



Federal Register

**Monday,
December 22, 2003**

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-03-001]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, DHS.

ACTION: Semiannual regulatory agenda.

SUMMARY: 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 of Homeland Security (Department or DHS). The regulatory agenda is a semiannual summary of all current and projected rulemakings, and completed actions of the Department. This is the Department's second semiannual agenda and first regulatory plan. Under the Homeland Security Act of 2002, Public Law 107-295 (Homeland Security Act), 22 preexisting agencies or components transferred to DHS.

Although DHS is new, many of its components had active regulatory agendas, such as the legacy Immigration

and Nationalization Service (INS), which has been divided into the Bureau of Citizenship and Immigration Services, the Bureau of Immigration and Customs Enforcement, and the Bureau of Customs and Border Protection. Together, the latter components alone comprise half of the DHS regulatory agenda. The legacy INS rulemakings primarily set forth application or other process standards for obtaining benefits, privileges, or other attributes afforded to visa or citizen holders. Other DHS components, such as the U.S. Coast Guard and Transportation Security Administration, have regulatory functions rooted in promulgating safety or security standards. The new Department, considered the most significant transformation of the U.S. Government in over a half-century, continues to transform and realign the current confusing patchwork of Government activities into a single department. Its' greatest regulatory challenge is melding the variant regulatory practices into one centralized regulatory agency embracing the "best practices" of each of its components.

The DHS agenda provides the public with information about the Department's regulatory practices. It is expected that this information will enable the public to more effectively participate in the Department's regulatory activities. The public is also

invited to submit comments on any aspect of this agenda.

FOR FURTHER INFORMATION CONTACT:

General -

You should direct all comments and inquiries on the agenda in general to Laticia Argenti, Deputy Associate General Counsel for Regulations, Office of the General Counsel, Department of Homeland Security, Washington, DC 20528.

Specific -

You should direct all comments and inquiries on the particular items in the agenda to the individual listed for the regulation or the general rulemaking contact person for the DHS components.

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

This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions includes The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. DHS' Statement of Regulatory Priorities is included in part II.

Dated: October 29, 2003.

Laticia Argenti,
Deputy Associate General Counsel for Regulations.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1180	Procedures for Handling Critical Infrastructure Information	1601-AA14
1181	Supplemental Standards of Conduct for Employees of the Department of Homeland Security	1601-AA17

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1182	Freedom of Information Act and Privacy Act Procedures	1601-AA00
1183	Production or Disclosure of Official Information in Connection With Legal Proceedings	1601-AA01
1184	Regulations Implementing the Support Antiterrorism by Fostering Effective Technologies Act of 2002	1601-AA15
1185	Homeland Security Acquisition Regulation (HSAR)	1601-AA16

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Office of the Secretary—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1186	Classified National Security Information	1601-AA02
1187	Enforcement of Nondiscrimination on the Basis of Disability in Department of Homeland Security Programs or Activities	1601-AA03
1188	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance	1601-AA04
1189	Regulations Regarding Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance	1601-AA05
1190	Authority of the Secretary of the Department of Homeland Security; Delegations of Authority; Immigration Laws	1601-AA06
1191	Procedures Relating to Awards Under the Equal Access to Justice Act	1601-AA07
1192	Collection of Non-Tax Debts Owed to the Department of Homeland Security	1601-AA08
1193	Right to Financial Privacy	1601-AA09
1194	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace	1601-AA10
1195	Program Fraud Civil Remedies	1601-AA11
1196	Regulations Imposing Restrictions Upon Lobbying	1601-AA12
1197	National Environmental Policy Act Procedures	1601-AA13
1198	Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations	1601-AA18

Bureau of Citizenship and Immigration Services—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
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1200	International Matchmaking Organizations	1615-AA11
1201	Special Immigrant Juvenile Petitions	1615-AA15
1202	Immigrant and Nonimmigrant; Religious Workers	1615-AA16
1203	Dismissal of Asylum Application for Unexcused Failure To Appear and Affect on Eligibility for Employment Authorization	1615-AA18
1204	Special Immigrant Status for Certain NATO Civilian Employees	1615-AA21
1205	Adjustment of Status Under the 1966 Cuban Adjustment Act	1615-AA23
1206	Inadmissibility To Enter the United States for Former U.S. Citizens Who Renounced Citizenship To Avoid Taxation	1615-AA32
1207	Implementation of the Numerical Limit on Asylum Grants and Refugee Admissions Based on Resistance to Coercive Population Control Measures	1615-AA37
1208	Intercountry Adoptions	1615-AA43
1209	Waiver of Fees	1615-AA48
1210	Adjustment of Status Under Section 245(k)	1615-AA54
1211	Implementation of the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA), the American Competitiveness in the Twenty-First Century Act of 2000 (AC21), and Other Related Bills	1615-AA55
1212	Construction Work and the B Nonimmigrant Visa Classification	1615-AA58
1213	Removal and Adjustment Procedures for Victims of Trafficking and Certain Criminal Activities	1615-AA60
1214	Consent To Reapply for Admission After Removal	1615-AA61
1215	Waivers of the Two-Year Foreign Residence Requirement for Certain Exchange Visitors	1615-AA62
1216	Removal of Limitations on Validity Period for Employment Authorization Documents	1615-AA63
1217	Illegal Entries, Unlawful Presence, and Automatic Voiding of Nonimmigrant Visas	1615-AA64
1218	Medical Examination Requirements and Designation of Civil Surgeons	1615-AA65
1219	Medical Grounds of Inadmissibility and Waivers	1615-AA66
1220	New Classification for Victims of Certain Criminal Activity; Eligibility for the U Nonimmigrant Status	1615-AA67
1221	Judicial Review of Decisions of the Secretary of the Department of Homeland Security	1615-AA71
1222	Termination of Lawful Permanent Resident Status Through Abandonment	1615-AA76
1223	Limiting the Use of Duration of Status for Certain F, J, and I Nonimmigrants	1615-AA80
1224	Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H-2B)	1615-AA82
1225	Adjustment of the Immigration Benefit Application Fee Schedule To Recover Costs Associated With Additional Security Checks	1615-AA84
1226	Adjustment of the Appeal and Motion Fee To Recover Full Costs	1615-AA88
1227	Changes to Employment Authorization Eligibility for Certain Applicants and to Standards for Determining a Frivolous Asylum Application	1615-AA89

