deadline: None

Abstract: Under this rule, FEMA refers delinquent debts owed to this agency to the Department of the Treasury for collection under the Governmentwide Treasury Offset Program and for tax-refund offsets at the same time. FEMA amends its regulations to allow administrative offset against delinquent debtor States and units of general local Government. FEMA also amends its regulations to change the method for calculating interest, penalty, and administrative charges assessed on delinquent debts and to make States and units of general local Government subject to such changes.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/08/98	63 FR 1063
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: Transferred from RIN 3067-AC77

Agency Contact: Michael Komack, Financial and Acquisition Management Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–4164
Fax: 202 646–4157
Email: michael.komack@dhs.gov

RIN: 1660–AA05

1324. NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM

Priority: Other Significant

Legal Authority: 42 USC 5121 et seq

CFR Citation: 44 CFR 208

Legal Deadline: None

Abstract: The Department of Homeland Security published a proposed Maximum Pay Rate Table (Table) in conjunction with its interim rule for National Urban Search and Rescue Response (US&R) System, which was also published in the same edition of the Federal Register. The interim rule standardizes the financing, administration and operation of the US&R System, and standardizes the relationships between DHS and ''Sponsoring Agencies'' of the US&R System—those State or local government agencies that agree to organize and administer a US&R Task Force. The notice seeks comment on the proposed Table, which establishes the maximum rates that DHS will pay for US&R Task Force physicians, engineers and canine handlers as ''Affiliated Personnel'' or for backfill positions for activated US&R System Members employed by or otherwise associated with a for-profit ''Participating Agency.''

Timetable:

Action	Date	FR Cite
NPRM	12/18/02	67 FR 77627
NPRM Comment Period End	02/03/03	
Interim Final Rule	02/24/05	70 FR 9182
Interim Final Rule Effective	02/24/05	
Interim Final Rule Comment Period End	04/11/05	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: Transferred from RIN 3067-AC93

Agency Contact: Michael Tamillow, Response Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–2549
Fax: 202 646–4684
Email: mike.tamillow@dhs.gov

RIN: 1660–AA07

1325. NATIONAL FLOOD INSURANCE PROGRAM (NFIP); INSURANCE COVERAGE AND RATES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4001 et seq

CFR Citation: 44 CFR 61

Legal Deadline: None

Abstract: This rule would apply full-risk premium rates under the NFIP to structures: 1) that have suffered multiple flood losses; and 2) whose owners decline an offer of funding to eliminate or reduce future flood damage.

Timetable:

Action	Date	FR Cite
NPRM	08/05/99	64 FR 42632
NPRM Comment Period End	09/07/99	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 3067-AD02

Agency Contact: Thomas Hayes, Mitigation Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–3419
Fax: 202 646–4327
Email: thomas.hayes@dhs.gov

RIN: 1660–AA09

1326. HAZARD MITIGATION PLANNING AND HAZARD MITIGATION GRANT PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 5121

CFR Citation: 44 CFR 201; 44 CFR 204; 44 CFR 206

Legal Deadline: None

Abstract: The fourth interim rule provides State and Indian tribal governments with a mechanism to request an extension to the date by which they must develop State Mitigation Plans as a condition of grant assistance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/02	67 FR 8844
Interim Final Rule Effective	02/26/02	
Interim Final Rule Comment Period End	04/29/02	
Interim Final Rule	10/01/02	67 FR 61512
Interim Final Rule Effective	10/01/02	
Interim Final Rule Comment Period End	12/02/02	
Interim Final Rule	10/28/03	68 FR 61368
Interim Final Rule Effective	10/28/03	
Correcting Amendment	11/10/03	68 FR 63738
Correcting Amendment Effective	11/10/03	
Interim Final Rule Comment Period End	12/29/03	
Interim Final Rule	09/13/04	69 FR 55094
Interim Final Rule Effective	09/13/04	
Interim Final Rule Comment Period End	11/12/04	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

Additional Information: Transferred from RIN 3067-AD22

Agency Contact: Karen Helbrecht, Mitigation Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–3358
Fax: 202 646–3104
Email: karen.helbrecht@dhs.gov

RIN: 1660–AA17

1327. DISASTER ASSISTANCE; FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 42 USC 5174

CFR Citation: 44 CFR 206

Legal Deadline: Final, Statutory, October 15, 2002.

