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**Monday,
April 24, 2006**

Part IX

**Department of
Homeland Security**

Semiannual Regulatory Agenda

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' seventh semiannual regulatory agenda since the Department's inception in January 2003. DHS' last semiannual regulatory agenda was published on October 31, 2005, at 70 FR 64630.

DHS currently is comprised of four directorates: Policy; Preparedness; Science and Technology; and Management. Other major components include the Office of Intelligence and Alliance; the Office of Operations Coordination; and the Domestic Nuclear Detection Office. 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

Naturalization 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, some of the regulatory actions identified in this agenda may reference actions initiated by a predecessor Department or Agency.

In September 2005, DHS joined the Environmental Protection Agency Federal Partner online electronic Federal Docket Management System (FDMS) located at . 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 FDMS.

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

Dated: March 23, 2006.

Mary Kate Whalen,

Deputy Associate General Counsel for Regulatory Affairs.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1092	Supplemental Standards of Conduct for Employees of the Department of Homeland Security	1601-AA17
1093	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
1094	Identifying, Safeguarding, and Sharing Sensitive Homeland Security Information	1601-AA25
1095	Homeland Security Acquisition Regulation (HSAR): Conformance to the Federal Acquisition Circulars (FACs)	1601-AA28
1096	Assistance to Firefighters Grant Program	1601-AA30
1097	Public Transportation Security Grants	1601-AA31
1098	Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program	1601-AA32
1099	United States Visitor and Immigration Status Indicator Technology Program (US-VISIT), Authority To Collect Biometric Data From Aliens Not Currently Processed Through US-VISIT	1601-AA33

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Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1100	Enforcement of Nondiscrimination on the Basis of Disability in Department of Homeland Security Programs or Activities	1601-AA03
1101	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance	1601-AA04
1102	Regulations Regarding Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance	1601-AA05
1103	Program Fraud Civil Remedies	1601-AA11
1104	Procedures for Handling Critical Infrastructure Information	1601-AA14
1105	Regulations Implementing the Support AntiTerrorism by Fostering Effective Technologies Act of 2002 (the SAFETY Act)	1601-AA15
1106	Homeland Security Acquisition Regulation (HSAR)	1601-AA16
1107	Collection of Nontax Debts Owed to the Department of Homeland Security	1601-AA23
1108	United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT), Enrollment of Additional Aliens in US-VISIT	1601-AA35

Office of the Secretary—Long-Term Actions

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1110	Production or Disclosure of Official Information in Connection With Legal Proceedings	1601-AA01
1111	Authority of the Secretary of the Department of Homeland Security; Delegations of Authority; Immigration Laws	1601-AA06
1112	Regulations Imposing Restrictions Upon Lobbying	1601-AA12
1113	Department of Homeland Security Labor Relations Board	1601-AA27
1114	Protection of Human Subjects	1601-AA29
1115	Implementation of the United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT); Biometric Requirements for Exit at Air and Sea Ports	1601-AA34

Office of the Secretary—Completed Actions

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1116	Classified National Security Information	1601-AA02
1117	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace	1601-AA10
1118	National Environmental Policy Act Procedures	1601-AA13
1119	Procedures Relating to Awards Under the Equal Access to Justice Act	1601-AA22
1120	Right to Financial Privacy	1601-AA24
1121	United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT); Authority To Collect Biometric Data From Additional Travelers	1601-AA36

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

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1122	Revised Grounds of Inadmissibility; Exceptions and Waivers for Immigrants and Nonimmigrants	1615-AA00
1123	Immigrant and Nonimmigrant; Religious Workers	1615-AA16
1124	Special Immigrant Status for Certain NATO Civilian Employees	1615-AA21
1125	Inadmissibility To Enter the United States for Former U.S. Citizens Who Renounced Citizenship To Avoid Taxation	1615-AA32
1126	Intercountry Adoptions	1615-AA43
1127	Waiver of Fees	1615-AA48
1128	Adjustment of Status Under Section 245(k)	1615-AA54

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

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1130	Consent To Reapply for Admission After Removal	1615-AA61
1131	Waivers of the 2-Year Foreign Residence Requirement for Certain Exchange Visitors	1615-AA62
1132	Medical Grounds of Inadmissibility and Waivers	1615-AA66
1133	Waiver of Criminal Grounds of Inadmissibility for Immigrants	1615-AA94
1134	Establishment of Fee for Processing Genealogical Research Requests	1615-AB19
1135	After-Sales Service and After-Lease Service for B-1 Temporary Visitors for Business	1615-AB33
1136	Employment Based Immigrants—Elimination of Beneficiary Substitution on Approved Labor Certifications and Validity Period of Approved Labor Certifications	1615-AB34
1137	Application Process for Replacing Forms I-551 Without an Expiration Date	1615-AB36
1138	Adjustment of the Immigration Benefit Application Fee Schedule	1615-AB37
1139	Experience Requirements for Essential Support Aliens in the O and P Nonimmigrant Classifications	1615-AB39
1140	Foreign Residence Requirement Imposed on Certain Participants in the Irish Peace Process Cultural and Training Program	1615-AB43
1141	New Electronic Account, Adjudication, and Reporting System; New Procedures for Filing and Processing of Petitions and Applications	1615-AB46
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U.S. Citizenship and Immigration Services—Final Rule Stage

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1145	Definition of the Term “Lawfully Present” for Purposes of Eligibility for Public Benefits	1615-AA05
1146	Affidavit of Support on Behalf of Immigrants	1615-AA06
1147	International Marriage Broker Act Information Requirements	1615-AA11
1148	Adjustment of Status, Continued Validity of Nonimmigrant Status, and Unexpired Employment Authorization for Applicants Maintaining Nonimmigrant H or L Status	1615-AA12
1149	Suspension of Deportation and Special Rule Cancellation of Removal for Certain Nationals of Guatemala, El Salvador, and Former Soviet Bloc Countries	1615-AA17
1150	Regulations Concerning the Convention Against Torture	1615-AA19
1151	Inadmissibility and Deportability on Public Charge Grounds	1615-AA22
1152	Application for Refugee Status; Acceptable Sponsorship Agreement Guaranty of Transportation	1615-AA24
1153	Battered and Abused Conditional Residents; Termination of Marriage by Conditional Residents	1615-AA29
1154	Revoking Grants of Naturalization	1615-AA30
1155	Registration and Fingerprinting of Aliens in the United States: Control of Employment of Aliens	1615-AA33
1156	National Interest Waivers for Second Preference Employment-Based Immigrant Physicians Serving in Medically Underserved Areas or at Department of Veterans Affairs Facilities	1615-AA34
1157	Petitioning Requirements for the H-1C Nonimmigrant Classification Under Public Law 106-95	1615-AA35
1158	Adjustment of Status to That of Person Admitted for Permanent Residence; Temporary Removal of Certain Restrictions of Eligibility	1615-AA40
1159	Asylum and Withholding Definitions	1615-AA41
1160	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
1161	Academic Honorarium for B Nonimmigrant Aliens	1615-AA44
1162	Allowing for the Filing of Form I-140 Visa Petition Concurrently With a Form I-485 Application in Certain Circumstances	1615-AA46
1163	Special Immigrant Visa for Fourth Preference Employment-Based Broadcasters	1615-AA47
1164	Establishing Premium Processing Service for Employment-Based Petitions and Applications	1615-AA49
1165	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
1166	Nonimmigrant Classes; Spouses and Children of Lawful Permanent Residents; V Classification	1615-AA53
1167	K Nonimmigrant Classification; Legal Immigration Family Equity Act (LIFE)	1615-AA56
1168	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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1170	Adjustment of Status for Victims of Trafficking	1615-AA60
1171	Removal of Limitations on the Validity Period for Employment Authorization Documents	1615-AA63
1172	New Classification for Victims of Certain Criminal Activity; Eligibility for the U Nonimmigrant Status	1615-AA67
1173	Requiring Change of Status From B to F-1 or M-1 Nonimmigrant Prior To Pursuing a Course of Study	1615-AA73
1174	Waivers for Nonimmigrants Under Section 212(d)(3)(A) of the Immigration and Nationality Act	1615-AA75
1175	Clarification of Regulations Relating to Aliens That Are Employment Authorized Incident to Status	1615-AA78
1176	Procedures for Conducting Examinations and Waiving the Oath of Allegiance for Naturalization Applicants With Disabilities	1615-AA81
1177	Withholding of Adjudication	1615-AA86
1178	Implementation of Amendments Affecting Petitions for Employment Creation Aliens	1615-AA90
1179	Implementation of the Age Out Protections Afforded Under the Child Status Protection Act	1615-AA95
1180	Eliminating the Numerical Cap on Mexican TN Nonimmigrants	1615-AA96
1181	Filing of Proposals for Designation as a Regional Center Approved To Participate in the Immigrant Investor Pilot Program	1615-AB00
1182	Requiring Completion of Security Checks Before Issuance of Evidence of Alien Registration	1615-AB12
1183	Removal of Standardized Request for Evidence Processing Timeframe	1615-AB13
1184	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
1185	Petitioning Requirements for the O and P Nonimmigrant Classifications	1615-AB17
1186	Change or Extension of Nonimmigrant Status Under the Chile and Singapore Free Trade Agreements	1615-AB22
1187	Extension of the Deadline for Certain Health Care Workers Required To Obtain Certificates	1615-AB28
1188	Administrative Appeals Office: Procedural Reforms To Improve Efficiency	1615-AB29
1189	Adding a Filing Fee for Re-Registration and Extension of Temporary Protected Status	1615-AB31
1190	Allocation of H-1B Visas Created by the H-1B Visa Reform Act of 2004	1615-AB32
1191	Interpretation at Asylum Interviews	1615-AB35
1192	Removal of Obsolete Service Regulations Concerning the Disclosure of Records and Information Pursuant to the Freedom of Information Act and the Privacy Act	1615-AB38
1193	Revision of Procedures for Premium Processing Service for Employment-Based Petitions and Applications	1615-AB40
1194	Irish Peace Process Cultural and Training Program	1615-AB42
1195	Affidavit of Support	1615-AB45
1196	Adjustment of Biometrics Capture Fees	1615-AB47

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

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1198	Fingerprinting Applicants and Petitioners for Immigration Benefits; Establishing a Fee for Fingerprinting by the Department of Homeland Security	1615-AA14
1199	Children Born Outside the United States; Applications for Certificate of Citizenship	1615-AA45
1200	Adjustment of Status for Certain Nationals of Nicaragua, Cuba, and Haiti	1615-AA51
1201	Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H-2B)	1615-AA82
1202	Electronic Signature on Applications and Petitions for Immigration and Naturalization Benefits	1615-AA83
1203	Authorizing Suspension of Employment Authorization Requirements on the Basis of Severe Economic Hardship for F-1 Students and Emergent Circumstances	1615-AB44

U.S. Citizenship and Immigration Services—Completed Actions

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1206	Restructuring the Nonimmigrant Regulations	1615-AA74
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U.S. Citizenship and Immigration Services—Completed Actions (Continued)

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1209	Petitions for Employment-Based Immigrants	1615-AB27
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U.S. Coast Guard—Proposed Rule Stage

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1212	State Access to the Oil Spill Liability Trust Fund (USCG-2004-19123)	1625-AA06
1213	Drawbridge Operations Regulations; Revisions (USCG-2001-10881)	1625-AA36
1214	Wearing of Personal Flotation Devices by Persons Operating or Riding on Personal Watercraft, Water Skiing, or Engaging in Other Forms of Towing Persons Behind Recreational Vessels (USCG-2002-11421)	1625-AA40
1215	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
1216	Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard (USCG 1998-3472)	1625-AA59
1217	Administrative Changes to Numbering of Vessels and Reporting of Casualties (USCG-2003-14963)	1625-AA70
1218	Commercial Fishing Industry Vessels (USCG-2003-16158)	1625-AA77
1219	Alternate Compliance Program: Vessel Inspection Alternatives	1625-AA92
1220	Vessel Documentation: Lease Financing for Vessels Engaged in the Coastwise Trade	1625-AA95
1221	Oil Spill Liability Trust Fund Consumer Price Index (CPI) Adjustment of Vessel Limits of Liability	1625-AA98
1222	Vessel Requirements for Notices of Arrival and Departure, and Automatic Identification System (USCG-2005-21869)	1625-AA99
1223	Vapor Control Systems	1625-AB01

U.S. Coast Guard—Final Rule Stage

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1225	Deepwater Ports (USCG-1998-3884)	1625-AA20
1226	Vessel and Facility Response Plans for Oil: 2003 Removal Equipment Requirements and Alternative Technology Revisions (USCG-2001-8661)	1625-AA26
1227	Rates for Pilotage on the Great Lakes (USCG-2002-11288)	1625-AA38
1228	Protection for Whistle Blowers in the Coast Guard (USCG-2002-13016)	1625-AA50
1229	Review and Update of Standards for Marine Equipment (USCG-2003-16630)	1625-AA83
1230	Pollution Prevention Equipment (USCG-2004-18939)	1625-AA90
1231	Notification of Arrival in U.S. Ports; Certain Dangerous Cargoes; Electronic Submission (USCG-2004-19963)	1625-AA93

U.S. Coast Guard—Long-Term Actions

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1233	Special Anchorage Areas/Anchorage Grounds Regulations	1625-AA01
1234	Discharge-Removal Equipment for Vessels Carrying Oil (CGD 90-068)	1625-AA02
1235	Regatta and Marine Parade Regulations	1625-AA08
1236	Drawbridge Regulations	1625-AA09
1237	Escort Vessels in Certain U.S. Waters (CGD 91-202a)	1625-AA10
1238	Regulated Navigation Areas	1625-AA11
1239	Marine Transportation-Related Facility Response Plans for Hazardous Substances (USCG-1999-5705)	1625-AA12

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

Sequence Number	Title	Regulation Identifier Number
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1241	Numbering of Undocumented Barges (USCG-1998-3798)	1625-AA14
1242	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
1243	Outer Continental Shelf Activities (USCG-1998-3868)	1625-AA18
1244	Salvage and Marine Firefighting Requirements; Vessel Response Plans for Oil (USCG-1998-3417)	1625-AA19
1245	Commercial Diving Operations (USCG-1998-3786)	1625-AA21
1246	Improvements to Maritime Safety in Puget Sound-Area Waters (USCG-1998-4501)	1625-AA22
1247	Cargo Securing on Vessels Operating in U.S. Waters (USCG-2000-7080)	1625-AA25
1248	Federal Requirements for Propeller Injury Avoidance Measures (USCG 2001-10163)	1625-AA31
1249	Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters (USCG-2001-10486)	1625-AA32
1250	Vessel Traffic Service Lower Mississippi River (USCG-1998-4399)	1625-AA58
1251	Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Documents (MMDs) (USCG-2003-14500)	1625-AA81
1252	Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Licenses and Certificates of Registry (USCG-2004-17455)	1625-AA85
1253	Security Zone Regulations	1625-AA87
1254	Dry Cargo Residue Discharges in the Great Lakes (USCG-2004-19621)	1625-AA89
1255	Navigation Equipment; SOLAS Chapter V Amendments (USCG-2004-19588)	1625-AA91
1256	Waiver for Marking Sunken Vessels With Light at Night (USCG-2005-20488)	1625-AA97
1257	Long Range Identification and Tracking of Vessels	1625-AB00

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1263	Implementation of the United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT); Biometric Requirements for Exit at Air and Sea Ports	1650-AA04
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Bureau of Customs and Border Protection—Proposed Rule Stage