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Bureau of Citizenship and Immigration Services—Proposed Rule Stage (Continued)

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1228	Implementation of the Agreement Between the Government of Canada and the Government of the United States Regarding Asylum Claims Made at Land Border Ports-of-Entry and Applicability of Other Asylum Ba	1615-AA91
1229	Waiver of Criminal Grounds of Inadmissibility for Immigrants	1615-AA94
1230	Procedures for Checking Juvenile Criminal Records and Submitting Fingerprints of That Additional Class of Aliens Ineligible for Family Unity	1615-AB01
1231	Removal of Standardized Request for Evidence Processing Timeframe	1615-AB13
1232	Criminal Grounds of Inadmissibility, Exceptions and Waivers for Immigrants and Nonimmigrants, Refugees and Asylees	1615-AB15
1233	Establishment of Fee for Processing Genealogical Research Requests	1615-AB19

Bureau of Citizenship and Immigration Services—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1234	Adjustment of Status to That of Person Admitted for Permanent Residence: Conditional Residents and Fiance(e)s	1615-AA02
1235	Petition To Classify Alien as Immediate Relative of a U.S. Citizen or as a Preference Immigrant; Self-Petitioning for Certain Battered or Abused Alien Spouses and Children	1615-AA03
1236	Definition of the Term "Lawfully Present" for Purposes of Eligibility for Public Benefits	1615-AA05
1237	Affidavit of Support on Behalf of Immigrants	1615-AA06
1238	Implementation of Hernandez v. Reno Settlement Agreement; Certain Aliens Eligible for Family Unity Benefits After Sponsoring Family Member's Naturalization	1615-AA09
1239	Adjustment of Status, Continued Validity of Nonimmigrant Status, and Unexpired Employment Authorization for Applicants Maintaining Nonimmigrant H or L Status	1615-AA12
1240	Verification of Eligibility for Public Benefits	1615-AA13
1241	Fingerprinting Applicants and Petitioners for Immigration Benefits; Establishing a Fee for Fingerprinting by the Department of Homeland Security	1615-AA14
1242	Suspension of Deportation and Special Rule Cancellation of Removal for Certain Nationals of Guatemala, El Salvador, and Former Soviet Bloc Countries	1615-AA17
1243	Regulations Concerning the Convention Against Torture	1615-AA19
1244	Inadmissibility and Deportability on Public Charge Grounds	1615-AA22
1245	Application for Refugee Status; Acceptable Sponsorship Agreement Guaranty of Transportation	1615-AA24
1246	Battered and Abused Conditional Residents; Termination of Marriage by Conditional Residents	1615-AA29
1247	Revoking Grants of Naturalization	1615-AA30
1248	Entry Requirements for Citizens of the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau	1615-AA31
1249	Registration and Fingerprinting of Aliens in the United States: Control of Employment of Aliens	1615-AA33
1250	National Interest Waivers for Second Preference Employment-Based Immigrant Physicians Serving in Medically Underserved Areas or at Department of Veterans Affairs Facilities	1615-AA34
1251	Petitioning Requirements for the H-1C Nonimmigrant Classification Under Public Law 106-95	1615-AA35
1252	Waiving the Fingerprinting Requirement for Certain Disabled Naturalization Applicants	1615-AA36
1253	Adding Actuaries and Plant Pathologists to the North American Free Trade Agreement	1615-AA38
1254	Employment Authorization for Certificate of Citizenship Applicants	1615-AA39
1255	Adjustment of Status to That of Person Admitted for Permanent Residence; Temporary Removal of Certain Restrictions of Eligibility	1615-AA40
1256	Asylum and Withholding Definitions	1615-AA41
1257	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
1258	Academic Honorarium for B Nonimmigrant Aliens	1615-AA44
1259	Children Born Outside the United States; Applications for Certificate of Citizenship	1615-AA45
1260	Allowing for the Filing of Form I-140 Visa Petition Concurrently With a Form I-485 Application in Certain Circumstances	1615-AA46
1261	Special Immigrant Visa for Fourth Preference Employment-Based Broadcasters	1615-AA47
1262	Establishing Premium Processing Service for Employment-Based Petitions and Applications	1615-AA49
1263	Adjustment of Status for Certain Nationals of Nicaragua, Cuba, and Haiti	1615-AA51
1264	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
1265	Nonimmigrant Classes; Spouses and Children of Lawful Permanent Residents; V Classification	1615-AA53

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Bureau of Citizenship and Immigration Services—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
1266	Adjustment of Status for Certain Syrian Nationals Granted Asylum in the United States	1615-AA57
1267	New Classification for Victims of Severe Forms of Trafficking in Persons Eligible for the T Nonimmigrant Status	1615-AA59
1268	Limiting the Period of Admission for B Nonimmigrant Aliens	1615-AA68
1269	Documentary Requirements for Certain Temporary Residents	1615-AA69
1270	Change in Business Practices; Acceptance of Payments of Fees By Credit Card and Other Electronic Means Where Possible	1615-AA70
1271	Adding and Removing Institutions To and From the List of Recognized American Institutions of Research	1615-AA72
1272	Requiring Change of Status From B to F-1 or M-1 Nonimmigrant Prior To Pursuing a Course of Study	1615-AA73
1273	Restructuring the Nonimmigrant Regulations	1615-AA74
1274	Waivers for Nonimmigrants Under Section 212(d)(3)(A) of the Immigration and Nationality Act	1615-AA75
1275	Registration Requirements and Work Authorization Eligibility for Aliens in the United States	1615-AA78
1276	Procedures for Conducting Examinations and Waiving the Oath of Allegiance for Naturalization Applicants With Disabilities	1615-AA81
1277	Electronic Signature on Applications and Petitions for Immigration and Naturalization Benefits	1615-AA83
1278	Withholding of Adjudication	1615-AA86
1279	Validity Period of Approved Form I-600A, Application for Advanced Processing of Orphan Petition	1615-AA87
1280	Implementation of Amendments Affecting Petitions for Employment Creation Aliens	1615-AA90
1281	Certain Benefits Available to Aliens Under the Provisions of the Child Status Protection Act	1615-AA93
1282	Implementation of the Age Out Protections Afforded Under the Child Status Protection Act	1615-AA95
1283	Eliminating the Numerical Cap on Mexican TN Nonimmigrants	1615-AA96
1284	Filing of Proposals for Designation as a Regional Center Approved To Participate in the Immigrant Investor Pilot Program	1615-AB00
1285	Application for Naturalization by Alternative Application if Citizen Parent has Died	1615-AB08
1286	Sunset of Additional \$1,000 Filing Fee and Return to 65,000 Annual Limit on H-1B Nonimmigrant Petition Approvals	1615-AB10
1287	Implementation of the Border Commuter Student Act of 2002	1615-AB11
1288	Requiring Completion of Security Checks Before Issuance of Evidence of Alien Registration	1615-AB12
1289	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
1290	Petitioning Requirements for the O and P Nonimmigrant Classifications	1615-AB17