Abstract: This rule implements section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and changes the title of the provision from ''Temporary Housing Assistance'' to ''Federal Assistance to Individuals and Households.''

Timetable:

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3412
NPRM Comment Period End	03/11/02	
Interim Final Rule	09/30/02	67 FR 61446
Corrections	10/09/02	67 FR 62896
Corrections Effective	10/09/02	
Interim Final Rule Effective	10/15/02	
Interim Final Rule Comment Period End	04/15/03	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Additional Information: Transferred from RIN 3067-AD25

Agency Contact: Berl Jones, Recovery Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–3943

Fax: 202 646–3978
Email: berl.jones@dhs.gov

RIN: 1660–AA18

1328. MANAGEMENT COSTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 5165 (b)

CFR Citation: 44 CFR 206; 44 CFR 207

Legal Deadline: None

Abstract: This rule would implement the management costs provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, simplifies and clarifies the method by which FEMA contributes to costs incurred by grantees and subgrantees in implementing the Public Assistance and Hazard Mitigation Grant programs, and establishes fixed management cost rates for compensating eligible grantees and subgrantees while adequately protecting Federal financial interests.

Timetable:

Action	Date	FR Cite
NPRM	08/30/02	67 FR 56130
NPRM Comment Period End	09/30/02	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

Additional Information: Transferred from RIN 3067-AD29

Agency Contact: Jonna M. Long, Financial & Acquisition Management, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–7057
Fax: 202 646–4268
Email: jonna.long@dhs.gov

RIN: 1660–AA21

1329. NATIONAL FLOOD INSURANCE PROGRAM (NFIP); GROUP FLOOD INSURANCE POLICY (GFIP)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4001 et seq

CFR Citation: 44 CFR 61

Legal Deadline: None

Abstract: This interim final rule amends the Group Flood Insurance Policy, as a result of the consolidation of sections 408 and 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by section 206 of the Disaster Mitigation Act of 2000.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/02	67 FR 61460
Interim Final Rule Effective	09/30/02	
Interim Final Rule Comment Period End	04/15/03	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: Transferred from RIN 3067-AD31

Agency Contact: Charles M. Plaxico Jr., Mitigation Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–3422
Fax: 202 646–4327
Email: charles.plaxico@dhs.gov

RIN: 1660–AA22

1330. DISASTER ASSISTANCE; CRISIS COUNSELING REGULAR PROGRAM; AMENDMENT TO REGULATION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 5121 to 5206

CFR Citation: 44 CFR 206

Legal Deadline: None

Abstract: This interim final rule makes a substantive change that in limited circumstances allows the Assistant Associate Director to extend the deadline for the Crisis Counseling Regular Program.

Timetable:

Action	Date	FR Cite
Applicability Date	09/11/01	
Interim Final Rule	03/03/03	68 FR 9899
Interim Final Rule Effective	03/03/03	
Interim Final Rule Comment Period End	05/02/03	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: Transferred from RIN 3067-AD32

Agency Contact: Berl Jones, Recovery Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–3943
Fax: 202 646–3978
Email: berl.jones@dhs.gov

RIN: 1660–AA23

1331. NATIONAL FLOOD INSURANCE PROGRAM (NFIP); ASSISTANCE TO PRIVATE SECTOR PROPERTY INSURERS

Priority: Other Significant

Legal Authority: 42 USC 4001 et seq

CFR Citation: 44 CFR 62

Legal Deadline: None

Abstract: This interim final rule amends the Financial Assistance/Subsidy Arrangement between FEMA and the private sector insurers that sell and service flood insurance regarding the rules pertaining to when FEMA is responsible for litigation costs and when the insurers are responsible. It also clarifies issues of jurisdiction and choice of law when the insurers are sued and makes some other changes to the Arrangement.