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1267	Cargo Information (Manifest) Discrepancy Reporting Requirements and Penalty Guidelines	1651-AA45
1268	Changes to the Administrative Process for Petitions for Relief Regarding Seizures and Forfeitures Resulting From Violations of Immigration and Naturalization Laws	1651-AA58
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Bureau of Customs and Border Protection—Proposed Rule Stage (Continued)

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Bureau of Customs and Border Protection—Final Rule Stage

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Bureau of Customs and Border Protection—Long-Term Actions

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1287	Removal of Visa and Passport Waiver for Certain Permanent Residents of Canada and Bermuda	1651-AA23
1288	Nonimmigrant Visa Exemption for Nationals of the British Virgin Islands Entering the United States Through St. Thomas, U.S. Virgin Islands	1651-AA29
1289	Procedures Governing the Border Release Advanced Screening and Selectivity (BRASS) Program	1651-AA35
1290	Air Transit Program	1651-AA50
1291	Extension of Time Limit on Admission of Certain Mexican Nationals	1651-AA60

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Transportation Security Administration—Final Rule Stage

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Transportation Security Administration—Long-Term Actions

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Transportation Security Administration—Completed Actions

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Bureau of Immigration and Customs Enforcement—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
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1320	Interest Payments on Cancelled Cash Bonds	1653-AA20
1321	Removal of Companies Holding a Certificate From the Secretary of the Treasury as an Acceptable Surety on Immigration Bonds	1653-AA38
1322	Establishing Procedures for Recertification of Schools Approved by the Student and Exchange Visitor Program (SEVP) to Enroll F or M Nonimmigrant Students	1653-AA42
1323	Transfer of Flight Training Programs Under the Department of State Oversight to the Department of Homeland Security	1653-AA43

DHS

Bureau of Immigration and Customs Enforcement—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
1324	Clarification of Criteria for Certification and Recertification of Schools by the Student and Exchange Visitor Program (SEVP) To Enroll F or M Nonimmigrant Students	1653-AA44
1325	Strengthening Control Over Immigration Surety Bonds	1653-AA45
1326	Custody and Bond Eligibility of Aliens Designated for Expedited Removal	1653-AA49
1327	Treatment of Employers Who Receive No-Match Letters	1653-AA50
1328	Removal of Obsolete Procedures and Requirements for F and M Nonimmigrant Students for Schools Authorized to Enroll F and M Nonimmigrant Students	1653-AA51

Bureau of Immigration and Customs Enforcement—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1329	Requiring Aliens Ordered Removed From the United States To Surrender to the Department of Homeland Security for Removal	1653-AA05
1330	Early Release for Removal of Criminal Aliens in State Custody for Nonviolent Offenses	1653-AA06
1331	Power of Secretary of the Department of Homeland Security To Terminate Deportation Proceedings and Initiate Removal Proceedings	1653-AA08
1332	Protection and Assistance for Victims of Trafficking	1653-AA09
1333	Detention of Aliens Subject to Final Orders of Removal	1653-AA13
1334	Custody Procedures	1653-AA14
1335	Changes in Registration Policies and Monitoring of Certain Nonimmigrants	1653-AA29
1336	Extending the Period of Duration of Status for Certain F and J Nonimmigrant Aliens	1653-AA30
1337	Requiring Certification of All Service-Approved Schools for Enrollment in the Student and Exchange Visitor Information System (SEVIS)	1653-AA31
1338	Denial and Withdrawal for Approval of Schools for Attendance by Nonimmigrant Students	1653-AA33
1339	Change in Business Practices; Acceptance of Payments of Fees By Credit Card and Other Electronic Means Where Possible	1653-AA36
1340	Implementation of the Border Commuter Student Act of 2002	1653-AA37
1341	Civil Monetary Penalties Inflation Adjustment	1653-AA39
1342	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
1343	SEVIS Reporting Requirements of Academic Institutions at the Start of Each Term or Session	1653-AA28

Bureau of Immigration and Customs Enforcement—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1344	Powers and Authorities of Officers and Employees	1653-AA27
1345	Duties of Officers; Administrative Control of Removal Orders	1653-AA46
1346	Centralized Filing of Bond Appeals	1653-AA48

Federal Emergency Management Agency—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1347	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

DHS

Federal Emergency Management Agency—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
1348	National Flood Insurance Program; Appeal of Decisions Relating to Flood Insurance Coverage	1660-AA41

Federal Emergency Management Agency—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1349	Flood Mitigation Assistance Program	1660-AA00
1350	Criminal and Civil Penalties Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act	1660-AA01
1351	Disaster Assistance; Hazard Mitigation Grant Program	1660-AA02
1352	Debt Collection	1660-AA05
1353	National Urban Search and Rescue Response System	1660-AA07
1354	National Flood Insurance Program (NFIP); Insurance Coverage and Rates	1660-AA09
1355	Hazard Mitigation Planning and Hazard Mitigation Grant Program	1660-AA17
1356	Disaster Assistance; Federal Assistance to Individuals and Households	1660-AA18
1357	Management Costs	1660-AA21
1358	National Flood Insurance Program (NFIP); Group Flood Insurance Policy (GFIP)	1660-AA22
1359	Disaster Assistance; Crisis Counseling Regular Program; Amendment to Regulation	1660-AA23
1360	National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers	1660-AA28
1361	National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Extension of Term of Arrangement	1660-AA29
1362	Disaster Assistance; Public Assistance Insurance Requirements	1660-AA32
1363	Estimating Eligible Cost	1660-AA33
1364	Assistance Program Under the 9/11 Heroes Stamp Act of 2001	1660-AA34
1365	National Flood Insurance Program (NFIP); State Renewal of Group Flood Insurance Policy	1660-AA35
1366	Pilot Program for the Mitigation of Severe Repetitive Loss Properties	1660-AA36
1367	Flood Mitigation Assistance Program and Mitigation Planning	1660-AA37
1368	Hazard Mitigation Planning and Hazard Mitigation Grant Program Funding	1660-AA43
1369	Special Community Disaster Loans Program	1660-AA44

Federal Emergency Management Agency—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1370	Disaster Assistance; Fire Management Assistance Grant Program	1660-AA26
1371	Grants for Repetitive Insurance Claim Properties	1660-AA38
1372	Disaster Assistance; Hazard Mitigation Grant Program	1660-AA39
1373	Predisaster Mitigation Program	1660-AA40
1374	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

**Department of Homeland Security (DHS)
Office of the Secretary (OS)**
Proposed Rule Stage
**1092. 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 2635.105

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.

DHS—OS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	

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

1093. 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	10/00/06	

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

1094. 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	10/00/06	
NPRM Comment Period End	12/00/06	

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

1095. HOMELAND SECURITY ACQUISITION REGULATION (HSAR): CONFORMANCE TO THE FEDERAL ACQUISITION CIRCULARS (FACS)

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

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

CFR Citation: 48 CFR

Legal Deadline: None

Abstract: The Department of Homeland Security is proposing to issue changes to the Department of Homeland Security Acquisition Regulation (HSAR) as authorized by 41 USC 418b. The changes will update DHS policies, procedures, and incorporate revised agency acquisition regulatory language

as necessary in Parts 3001 through 3052 to correspond with the current Federal Acquisition Regulation (FAR) as promulgated by the Federal Acquisition Circulars (FACs), and current Department of Homeland Security policies.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	
NPRM Comment Period End	02/00/07	
Final Action	07/00/07	

Regulatory Flexibility Analysis

Required: Undetermined

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-AA28

1096. ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: Federal Fire Prevention and Control Act of 1974 (15 USC 2229) as amended.

CFR Citation: 44 CFR 152

Legal Deadline: None

Abstract: To update existing guidance on programs that make grants directly to fire departments and nonaffiliated emergency medical services (EMS) organizations of a State for the purpose of enhancing their ability to protect the health and safety of the public as well as that of firefighting personnel facing fire and fire-related hazards.

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, Tribal

Agency Contact: Tom Harrington, Program Specialist, Department of Homeland Security, Assistance to Firefighters Grant Program, 810 7th Street, NW., Washington, DC 20531

Phone: 202 786-9791

Fax: 202 786-9938

DHS—OS

Proposed Rule Stage

Email: tom.harrington@dhs.gov

RIN: 1601-AA30

1097. • PUBLIC TRANSPORTATION SECURITY GRANTS

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: sec 3820 of PL 109-59, 119, Stat 1144

CFR Citation: 6 CFR 35

Legal Deadline: NPRM, Statutory, Legislative deadline—180 days after enactment.

Abstract: This proposed rule provides interested parties an opportunity to comment on the characteristics and requirements to be employed by the Department of Homeland Security (DHS) when awarding public transportation security grants. The purpose of these grants is to create a sustainable effort for the protection of regional transit systems and the commuting public from terrorism, especially explosives and non-conventional threats that would cause major loss of life and severe disruption. These funds may be used for planning, organization, equipment, training, exercises, and limited management, administrative, and operational costs.

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: Thomas Robison, Acting Director, Transportation Infrastructure Security Division, Office of Grants and Training, Department of Homeland Security, Office of the Secretary, 800 K Street NW., Washington, DC 20531
Phone: 202 786-9512
Email: thomas.robison@dhs.gov

RIN: 1601-AA31

1098. • STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT PROGRAM

Priority: Other Significant

Legal Authority: 29 USC 2229(a)

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This proposed action provides interested parties an opportunity to comment on the Staffing for Adequate Fire and Emergency Response (SAFER) grant program. The purpose of these grants is to award grants to hire new firefighters and to recruit and retain volunteer firefighters. Specifically, there are two funding activities under this program: Hiring of New Firefighters Activity grants would be made directly to volunteer, combination, and career fire departments to increase the number of active firefighters on their rosters to attain 24-hour staffing; and Recruitment and Retention of Volunteer Firefighters Activity grants would be made directly to volunteer and combination fire departments and to local and State-wide organizations that represent the volunteer firefighters' interests to create or expand incentive programs to increase and maintain volunteer firefighter staffing levels.

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, Tribal

Agency Contact: Brian Cowan, Director, Fire Grants, Department of Homeland Security, 800 K Street NW., Washington, DC 20531
Phone: 866 274-0960
Fax: 202 786-9938
Email: firegrants@dhs.gov

RIN: 1601-AA32

1099. • UNITED STATES VISITOR AND IMMIGRATION STATUS INDICATOR TECHNOLOGY PROGRAM (US-VISIT), AUTHORITY TO COLLECT BIOMETRIC DATA FROM ALIENS NOT CURRENTLY PROCESSED THROUGH US-VISIT

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

Legal Authority: PL 106-215; PL 106-396; PL 107-56; PL 107-173; PL 108-458; 8 USC 1104, 1184, 1185 (pursuant to E.O. 13323, 1/2/04), 1365a and note, 1379, 1731 to 1732

CFR Citation: 8 CFR 215.8; 8 CFR 235.1

Legal Deadline: None

Abstract: This rulemaking proposes to amend Department of Homeland Security 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 expand US-VISIT to any class of alien not already being biometrically screened by US-VISIT upon the alien's application for admission or request for parole into the United States, unless otherwise exempt.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	
NPRM Comment Period End	09/00/06	
Final Action	02/00/07	
Final Action Effective	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Additional Information: Transferred from RIN 1650-AA07

Agency Contact: Craig Howie, Senior Policy Advisor, Department of Homeland Security, 245 Murray Lane SW., Washington, DC 20538
Phone: 202 298-5200
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Email: craig.howie@dhs.gov

RIN: 1601-AA33

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

Final Rule Stage

**1100. 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 individuals with handicaps and qualified individuals 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 Effective	04/07/03	
Interim Final Rule Comment Period End		
Interim Final Rule Effective	04/07/03	
Interim Final Rule	10/00/06	

**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.keefe@dhs.gov

RIN: 1601–AA03

**1101. 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	10/00/06	

**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.keefe@dhs.gov

RIN: 1601–AA04

**1102. 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	10/00/06	

**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
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Email: timothy.keefe@dhs.gov

RIN: 1601–AA05

**1103. PROGRAM FRAUD CIVIL
REMEDIES**

Priority: Other Significant

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 USC 3801 to 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	10/12/05	70 FR 59209
Interim Final Rule Effective	10/12/05	
Interim Final Rule Comment Period End	11/14/05	
Final Rule	05/00/06	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: Federal

Agency Contact: Michael Russell,
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Department of Homeland Security,
Office of the General Counsel,
Washington, DC 20528
Phone: 202 205–4634
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RIN: 1601–AA11

DHS—OS

Final Rule Stage

1104. PROCEDURES FOR HANDLING CRITICAL INFRASTRUCTURE INFORMATION**Priority:** Other Significant**Legal Authority:** PL 107–296, 116 Stat 2135; 6 USC 131 to 134; 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 of the Homeland Security Act of 2002. This regulation establishes uniform procedures for the receipt, care, and storage of critical infrastructure information (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 USC 131 to 134)(CII Act). 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	05/00/06	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal, Local, State**Federalism:** This action may have federalism implications as defined in EO 13132.

Agency Contact: Laura L. S. Kimberly, PCII Program Manager, Department of Homeland Security, Washington, DC 20528
Phone: 703 288–3550
Email: laura.kimberly@dhs.gov

RIN: 1601–AA14**1105. 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 final 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	10/16/03	68 FR 59683
Interim Final Rule Effective	10/16/03	
Interim Final Rule Comment Period End	12/15/03	
Final Action	05/00/06	

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**1106. 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	04/00/06	
Final Action Effective	05/00/06	

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**1107. 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 USC 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 USC 5705. DHS entities and other Federal agencies may simultaneously use multiple collection remedies to collect a debt, except as prohibited by law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michael Russell, 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

1108. UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY PROGRAM (US-VISIT), ENROLLMENT OF ADDITIONAL ALIENS IN US-VISIT

Priority: Other Significant

Legal Authority: PL 106-215, sec 2(a), 114 Stat 337 (June 15, 2000); PL 106-396, sec 205, 114 Stat 1637, 1641 (October 30, 2000); PL 107-56, sec 114, 115 Stat 271, 553 (October 26, 2001); PL 107-173, sec 302, 116 Stat 543, 552 (May 14, 2002)

CFR Citation: 8 CFR 215.8; 8 CFR 235.1

Legal Deadline: None

Abstract: In 2003, the Department of Homeland Security established the United States Visitor and Immigrant Status Technology Program (US-VISIT), whose objective is to create and maintain an integrated, automated entry-exit system that records the arrival and departure of aliens; verifies their identities; and authenticates their travel documents through comparison of biometric identifiers. The goals of the US-VISIT program are to enhance the security of United States citizens

and visitors to the United States, facilitate legitimate travel and trade, ensure the integrity of the United States immigration system, and protect the privacy of visitors to the United States. In its early stages, US-VISIT applied only to nonimmigrants with visas and to those who did not require a visa as they were entering under the Visa Waiver Program. This rule would amend DHS regulations to provide that aliens may be enrolled into US-VISIT. With very few exceptions, such as diplomats, as resources, technology and operational capacity permit.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1650-AA06.

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

RIN: 1601-AA35

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

Long-Term Actions

1109. 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 552a

CFR Citation: 6 CFR 5

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 USC 552) (FOIA) and the Privacy Act (5 USC 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.