Bureau of Citizenship and Immigration Services—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1291	Reduction of the Number of Acceptable Documents and Other Changes to Employment Verification Requirements (Section 610 Review)	1615-AA01
1292	Temporary Protected Status Notices	1615-AA04
1293	Employment Verification by Employers That Are Members of a Multi-Employer Association	1615-AA07
1294	Limiting Liability for Certain Technical and Procedural Violations of Paperwork Requirements	1615-AA08
1295	Interim Designation of Acceptable Receipts for Employment Eligibility Verification	1615-AA20
1296	Adoption of Siblings, Adopted Alien Children Less Than 18 Years of Age Considered a "Child"	1615-AA50
1297	K Nonimmigrant Classification; Legal Immigration Family Equity Act (LIFE)	1615-AA56
1298	Availability of Material Under Freedom of Information Act and Privacy Act	1615-AB18

Bureau of Citizenship and Immigration Services—Completed Actions

Sequence Number	Title	Regulation Identification Number
1299	Certification of Certain Health Care Workers	1615-AA10
1300	Nonimmigrant Classes: Q-2 Irish Peace Process Cultural and Training Program Visitor	1615-AA25
1301	Clarification of Parole Authority	1615-AA26
1302	Extending the Period of Duration of Status for Certain F and J Nonimmigrant Aliens	1615-AA27
1303	Requiring Recertification of All Service-Approved Schools for Enrollment in the Student and Exchange Visitor Information System (SEVIS)	1615-AA77

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Bureau of Citizenship and Immigration Services—Completed Actions (Continued)

Sequence Number	Title	Regulation Identification Number
1304	Reduced Course Load for Certain F and M Nonimmigrant Students at Border Communities	1615-AA79
1305	Denial and Revocation for Approval of School for Attendance by Nonimmigrant Students	1615-AA85
1306	Readjustment of Immigration Benefit Application Fees	1615-AA97
1307	Conditions on Nonimmigrant Status; Disclosure of Information	1615-AA98
1308	Authorizing Suspension of Employment Authorization Requirements on the Basis of Severe Economic Hardship for F-1 Students and Emergent Circumstances	1615-AA99
1309	Temporary Protected Status (TPS) Notices	1615-AB06
1310	Extension of Validity Period of Approved Form I-600A, Application for Advance Processing of Orphan Petitions ...	1615-AB07
1311	Extension of the Designation of Burundi Under Temporary Protected Status (TPS) Program	1615-AB16

U.S. Coast Guard—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1312	Claims Procedures Under the Oil Pollution Act of 1990 (CGD 91-035)	1625-AA03
1313	Post Casualty Drug and Alcohol Testing (USCG-2001-8773)	1625-AA27
1314	Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters (USCG-2001-10486)	1625-AA32
1315	Marine Events: Permit Procedures (USCG-2001-10713)	1625-AA35
1316	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
1317	Protection for Whistleblowers in the Coast Guard (USCG-2002-13016)	1625-AA50
1318	Vessel Documentation: Lease Financing for Vessels Engaged in the Coastwise Trade; Second Rulemaking (USCG-2003-14472)	1625-AA63
1319	Administrative Changes To Numbering of Vessels and Reporting of Casualties (USCG-2003-14963)	1625-AA70
1320	Terms Imposed by States on Numbering of Vessels (USCG-2003-15708)	1625-AA75
1321	Safety Zone for Outer Continental Shelf Facility in the Gulf of Mexico (CDG08-03-028)	1625-AA76
1322	Commercial Fishing-Industry Vessels (USCG-2003-16158)	1625-AA77

U.S. Coast Guard—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1323	Safety and Security Zone Regulations	1625-AA00
1324	Special Anchorage Areas/Anchorage Grounds Regulations	1625-AA01
1325	Reporting Marine Casualties (USCG-2000-6927)	1625-AA04
1326	State Access to the Oil Spill Liability Trust Fund (CGD 92-014)	1625-AA06
1327	Handling of Explosives or Other Dangerous Cargoes Within or Contiguous to Waterfront Facilities (USCG-1998-4302)	1625-AA07
1328	Regatta and Marine Parade Regulations	1625-AA08
1329	Drawbridge Regulations	1625-AA09
1330	Limited Service Domestic Voyage Load Lines for River Barges on Lake Michigan (USCG-1998-4623)	1625-AA17
1331	Outer Continental Shelf Activities (USCG-1998-3868)	1625-AA18
1332	Deepwater Ports (USCG-1998-3884)	1625-AA20
1333	Anchorage Ground; Safety Zone; Speed Limit; Tongass Narrows and Ketchikan, Alaska (CGD-1799-002)	1625-AA23
1334	Vessel and Facility Response Plans for Oil: 2003 Removal Equipment Requirements and Alternative Technology Revisions (USCG-2001-8661)	1625-AA26
1335	Vessel Documentation: Lease Financing for Vessels Engaged in the Coastwise Trade (USCG-2001-8825)	1625-AA28
1336	Update of Rules on Aids to Navigation Affecting Buoys, Sound Signals, International Rules at Sea, Communications Procedures, and Large Navigational Buoys (USCG-2001-10714)	1625-AA34
1337	Rates for Pilotage on the Great Lakes (USCG-2002-11288)	1625-AA38
1338	Notifications of Arrival and Departure in Ports or Places in the United States (USCG-2001-11865)	1625-AA41
1339	Penalties for Nonsubmission of Ballast Water Management Reports (USCG-2002-13147)	1625-AA51
1340	Mandatory Ballast Water Management Program for U.S. Waters (USCG-2003-14273)	1625-AA52
1341	Country of Origin Codes and Revision of Regulations on Hull Identification Numbers (USCG-2003-14272)	1625-AA53