Timetable:

Action	Date	FR Cite
NPRM	10/14/03	68 FR 59146
NPRM Comment Period End	11/13/03	
Interim Final Rule	07/30/04	69 FR 45607
Interim Final Rule Comment Period End	09/28/04	
Interim Final Rule Effective	10/01/04	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Charles M. Plaxico Jr., Mitigation Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–3422
Fax: 202 646–4327

Email: charles.plaxico@dhs.gov

RIN: 1660–AA28

1332. NATIONAL FLOOD INSURANCE PROGRAM (NFIP); ASSISTANCE TO PRIVATE SECTOR PROPERTY INSURERS; EXTENSION OF TERM OF ARRANGEMENT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4001 et seq

CFR Citation: 42 CFR 62

Legal Deadline: None

Abstract: FEMA changed the Financial Assistance/Subsidy Arrangement (the Arrangement) to extend its term of October 1, 2002, through September 30, 2003, to a term of October 1, 2002, through December 31, 2003. The second interim final rule extended the Arrangement from October 1, 2002, through May 1, 2004. The third interim final rule extends the Arrangement to a term of October 1, 2002, through September 30, 2004. The Arrangement defines the duties and responsibilities of insurers that sell and service insurance under the Write Your Own program. It also identifies the responsibilities of the Government to provide financial and technical assistance to these insurers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/05/03	68 FR 52700
Interim Final Rule Effective	10/01/03	
Interim Final Rule Comment Period End	10/06/03	
Interim Final Rule	12/31/03	68 FR 75453
Interim Final Rule Effective	01/01/04	
Interim Final Rule Comment Period End	03/01/04	
Interim Final Rule	04/30/04	69 FR 23657
Interim Final Rule Effective	05/02/04	
Interim Final Rule Comment Period End	06/29/04	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Charles M. Plaxico Jr., Mitigation Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–3422
Fax: 202 646–4327
Email: charles.plaxico@dhs.gov

RIN: 1660–AA29

1333. DISASTER ASSISTANCE; PUBLIC ASSISTANCE INSURANCE REQUIREMENTS

Priority: Other Significant

Legal Authority: 42 USC 5121 to 5206

CFR Citation: 44 CFR 206

Legal Deadline: None

Abstract: These proposed regulations are intended to replace the current regulations for public assistance insurance requirements (44 CFR part 206, subpart I). The proposed regulations detail the insurance requirements that applicants must meet to be eligible for FEMA assistance for their damaged facilities following a Presidentially-declared major disaster. Many of the changes in these proposed regulations are not new, but are intended to provide clarification concerning how FEMA handles insurance issues in the Public Assistance program. The proposed rule only addresses post-disaster insurance requirements. It does not create any predisaster insurance requirements.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: James A. Walke, Recovery Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–2751
Fax: 202 646–3304
Email: james.walke@dhs.gov

RIN: 1660–AA32

1334. ESTIMATING ELIGIBLE COST

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 5172(e)(3)(C)

CFR Citation: 44 CFR 206

Legal Deadline: None

Abstract: This rule would revise 44 CFR part 206, subpart H, to reflect changes in the way FEMA estimates the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices and in awarding Federal large project grants based on the application of floor and ceiling thresholds. This rule reflects the changes needed to put the new statutorily-mandated cost estimating procedures into effect.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Agency Contact: James Duffer, Recovery Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–3532
Fax: 202 646–3304
Email: james.duffer@dhs.gov