Timetable:

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

Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

DHS—OS

Long-Term Actions

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RIN: 1601-AA00

1110. 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	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1601-AA01

1111. 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	
Next Action Undetermined		

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
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RIN: 1601-AA06

1112. 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 USC 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	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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RIN: 1601-AA12

1113. DEPARTMENT OF HOMELAND SECURITY LABOR RELATIONS BOARD

Priority: Other Significant

Legal Authority: 5 USC 301; 5 USC 9701

CFR Citation: 6 CFR 23

Legal Deadline: None

Abstract: The Department of Homeland Security is issuing initial interim rules for the operation of the Homeland Security Labor Relations Board, as authorized by the Homeland Security Act of 2002. These rules are designed to provide fair, impartial, and expeditious assignment and disposition of cases.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

DHS—OS

Long-Term Actions

Government Levels Affected: None

Agency Contact: Lynn Heirakuji, Director of Operations, Homeland Security Labor Relations Board, Department of Homeland Security, Washington, DC 20528
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RIN: 1601-AA27

1114. PROTECTION OF HUMAN SUBJECTS

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: None

Legal Deadline: None

Abstract: In conducting human subjects research, the Department is obliged to comply with all applicable federal statutes, regulations, guidelines, and standards as implemented in the law. This final rule adopts the Department of Health and Human Services (HHS) policies and procedures set forth in 45 Code of Federal Regulations (CFR) Part 46, Subparts A-D by cross-referencing to the HHS regulations, rather than repeating these identical provisions.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mark Rosen, Deputy Associate General Counsel for Science & Technology, Department of

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Phone: 202 254-5627

RIN: 1601-AA29

1115. IMPLEMENTATION OF THE UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY PROGRAM (US-VISIT); BIOMETRIC REQUIREMENTS FOR EXIT AT AIR AND SEA PORTS

Priority: Other Significant

Legal Authority: 8 USC 1101 to 1104 ; 1182; 1184; 1185 (pursuant to EO 13323); 1365a note; 1379; 1731 to 1732.

CFR Citation: 8 CFR 215(a)(1)

Legal Deadline: None

Abstract: DHS established the United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT) in accordance with a series of legislative mandates requiring that DHS create an integrated automated entry-exit system that records the arrival and departure of aliens; verifies aliens' identities, and authenticates travel documents. On January 5, 2004, DHS published an Interim Final Rule in the Federal Register at 69 FR 468 authorizing the Secretary of Homeland Security to require, in part, certain aliens to provide fingerprints, photograph[s] or other biometric identifiers, documentation of immigration status in the United States, and other such other evidence as may be required to determine the alien's identity and whether he or she has properly maintained immigration status while in the United States at the time

of departure from the United States. The Interim Rule authorized the establishment of pilot programs at up to fifteen air and sea ports of entry to evaluate the implementation of this departure procedure. That evaluation pilot has been completed and the procedures have been adopted. This rule removes the limit on the collection of this information from the fifteen locations of the pilot programs and authorizes implementation at all air and sea ports of entry. This rule authorizes the Secretary to require those aliens required to provide biometric identifiers at entry to provide biometric identifiers upon departure at any air and sea port of entry at which facilities exist to collect such information.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1650-AA04.

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

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RIN: 1601-AA34

Department of Homeland Security (DHS)

Office of the Secretary (OS)

Completed Actions

1116. 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	

Action	Date	FR Cite
Final Rule	10/21/05	70 FR 61211
Final Rule Effective	10/21/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

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RIN: 1601-AA02

DHS—OS

Completed Actions

1117. 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
Withdrawn	02/03/06	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Agency Contact:** Michael Russell, Deputy Associate General Counsel, Department of Homeland Security, Office of the General Counsel, Washington, DC 20528
Phone: 202 205–4634
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Email: michael.d.russell@dhs.gov**RIN:** 1601–AA10**1118. 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:** None**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

to 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	04/04/06	71 FR 16790
Final Action Effective	04/19/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** 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**1119. 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:**

Action	Date	FR Cite
Withdrawn	02/03/06	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Agency Contact:** Michael Russell, Deputy Associate General Counsel,Department of Homeland Security, Office of the General Counsel, Washington, DC 20528
Phone: 202 205–4634
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Email: michael.d.russell@dhs.gov**RIN:** 1601–AA22**1120. 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 USC 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:**

Action	Date	FR Cite
Withdrawn	02/03/06	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Agency Contact:** Michael Russell, Deputy Associate General Counsel, Department of Homeland Security, Office of the General Counsel, Washington, DC 20528
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Email: michael.d.russell@dhs.gov**RIN:** 1601–AA24

DHS—OS

Completed Actions

1121. 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: None

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 interim rule expands the US-VISIT program to the 50 most highly trafficked land border ports of entry in the United States following identification in Notices published in

the Federal Register no later than December 31, 2004. This interim rule also further defines the population of aliens who are required to provide biometric identifiers and other identifying information under the US-VISIT program, including nonimmigrant aliens who are visa exempt under the Visa Waiver Program (VWP). This interim rule also makes technical changes to US-VISIT as a result of comments received by DHS on the January 5, 2004 interim rule.

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

Action	Date	FR Cite
Correction	11/12/04	69 FR 65508
Comment Period End	12/01/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1650-AA50.

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

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RIN: 1601-AA36

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

Proposed Rule Stage

1122. 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	12/00/06	
NPRM Comment Period End	04/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Additional Information: CIS No. 1413-92

Transferred from RIN 1115-AB45

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RIN: 1615-AA00

1123. 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 but was subsequently extended by Congress and is now expiring October 1, 2008. DHS is promulgating this regulation to implement the extension of this category and clarify certain 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

DHS—USCIS

Proposed Rule Stage

religious workers classification will, where appropriate, reflect the special immigration religious worker changes.

Timetable:

Action	Date	FR Cite
NPRM (CIS No. 1436-94)	10/00/06	
NPRM Comment Period End	12/00/06	

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: Efran 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
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RIN: 1615-AA16

1124. 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	12/00/06	
NPRM Comment Period End	02/00/07	

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: Efran 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
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RIN: 1615-AA21

1125. 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	12/00/06	
NPRM Comment Period End	02/00/07	

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, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AA32

1126. 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	12/00/06	
NPRM Comment Period End	02/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

DHS—USCIS

Proposed Rule Stage

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, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529

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RIN: 1615-AA43

1127. 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	09/00/06	
NPRM Comment Period End	11/00/06	

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: Efran 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

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RIN: 1615-AA48

1128. 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	10/00/06	
NPRM Comment Period End	12/00/06	

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, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529

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RIN: 1615-AA54

1129. 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	10/00/06	

DHS—USCIS

Proposed Rule Stage

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

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

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RIN: 1615-AA55**1130. 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	09/00/06	
NPRM Comment Period End	11/00/06	

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, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AA61**1131. WAIVERS OF THE 2-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 2-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	12/00/06	
NPRM Comment Period End	02/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2158-01

Transferred from RIN 1115-AG31

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RIN: 1615-AA62

DHS—USCIS

Proposed Rule Stage

1132. 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	10/00/06	
NPRM Comment Period End	12/00/06	

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

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Phone: 202 272-8404
Email: pearl.chang@dhs.gov**RIN:** 1615-AA66**1133. 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	12/00/06	
NPRM Comment Period End	02/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2249-02

Transferred from RIN 1115-AG90

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Phone: 202 272-8404
Email: pearl.chang@dhs.gov**RIN:** 1615-AA94**1134. 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	04/00/06	
NPRM Comment Period End	06/00/06	

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, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 305-8274
Fax: 202 616-4282**RIN:** 1615-AB19**1135. 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

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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	10/00/06	
NPRM Comment Period End	12/00/06	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None

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RIN: 1615-AB33

1136. 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 considering the elimination of the current practice of allowing the substitution of alien beneficiaries on permanent labor certifications, among other options. 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	07/00/06	
NPRM Comment Period End	09/00/06	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** CIS No. 2347-05

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RIN: 1615-AB34

1137. APPLICATION PROCESS FOR REPLACING FORMS I-551 WITHOUT AN EXPIRATION DATE

Priority: Other Significant**Legal Authority:** 5 USC 301; 5 USC 552; 5 USC 552a; 8 USC 1101**CFR Citation:** 8 CFR 103; 8 CFR 211; 8 CFR 245; 8 CFR 246; 8 CFR 264; 8 CFR 274a**Legal Deadline:** None

Abstract: The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) issues Alien Registration Receipt Cards (I-551) to lawful permanent residents to serve as evidence of immigration status, registration, identity and employment authorization, and as an entry document upon return from a trip outside the United States. Currently there is a population of lawful permanent residents who possess cards that do not have expiration dates.

USCIS will be terminating the validity of Form I-551 that do not have expiration dates. This rule establishes a 120-day period for aliens with Forms I-551 that do not bear expiration dates to apply for replacement cards. This rule also amends the regulations to remove references to outdated application procedures for the I-551. The application process required by this rule will enable USCIS to issue more secure Forms I-551 to affected aliens, update cardholder information, conduct background checks, and electronically store applicants' biometric information that can be used for biometric comparison and authentication purposes consistent with the goals of the Enhanced Border Security and Visa Entry Reform Act of 2002.

In addition, this rule establishes the mechanism by which USCIS will notify the public of the termination date for forms I-551 that do not have expiration dates. This rule also amends the regulations to add two documents to the list of forms that constitute evidence of registration: Receipt for the form I-90, Application to Replace Permanent Resident Card, and Receipt for pending Form N-400, Application for Naturalization. Finally, this rule amends the regulations to correct the title and edition date of form I-551 and form I-90.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	
NPRM Comment Period End	08/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Susan K Keyack, Chief (Act) Naturalization and Special Proj. Branch, Office of Program and Regulations Development, Department of Homeland Security, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue NW., 3rd Floor, Washington, DC 20529
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RIN: 1615-AB36

DHS—USCIS

Proposed Rule Stage

1138. ADJUSTMENT OF THE IMMIGRATION BENEFIT APPLICATION FEE SCHEDULE

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

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 rule announces increases in fees to keep up with inflation — both prospectively for the FY 2006 and FY 2007 biennial period, but also accounts for the difference between the enacted and projected levels incorporated in the current fees. 8 CFR 103.7(b)(3) allows for inflationary fee increases by Federal Register notice. This increase will begin in late 2006. The fee increase averages \$10, but varies \$5 - \$20 relative to the amount of the application/petition fee.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	
NPRM Comment Period End	10/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1615-AB37

1139. EXPERIENCE REQUIREMENTS FOR ESSENTIAL SUPPORT ALIENS IN THE O AND P NONIMMIGRANT CLASSIFICATIONS

Priority: Other Significant

Legal Authority: 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; 8 USC 1185; 8 USC 1186a; 8 USC 1187; 8 USC 1221; ...

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This rule proposes to amend the Department of Homeland Security (DHS), U.S. Citizenship and Immigrations Services (USCIS)

regulations to require that aliens seeking O or P nonimmigrant classification as essential support personnel for principal O-1, P-1, P-2 and P-3 nonimmigrants have a minimum of 6 months of experience serving in a critical capacity in support of the principal O-1, P-1, P-2, or P-3 nonimmigrant prior to date that the petition is filed. This proposed rule also specifically states that the substitution of beneficiaries in the O nonimmigrant classification is prohibited. DHS is issuing this proposed rule to provide further safeguards against fraud by ensuring that prospective essential support aliens in the O-2, P-1, P-2 and P-3 nonimmigrant classifications have a finite period of prior experience working with the principal O-1, P-1, P-2 or P-3 nonimmigrant.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	
NPRM Comment Period End	08/00/06	
Interim Final Rule	01/00/07	
Interim Final Rule Comment Period End	03/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS 2327-04

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RIN: 1615-AB39

1140. FOREIGN RESIDENCE REQUIREMENT IMPOSED ON CERTAIN PARTICIPANTS IN THE IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: PL 108-449

CFR Citation: 8 CFR 103 ; 8 CFR 212; 8 CFR 245; 8 CFR 248; 8 CFR 299

Legal Deadline: None

Abstract: A foreign residence requirement is a period of time that certain nonimmigrants are required to remain outside the United States in their home country or place of last habitual residence for a definite period of time until they are allowed to reenter the United States or apply for other U.S. immigration benefits. This proposed rule would amend the Department of Homeland Security (DHS), regulations to impose a foreign residence requirement on certain participants of the Irish Peace Process Cultural and Training Program (IPPCTP). This requirement is necessary to ensure that participants return home to apply the skills they received by participating in the IPPCTP toward the economic regeneration of their region. This rule would also implement the use of the Form I-928 to adjudicate requests from the affected participants to waive the foreign residence requirement on certain grounds.

Timetable:

Action	Date	FR Cite
NPRM	10/00/06	
NPRM Comment Period End	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1615-AB43

1141. • NEW ELECTRONIC ACCOUNT, ADJUDICATION, AND REPORTING SYSTEM; NEW PROCEDURES FOR FILING AND PROCESSING OF PETITIONS AND APPLICATIONS

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 5 USC 301; 5 USC 552; 5 USC 552a; 6 USC 271; 8 USC 1101; ...

CFR Citation: 8 CFR 100; 8 CFR 700-750

Legal Deadline: None

DHS—USCIS

Proposed Rule Stage

Abstract: U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security (DHS) is restructuring its entire business processes to implement new procedures for the filing, processing, and adjudication of all benefit applications and petitions. USCIS is moving toward complete electronic filing and adjudication of benefits to streamline processing, modernize adjudications, and facilitate efficient and effective data collection and reporting.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	
NPRM Comment Period End	08/00/06	
Final Rule	11/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: None

Agency Contact: Daniel Renaud, USCIS Transformation Program Office, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20529

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RIN: 1615-AB46

1142. • RECEIPT OF CLASSIFIED DEROGATORY INFORMATION BEFORE OATH TO NATURALIZATION APPLICANT

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: 8 CFR 335

Legal Deadline: None

Abstract: This rule modifies 8 CFR 335.5 to allow USCIS to withhold classified derogatory information from an applicant when the derogatory information is discovered after the applicant successfully completes their naturalization interview but before an individual has taken their oath of renunciation and allegiance.

Timetable:

Action	Date	FR Cite
NPRM	01/00/07	
NPRM Comment Period End	03/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1615-AB48

Department of Homeland Security (DHS)

Final Rule Stage

U.S. Citizenship and Immigration Services (USCIS)

1143. ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE: CONDITIONAL RESIDENTS AND FIANC(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 fiance(e)s to reflect the current statute 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	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: CIS No. 1353-91

Transferred from RIN 1115-AC70

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RIN: 1615-AA02

1144. 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

DHS—USCIS

Final Rule Stage

USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: In 1996, the Immigration and Naturalization Service published an interim rule on this subject at 61 FR 13061. The USCIS, formerly the Immigration and Naturalization Service, received a number of comments in response to that rulemaking. Most of those comments have since been overcome by events, namely new legislation. In October 2000, the President signed the Victims of Trafficking and Violence Protection Act, PL 106-386, which contained numerous amendments to the battered spouse provisions contained in the Immigration and Nationality Act (INA). More recently, the Violence Against Women and Department of Justice Reauthorization Act of 2005, PL 109-162 (January 5, 2006), made further amendments to the battered spouse provisions of the INA. The Department will now issue another interim final rule to make the changes required by the recent legislation and to provide an opportunity for notice and comment.

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	
Interim Final Rule	09/00/06	
Interim Final Rule Comment Period End	11/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: CIS No. 1705-95

Transferred from RIN 1115-AE04

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RIN: 1615-AA03

1145. 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” 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	12/00/06	

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

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RIN: 1615-AA05

1146. 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	07/00/06	

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

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DHS—USCIS

Final Rule Stage

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1147. INTERNATIONAL MARRIAGE BROKER ACT INFORMATION REQUIREMENTS

Priority: Other Significant

Legal Authority: PL 109-162

CFR Citation: 8 CFR 207; 28 CFR 68

Legal Deadline: Final, Statutory, July 2, 2006.