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U.S. Coast Guard—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
1342	Allowing Alternatives To Incandescent Lights, and Establishing Standards for New Lights, in Private Aids To Navigation (USCG–2000–7466)	1625–AA55
1343	Alternate Hull Examination Program for Certain Passenger Vessels, and Underwater Surveys for Passenger, Nautical School, and Sailing School Vessels (USCG–2000–6858)	1625–AA57
1344	Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard (USCG 1998–3472)	1625–AA59
1345	Fire-Suppression Systems and Voyage Planning for Towing Vessels (USCG 2000–6931)	1625–AA60
1346	Approval for Experimental Shipboard Installations of Ballast Water Treatment Systems (USCG–2001–9267)	1625–AA66
1347	Civil Monetary Penalties-Adjustments for Inflation (USCG–2003–15486)	1625–AA73

U.S. Coast Guard—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1348	Discharge-Removal Equipment for Vessels Carrying Oil (CGD 90–068)	1625–AA02
1349	Escort Vessels for Certain Tankers (CGD 91–202)	1625–AA05
1350	Escort Vessels in Certain U.S. Waters (CGD 91–202a)	1625–AA10
1351	Regulated Navigation Areas	1625–AA11
1352	Marine Transportation-Related Facility Response Plans for Hazardous Substances (USCG–1999–5705)	1625–AA12
1353	Tank Vessel Response Plans for Hazardous Substances (USCG–1998–4354)	1625–AA13
1354	Numbering of Undocumented Barges (USCG–1998–3798)	1625–AA14
1355	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
1356	Salvage and Marine Firefighting Requirements; Vessel Response Plans for Oil (USCG–1998–3417)	1625–AA19
1357	Commercial Diving Operations (USCG–1998–3786)	1625–AA21
1358	Improvements to Maritime Safety in Puget Sound-Area Waters (USCG–1998–4501)	1625–AA22
1359	Training and Qualifications for Personnel on Passenger Ships (USCG 1999–5610)	1625–AA24
1360	Cargo Securing on Vessels Operating in U.S. Waters (USCG–2000–7080)	1625–AA25
1361	Electronic Chart Display and Information System (ECDIS) (USCG–2001–8826)	1625–AA29
1362	Federal Requirements for Propeller Injury Avoidance Measures (USCG 2001–10163)	1625–AA31
1363	Drawbridge Operations Regulations; Revisions (USCG–2001–10881)	1625–AA36
1364	Alternate Tonnage Convention: Small Passenger Vessels	1625–AA37
1365	Wearing of Personal Flotation Devices by Persons Operating or Riding on Personal Watercraft or Being Towed Behind Recreational Vessels (USCG–2002–11421)	1625–AA40
1366	Identification Credentials for Maritime Security	1625–AA47
1367	Vessel Traffic Service Lower Mississippi River (USCG–1998–4399)	1625–AA58
1368	Wearing of Personal Flotation Devices (PFDs) by Certain Children Aboard Recreational Vessels (USCG–2000–8589)	1625–AA62
1369	Escort Vessels for Certain Tankers-Crash Stop Criteria (USCG–2003–14734)	1625–AA65

U.S. Coast Guard—Completed Actions

Sequence Number	Title	Regulation Identification Number
1370	Licensing and Manning for Officers of Towing Vessels (USCG 1999–6224)	1625–AA15
1371	Territorial Seas, Navigable Waters, and Jurisdiction (USCG–2001–9044)	1625–AA30
1372	Area Maritime Security (USCG–2003–14733)	1625–AA42
1373	Facility Security (USCG–2003–14732)	1625–AA43
1374	Vessel Security (USCG–2003–14749)	1625–AA46
1375	Safety Zone for Outer Continental Shelf Facility in the Gulf of Mexico in Viasca Knoll 915 (CGD08–02–045)	1625–AA54
1376	Automatic Identification System; Vessel Carriage Requirement (USCG–2003–14757)	1625–AA67
1377	Outer Continental Shelf Facility Security (USCG–2003–14759)	1625–AA68
1378	Implementation of National Maritime Security Initiatives (USCG–2003–14792)	1625–AA69
1379	Right To Appeal; Director, Great Lakes Pilotage (USCG–2003–15137)	1625–AA71
1380	Safety Zone for Outer Continental Shelf Facility in the Gulf of Mexico in Mississippi Canyon 243	1625–AA72

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U.S. Coast Guard—Completed Actions (Continued)

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1381	Basic Rates and Charges on Lake Erie and the Navigable Waters From Southwest Shoal to Port Huron, MI (USCG-2002-12840)	1625-AA74

Bureau of Customs and Border Protection—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1382	Inspection of Persons Applying for Admission; International-to-International User Fee	1651-AA03
1383	Documentary Requirements for Returning Residents	1651-AA09
1384	Contracts With Transportation Lines	1651-AA10
1385	Imposition of Fines for Violations of the Immigration and Nationality Act	1651-AA12
1386	Adjustment of Fees for Dedicated Commuter Lanes and Secure Electronic Network for Travelers' Rapid Inspection (SENTRI) Programs at Land Border Ports of Entry	1651-AA16
1387	Visa Waiver Program: Guam Visa Waiver Program	1651-AA17
1388	Examination of In-Transit Mail Shipments	1651-AA34
1389	Advance Notice Requirements for Aircraft Landings and Arrivals; Revisions to the Private Aircraft Overflight Program	1651-AA41
1390	Prior Disclosure and Lost Duty or Revenue Demands When Penalty Claim Not Issued	1651-AA42
1391	Manifest Discrepancy Reports	1651-AA45
1392	Publication of Administrative Forfeiture Notices	1651-AA48