RIN: 1660–AA33

1335. NATIONAL FLOOD INSURANCE PROGRAM (NFIP); STATE RENEWAL OF GROUP FLOOD INSURANCE POLICY

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 5178

CFR Citation: 44 CFR 61

Legal Deadline: None

Abstract: FEMA is proposing to amend the Group Flood Insurance Policy (GFIP) to allow the States to continue the coverage for all eligible individuals insured under the initial GFIP policy after it has expired, provided the States pay the entire premium.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Suzan Krowel, Mitigation Division, Department of

Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–3423
Fax: 202 646–4327
Email: suzan.krowel@dhs.gov

RIN: 1660–AA35

1336. PILOT PROGRAM FOR THE MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4102a

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This rule would implement section 1361A of The National Flood Insurance Act of 1968, as amended, (the Act), which authorizes FEMA to implement a Pilot Program that would provide financial assistance to States and communities for activities to mitigate the risk of damage from future flooding to severe repetitive loss properties. The Pilot Program represents a concentrated effort to mitigate those insured properties that have suffered the greatest amount of damage in terms of claims against the National Flood Insurance Fund. Severe repetitive loss properties are defined in section 1361A(b)(1) of the Act as Single Family Properties consisting of one to four family residences that are covered under a contract for flood insurance made available under the Act which have had four or more claims with each claim exceeding $5,000 and with the cumulative payments exceeding $20,000, or which have had at least two claim payments that cumulatively exceed the value of the property. The rule will identify program requirements including eligibility and matching requirements, as well as procedures for grant application, evaluation, award, and appeals. It will also implement provisions of the law that set forth implications for property owners who decline a mitigation offer under the Pilot Program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Local, State, Tribal

Federalism: Undetermined

Agency Contact: Cecelia Rosenberg, Mitigation Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–3321
Fax: 202 646–4127
Email: cecelia.rosenberg@dhs.gov

RIN: 1660–AA36

1337. FLOOD MITIGATION ASSISTANCE PROGRAM

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 4102a

CFR Citation: 44 CFR 78

Legal Deadline: None

Abstract: This interim final rule will implement sections 1366 and 1367 of the National Flood Insurance Act of 1968, as amended, by section 103 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Pub. L. 108-264), 42 U.S.C. 4102a. The rule will update the existing Flood Mitigation Assistance Program (FMA) by providing for an increased emphasis on planning and providing new incentives for States and communities to participate in the FMA through reduced cost-share requirements. The rule will also revise the existing allocations formula for FMA planning, project, and technical assistance funds.

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Local, State, Tribal

Federalism: Undetermined

Agency Contact: Cecelia Rosenberg, Mitigation Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–3321
Fax: 202 646–4127
Email: cecelia.rosenberg@dhs.gov

RIN: 1660–AA37

1338. GRANTS FOR REPETITIVE INSURANCE CLAIM PROPERTIES

Priority: Economically Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 4102a

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The interim final rule would implement section 1323 of the National Flood Insurance Act of 1968 (the Act), as amended, to provide funding for mitigation actions that reduce flood damages to individual properties for which one or more claim payments for losses have been made under the National Flood Insurance Program. Grants for repetitive insurance claims properties may only be awarded: 1) if proposed mitigation activities are determined to be in the best interest of the National Flood Insurance Fund; and 2) if the State or community in which the property is located cannot meet the requirements of section 1366 of the Act (the Flood Mitigation Assistance Program), or the State or community does not have the capacity to manage a mitigation project. The rule will address program requirements and procedures for determining eligibility for funding.

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Local, State, Tribal

Federalism: Undetermined

Agency Contact: Cecelia Rosenberg, Mitigation Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–3321
Fax: 202 646–4127
Email: cecelia.rosenberg@dhs.gov

RIN: 1660–AA38

1339. DISASTER ASSISTANCE; HAZARD MITIGATION GRANT PROGRAM

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 5133

CFR Citation: 44 CFR 206, Subpart N

Legal Deadline: None

Abstract: This interim final rule would revise the existing regulations to implement amendments to the Robert T. Stafford Disaster Relief and Emergency Assistance Act that provide for delegating the administration and management of the Hazard Mitigation Grant Program (HMGP) to States. These revisions include: 1) the criteria and process for designation as a Managing State; 2) the HMGP program authorities and responsibilities of Managing States, and of FEMA in working with Managing States; and 3) the evaluation process for Managing States. In addition, this interim final rule would amend the existing regulations to clarify the language of the rule in general, to more fully reflect program and grants management practices previously detailed in guidance, and to make the rule more reader-friendly.