Abstract: This rule implements the International Marriage Broker Regulation Act of 2005, PL 109-162, and provides that a U.S. citizen filing a Petition for Alien Fiancé(e) from another country must provide information on criminal convictions for specified crimes. The Department of Homeland Security (DHS) will provide this criminal history information to the Department of State. The rule further provides that DHS is prohibited from approving a Petition for Alien Fiance(e) if the U.S. citizen petitioner has filed more than two such petitions in the past, or less than 2 years have passed since the last visa petition was approved. DHS may waive this bar if certain requirements are met. The rule also discusses the tracking database that DHS will create to track repeated Petitions for Alien Fiance(e)s, and also discusses notification and pamphlet distribution requirements.

Timetable:

Action	Date	FR Cite
ANPRM (CIS No. 1838-97)	07/16/97	62 FR 38041
Interim Final Rule	07/00/06	
Interim Final Rule Comment Period End	09/00/06	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Pearl Chang, Chief, Residence and Status 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
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RIN: 1615-AA11

1148. 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	09/00/06	

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, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AA12

1149. 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	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

DHS—USCIS

Final Rule Stage

Additional Information: CIS No. 1915-98

Transferred from RIN 1115-AF14

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RIN: 1615-AA17

1150. 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	12/00/06	
Final Action Effective	01/00/07	

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

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Phone: 202 272-1400

RIN: 1615-AA19

1151. 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	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: CIS No. 1989-99

Transferred from RIN 1115-AF45

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RIN: 1615-AA22

1152. 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	12/00/06	

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

DHS—USCIS

Final Rule Stage

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Phone: 202 305-2756

RIN: 1615-AA24

**1153. 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 2 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	12/00/06	

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, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AA29

**1154. 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 Circuit 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	10/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No.1858-97

Transferred from RIN 1115-AF63

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RIN: 1615-AA30

**1155. 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	09/00/06	
Interim Final Rule Comment Period End	11/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No.2042-00

Transferred from RIN 1115-AF71

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RIN: 1615-AA33

1156. 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	03/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2048-00

Transferred from RIN 1115-AF75

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RIN: 1615-AA34

1157. 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	03/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2050-00

Transferred from RIN 1115-AF76

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RIN: 1615-AA35

1158. 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	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

DHS—USCIS

Final Rule Stage

Government Levels Affected: None

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

Transferred from RIN 1115-AF91

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RIN: 1615-AA40

1159. 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 Department of Homeland Security regulations that govern 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, the requirements for failure of State protection, and determinations about whether persecution is inflicted on account of a protected ground. 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 Justice believed that this issue required further examination after the Board of Immigration Appeals decision, Matter of R-A-, Interim Decision 3403 (BIA 1999) and published a proposed rule. Additionally, the rule clarifies the factors considered in cases in the Court of Appeals for the Ninth Circuit regarding membership in a particular social group are not determinative. Hence, DHS, USCIS will publish a final rule which incorporates provisions contained in both an interim rule

amending Department of Justice regulations to implement the Illegal Immigration Reform and Immigrant Responsibility Act, (62 FR 10312-1997), and the proposed past persecution rule, Executive Office for Immigration Review; New Rules Regarding Procedures for Asylum and Withholding of Removal (63 FR 31945-1998).

Timetable:

Action	Date	FR Cite
NPRM	12/07/00	65 FR 76588
NPRM Comment Period End	01/22/01	
Final Action	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2092-00

Transferred from RIN 1115-AF92

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RIN: 1615-AA41

1160. 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	12/00/06	

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, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AA42

1161. 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
NPRM Comment Period End	07/29/02	
Final Action	12/00/06	

Regulatory Flexibility Analysis

Required: No

DHS—USCIS

Final Rule Stage

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2100-00

Transferred from RIN 1115-AF97

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RIN: 1615-AA44

1162. 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

Action	Date	FR Cite
Interim Final Rule Effective	07/31/02	
Interim Final Rule Comment Period End	09/30/02	
Final Action	03/00/07	

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
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RIN: 1615-AA46

1163. 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	

Action	Date	FR Cite
Interim Final Rule Comment Period End	12/10/01	
Final Action	02/00/07	

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
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RIN: 1615-AA47

1164. 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	10/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

DHS—USCIS

Final Rule Stage

Government Levels Affected: None

Additional Information: CIS No. 2108-01

Transferred from RIN 1115-AG03

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RIN: 1615-AA49

1165. 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 Interim Final Rule (CIS No. 2145) Family Unity Benefits	06/04/02	10/00/06
Interim Final Rule Comment Period End	12/00/06	

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, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AA52

1166. 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	11/00/06	

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, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AA53

DHS—USCIS

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1167. 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	12/00/06	

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, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615–AA56**1168. 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	12/00/06	

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, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615–AA57**1169. 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	12/00/06	

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

DHS—USCIS

Final Rule Stage

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

Transferred from RIN 1115-AG19

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RIN: 1615-AA59

1170. 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: Other, Statutory, January 5, 2006, Regulations need to be promulgated by July 5, 2006.

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, Victims of Trafficking and Violence Protection Act of 2000, and Public Law 109-162, Violence Against Women and Department of Justice Reauthorization Act of 2005.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/06	
Interim Final Rule	09/00/06	
Comment Period		
End		

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,

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RIN: 1615-AA60

1171. 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 5 years, unless otherwise appropriate.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/30/04	69 FR 45555
Interim Final Rule	09/28/04	
Comment Period		
End		
Final Action	12/00/06	

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, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AA63

1172. 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: Other, Statutory, January 5, 2006, Regulations need to be promulgated by July 5, 2006. Public Law 109-162, Violence Against Women and Department of Justice Reauthorization Act of 2005.

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	07/00/06	
Interim Final Rule	09/00/06	
Comment Period		
End		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

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, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
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DHS—USCIS

Final Rule Stage

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RIN: 1615-AA67

1173. 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	12/00/06	

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
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RIN: 1615-AA73

1174. 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	12/00/06	
Interim Final Rule Comment Period End	02/00/07	

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, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AA75

1175. 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 1201(a); 8 USC 1301 to 1305; 8 USC 1324(a)

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

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	12/00/06	
Interim Final Rule Comment Period End	02/00/07	

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, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AA78

1176. 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

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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	01/00/07	
Interim Final Rule Comment Period End	03/00/07	

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: Gerard Casale, Senior Adjudications Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AA81**1177. 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 interim rule codifies the Secretary of Homeland Security's current discretionary authority, as delegated to the Department of Homeland Security (DHS) directors, to manage the caseload of pending requests for immigration benefits in districts or regions over which the directors have jurisdiction. A component of this case management authority is the ability to withhold

adjudication of any pending application or petition, particularly when an investigation is ongoing and background and security checks are still pending completion. This interim rule expands the circumstances under which DHS may withhold adjudication or toll any applicable regulatory deadline for completion of adjudication of an application or petition. This interim rule also modifies the regulations governing processing of naturalization applications to define when a naturalization examination will be deemed "conducted" for purposes of seeking administrative or judicial review under section 336 of the Immigration and Nationality Act (Act). The interim rule also requires that background and security checks be completed to the satisfaction of the Secretary before an alien may be found to have "good moral character" for naturalization and before the alien may be naturalized in accordance with Title III of the Act. These changes will aid DHS in its efforts to improve case adjudication overall while simultaneously ensuring that no immigration or naturalization benefit is granted until any pending investigation or required background and security check is completed to the satisfaction of the Secretary. These changes also will ensure that no immigration benefit is provided to an ineligible individual or person who may pose a threat to public safety or national security.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/06	
Interim Final Rule Comment Period End	12/00/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2234-02

Transferred from RIN 1115-AG86

Agency Contact: Alice J. Smith, Chief Counsel, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20536
Phone: 202 272-1418

RIN: 1615-AA86**1178. 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	05/00/06	
Interim Final Rule Comment Period End	07/00/06	

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

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RIN: 1615-AA90

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1179. 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	08/00/06	
Interim Final Rule	10/00/06	
Comment Period		
End		

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, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-8404
Email: pearl.chang@dhs.gov**RIN:** 1615-AA95**1180. ELIMINATING THE NUMERICAL CAP ON MEXICAN TN NONIMMIGRANTS****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:** 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	05/10/04	
Comment Period		
End		
Final Action	10/00/06	

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: Efran 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: 202 272-8411
Email: efran.hernandez@dhs.gov**RIN:** 1615-AA96**1181. 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	06/00/06	
Interim Final Rule	08/00/06	
Comment Period		
End		

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: Efran 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: 202 272-8411
Email: efran.hernandez@dhs.gov**RIN:** 1615-AB00**1182. REQUIRING COMPLETION OF SECURITY CHECKS BEFORE ISSUANCE OF EVIDENCE OF ALIEN REGISTRATION****Priority:** Other Significant**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 (DHS) regulations governing registration of aliens under sections 262 and 264 of the Immigration and Nationality Act (Act). The rule, which codifies existing DHS practices, provides that DHS will issue alien registration documents only once all appropriate background and security checks have been completed to the satisfaction of the Secretary of Homeland Security (Secretary). This interim rule establishes time frames, under certain circumstances, for the issuance of such registration documentation and procedures for delaying the issuance of such documentation when DHS determines that the alien may pose a risk to national security or public safety.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/00/06	

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Action	Date	FR Cite
Interim Final Rule	11/00/06	
Comment Period		
End		

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, (ULLICO), Office of Program and Regulations Development, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-8404

RIN: 1615-AB12**1183. 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	08/00/06	

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, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-8420
Email: christopher.quimby@dhs.gov

RIN: 1615-AB13**1184. 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 filing 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	
Final Action	09/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2277-03

Agency Contact: Efran 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: 202 272-8411
Email: efran.hernandez@dhs.gov

RIN: 1615-AB14**1185. 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

DHS—USCIS

Final Rule Stage

Abstract: This 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 6 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
NPRM	04/28/05	70 FR 21983
NPRM Comment Period End	07/27/05	
Final Action	10/00/06	

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: Efran 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
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RIN: 1615-AB17

1186. 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 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	10/00/06	

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS 2310-03

Agency Contact: Efran 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: 202 272-8411
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RIN: 1615-AB22

1187. 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	09/20/04	
Comment Period End		
Final Action	10/00/06	

DHS—USCIS

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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: 202 272-8411
Email: efran.hernandez@dhs.gov

RIN: 1615-AB28**1188. 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
Interim Final Rule	09/00/06	
Interim Final Rule Comment Period End	11/00/06	

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, 3rd Floor, 20 Massachusetts Avenue NW., Washington, DC 20528
Phone: 202 272-1250
Fax: 202 272-1262

RIN: 1615-AB29**1189. 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	10/00/06	
Interim Final Rule Comment Period End	12/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS 2334-04

Agency Contact: Pearl Chang, Chief, Residence and Status 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: 202 272-8404
Email: pearl.chang@dhs.gov

RIN: 1615-AB31**1190. 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

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	05/05/05	70 FR 23775
Interim Final Rule Comment Period End	07/05/05	
Final Action	09/00/06	

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

DHS—USCIS

Final Rule Stage

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RIN: 1615-AB32

1191. INTERPRETATION AT ASYLUM INTERVIEWS

Priority: Other Significant. Major under 5 USC 801.

Legal Authority: Not Yet Determined

CFR Citation: 8 CFR 208

Legal Deadline: None

Abstract: Section 208(d)(5)(B), Authority to Apply for Asylum, under the Immigration and Nationality Act, gives the Secretary the authority to provide by regulation any conditions in consideration of an asylum application. Current regulations require the asylum applicant to bring their interpreter to the asylum interview if the applicant is unable to speak English. This proposed rule would change that condition by requiring USCIS to provide interpreter services for applicants unable to speak English. This rule is necessary to help prevent misunderstanding of genuine asylum seekers' claims due to poor translation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/06	
Interim Final Rule	10/00/06	
Comment Period		
End		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Joanna Ruppel, Deputy Director, Asylum Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-1625
Fax: 202 272-1687
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RIN: 1615-AB35

1192. REMOVAL OF OBSOLETE SERVICE REGULATIONS CONCERNING THE DISCLOSURE OF RECORDS AND INFORMATION PURSUANT TO THE FREEDOM OF INFORMATION ACT AND THE PRIVACY ACT

Priority: Other Significant

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

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: This rule is necessary to remove the Immigration and Naturalization Services (Service) regulations that were established while the Agency was under the Department of Justice. These regulations are obsolete with the establishment of the Department of Homeland Security. Currently, USCIS is following the regulations set forth in 6 CFR Part 5.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/06	
Interim Final Rule	02/00/07	
Comment Period		
End		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mildred Carter, Program Specialist, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Records Services, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514-1722

RIN: 1615-AB38

1193. REVISION OF PROCEDURES FOR PREMIUM PROCESSING SERVICE FOR EMPLOYMENT-BASED PETITIONS AND APPLICATIONS

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

Legal Authority: 5 USC 301; 5 USC 552,552a; 8 USC 1101; 8 USC 1103; 8 USC 1304; PL 107-296; . . .

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: This interim rule amends the Department of Homeland Security regulations by updating the procedures USCIS will follow when designating

new petition and application types for the Premium Process Service, and giving notice to the public regarding when classifications or subcategories within designated applications and petition types may begin filing for the Premium Processing Service. Finally, this interim rule contains a notice of designation of Form I-140, Immigrant Petition for Alien Worker, Form I-539, Application to Extend or Change Status and Form I-765, Application for Authorization Document to the list of petitions and applications eligible for Premium Processing Service.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/06	
Interim Final Rule	11/00/06	
Comment Period		
End		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS 2350-05

Agency Contact: Kristina Carty-Pratt, Adjudications Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue NW.
Phone: 202 352-8177

RIN: 1615-AB40

1194. IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM

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

Unfunded Mandates: Undetermined

Legal Authority: PL 108-449; PL 107-234; PL 105-319

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

Legal Deadline: None

Abstract: The Irish Peace Process Cultural and Training Program (IPPCTP) allows young people from Northern Ireland and certain designated counties in the Republic of Ireland to come to the United States temporarily for training, for employment, and to experience coexistence and conflict resolution in a diverse society. On December 10, 2004, legislation, amending and extending the Irish Peace Process Cultural and Training Program Act of 1998, was signed into law. This rule implements certain changes made

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by this legislation. Other technical and administrative changes have been made to correct or clarify certain sections that were in the initial interim rule published in the Federal Register on March 17, 2000, at 65 FR 14774 that implemented this program. This rule also addresses public comments received following the publication of the initial interim rule.

Finally, some elements in the initial interim rule that were specifically related to program requirements, such as eligibility criteria for participation, have been removed and are in a separate Department of State (DOS) program rule (see DOS program rule published elsewhere in this issue of the Federal Register).