Bureau of Customs and Border Protection—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1393	Fees for Participation in Dedicated Commuter Lanes at Selected Ports of Entry; Collection of Fees Under the Dedicated Commuter Lane Program	1651-AA01
1394	Suspension of Privilege To Transport Aliens to the United States	1651-AA05
1395	Establishment of Preinspected Automated Lane (PAL) Program	1651-AA06
1396	Amendment of the Regulatory Definition of Arriving Alien	1651-AA07
1397	Elimination of Immigration and Naturalization Service-Issued Mexican and Canadian Border Crossing Cards	1651-AA08
1398	Extension of 25-Mile Limit at Select Arizona Ports-of-Entry	1651-AA11
1399	Expansion of Dedicated Commuter Lanes; Clarification of Driver's License Requirement for Applicants to Dedicated Commuter Lanes and Automated Permit Port Programs	1651-AA13
1400	Update of List of Countries Whose Citizens or Nationals Are Ineligible for Transit Without Visa (TWOV) Privileges to the United States Under the TWOV Program	1651-AA14
1401	Adding Colombia to the List of Countries Whose Citizens or Nationals Are Ineligible for Transit Without Visa (TWOV) Privileges to the United States Under the TWOV Program	1651-AA15
1402	Removing Russia From the List of Countries Whose Citizens or Nationals Are Ineligible for Transit Without Visa (TWOV) Privileges to the United States Under the TWOV Program	1651-AA18
1403	Removal of Visa and Passport Waiver for Certain Permanent Residents of Canada and Bermuda	1651-AA23
1404	Posting of Security Guard at Gangway of Vessel for Detaining Alien Crewman	1651-AA24
1405	Electronic Arrival-Departure Manifest for Visa Waiver Program	1651-AA25
1406	Removing Indonesia and Malaysia from the Guam Visa Waiver Program	1651-AA26
1407	Automated Inspection Services-Extension of Enrollment Period	1651-AA27
1408	Nonimmigrant Visa Exemption for Nationals of the British Virgin Islands Entering the United States Through St. Thomas, U.S. Virgin Islands	1651-AA29
1409	Patent Surveys	1651-AA36
1410	Passenger and Crew Manifests For Arriving and Departing Vessels and Aircraft	1651-AA37
1411	Access to Customs Security Areas at Airports	1651-AA38
1412	Conditional Release Period and Customs Bond Obligations For Food, Drugs, Devices, and Cosmetics	1651-AA39
1413	Passenger Name Record Information Required For Passengers on Flights in Foreign Air Transportation to or From the United States	1651-AA40
1414	Customs Broker License Examination Dates	1651-AA46
1415	Confidentiality of Commercial Information	1651-AA47

DHS

Bureau of Customs and Border Protection—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
1416	Required Advance Electronic Presentation of Cargo Information	1651-AA49
1417	Suspension of Immediate and Continuous Transit Agreements	1651-AA50

Bureau of Customs and Border Protection—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1418	Visa Waiver Program	1651-AA00
1419	Establishing Criteria for Determining Countries Whose Citizens Are Ineligible for the Transit Without Visa (TWOV) Program	1651-AA02
1420	Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings	1651-AA04
1421	Restricting Citizens of Bangladesh, India, Pakistan, and Sri Lanka From Participation in the International-to-International (ITI) Program	1651-AA19
1422	Allowing Citizens and Nationals of the People's Republic of China Limited Transit Without Visa (TWOV) Privileges at TWOV-Designated Alaska International Airports	1651-AA20
1423	Limiting the Number of Transit Without Visa (TWOV) Stops in the United States to One	1651-AA22
1424	Adding Georgia to the List of Countries Whose Citizens or Nationals are Ineligible for Transit Without Visa (TWOV) Privileges to the U.S. Under the TWOV Program	1651-AA28
1425	Designated Land Border Crossing Locations for Certain Conveyances	1651-AA32
1426	Simplification of In-Transit Truck Shipments Between Canada and the United States	1651-AA33
1427	Procedures Governing the Border Release Advanced Screening and Selectivity (BRASS) Program	1651-AA35

Bureau of Customs and Border Protection—Completed Actions

Sequence Number	Title	Regulation Identification Number
1428	Carrier Arrival and Departure Electronic Manifest Requirements	1651-AA21
1429	Implementation of the Agreement Between the Government of the United States of America and the Government of Canada Regarding Asylum Claims Made at Land Border Ports of Entry	1651-AA31
1430	Performance of Customs Business by Parent and Subsidiary Corporations	1651-AA43
1431	Confidentiality Protection for Vessel Cargo Manifest Information	1651-AA44
1432	Delegations of Authority: Signature of Customs and Border Protection Regulations Published in the Federal Register	1651-AA52
1433	Tonnage Duties-Revised Amounts	1651-AA53

Transportation Security Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1434	Background Checks for Airport Workers	1652-AA06
1435	Investigative and Enforcement Procedures	1652-AA07
1436	General Rulemaking Procedures	1652-AA18
1437	Administrative Claims Under the Federal Tort Claims Act	1652-AA19
1438	Marine Vessel Security Standards—Prohibited Items	1652-AA22
1439	Aviation Security-All-Cargo Security Rules	1652-AA23
1440	Federal Flight Deck Officer Program	1652-AA24
1441	Vulnerability Self-Assessments	1652-AA30
1442	Container Security for Maritime and Intermodal Shipments	1652-AA31
1443	CAPPS II-Access to Passenger Reservation Information	1652-AA32
1444	Fees for Security Threat Assessments on Hazmat Drivers	1652-AA33

DHS

Transportation Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1445	Imposition and Collection of Passenger Civil Aviation Security Service Fees	1652-AA00
1446	Aviation Security Infrastructure Fees	1652-AA01
1447	Civil Aviation Security Rules	1652-AA02
1448	Security Programs for Aircraft Weighing 12,500 Pounds or More	1652-AA03
1449	Protection of Sensitive Security Information	1652-AA08
1450	Security Compliance Program for Aircraft Operators	1652-AA09
1451	Security Compliance Program for Airports	1652-AA10
1452	Criminal History Records Checks	1652-AA11
1453	Threat Assessments Regarding Citizens of the United States Who Hold or Apply for FAA Certificates	1652-AA12
1454	Threat Assessments Regarding Alien Holders of, and Applicants for, FAA Certificates	1652-AA15
1455	Transportation of Explosives From Canada to the United States via Commercial Motor Vehicle and Railroad Carrier	1652-AA16
1456	Security Threat Assessment for Individuals Applying for a Hazardous Materials Endorsement for a Commercial Drivers License	1652-AA17
1457	Maritime and Land Security Directives and Information Circulars	1652-AA26
1458	Maritime Transportation Security Act: Background Checks for Maritime Workers	1652-AA27
1459	Privacy Act of 1974: Implementation of Exemption	1652-AA28
1460	Temporary Suspension of the September 11th Security Fee and the Aviation Security Infrastructure Fee	1652-AA29