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Local, State, Tribal

Federalism: Undetermined

Agency Contact: Deborah Ingram, Mitigation Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–2856
Fax: 202 646–3104
Email: deborah.ingram@dhs.gov

RIN: 1660–AA39

1340. PRE–DISASTER MITIGATION PROGRAM

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 5133

CFR Citation: 44 CFR 206

Legal Deadline: None

Abstract: This interim final rule would assist States, Indian tribal governments, and communities to implement a consistent predisaster natural hazard mitigation program to reduce overall risk to the population and structures, while also reducing reliance on funding from actual disaster declarations. This Pre-Disaster Mitigation program provides a significant opportunity to raise risk awareness and to reduce the Nation's disaster losses through predisaster mitigation planning, and the implementation of planned, preidentified, cost-effective mitigation measures that are designed to reduce injuries, loss of life and damages and destruction of property from all hazards, including damage to critical facilities. The Robert T. Stafford Disaster Relief and Emergency Assistance Act provides a framework for linking pre-and post-disaster mitigation planning and projects with public and private interests to ensure an integrated, comprehensive approach to disaster loss reduction.

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Local, State, Tribal

Federalism: Undetermined

Agency Contact: Karen Magnino, Mitigation Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–3807
Fax: 202 646–4127
Email: karen.magnino@dhs.gov

RIN: 1660–AA40

1341. NATIONAL FLOOD INSURANCE PROGRAM; APPEAL OF DECISIONS RELATING TO FLOOD INSURANCE COVERAGE

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: PL 108–264

CFR Citation: 44 CFR 62

Legal Deadline: Other, Statutory, December 30, 2004, By regulation, FEMA has to establish an appeals process.
Section 205 requires the Director of FEMA to establish by regulation, an appeals process through which holders of a flood insurance policy may appeal the decisions, with respect to claims, proofs of loss, and loss estimates relating to such flood insurance policy of: 1) any insurance agent or adjuster, or insurance company; or 2) any employee or contractor of FEMA.

Abstract: This interim final rule would amend the National Flood Insurance Program regulations to incorporate the statutory changes in the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Pub. L. 108-264) enacted on June 30, 2004. Specifically, this rule addresses the requirements of section 205. Section 205 requires the Director of FEMA to establish by regulation, an appeals process through which holders of a flood insurance policy may appeal the decisions, with respect to claims, proofs of loss, and loss estimates relating to such flood insurance policy of: 1) any insurance agent or adjuster, or insurance company; or 2) any employee or contractor of FEMA.

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: State

Federalism: Undetermined

Agency Contact: James Shortley, Mitigation Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472
Phone: 202 646–3418
Fax: 202 646–4327
Email: james.shortley@dhs.gov

RIN: 1660–AA41

1342. • HAZARD MITIGATION PLANNING AND HAZARD MITIGATION GRANT PROGRAM FUNDING

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 5165

CFR Citation: 44 CFR 201; 44 CFR 206

Legal Deadline: None

Abstract: To amend existing regulations to adjust the Hazard Mitigation Grant Program (HMGP) funding available to States with approved Enhanced State Mitigation Plans to 12.5 percent of the total estimated eligible Federal assistance.

DHS—EP&R/FEMA

Long-Term Actions

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

Agency Contact: Deborah Ingram, Mitigation Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472

Phone: 202 646–2856
Fax: 202 646–3104
Email: deborah.ingram@dhs.gov

RIN: 1660–AA43

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