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/06	
Interim Final Rule Comment Period End	12/00/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Susan K Keyack, Chief (Act) Naturalization and Special Proj. Branch, Office of Program and Regulations Development, Department of Homeland Security, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue NW., 3rd Floor, Washington, DC 20529
Phone: 202 272-8440
Email: susan.keyack@dhs.gov

RIN: 1615-AB42

1195. • AFFIDAVIT OF SUPPORT

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
Final Action	09/00/06	

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 1615-AA06

Agency Contact: Pearl Chang, Chief, Residence and Status 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: 202 272-8404
Email: pearl.chang@dhs.gov

RIN: 1615-AB45

1196. • ADJUSTMENT OF BIOMETRICS CAPTURE FEES

Priority: Other Significant

Legal Authority: PL 105-119

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: This interim final rule increases the fees associated with six USCIS forms to meet their existing processing costs. The six forms are:

I-90, Application to Replace Permanent Resident

I-589, Application for Asylum

I-817, Application for Family Unity Benefits

I-821, Application for Temporary Protected Status

I-600, Application for Certification of Citizenship

I-600A, Application for Advance Processing of Orphan Petition

The current fee for each form is \$70.00. The rule will increase the fee for each form to \$85.00.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/06	
Interim Final Rule Comment Period End	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Susan K Keyack, Chief (Act) Naturalization and Special Proj. Branch, Office of Program and Regulations Development, Department of Homeland Security, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue NW., 3rd Floor, Washington, DC 20529
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RIN: 1615-AB47

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

Long-Term Actions

1197. 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

Next Action Undetermined

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, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AA01

1198. 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	

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Long-Term Actions

Action	Date	FR Cite
Interim Final Rule Correction	04/09/98	63 FR 17489
Interim Final Rule Comment Period End	05/18/98	
Next Action	Undetermined	

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, Field Operations, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-1017

RIN: 1615-AA14

1199. 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	04/00/07	

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

1200. 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 (INA) 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 INA may be waived for NACARA/HRIFA adjustment applicants. Section 241(a)(5) of the INA 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 INA, 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	

Next Action Undetermined

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, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-8404
Email: pearl.chang@dhs.gov

RIN: 1615-AA51

1201. 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 1186(a); 8 USC 1187; 8 USC 1221; 8 USC 1281; 8 USC 1282

CFR Citation: 8 CFR 214

Legal Deadline: None

DHS—USCIS

Long-Term Actions

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: Efran 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: 202 272-8411
Email: efran.hernandez@dhs.gov

RIN: 1615-AA82

1202. 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 USC 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	

Next Action Undetermined

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: Rebecca Watson, Lockbox Project Manager, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue., Room 1000, Washington, DC 20529
Phone: 202 272-1001

RIN: 1615-AA83

1203. 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 6 credit hours if the student is an undergraduate, or 3 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	To Be Determined	

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: Alanna Ow, Adjudication Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, 111 Massachusetts Ave., NW., Washington, DC 20529
Phone: 202 272-8420

Related RIN: Previously reported as 1115-AF15

RIN: 1615-AB44

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

Completed Actions

1204. 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	
Withdrawn	01/26/06	

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: Efran 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: 202 272-8411
 Email: efran.hernandez@dhs.gov

RIN: 1615-AA58

1205. 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
Withdrawn	01/27/06	

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, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
 Phone: 202 272-8404
 Email: pearl.chang@dhs.gov

RIN: 1615-AA69

1206. 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
Withdrawn	01/26/06	

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: Efran 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: 202 272-8411
 Email: efran.hernandez@dhs.gov

RIN: 1615-AA74

1207. 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
Withdrawn	01/17/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2289-03

DHS—USCIS

Completed Actions

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

RIN: 1615-AB08

1208. PETITIONS FOR EMPLOYMENT CREATION ALIENS

Priority: Other Significant

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
Withdrawn	01/26/06	

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: 202 272-8411
Email: efran.hernandez@dhs.gov

RIN: 1615-AB20

1209. 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
Withdrawn	01/26/06	

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: 202 272-8411
Email: efran.hernandez@dhs.gov

RIN: 1615-AB27

1210. STANDARDS FOR REJECTION OF PETITIONS OR APPLICATIONS LACKING IMPROPERLY COMPLETED FORMS AND REQUIRED INITIAL EVIDENCE

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: This rule expands the circumstances under which USCIS will reject and return applications and petitions to include applications and petitions lacking required initial evidence. This interim rule will reduce the backlog by allowing USCIS adjudication officers to reject, at the outset, applications and petitions that lack properly completed forms or required initial evidence. Rejecting applications and petitions that lack properly completed forms or required initial evidence will free up USCIS's resources to adjudicate completed applications and petitions.

Timetable:

Action	Date	FR Cite
Withdrawn	01/27/06	

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: 202 272-8411
Email: efran.hernandez@dhs.gov

RIN: 1615-AB41

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

Proposed Rule Stage

1211. 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

DHS—USCG

Proposed Rule Stage

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	12/00/06	

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: Benjamin White, Project Manager, National Pollution Funds Center, Department of Homeland Security, U.S. Coast Guard, 4200 Wilson Boulevard, Arlington, VA 22203-1804
Phone: 202 493-6863

RIN: 1625-AA03

1212. 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: Benjamin White, Project Manager, National Pollution Funds Center, Department of Homeland Security, U.S. Coast Guard, 4200 Wilson Boulevard, Arlington, VA 22203-1804
Phone: 202 493-6863

RIN: 1625-AA06

1213. 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	
SNPRM	04/00/06	

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-PWB-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-0377

RIN: 1625-AA36

1214. WEARING OF PERSONAL FLOTATION DEVICES BY PERSONS OPERATING OR RIDING ON PERSONAL WATERCRAFT, WATER SKIING, OR ENGAGING IN OTHER FORMS OF TOWING PERSONS 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 enable the Coast Guard to enforce existing State statutes or regulations that require persons operating or riding on a personal watercraft, water skiing, or engaging in other forms of towing persons behind recreational vessels to wear a personal flotation device. The rule would also establish regulations within States that do not have such requirements. This rule would allow the Coast Guard to enhance compliance with existing States' requirements and may decrease drownings.

DHS—USCG

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/00/06	

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

RIN: 1625-AA40

1215. 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

Supplemental NPRM 06/00/06

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-PWN, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-0574

RIN: 1625-AA48

1216. 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. It would also align our rules with the Coast Guard and Maritime Transportation Act of 2004.

Timetable:

Action	Date	FR Cite
NPRM	04/06/98	63 FR 16731
NPRM Comment	05/06/98	
Period End		
NPRM Comment	05/20/98	63 FR 27700
Period Reopened		
NPRM Comment	06/19/98	
Period End		
Interim Final Rule	05/24/99	64 FR 28054
Interim Final Rule	06/23/99	
Effective		
Interim Final Rule	06/28/99	64 FR 34540
Correction		
Interim Final Rule	07/23/99	
Comment Period		
End		
Interim Final Rule	10/05/99	64 FR 53970
Comment Period		
Reopened		
Interim Final Rule	04/03/00	
Comment Period		
End		
Supplemental NPRM	05/00/06	
Final Rule	01/00/07	

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

DHS—USCG

Proposed Rule Stage

1217. 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	09/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Jeanne Timmons, Project Manager, G-PCB-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-0857**RIN:** 1625-AA70**1218. 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); 46 USC 4506; 46 USC 6104; 46 USC 10603; DHS Delegation No. 0170.1(92)**CFR Citation:** 46 CFR 28**Legal Deadline:** None**Abstract:** This rulemaking would amend commercial fishing industry

vessel requirements to enhance maritime safety. The proposed changes would affect vessel stability and watertight integrity, carriage of immersion suits, training, compliance documentation, and safety equipment.

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None**Agency Contact:** Mr. Mike Rosecrans, Project Manager, G-PCV-3, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593
Phone: 202 267-0505**RIN:** 1625-AA77**1219. ALTERNATE COMPLIANCE PROGRAM: VESSEL INSPECTION ALTERNATIVES****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1903; 43 USC 1333; 46 USC 3703; . . .**CFR Citation:** 46 CFR 2; 46 CFR 8; 46 CFR 189**Legal Deadline:** None**Abstract:** This rulemaking would:

Update the list in 46 CFR 2.01-25 of those SOLAS certificates that we issue; Add, in 46 CFR 8.320(b), the following safety certificates to the list of international certificates that can be issued by an authorized classification society:

SOLAS Passenger Ship Safety Certificate (PSSC)

IMO High-Speed Craft (HSC) Safety Certificate;

Add a condition to 46 CFR 8.420(c) stating that, in order for a recognized class society to be fully eligible to participate in the ACP, it must first be delegated issuing authority for the following certificates:

SOLAS Cargo Ship Safety Construction Certificate

SOLAS Cargo Ship Safety Equipment Certificate

International Load Line Certificate

International Tonnage Certificate

International Oil Pollution Prevention Certificate;

Extend eligibility in the ACP to Oceanographic Research Vessels by adding a new section 46 CFR 189.15-3 to reference part 8; and, remove references to the American Bureau of Shipping (ABS) throughout the ACP regulations and replace them with references to "authorized classification society." 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	06/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Lt. William Nabach, Project Manager, G-PSE-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-4004**RIN:** 1625-AA92**1220. VESSEL DOCUMENTATION: LEASE FINANCING FOR VESSELS ENGAGED IN THE COASTWISE TRADE****Priority:** Other Significant**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	02/15/06	71 FR 7897
NPRM Comment Period End	05/16/06	
Final Rule	11/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

DHS—USCG

Proposed Rule Stage

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

1221. OIL SPILL LIABILITY TRUST FUND CONSUMER PRICE INDEX (CPI) ADJUSTMENT OF VESSEL LIMITS OF LIABILITY

Priority: Other Significant

Legal Authority: 33 USC 2704

CFR Citation: 33 CFR 138

Legal Deadline: None

Abstract: This regulation would implement OPA 90's mandate to update vessel limits of liability by the Consumer Price Index when significant increases occur. This regulation would support the Coast Guard's strategic goal of protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	09/00/06	

**Regulatory Flexibility Analysis
Required:** Undetermined

Government Levels Affected:
Undetermined

Agency Contact: Benjamin White,
Project Manager, National Pollution
Funds Center, Department of Homeland
Security, U.S. Coast Guard, 4200
Wilson Boulevard, Arlington, VA
22203-1804
Phone: 202 493-6863
RIN: 1625-AA98

1222. VESSEL REQUIREMENTS FOR NOTICES OF ARRIVAL AND DEPARTURE, AND AUTOMATIC IDENTIFICATION SYSTEM (USCG-2005-21869)

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

Legal Authority: 33 USC 1223, 1225,
1231; 46 USC 3716, 8502 and Chapter
701; sec. 102 of PL. 107-295

CFR Citation: 33 CFR 160; 33 CFR 161;
33 CFR 164

Legal Deadline: None

Abstract: This rulemaking would
expand the applicability for Notice of

Arrival and Departure (NOAD) and
Automatic Identification System (AIS)
requirements. These expanded
requirements would better enable the
Coast Guard to correlate vessel AIS data
with NOAD data, enhance our ability
to identify and track vessels, detect
anomalies, improve navigation safety,
and heighten our overall maritime
domain awareness.

The NOAD portion of this rulemaking
would expand the applicability of the
NOAD regulations by changing the
minimum size of vessels covered below
the current 300 gross tons, require that
a notice of departure be submitted for
all vessels required to submit a notice
of arrival, and mandate electronic
submission of NOAD notices to the
National Vessel Movement Center.

The AIS portion of the rulemaking
would expand our AIS carriage
requirements to all commercial vessels
Congress specifically identified in the
Maritime Transportation Security Act
of 2002, and would include vessels
carrying 50 or more passengers, vice
the current 150 or more passengers for
hire, carrying or towing certain
dangerous cargo, certain dredges, and
certain high speed passenger craft.

Timetable:

Action	Date	FR Cite
NPRM	10/00/06	

**Regulatory Flexibility Analysis
Required:** Undetermined

Government Levels Affected: None

Additional Information: With regard to
the legal deadline, we have indicated
in past notices and rulemaking
documents, and it remains the case,
that we have worked to coordinate
implementation of AIS MTSA
requirements with the development of
our ability to take advantage of AIS
data (68 FR 39355-56, and 39370, July
1, 2003).

Agency Contact: LTJG Julie Miller,
Project Manager, G-PCV-2, Department
of Homeland Security, U.S. Coast
Guard, 2100 Second Street SW.,
Washington, DC 20593
Phone: 202 267-0069

Jorge Arroyo, Project Manager, G-PWN,
Department of Homeland Security, U.S.
Coast Guard, 2100 Second Street SW.,
Washington, DC 20593-0001

Phone: 202 267-6277

RIN: 1625-AA99

1223. • VAPOR CONTROL SYSTEMS

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

Legal Authority: 33 USC 1225; 33 USC
1231; 33 USC 1321; 46 USC 3306; 46
USC 3703; 49 CFR 1.46

CFR Citation: 33 CFR 154 to 156; 46
CFR 35; 46 CFR 39

Legal Deadline: None

Abstract: This project will revise the
facility marine vapor control systems
(VCS) safety regulations and the vessel
VCS safety regulations. These existing
regulations require revision to reflect
new Federal and State air emissions
control requirements, VCS technology
developments, and to evaluate and
minimize any significant economic
impacts of the rules upon small
entities. The revisions will also
incorporate Coast Guard policies and
guidelines developed to support the
existing regulations and a Navigation
and Vessel Inspection Circular which
provides safety guidelines for the
design and operation of a marine VCS
at tank barge cleaning facilities. This
project supports the Coast Guard
Marine Safety and Environmental
Protection Program's goal to reduce
crewmember deaths and injuries on
U.S. commercial vessels and seeks to
reduce the amount of oil and chemicals
discharged into the Nation's waterways,
and it promotes the Coast Guard's
strategic goal of marine safety.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Sara Ju, Project
Manager, Department of Homeland
Security, U.S. Coast Guard, G-PSO-3,
2100 Second Street SW., Washington ,
DC 20593

Phone: 202 267-0081
Email: sju@comdt.uscg.mil

RIN: 1625-AB01

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

Final Rule Stage

1224. 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	08/00/06	

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-PSE-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-2988

RIN: 1625-AA17
1225. 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:** None

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: Kevin Tone, Project Manager, G-PSO-5, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-0226

RIN: 1625-AA20
1226. 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 to 155**Legal Deadline:** None

Abstract: This rulemaking will make changes to certain requirements for 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	10/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AG05**URL For More Information:**

DHS—USCG

Final Rule Stage

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: LCDR Robert Smith, Project Manager, G-PCV, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-2877

RIN: 1625-AA26

1227. 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	
Final Rule	04/04/06	71 FR 16501
Final Rule Effective	05/03/06	

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-PWM-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-2856

RIN: 1625-AA38

1228. PROTECTION FOR WHISTLE BLOWERS 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:

Action	Date	FR Cite
Final Rule	11/00/06	

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

1229. 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 53 to 54; 46 CFR 56; 46 CFR 58 to 59; 46 CFR 61 to 63; 46 CFR 76; 46 CFR 92; 46 CFR 110 to 111; 46 CFR 113; 46 CFR 162; 46 CFR 170; 46 CFR 175; 46 CFR 182 to 183

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	04/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses
Government Levels Affected: None

Agency Contact: Thane Gilman, Project Manager, G-PSE, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593

Phone: 202 267-6048

DHS—USCG

Final Rule Stage

Email: tgilman@comdt.uscg.mil

RIN: 1625-AA83

1230. 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	11/03/05	70 FR 67066
NPRM Comment Period End	02/01/06	
Final Rule	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State

Agency Contact: LCDR George Grills, Project Manager (G-PSE-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

1231. NOTIFICATION OF ARRIVAL IN U.S. PORTS; CERTAIN DANGEROUS CARGOES; ELECTRONIC SUBMISSION (USCG-2004-19963)

Priority: Other Significant

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	12/16/05	70 FR 74663
Interim Final Rule Effective	01/17/06	
Interim Final Rule Comment Period End	03/16/06	
Final Rule	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: LTJG Julie Miller, Project Manager, G-PCV-2, 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

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

Long-Term Actions

1232. SAFETY ZONE REGULATIONS

Priority: Routine and Frequent

Legal Authority: 33 USC 1226; 33 USC 1231; 33 USC 1333; 50 USC 191; 50 USC 195; 14 USC 85

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. Safety zones under the Outer Continental Shelf Lands Act are also included in these routine and

frequent regulations. The total actions expected is 300 annually.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Routine and frequent rulemakings issued under this

DHS—USCG

Long-Term Actions

RIN will each have an individual docket number.