Transportation Security Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1461	Private Charter Security Rules	1652-AA04

Transportation Security Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
1462	Transportation Security Administration Transition to Department of Homeland Security; Technical Amendments Reflecting Organizational Changes	1652-AA20
1463	Security Threat Assessments for Individuals Who Handle Hazardous Materials in Rail Transportation	1652-AA21

Bureau of Immigration and Customs Enforcement—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1464	Nonimmigrant Classes; S Classification; Law Enforcement Initiatives; Alien Witnesses	1653-AA00
1465	Use of Parole for Humanitarian Reasons or Significant Public Benefit	1653-AA04
1466	Strengthening Control Over Immigration Surety Bonds	1653-AA16
1467	Interest Payments on Cancelled Cash Bonds	1653-AA20
1468	Denial and Revocation for Approval of School for Attendance by Nonimmigrant Students	1653-AA33

Bureau of Immigration and Customs Enforcement—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1469	Agreement Promising Non-Deportation or Other Immigration Benefits	1653-AA02
1470	Requiring Aliens Ordered Removed From the United States To Surrender to the Department of Homeland Security for Removal	1653-AA05
1471	Early Release for Removal of Criminal Aliens in State Custody for Nonviolent Offenses	1653-AA06

DHS

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

Sequence Number	Title	Regulation Identification Number
1472	Power of Secretary of the Department of Homeland Security to Terminate Deportation Proceedings and Initiate Removal Proceedings	1653-AA08
1473	Protection and Assistance for Victims of Trafficking	1653-AA09
1474	Detention of Aliens Subject to Final Orders of Removal	1653-AA13
1475	Custody Procedures	1653-AA14
1476	Address Notification To Be Filed With Designated Applications	1653-AA15
1477	Abbreviation or Waiver of Training for State or Local Law Enforcement Officers Authorized to Enforce Immigration Law During a Mass Influx of Aliens	1653-AA18
1478	Processing, Detention, and Release of Juveniles	1653-AA22
1479	Authorizing Collection of Fee Levied on F, J, and M Nonimmigrant Classifications Under Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)	1653-AA23
1480	Revision of the Regulations Concerning F, J, and M Nonimmigrant Classifications	1653-AA24
1481	Extending the Period of Duration of Status for Certain F and J Nonimmigrant Aliens	1653-AA30
1482	Requiring Recertification of All Service-Approved Schools for Enrollment in the Student and Exchange Visitor Information System (SEVIS)	1653-AA31
1483	Reduced Course Load for Certain F and M Nonimmigrant Students at Border Communities	1653-AA32
1484	Authorizing Suspension of Employment Authorization Requirements on the Basis of Severe Economic Hardship for F-1 Students and Emergent Circumstances	1653-AA34

Bureau of Immigration and Customs Enforcement—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1485	Employer Sanctions Modifications	1653-AA01
1486	Increasing the Number of Officers Authorized To Issue Notices To Appear and Arrest Warrants for Immigration Violations	1653-AA10
1487	Procedures for Detainee Hunger Strikes	1653-AA12

Bureau of Immigration and Customs Enforcement—Completed Actions

Sequence Number	Title	Regulation Identification Number
1488	Filing Factual Statements About Alien Prostitutes	1653-AA03
1489	Expansion of Expedited Removal of Certain Criminal Aliens Held in Federal, State, and Local Jails	1653-AA07
1490	Definitions of "Notice To Appear" and "Arrest Warrant"	1653-AA11
1491	Establishing San Bernardino, Santa Ana, and Ventura Suboffices Under the Jurisdiction of the Los Angeles District Office	1653-AA17
1492	Authority of the Secretary of Homeland Security; Parole Authority	1653-AA25
1493	Powers and Authority of Officers and Employees and Revisions to the Internal Review Process for Alleged Violations of the Standards for Enforcement Activities	1653-AA26

Directorate for Emergency Preparedness and Response—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1494	Disaster Assistance; Fire Management Assistance Grant Program	1660-AA26
1495	National Flood Insurance Program (NFIP); State Renewal of Group Flood Insurance Policy (GFIP)	1660-AA27
1496	National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers	1660-AA28

DHS

Directorate for Emergency Preparedness and Response—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1497	National Urban Search and Rescue Response System	1660-AA07
1498	Governmentwide Debarment and Suspension (Nonprocurement)	1660-AA13
1499	Hazard Mitigation Planning and Hazard Mitigation Grant Program	1660-AA17
1500	National Flood Insurance Program (NFIP); Group Flood Insurance Policy (GFIP)	1660-AA22
1501	National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Extension of Term of Arrangement	1660-AA29

Directorate for Emergency Preparedness and Response—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1502	Flood Mitigation Assistance Program	1660-AA00
1503	Criminal and Civil Penalties Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act	1660-AA01
1504	Disaster Assistance; Hazard Mitigation Grant Program	1660-AA02
1505	Debt Collection	1660-AA05
1506	National Flood Insurance Program (NFIP); Insurance Coverage and Rates	1660-AA09
1507	Organizational Units, Functions, and Delegations of Authority	1660-AA10
1508	Disaster Assistance; Federal Assistance to Individuals and Households	1660-AA18
1509	Disaster Assistance Definitions; Statutory Change	1660-AA19
1510	Management Costs	1660-AA21
1511	Disaster Assistance; Crisis Counseling Regular Program; Amendment to Regulation	1660-AA23

Directorate for Emergency Preparedness and Response—Completed Actions

Sequence Number	Title	Regulation Identification Number
1512	Administration of Grants: Audits of States, Local Governments, and Nonprofit Organizations	1660-AA08
1513	Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs and Activities Receiving Federal Financial Assistance	1660-AA12
1514	National Flood Insurance Program (NFIP); Inspection of Insured Structures by Communities	1660-AA14
1515	Disaster Assistance; Public Assistance Program and Community Disaster Loan Program Statutory Changes	1660-AA15

Office of the Undersecretary for Management—Completed Actions

Sequence Number	Title	Regulation Identification Number
1516	Availability of Material Under Freedom of Information Act and Privacy Act	1680-AA00
1517	Establishment of Fee for Processing Genealogical Research Requests	1680-AA01

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

Proposed Rule Stage

1180. PROCEDURES FOR HANDLING CRITICAL INFRASTRUCTURE INFORMATION

Priority: Other Significant

Legal Authority: PL 107-296, 116 Stat 2135; 5 USC ch 1, sec 301

CFR Citation: 6 CFR 29

Legal Deadline: None

Abstract: This notice of proposed rulemaking establishes the procedures necessary to fulfill the provisions of section 214(e) of the Critical Infrastructure Information (CII) Act of 2002. This regulation establishes uniform procedures for the receipt,

care, and storage of CII voluntarily submitted to the Federal Government. These procedures apply to all Federal agencies that receive, care for, or store CII voluntarily submitted to the Federal Government pursuant to the CII Act of 2002 (6 U.S.C. 214). In addition, these procedures apply to United States

DHS—OS

Proposed Rule Stage

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	12/00/03	
Interim Final Rule	01/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

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Email: janice.pesyna@dhs.gov

RIN: 1601-AA14

1181. • SUPPLEMENTAL STANDARDS OF CONDUCT FOR EMPLOYEES OF THE DEPARTMENT OF HOMELAND SECURITY

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

Legal Authority: 5 CFR 2625.105

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This regulation will focus on establishing Departmental rules for employees wishing to pursue outside employment or participate as an officer or director of non-Governmental organizations. 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, as well as to establish any other necessary rules.

Timetable:

Action	Date	FR Cite
NPRM	03/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

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Fax: 202 772-9728

RIN: 1601-AA17

Department of Homeland Security (DHS)

Final Rule Stage

Office of the Secretary (OS)

1182. 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 ch 1, sec 5

Legal Deadline: None

Abstract: This action establishes procedures for the Department of Homeland Security, Office of the Secretary, necessary to implement the Freedom of Information Act (5 U.S.C. 552) (FOIA) and the Privacy Act (5 U.S.C. 552a) (Privacy Act). Except to the extent a Department component has adopted separate guidance under FOIA or the 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 exempted 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 ensure that the Department fully satisfies its responsibility to the public

to disclose departmental information while simultaneously safeguarding individual privacy. The Privacy Act serves to balance the Government's need to maintain information about individuals with the rights of individuals to be protected against unwarranted invasions of their privacy stemming from Federal agencies' collection, maintenance, use, and disclosure of personal information about them. Agencies are required to issue regulations outlining the agency's rules and procedures for implementation of the Privacy Act and its provisions in the agency. This includes procedures on how individuals may request access to information about themselves, request amendment or correction of those records, and request an accounting of disclosures of their records by the Department.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/27/03	68 FR 4056
Interim Final Rule Comment Period End	02/28/03	
Final Rule	01/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1601-AA00

1183. 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 552a

CFR Citation: 6 CFR ch 1, sec 5

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 Comment Period End	02/28/03	
Modification of Interim Final Rule	01/00/04	

DHS—OS

Final Rule Stage

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

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RIN: 1601-AA01

**1184. • REGULATIONS
IMPLEMENTING THE SUPPORT
ANTITERRORISM BY FOSTERING
EFFECTIVE TECHNOLOGIES ACT OF
2002**

Priority: Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** Not Yet Determined**CFR Citation:** 6 CFR 25**Legal Deadline:** None

Abstract: This proposed rule would implement 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), will provide 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 Comment Period End	12/15/03	

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, Office of the Secretary, Washington, DC 20528

Phone: 202 772-9887

RIN: 1601-AA15

**1185. • 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) and (b)**CFR Citation:** 48 CFR chapter 30**Legal Deadline:** None**Abstract:** DHS is proposing to issue the Department of Homeland Security

Acquisition Regulation (HSAR) as authorized by 41 U.S.C. 418b. The HSAR is intended as regulatory guidance. This interim rule provides basic policies and general information about the Department of Homeland Security acquisition regulation system and its sub-organizations, including applicability, codification, deviations, contracting authority, and a Board of Contract Appeals designation for DHS. The HSAR reflects recent changes to the Federal Acquisition Regulation (FAR) and it establishes and encourages participation in the DHS Mentor—Protégé Programs. This rulemaking implements uniform policy and contract clauses for agency-specific procurement authorities established by the Homeland Security Act of 2002, Public Law 107-296.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/03	
Interim Final Rule Comment Period End	01/00/04	

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

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

RIN: 1601-AA16

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

Long-Term Actions

**1186. CLASSIFIED NATIONAL
SECURITY INFORMATION**

Priority: Substantive, Nonsignificant**Legal Authority:** PL 107-296, 116 Stat 2135; 5 USC 301; EO 12958; EO 13142; 3 CFR ch 1**CFR Citation:** 6 CFR ch 1, sec 7**Legal Deadline:** None

Abstract: This interim final rule establishes initial procedures necessary for DHS to fulfill its obligations under Executive Order 12958, as amended, regarding classified national security information. Executive Order 12958, as amended, was issued to update and revise the standards and processes for

classifying, safeguarding, and declassifying classified national security information. The rule delegates to the Undersecretary for Information Analysis and Infrastructure Protection responsibility for developing the vast majority of information and internal operating instructions on classified information.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/27/03	68 FR 4073
Interim Final Rule Comment Period End	02/28/03	
Next Action	Undetermined	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal

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RIN: 1601-AA02

DHS—OS

Long-Term Actions

1187. 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 ch 1, sec 15**Legal Deadline:** None

Abstract: This interim final rule establishes for the Department of Homeland Security the necessary 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. It sets forth standards for what constitutes discrimination on the basis of mental or physical handicap, provides a definition for individual with handicaps and qualified individual with handicaps, and establishes a complaint mechanism for resolving allegations of discrimination. Although this is a policy rule, the Department will examine any impact upon individuals that this policy may create.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/06/03	68 FR 10886
Interim Final Rule Comment Period End	04/06/03	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal

Agency Contact: Cathy Mitrano, Office of Civil Rights/General Law, Department of Homeland Security, Office of the Secretary, Washington, DC 20528
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RIN: 1601–AA03**1188. 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 ch 1, sec 17**Legal Deadline:** None

Abstract: This action establishes for the Department of Homeland Security the necessary 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 Comment Period End	04/06/03	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal

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RIN: 1601–AA04**1189. 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 ch 1, sec 21**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 Comment Period End	04/06/03	
Modification of Interim Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal

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RIN: 1601–AA05**1190. 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 ch 1, sec 1; 8 CFR ch 1, sec 2; 8 CFR ch 1, sec 103; 8 CFR ch 1, sec 239**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.