Agency Contact: George Detweiler, Project Manager G-PWN, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-0574
RIN: 1625-AA00

1233. 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 is 18 annually.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	12/00/07	

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-PWN, 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

1234. 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	
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-PSR-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

Phone: 202 267-0971

RIN: 1625-AA02

1235. 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 8 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 is 68 annually.

Timetable:

Action	Date	FR Cite
Action Will Continue Through	12/00/07	

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-PCB-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-1077

RIN: 1625-AA08

DHS—USCG

Long-Term Actions

1236. 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 is 150 annually.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	12/00/07	

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-PWB-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-6215

RIN: 1625-AA09**1237. 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 Prevention 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. Vivianne Louie, Project Manager, G-PSE-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593

Phone: 202 267-0173

Email: vlouie@comdt.uscg.mil

Related RIN: Related to 2115-AE10**RIN:** 1625-AA10**1238. REGULATED NAVIGATION AREAS****Priority:** Routine and Frequent**Legal Authority:** 33 USC 1231; 33 USC 1226; 46 USC 701; 50 USC 191; 50 USC 195**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 exist. 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 is 11 annually.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	12/00/07	

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-PWN, 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**1239. 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

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Long-Term Actions

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-PCV, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-0417

RIN: 1625-AA12

1240. 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	
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-PCV, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-0417

RIN: 1625-AA13

1241. 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 USC 12301, as amended by the Abandoned Barge Act of 1992, requires that all undocumented barges of 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	
Next Action Undetermined		

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

DHS—USCG

Long-Term Actions

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

1242. 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 those amendments 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 the Prevention Directorate by reducing deaths and injuries of crew members on domestic merchant vessels and eliminating substandard vessels from the navigable waters of the United States.

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	To Be Determined	

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-PSO-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-6890

RIN: 1625-AA16

1243. 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	06/00/07	

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-PSO-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-1082

RIN: 1625-AA18

1244. SALVAGE AND MARINE FIREFIGHTING REQUIREMENTS; VESSEL RESPONSE PLANS FOR OIL (USCG-1998-3417)

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect the private sector under PL 104-4.

Legal Authority: 33 USC 1321

CFR Citation: 33 CFR 155

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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
Notice of Availability & Request for Comment	01/03/06	71 FR 125
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: LCDR Reed Kohberger, Project Manager, G-PCV, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-0448

RIN: 1625-AA19

1245. 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

Action	Date	FR Cite
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ANPRM Comment 11/09/98

Period End

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: David Dolloff, Project Manager, G-PSO-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-1190

RIN: 1625-AA21

1246. 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 Prevention 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.

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Timetable:

Action	Date	FR Cite
ANPRM	11/24/98	63 FR 64937
ANPRM Comment	05/24/99	
Period End		

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. Vivianne Louie, Project Manager, G-PSE-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-0173
Email: vlouie@comdt.uscg.mil

RIN: 1625-AA22**1247. 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	03/01/01	
Period End		

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. Dolloff, Project Manager, G-PSO-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington DC, DC 20593
Phone: 202 267-1190
Email: ddolloff@comdt.uscg.mil

RIN: 1625-AA25**1248. 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 non-planing recreational houseboats equipped with propeller driven propulsion located aft of the transom. This rule would require owners of these non-planing 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 non-planing 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	03/11/02	
Period End		
NPRM Comment	03/26/02	67 FR 13738
Period Extended		

Action	Date	FR Cite
NPRM Comment	05/11/02	
Period End		

Next Action Undetermined

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-PCB-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

Phone: 202 267-1077

RIN: 1625-AA31**1249. 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 management 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 from Congress and several Federal and State agencies.

Timetable:

Action	Date	FR Cite
ANPRM	03/04/02	67 FR 9632
ANPRM Comment	06/03/02	
Period End		

Next Action Undetermined

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AG21**URL For More Information:**

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dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: Bivan Patnaik, Project Manager, G-PSO-4, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

Phone: 202 267-1744

RIN: 1625-AA32

1250. 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	To Be	Determined

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-PWN, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

Phone: 202 267-6277

RIN: 1625-AA58

1251. 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:** 46 CFR Part 12**Legal Deadline:** None

Abstract: This rulemaking describes enhancements to the application procedures for the "Merchant Mariners Documents" (MMDs) required for ocean going and Great Lakes vessels of over 100 gross tons. This includes showing up physically at a Regional Exam Center (REC) at least once during each application and furnishing proof of identity, fingerprinting, and a background check.

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. Miente, Project Manager, G-PSO-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

Phone: 202 267-0221

RIN: 1625-AA81

1252. VALIDATION OF MERCHANT MARINERS' VITAL INFORMATION AND ISSUANCE OF COAST GUARD MERCHANT MARINER'S LICENSES AND CERTIFICATES OF REGISTRY (USCG-2004-17455)

Priority: Other Significant**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	01/13/06	71 FR 2154
Next Action	Undetermined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Gerald P. Miente, Project Manager, G-PSO-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

Phone: 202 267-0221

RIN: 1625-AA85

1253. 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

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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 is 200 annually.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	12/00/07	

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 Tina Burke, Project Manager, G-PCP-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-4143
Email: tburke@comdt.uscg.mil
RIN: 1625-AA87

1254. DRY CARGO RESIDUE DISCHARGES IN THE GREAT LAKES (USCG-2004-19621)

Priority: Substantive, Nonsignificant

Legal Authority: 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:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: 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, Project Manager, G-PSO-4, 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

1255. NAVIGATION EQUIPMENT; SOLAS CHAPTER V AMENDMENTS (USCG-2004-19588)

Priority: Substantive, Nonsignificant. 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 37; 46 CFR 77; 46 CFR 78; 46 CFR 96; 46 CFR 97; 46 CFR 108; 46 CFR 111; 46 CFR 130; 46 CFR 159; 46 CFR 165; 46 CFR 195

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	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: LCDR James Rocco, Project Manager, G-PWN-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-0550
RIN: 1625-AA91

1256. 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 reflect the implementation of 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	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Daniel Andrusiak, Project Manager, G-OPN-2, Department

DHS—USCG

Long-Term Actions

of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-0327

RIN: 1625-AA97

1257. LONG RANGE IDENTIFICATION AND TRACKING OF VESSELS

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

Legal Authority: sec. 102 of PL. 107-295 ; 46 USC 70115

CFR Citation: 33 CFR 164

Legal Deadline: None

Abstract: This rulemaking would require, consistent with international law, certain vessels to report identifying and position data electronically. The requirements would better enable the Coast Guard to correlate Long Range Identification and Tracking (LRIT) data with data from other sources, detect anomalies, and heighten our overall Maritime Domain Awareness (MDA). A companion effort is underway at the International Maritime Organization. This project is consistent with the Coast Guard's strategic goal of maritime security, and the Department's strategic goals of awareness, prevention, protection, and response.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: William Cairns, G-PWN, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593

Phone: 202 267-0527

Email: wcairns@comdt.uscg.mil

RIN: 1625-AB00

Department of Homeland Security (DHS)

Completed Actions

U.S. Coast Guard (USCG)

1258. 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	12/16/05	70 FR 74669

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-PCA-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-1418

RIN: 1625-AA04

1259. MARINE CASUALTIES AND INVESTIGATIONS; CHEMICAL TESTING FOLLOWING SERIOUS MARINE INCIDENTS (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	12/22/05	70 FR 75954

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: Transferred from RIN 2115-AG07

Formerly listed in Unified Agenda as "Post Casualty Drug and Alcohol Testing"

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

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

RIN: 1625-AA27

DHS—USCG

Completed Actions

1260. 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

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AG35. In 1625-AA99, we plan to remove the sections that were suspended May 22, 2003.**URL For More Information:**

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: LTJG Julie Miller, Project Manager, G-PCV-2, 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, Related to 1625-AA99

RIN: 1625-AA41**1261. NOTIFICATION OF ARRIVAL IN U.S. PORTS; CERTAIN DANGEROUS CARGOES; ELECTRONIC SUBMISSION (USCG–2003–16688)****Priority:** Other Significant**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
Comment Period End	11/16/04	
Interim Final Rule	12/16/05	70 FR 74663
Interim Final Rule Effective	01/17/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None

Additional Information: The current RIN, 1625-AA96, was obtained because 1625-AA82 was mistakenly treated as a completed action in the Fall 2004 Unified Agenda after the TFR became effective. The comments received on the TFR during the post-promulgation comment period have been addressed in an interim rule, 1625-AA93, published December 16, 2005. Now that those comments have been addressed, 1625-AA96 is a completed action.

Agency Contact: LTJG Julie Miller, Project Manager, G-PCV-2, 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, Related to 1625-AA99

RIN: 1625-AA96

Department of Homeland Security (DHS)

Completed Actions

Directorate of Border and Transportation Security (BTS)

1262. UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY PROGRAM (US-VISIT); AUTHORITY TO COLLECT BIOMETRIC DATA FROM ADDITIONAL TRAVELERS**Timetable:**

Action	Date	FR Cite
Transferred to RIN 1601-AA36	03/10/06	

RIN: 1650-AA00**1263. IMPLEMENTATION OF THE UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY PROGRAM (US-VISIT); BIOMETRIC REQUIREMENTS FOR EXIT AT AIR AND SEA PORTS****Timetable:**

Action	Date	FR Cite
Transferred to RIN 1601-AA34	03/10/06	

RIN: 1650-AA04**1264. UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY PROGRAM (US-VISIT), ENROLLMENT OF ADDITIONAL ALIENS IN US-VISIT****Timetable:**

Action	Date	FR Cite
Transferred to RIN 1601-AA35	03/10/06	

RIN: 1650-AA06

Department of Homeland Security (DHS)
Bureau of Customs and Border Protection (BCBP)

Proposed Rule Stage

1265. 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	10/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AD10

Agency Contact: Barbara Connolly, Program Officer, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
 Phone: 202 344-1694

Glen E. Vereb, Chief, Entry Procedures and Carriers Branch, Department of Homeland Security, Bureau of Customs and Border Protection, 1300

Pennsylvania Avenue NW.,
 Washington, DC 20229
 Phone: 202 572-8730

RIN: 1651-AA41

1266. 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 162 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	07/00/06	

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

1267. 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	09/00/06	

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, 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, 1300 Pennsylvania Avenue NW., Washington, DC 20229
 Phone: 202 572-8753

RIN: 1651-AA45

DHS—BCBP

Proposed Rule Stage

1268. 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 former Immigration and Naturalization Service 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	05/00/06	

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, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 572-8753

RIN: 1651-AA58**1269. 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	06/00/06	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** None

Agency Contact: Kathleen Conway, Director, Interdiction and Security Division, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344-1327

RIN: 1651-AA61**1270. 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: Amendment of parts 4 and 122 of the Customs and Border Protection regulations to require the electronic transmission of manifest information relating to passengers on arriving and departing aircraft and for passengers and crew on departing vessels prior to the departure of the vessels or aircraft.

Timetable:

Action	Date	FR Cite
NPRM	04/00/06	

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**1271. 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**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	09/00/06	

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 20229
Phone: 202 344-2877
Email: mark.hanson@dhs.gov

RIN: 1651-AA64**1272. CONSOLIDATION OF COLLECTIONS FOR REIMBURSABLE SERVICES****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 5 USC 301; 19 USC 58a - 58c; 19 USC 66; 19 USC 1202; 19 USC 1505; 19 USC 1520; 19 USC 261; 19 USC 267; 6 USC 1; ...**CFR Citation:** 19 CFR 24**Legal Deadline:** None

DHS—BCBP

Proposed Rule Stage

Abstract: Amendment to 19 CFR to expand the list of services for which CBP can seek reimbursement to account for the addition of immigration inspection services to the expanded border-related functions of the Agency. Amendment will eliminate the inconsistencies in the existing collection procedures for customs and immigration inspection reimbursable services, allowing CBP to unify collections into a single reimbursable billing system.

Timetable:

Action	Date	FR Cite
NPRM	08/00/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Bruce Ingalls, Chief, Debt Management Branch, Department of Homeland Security, Bureau of Customs and Border Protection, Financial Management Service Center, 6650 Telecom Drive, Indianapolis, IN 46278

Phone: 317 298-1307

RIN: 1651-AA65

1273. DOCUMENTS REQUIRED FOR TRAVEL WITHIN THE WESTERN HEMISPHERE

Priority: Other Significant

Legal Authority: PL 108-458

CFR Citation: 8 CFR 212

Legal Deadline: Final, Statutory, January 1, 2008, PL 108-458.

Abstract: Amendment to require 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. The amendment would require that United States citizens and nonimmigrant aliens from Canada, Bermuda and Mexico entering the United States at air and sea ports-of-entry from Western Hemisphere countries would be required to present a valid passport or other authorized travel document that denotes identity and citizenship in circumstances where travel was previously permitted without such a document.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/05	70 FR 52037
ANPRM Comment	10/31/05	
Period End		
NPRM	05/00/06	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Agency Contact: Theresa Brown, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Policy and Planning, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344-3022

RIN: 1651-AA66

1274. • LAND BORDER CARRIER INITIATIVE PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 19 CFR 66; 19 CFR 1202; 19 CFR 1431; 19 CFR 1433; 19 CFR 1436; 19 CFR 1448; 19 CFR 1624

CFR Citation: 19 CFR 123; 19 CFR 142

Legal Deadline: None

Abstract: Amendment to remove from the CBP regulations the regulatory provisions pertaining to the Land Border Carrier Initiative Program (LBCIP). The LBCIP regulations enlist the voluntary cooperation of commercial carriers as part of CBP's effort to prevent the smuggling of controlled substances into the United States. Since the promulgation of the LBCIP regulations, CBP has developed a more comprehensive voluntary industry partnership known as the Customs-Trade Partnership Against Terrorism (C-TPAT). C-TPAT builds upon the best practices of LBCIP, while providing greater border and supply chain security with expanded benefits to approved participants. For this reason, CBP intends to terminate the LBCIP and focus its partnership efforts on the further development of C-TPAT.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: William S. Allen, Operations Officer, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344-3053
Email: william.s.allen@dhs.gov

RIN: 1651-AA68

Department of Homeland Security (DHS)

Final Rule Stage

Bureau of Customs and Border Protection (BCBP)

1275. 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 DHS 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

DHS—BCBP

Final Rule Stage

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	10/00/06	

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

1276. 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 DHS 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	09/00/06	

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

1277. 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	09/00/06	

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

1278. 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 regulations 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	

DHS—BCBP

Final Rule Stage

Action	Date	FR Cite
Interim Final Rule Comment Period End	08/26/02	
Final Action	09/00/06	

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**1279. 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	09/00/06	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1515-AD29

Agency Contact: Gregory R. Vilders, Attorney, FOIA Appeals, Policy and Litigation Branch, Department of Homeland Security, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW., Office of Regulations and Rulings, Washington, DC 20229

Phone: 202 572-8772

RIN: 1651-AA47**1280. 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 Security 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	09/00/06	

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**1281. 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	09/00/06	

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**1282. 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	09/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Additional Information:** Transferred from RIN 1115-AG84

DHS—BCBP

Final Rule Stage

Agency Contact: Kevin McAleenan,
Director, Office of Anti-Terrorism,
Department of Homeland Security,

Bureau of Customs and Border
Protection, 1300 Pennsylvania Avenue,
NW., Washington, DC 20229

Phone: 202 344-1307

RIN: 1651-AA67

Department of Homeland Security (DHS)
Bureau of Customs and Border Protection (BCBP)

Long-Term Actions

1283. 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

Action	Date	FR Cite
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 Next Action Undetermined	03/07/03	68 FR 10954

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: Transferred from RIN 1115-AB93

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

Related RIN: Merged with 1115-AG25

RIN: 1651-AA00

1284. 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, INS 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. On December 6, 2000, INS and EOIR published the rule "Asylum Procedures" (INS No. 1865-97; RIN 1115-AE93), which finalized the asylum portions of this interim rule. DHS 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.

DHS—BCBP

Long-Term Actions

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

1285. 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 DHS 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	
Next Action Undetermined		
Regulatory Flexibility Analysis Required: No		
Small Entities Affected: No		
Government Levels Affected: None		
Additional Information: Transferred from RIN 1115-AE80		
Agency Contact: John P. Wagner, Assistant Chief, Department of Homeland Security, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229 Phone: 202 344–2118		
RIN: 1651-AA06		

1286. 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 DHS 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

Action	Date	FR Cite
Interim Final Rule Comment Period End	06/19/98	
Next Action Undetermined		
Regulatory Flexibility Analysis Required: No		
Small Entities Affected: No		
Government Levels Affected: None		
Additional Information: Transferred from RIN 1115-AE87		
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-AA07		

1287. 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

DHS—BCBP

Long-Term Actions

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	
Next Action Undetermined		

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

1288. 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 to 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	
Next Action Undetermined		

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

1289. 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	
Next Action Undetermined		

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

1290. AIR TRANSIT PROGRAM

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1223; 8 USC 1225 to 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	
Next Action Undetermined		

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

DHS—BCBP

Long-Term Actions

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

1291. 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

Action	Date	FR Cite
Interim Final Rule	10/12/04	
Comment Period End		
Final Action	To Be Determined	

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) Transportation Security Administration (TSA)

Proposed Rule Stage

1292. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL (TWIC) IMPLEMENTATION IN THE MARITIME SECTOR; HAZARDOUS MATERIALS ENDORSEMENT FOR A COMMERCIAL DRIVER'S LICENSE

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

Unfunded Mandates: Undetermined

Legal Authority: 6 USC 469; 18 USC 842; 18 USC 845; 46 USC 70105; 49 USC 114; 49 USC 5103a; 49 USC 40113; 49 USC 44903; 49 USC 46105

CFR Citation: 33 CFR 101; 33 CFR 103 to 106; 33 CFR 125; 46 CFR 10; 46 CFR 12; 46 CFR 15; 49 CFR 1515; 49 CFR 1570; 49 CFR 1572

Legal Deadline: None

Abstract: The Transportation Security Administration (TSA), in a joint rulemaking with the U.S. Coast Guard, is proposing standards for conducting security threat assessments and issuing biometric credentials to transportation workers who require unescorted access to secure areas of vessels and facilities. In addition, TSA plans to propose standards for determining the comparability of threat assessments conducted in other TSA programs and by other agencies.

The Aviation and Transportation Security Act (ATSA) (Pub. L. 107-071; 11/19/2001; 115 Stat. 609) directs the TSA to improve access control in secure 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 hold a biometric credential needed to access secured areas.

Timetable:

Action	Date	FR Cite
NPRM	07/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: John Schwartz, TWIC Project Manager, Department of Homeland Security, Transportation Security Administration, TSA-19, HQ, E8, 601 South 12th Street, Arlington, VA 22202-4220
Phone: 517 227-2177
Email: john.schwartz@dhs.gov

Christine Beyer, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, 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

1293. MODIFICATION OF THE AVIATION SECURITY INFRASTRUCTURE FEE (ASIF)

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. The ASIF is a fee imposed on air carriers and foreign air carriers to help pay the Government's costs of providing civil aviation security services.

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.

On November 5, 2003, the Transportation Security Administration (TSA) published a notice requesting comment on possible changes in order to allow for open industry and public input before beginning the formal rulemaking process for changing this fee.

DHS—TSA

Proposed Rule Stage

TSA sought comments on issues regarding 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.

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	07/00/06	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Randall Fiertz, Director, Office of Revenue, Department of Homeland Security, Transportation Security Administration, Office of Finance and Administration, TSA-14, TSA HQ, W12, 601 South 12th Street, Arlington, VA 22202-4220
Phone: 571 227-2323
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Greg Moxness, Director, Regulatory and Business Analysis, TSNI, Department of Homeland Security, Transportation Security Administration, Office of Transportation Security Network Management, TSA-9, E3-309N, 601 South 12th Street, Arlington, VA 22202-4220

Phone: 571 227-1002
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Linda L. Kent, Attorney, Regulations Division, 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
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Email: linda.kent@dhs.gov

Related RIN: Related to 1652-AA00, Related to 1652-AA01

RIN: 1652-AA43

1294. 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; 49 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	07/00/06	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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Related RIN: Split from 1652-AA12, Split from 1652-AA15

RIN: 1652-AA44

Department of Homeland Security (DHS)

Final Rule Stage

Transportation Security Administration (TSA)

1295. AVIATION SECURITY INFRASTRUCTURE FEES (ASIF)

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

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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 not be the subject of this rulemaking and may 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	07/00/06	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Additional Information: Transferred from RIN 2110-AA02

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Related RIN: Related to 1652-AA00, Related to 1652-AA43

RIN: 1652-AA01

1296. 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	10/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: IFR published Jul 19, 2005 (70 FR 41586), “Ronald Reagan Washington National Airport: Enhanced Security Procedures for Certain Operations.” The IFR amends part 1520 to specify that the DCA Access Standard Security Program (DASSP) is SSI and that aircraft operators who receive the DASSP are covered persons under part 1520. Thus, aircraft operators subject to the IFR will be subject to the SSI protection requirements in part 1520. The IFR also amends part 1520 to cover fixed base operators and armed security officers subject to part 1562. (See RIN 1652-AA49).

Joint rulemaking with Department of Transportation, Office of the Secretary (RIN No. 2105-AD33)

Transferred from RIN 2110-AA10

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Related RIN: Related to 1652-AA05, Related to 1652-AA49

RIN: 1652-AA08

1297. 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: This rulemaking will 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 regulatory requirements will impose significant barriers to terrorists seeking to use the air cargo transportation system for malicious

purposes. This rule will 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 will conform the regulation to recent legislation.

The Transportation Security Administration (TSA) is promulgating 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.

Timetable:

Action	Date	FR Cite
NPRM	11/10/04	69 FR 65258
NPRM Comment Period End	01/10/05	
Final Rule	05/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1652-AA23

1298. PRIVACY ACT OF 1974: IMPLEMENTATION OF EXEMPTIONS; INTELLIGENCE, ENFORCEMENT, INTERNAL INVESTIGATION, AND BACKGROUND INVESTIGATION RECORDS

Priority: Other Significant

Legal Authority: 49 USC 114(l)(1); 49 USC 40113; 5 USC 552a(j) and (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 proposed 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 proposed 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

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Action	Date	FR Cite
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	04/00/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

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RIN: 1652-AA34**1299. PRIVACY ACT OF 1974; SYSTEM OF RECORDS; 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 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 appropriate records in the consolidated and integrated terrorist watch list maintained by the Federal Government.

Timetable:

Action	Date	FR Cite
Notice—Establish Privacy Act System of Records (SOR); Secure Flight Records	04/00/06	
Notice—Establish Privacy Act SOR; Secure Flight Records Comment Period End	04/00/06	
Interim Final Rule—Privacy Act SOR; Implementation of Exemptions: Secure Flight Records	04/00/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** The following action Notices, previously noted in this RIN's Timetable in the Oct. 31, 2005, Semiannual Regulatory Agenda, were erroneous and removed as they do not pertain to the Secure Flight Operational Program.

—Notice-Establish Privacy Act System of Records (SOR); Secure Flight Test Records;

—Notice-Privacy Impact Assessment (PIA); Secure Flight Test Phase.

These notice documents pertained to Secure Flight "Test" Records SOR/Secure Flight "Test Phase" PIA and published in the Federal Register on Nov. 24, 2004.

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Related RIN: Related to 1652-AA45**RIN:** 1652-AA48**Department of Homeland Security (DHS)
Transportation Security Administration (TSA)****Long-Term Actions****1300. 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 exempt the agency (TSA) from procedural rulemaking requirements of 5 USC 553 and the user fees requirements from 31 USC 9.

Abstract: The Transportation Security Administration (TSA) will take final action on the December 31, 2001,

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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 enplanement 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
Notice—Information Collection 60 Day Renewal	05/06/05	70 FR 24108
Notice—Information Collection 30 Day Renewal	07/27/05	70 FR 43441
Final Rule	To Be Determined	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Additional Information: Transferred from RIN 2110-AA01

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Related RIN: Related to 1652-AA01, Related to 1652-AA43
RIN: 1652-AA00

Related RIN: Related to 1652-AA01, Related to 1652-AA43

RIN: 1652-AA00

1301. 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 avoided 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

DHS—TSA

Long-Term Actions

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RIN: 1652-AA02

1302. 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. Comments received were disposed of individually and made public when TSA issued the Final Security Program. Comments received which contained

Sensitive Security Information (SSI) were responded to and will not be made public.

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 flight crew 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 flight crew 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

Action	Date	FR Cite
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

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Related RIN: Related to 1652-AA04

RIN: 1652-AA03

DHS—TSA

Long-Term Actions

1303. 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, which 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

Action	Date	FR Cite
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

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DHS—TSA

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Related RIN: Related to 1652-AA03

RIN: 1652-AA04

1304. 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 unescorted access to secure areas of an airport, individuals who work in sterile areas of an airport, and others. Also, this rulemaking would include name-based checks to determine immigration status and confirm that the individual does not pose a security risk. The use of biometric identifiers will also be proposed.

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)(iii) directs TSA to publish a regulation requiring a background check for individuals who regularly have escorted access to secure areas.

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

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RIN: 1652-AA06

1305. 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 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 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

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Related RIN: Related to 2120-AD45,
Related to 1652-AA10, Related to
1652-AA11

RIN: 1652-AA09

1306. 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

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Related RIN: Related to 2120-AD46, Related to 1652-AA09, Related to 1652-AA11

RIN: 1652-AA10

1307. 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

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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. TSA plans to amend parts 1542 and 1544 to make technical changes and improve organization and clarity.

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

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Related RIN: Related to 2120-AH53, Related to 1652-AA09, Related to 1652-AA10

RIN: 1652-AA11

1308. 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 U.S. 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

Action	Date	FR Cite
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

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RIN: 1652-AA16

1309. 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.

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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 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	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, State

Additional Information: Transferred from RIN 2110-AA19

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Related RIN: Related to 1652-AA33

RIN: 1652-AA17

1310. 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 (SDs) 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 (ICs) 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.

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RIN: 1652-AA26

1311. 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

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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 analysis, amending the rule to incorporate the exemptions and interpretations, and responding to comments received.

The IFR was published on September 20, 2004 (69 FR 56324). After comments were received, new exemptions and interpretations were issued. The IFR created 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

Action	Date	FR Cite
Notice—Information Collection 30 Day Renewal	03/30/05	70 FR 16298
Final Rule	To Be Determined	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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RIN: 1652—AA35

1312. 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.

Regulations were to be promulgated by August 8, 2004. A Report to Congress was sent August 24, 2004 explaining the delay. The NPRM revisions have been completed and the regulatory evaluation is being revised.

Timetable:

Action	Date	FR Cite
Public Meeting	02/24/04	69 FR 8357

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Action	Date	FR Cite
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Report to Congress	08/24/04	
Next Action	Undetermined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1652-AA38

1313. MARYLAND THREE AIRPORTS: 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 3 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	
Notice—Information Collection 60 Day Renewal	06/07/05	70 FR 33188

Action	Date	FR Cite
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Notice—Information Collection 30 Day Renewal	09/26/05	70 FR 56179
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Final Rule To Be Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robert Rottman, General Manager, General Aviation, Department of Homeland Security, Transportation Security Administration, Office of Transportation Security Network Management, TSA-9, HQ, E3, 601 South 12th Street, Arlington, VA 22202-4220
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RIN: 1652-AA39

1314. 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 to 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

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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 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	To Be	Determined

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jillene MacCreery, Department of Homeland Security, Transportation Security Administration, Office of Transportation Security Network Management, TSA -26, E4, 601 South 12th Street, Arlington, VA 22202-4220

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RIN: 1652-AA40

1315. 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, September 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 satisfy 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 appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government.

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
Next Action	Undetermined	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Stephanie Rowe, Assistant Administrator, Department of Homeland Security, Transportation Security Administration, Office of Trans. Threat Assessment & Credentialing, TSA 19, HQ, E7-516N, 601 South 12th Street, Arlington, VA 22202-4220

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Related RIN: Related to 1652-AA48

RIN: 1652-AA45

1316. REGISTERED TRAVELER (RT)

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: Registered Travelers are individuals who voluntarily have submitted biographic and biometric data and have undergone a security threat assessment resulting in a determination by 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.

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).

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Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Undetermined**Federalism:** Undetermined

Agency Contact: Kurt Zobrist, Director, Registered Traveler Program, Department of Homeland Security, Transportation Security Administration, Office of Trans. Threat Assessment & Credentialing, TSA-19, HQ, E8, 601 South 12th Street, Arlington, VA 22202-4220
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Related RIN: Related to 1652-AA36, Related to 1652-AA41

RIN: 1652-AA47

1317. RONALD REAGAN WASHINGTON NATIONAL AIRPORT: ENHANCED SECURITY PROCEDURES FOR CERTAIN OPERATIONS

Priority: Other Significant

Legal Authority: 46 USC 70102 to 70106; 46 USC 70117; 49 USC 114; 49 USC 5103; 49 USC 40113 to 40114; 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 1520; 49 CFR 1540; 49 CFR 1562

Legal Deadline: None

Abstract: The Transportation Security Administration (TSA) will take final action on the July 19, 2005, interim final rule (IFR) by responding to comments received.

This final rule restores access to (DCA) for certain aircraft operations while maintaining the security of critical Federal Government and other assets in the Washington, DC, Metropolitan Area. Since September 11, 2001, general aviation aircraft operations have been prohibited at Ronald Reagan Washington National Airport DCA. This rule applies to all passenger aircraft operations into or out of DCA, except foreign air carrier operations operating under 49 CFR part 1546.101(a) or (b) and U.S. air carrier operations operating under a full security program required by 49 CFR part 1544. The rule establishes security procedures for aircraft operators and gateway airport operators, and security requirements relating to crewmembers, passengers, and law enforcement officers onboard aircraft operating to or from DCA.

Timetable:

Action	Date	FR Cite
Interim Final Rule; Request for Comments	07/19/05	70 FR 41586
Interim Final Rule Effective	08/18/05	

Action	Date	FR Cite
Interim Final Rule Comment Period End	09/19/05	
Notice—Information Collection Approval & 60 Day Renewal	08/26/05	70 FR 50391
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Agency Contact: Robert Rottman, General Manager, General Aviation, Department of Homeland Security, Transportation Security Administration, Office of Transportation Security Network Management, TSA-9, HQ, E3, 601 South 12th Street, Arlington, VA 22202-4220
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Related RIN: Related to 1652-AA08

RIN: 1652-AA49

Department of Homeland Security (DHS) Transportation Security Administration (TSA)

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1318. TECHNICAL AMENDMENT: ADMINISTRATIVE ORGANIZATIONAL CHANGES

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: The Transportation Security Administration (TSA) is withdrawing this action, which would have made a technical change to the Transportation Security Regulations (TSR) to reflect administrative organizational changes. This action relates only to agency

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organization, procedure, and practice and would have had no substantive effect on the public.

Timetable:

Action	Date	FR Cite
Withdrawn	01/20/06	

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

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RIN: 1652-AA46

Department of Homeland Security (DHS)

Proposed Rule Stage

Bureau of Immigration and Customs Enforcement (BICE)

1319. 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	10/00/06	
NPRM Comment Period End	12/00/06	

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: Yvonne Evans, Detention and Deportation Officer, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 801 I Street NW., Washington, DC 20536
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RIN: 1653-AA12**1320. 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 concerns the computation of interest on cash bonds. It does not mention the Treasury Department 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	09/00/06	
NPRM Comment Period End	11/00/06	

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: Frank Maguire, Department of Homeland Security,

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RIN: 1653-AA20**1321. 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), Bureau of Immigration and Customs Enforcement (BICE), 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	10/00/06	
NPRM Comment Period End	12/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None

DHS—BICE

Proposed Rule Stage

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RIN: 1653-AA38

1322. 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: NPRM, Statutory, October 2004, Schools started becoming eligible for recertification on October 1, 2004.

The Uniting and Strengthening America by Providing Appropriate Controls Required to Intercept and Obstruct Terrorism Act (USA PATRIOT 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. DHS acknowledges this mandate and recognizes.

Abstract: This proposed 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, 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
NPRM	09/00/06	
NPRM Comment Period End	11/00/06	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: ICE No. 2329-04

Agency Contact: Susan Geary, Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Chester Arthur Building, 425 I Street NW., Suite 6034, Washington, DC 20536-0000
Phone: 202 305-2346

RIN: 1653-AA42

1323. 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 DHS. 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	06/00/06	

Action	Date	FR Cite
NPRM Comment Period End	08/00/06	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Susan Geary, Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Chester Arthur Building, 425 I Street NW., Suite 6034, Washington, DC 20536-0000
Phone: 202 305-2346

RIN: 1653-AA43

1324. CLARIFICATION OF CRITERIA FOR CERTIFICATION AND RECERTIFICATION OF SCHOOLS BY THE STUDENT AND EXCHANGE VISITOR PROGRAM (SEVP) TO ENROLL F OR M NONIMMIGRANT STUDENTS

Priority: Other Significant. Major under 5 USC 801.

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 rule proposes to amend DHS regulations governing certification and recertification of schools approved by the Student and Exchange Visitor Program (SEVP) for attendance by F or M nonimmigrant students. The proposed rule clarifies criteria for initial certification and for recertification of SEVP certified schools every two years. The rule sets the fee amount for certification at a rate that incorporates all cost of implementing the certification process.

Timetable:

Action	Date	FR Cite
NPRM	09/00/06	

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

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Susan Geary, Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Chester Arthur Building, 425 I Street NW., Suite 6034, Washington, DC 20536-0000
Phone: 202 305-2346

Related RIN: Related to 1653-AA42**RIN:** 1653-AA44**1325. 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 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 cases where bonding agents have acted improperly or where 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	09/00/06	
NPRM Comment Period End	11/00/06	

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

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RIN: 1653-AA45**1326. • CUSTODY AND BOND ELIGIBILITY OF ALIENS DESIGNATED FOR EXPEDITED REMOVAL****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252**CFR Citation:** 8 CFR 208; 8 CFR 235; 8 CFR 1003; 8 CFR 1235**Legal Deadline:** None

Abstract: This interim final rule revises the jurisdiction of immigration judges to redetermine the custody status of an alien who has been initially screened for expedited removal in light of an administrative ruling. This interim final rule specifies that aliens in removal proceedings after having been detained for expedited removal are not eligible for bond or bond re determination before an immigration judge.

Timetable:

Action	Date	FR Cite
NPRM	10/00/06	
NPRM Comment Period End	12/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Frank Maguire, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 800 K Street NW., Washington, DC 20536
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RIN: 1653-AA49**1327. • TREATMENT OF EMPLOYERS WHO RECEIVE NO-MATCH LETTERS****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1314a**CFR Citation:** 8 CFR 274a**Legal Deadline:** None

Abstract: The Bureau of Immigration and Customs Enforcement proposes to amend the regulations relating to the unlawful hiring or continued employment of unauthorized aliens. The proposed rule adds two more examples of situations that may lead to a finding that an employer has constructive knowledge that an employee is an unauthorized alien. These additional two examples involve an employer's failing to take reasonable steps in response to one or the other of two events: (1) The employer receives written notice from the Social Security Administration (SSA) that the name and social security account number submitted for an employee do not match SSA records; or (2) the employer receives written notice from the Department of Homeland Security (DHS) that the immigration-status or employment-authorization documentation presented or referenced by the employee in completing Form I-9, Employment Eligibility Verification, was not assigned to the employee according to Agency records. The proposed rule also describes steps that DHS considers to be a reasonable response, and clarifies that whether DHS will find that an employer had constructive knowledge that an

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employee was an unauthorized alien will depend on the totality of relevant circumstances. The purpose of this rule is to clarify an employer's obligations and options when it receives a no-match letter, either from SSA or DHS.

Timetable:

Action	Date	FR Cite
NPRM	05/00/06	
NPRM Comment Period End	07/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Charles Wood, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 425 I Street NW., Washington, DC 20536
Phone: 202 514-2895

RIN: 1653-AA50

1328. • REMOVAL OF OBSOLETE PROCEDURES AND REQUIREMENTS FOR F AND M NONIMMIGRANT STUDENTS FOR SCHOOLS AUTHORIZED TO ENROLL F AND M NONIMMIGRANT STUDENTS

Priority: Other Significant

Legal Authority: 8 USC 1356; PL 107-56; PL 107-173

CFR Citation: 8 CFR 103; 8 CFR 214

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 proposed rule amends DHS regulations governing certification and recertification of schools approved by the Student and Exchange Visitor Program (SEVP) for attendance by F or

M nonimmigrant students. The rule deletes obsolete, pre-SEVIS policies and procedures in various regulations. The continued presence of this outdated verbiage contributes to confusion, inefficiency and misunderstanding by students and academic institutions.

Timetable:

Action	Date	FR Cite
NPRM	09/00/06	
NPRM Comment Period End	11/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Susan Geary, Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Chester Arthur Building, 425 I Street NW., Suite 6034, Washington, DC 20536-0000
Phone: 202 305-2346

RIN: 1653-AA51

Department of Homeland Security (DHS)

Final Rule Stage

Bureau of Immigration and Customs Enforcement (BICE)

1329. 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	08/00/06	

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

1330. 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	10/00/06	

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

DHS—BICE

Final Rule Stage

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

**1331. 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	08/00/06	

**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: James Knapp,
Department of Homeland Security,
Bureau of Immigration and Customs
Enforcement, 425 I Street NW.,
Washington, DC 20536

Phone: 202 514-8138

RIN: 1653-AA08

**1332. 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	09/00/06	

**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,
Department of Homeland Security,
Bureau of Immigration and Customs
Enforcement, 425 I Street NW.,
Washington, DC 20536
Phone: 202 616-8737

RIN: 1653-AA09

**1333. 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	06/00/06	

**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, 425 I Street NW.,
Washington, DC 20536
Phone: 202 514-2895

RIN: 1653-AA13

DHS—BICE

Final Rule Stage

1334. 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	12/00/06	

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**1335. 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	12/00/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** ICE No. 2301-03

Agency Contact: Michael P. Carney, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 425 I Street NW., Washington, DC 20536
Phone: 202 514-1369
Fax: 202-305-7013

RIN: 1653-AA29**1336. 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	12/00/06	

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, Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Chester Arthur Building, 425 I Street NW., Suite 6034, Washington, DC 20536-0000
Phone: 202 305-2346

Related RIN: Previously reported as 1115-AF54**RIN:** 1653-AA30

DHS—BICE

Final Rule Stage

1337. 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	10/00/06	

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, Director, Student and Exchange Visitor Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Chester Arthur

Building, 425 I Street NW., Suite 6034, Washington, DC 20536-0000
Phone: 202 305-2346

Related RIN: Previously reported as 1115-AG71**RIN:** 1653-AA31**1338. 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
Final Action	06/00/06	

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: Susan Geary, Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Chester Arthur Building, 425 I Street NW., Suite 6034, Washington, DC 20536-0000
Phone: 202 305-2346

RIN: 1653-AA33**1339. 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	09/00/06	
Interim Final Rule Comment Period End	11/00/06	

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: Frank Maguire, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 800 K Street NW., Washington, DC 20536
Phone: 202 514-2700
Fax: 202 305-4518

RIN: 1653-AA36**1340. 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

DHS—BICE

Final Rule Stage

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 Bureau of Immigration and Customs Enforcement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/06	
Interim Final Rule	02/00/07	
Comment Period		
End		

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2290-03

Agency Contact: Susan Geary, Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Chester Arthur Building, 425 I Street NW., Suite 6034, Washington, DC 20536-0000
Phone: 202 305-2346

RIN: 1653-AA37**1341. CIVIL MONETARY PENALTIES INFLATION ADJUSTMENT****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1221; 8 USC 1223; 8 USC 1227; 8 USC 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	09/00/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** ICE No. 2305-03

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
Fax: 202 305-4518

RIN: 1653-AA39**1342. 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	06/00/06	
Interim Final Rule	08/00/06	
Comment Period		
End		

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)

1343. 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 Bureau of Immigration and Customs Enforcement

DHS—BICE

Long-Term Actions

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
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Organizations

Government Levels Affected: None

Additional Information: ICE 2300-03

Agency Contact: Susan Geary, Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Chester Arthur Building, 425 I Street NW., Suite 6034, Washington, DC 20536-0000
Phone: 202 305-2346

RIN: 1653-AA28

Department of Homeland Security (DHS)

Completed Actions

Bureau of Immigration and Customs Enforcement (BICE)

1344. 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
Final Action	11/04/05	70 FR 67087
Final Action Effective	11/04/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Nelson Perez, 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

RIN: 1653-AA27

1345. 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
Withdrawn	02/10/06	

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

DHS—BICE

Completed Actions

Enforcement, Chief Enforcement Law Division, 425 I Street NW., Suite 6100, Washington, DC 20536
Phone: 202 514-2895

RIN: 1653-AA46

1346. CENTRALIZED FILING OF BOND APPEALS

Priority: Other Significant

Legal Authority: 5 USC 301; 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1304; PL 107-296, section 116; ...

CFR Citation: 8 CFR 103.3

Legal Deadline: None

Abstract: During the past several years, the former Immigration and Naturalization Service analyzed ways to improve the bond appeal process. In the transition to the Department of Homeland Security (Department), the

Bureau of Immigration and Customs Enforcement (BICE) again looked at the process and is consequently proposing the adoption of centralized filing of bond appeals. Centralized filing of bond breach appeals will require appellants to file the complete appeal including any supporting brief and fee with the Office of Financial Management, Debt Management Center (DMC), rather than with the office that issued the bond breach decision, within 30 days after service. The DMC will then promptly direct the appeal to the office where the initial (unfavorable) decision was made for reconsideration and will also provide the appellant with a receipt for the filing fee by mail. Centralized filing of bond breach appeals will enable the Department to service appeals in a consistent manner, better manage and track appeals, and reduce or eliminate instances of

invoices being issued on bond breaches that are under appeal.

Timetable:

Action	Date	FR Cite
Merged With	02/03/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: ICE No. 2312-04

Agency Contact: Jim Landolt, Chief, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 800 K Street NW., Washington, DC 20536
Phone: 202 353-0229
Fax: 202 514-7898

Related RIN: Merged with 1653-AA20

RIN: 1653-AA48

Department of Homeland Security (DHS)

Final Rule Stage

Federal Emergency Management Agency (FEMA)

1347. 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 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 would address Sections 105 (Amendments to Additional Coverage for Compliance with Land Use and Control Measures) and 209 (Prospective 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
Interim Final Rule	07/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Agency Contact: Thomas Hayes, Mitigation Division, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472
Phone: 202 646-3419
Fax: 202 646-4327
Email: thomas.hayes@dhs.gov

RIN: 1660-AA30

1348. 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

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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	04/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: State

Federalism: Undetermined

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RIN: 1660-AA41

Department of Homeland Security (DHS)

Long-Term Actions

Federal Emergency Management Agency (FEMA)

1349. 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

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RIN: 1660-AA00

1350. 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	04/11/97	
Period End		
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, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472
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RIN: 1660-AA01

1351. 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	07/01/98	
Period End		
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

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RIN: 1660-AA02

1352. 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-

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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, Office of the Chief Financial Officer, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472

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RIN: 1660-AA05

1353. 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 the 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

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RIN: 1660-AA07

1354. 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

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RIN: 1660-AA09

1355. 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

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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, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472

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RIN: 1660-AA17**1356. 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 Corrections	09/30/02	67 FR 61446
Corrections Effective	10/09/02	67 FR 62896
Interim Final Rule Effective	10/09/02	
Interim Final Rule Comment Period End	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, Federal Emergency

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RIN: 1660-AA18**1357. 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 implements 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, Office of the Chief Financial Officer, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472

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RIN: 1660-AA21**1358. 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:** Edward L. Connor, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472

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RIN: 1660-AA22**1359. 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

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Long-Term Actions

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: Transferred from RIN 3067-AD32

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RIN: 1660-AA23

1360. 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 (the 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

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RIN: 1660-AA28

1361. 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

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RIN: 1660-AA29

1362. 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

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RIN: 1660-AA32

1363. 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

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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

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RIN: 1660-AA33

1364. 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 establishes the mechanism through which FEMA will distribute these funds.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/26/05	70 FR 43214
Interim Final Rule Effective	08/25/05	
Interim Final Rule Comment Period End	08/25/05	
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1660-AA34

1365. 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 that the States pay the entire premium.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

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RIN: 1660-AA35

1366. PILOT PROGRAM FOR THE MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4102a

CFR Citation: 44CFR 79

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

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RIN: 1660-AA36

1367. FLOOD MITIGATION ASSISTANCE PROGRAM AND MITIGATION PLANNING

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

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 4102a

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CFR Citation: 44 CFR 79**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 clarify and streamline mitigation planning with respect to the general mitigation planning requirements and FMA planning requirements.

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, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472
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RIN: 1660-AA37**1368. 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.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State, Tribal

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RIN: 1660-AA43**1369. SPECIAL COMMUNITY DISASTER LOANS PROGRAM****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 42 USC 5121-5606**CFR Citation:** 44 CFR 206**Legal Deadline:** None

Abstract: This interim rule implements the Special Community Disaster Loans Program authorized in the Community Disaster Loan Act of 2005. This interim rule describes the procedures and requirements for a program designed to provide loans for essential services to local governments that have experienced a loss in revenue due to a major disaster. These regulations do not apply to the traditional Community Disaster Loans Program which is permanently authorized.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/18/05	70 FR 60443
Interim Final Rule Effective	10/18/05	
Interim Final Rule Comment Period End	12/19/05	
Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal

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RIN: 1660-AA44

Department of Homeland Security (DHS)

Completed Actions

Federal Emergency Management Agency (FEMA)

1370. 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
Withdrawn	01/25/06	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State, Tribal

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RIN: 1660-AA26

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Completed Actions

1371. 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
Withdrawn	02/01/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Local, State, Tribal

Federalism: Undetermined

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RIN: 1660-AA38

1372. 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
Withdrawn	02/01/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Local, State, Tribal

Federalism: Undetermined

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RIN: 1660-AA39

1373. PREDISASTER 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 Predisaster 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
Withdrawn	02/07/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Local, State, Tribal

Federalism: Undetermined

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RIN: 1660-AA40

1374. 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

DHS—FEMA

Completed Actions

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
Withdrawn	02/02/06	

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, Federal

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RIN: 1660-AA42

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