DHS—OS

Long-Term Actions

Timetable:

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

Next Action Undetermined

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal

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RIN: 1601-AA06**1191. 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 ch 1, sec 13**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 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
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal

Agency Contact: Cathy Mitrano, Office of Civil Rights/General Law, Department of Homeland Security, Office of the Secretary, Washington, DC 20528
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RIN: 1601-AA07**1192. COLLECTION OF NON-TAX DEBTS OWED TO THE DEPARTMENT OF HOMELAND SECURITY****Priority:** Substantive, Nonsignificant**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 ch 1, sec 23**Legal Deadline:** None

Abstract: This interim final 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 non-tax debt owed to the Government. This regulation provides procedures for the collection of non-tax debts owed to DHS entities.

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

This regulation does not apply to the collection of tax debts, which is governed by the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.), and regulations, policies, and procedures issued by the Internal Revenue Service or other Federal agency collecting tax debts.

Nothing in this regulation precludes the use of collection remedies not contained in this regulation. For example, DHS entities may collect unused travel advances through setoff of an employee's pay under 5 U.S.C.

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

Timetable:

Action	Date	FR Cite
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Next Action
Undetermined**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal

Agency Contact: Cathy Mitrano, Office of Civil Rights/General Law, Department of Homeland Security, Office of the Secretary, Washington, DC 20528
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Fax: 202 772-9728
Email: catherine.mitrano@dhs.gov

RIN: 1601-AA08**1193. RIGHT TO FINANCIAL PRIVACY****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-296, 116 Stat 2135; 5 USC 3012 USC 3401 et seq, Right to Financial Privacy Act of 1978**CFR Citation:** 6 CFR ch 1, sec 25**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
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Next Action
Undetermined**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal

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DHS—OS

Long-Term Actions

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RIN: 1601-AA09

1194. 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 ch 1, sec 27

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: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Cathy Mitrano, Office of Civil Rights/General Law, Department of Homeland Security, Office of the Secretary, Washington, DC 20528

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RIN: 1601-AA10

1195. PROGRAM FRAUD CIVIL REMEDIES

Priority: Substantive, Nonsignificant

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

CFR Citation: 6 CFR ch 1, sec 19

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Next Action		
Undetermined		

Next Action
Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Cathy Mitrano, Office of Civil Rights/General Law, Department of Homeland Security, Office of the Secretary, Washington, DC 20528

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RIN: 1601-AA11

1196. 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 ch 1, sec 9

Legal Deadline: None

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

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/06/03	68 FR 10912
Interim Final Rule	04/06/03	
Comment Period		
End		
Next Action		
Undetermined		

Interim Final Rule 03/06/03 68 FR 10912

Interim Final Rule 04/06/03

Comment Period

End

Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Robert E. Coyle, (Acting) Legal Advisor for Ethics, Department of Homeland Security, Washington, DC 20528

Phone: 202 692-4248

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RIN: 1601-AA12

1197. NATIONAL ENVIRONMENTAL POLICY ACT PROCEDURES

Priority: Substantive, Nonsignificant

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

CFR Citation: Not Yet Determined

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

Abstract: The purpose of this action is to establish the procedures that the Department of Homeland Security (DHS) shall use to comply with section 102(2) of the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4332(2)); the Council on Environmental Quality's (CEQ) regulations for implementing the procedural provisions of NEPA (40 CFR parts 1500-1508); Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions," dated January 4, 1979; and Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," dated February 11, 1994. This publication is to be used in conjunction with the CEQ regulations.

Timetable:

Action	Date	FR Cite
Next Action		
Undetermined		

Next Action
Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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RIN: 1601-AA13

DHS—OS

Long-Term Actions

1198. • UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS

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 is proposing to issue regulations in compliance with requirements and responsibilities of Federal agencies as stipulated under OMB Circular A-110. Federal agencies responsible for awarding and administering grants and other agreements to institutions of higher education, hospitals, and other nonprofit organizations shall adopt the language in the Circular, unless different provisions are required by Federal statute or codified program regulation.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Agency Contact: Van Pace, Department of Homeland Security, Office of the Secretary, Washington, DC 20528
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RIN: 1601-AA18

Department of Homeland Security (DHS)**Proposed Rule Stage****Bureau of Citizenship and Immigration Services (BCIS)****1199. 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; 8 USC 1102; 8 USC 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	02/00/04	
NPRM Comment Period End	04/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Additional Information: CIS No. 1413-92

Transferred from RIN 1115-AB45

Agency Contact: Pearl Chang, Branch Chief, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 514-4754

RIN: 1615-AA00

1200. INTERNATIONAL MATCHMAKING ORGANIZATIONS

Priority: Other Significant

Legal Authority: 8 USC 1375; PL 104-208

CFR Citation: 8 CFR 207; 28 CFR 68

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
ANPRM (CIS No. 1838-97)	07/16/97	62 FR 38041
ANPRM Comment Period End	09/15/97	
NPRM (CIS No. 1838-97)	12/00/03	

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: None

Additional Information: CIS No. 1838-97

Transferred from RIN 1115-AE77

Agency Contact: Laura M. Dawkins, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536
Phone: 202 514-4754
Email: laura.dawkins@dhs.gov

RIN: 1615-AA11

1201. SPECIAL IMMIGRANT JUVENILE PETITIONS

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 CFR 2

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: The Department proposes to amend its regulations to add eligibility and consent requirements for approvals of special immigrant juvenile petitions (Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant). The proposed rule would require petitioners

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for special immigrant juvenile classification to demonstrate that a dependency order relating to the juvenile beneficiary (juvenile) was granted on account of abuse, neglect, or abandonment and establish that a court has determined that the juvenile should not be returned to the home country. The proposed rule would also provide that a dependency order may not serve as a precondition to the approval of the petition unless the Attorney General gives his express consent. These changes are necessary to conform the regulations to the statutory eligibility changes made by the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1998.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	
NPRM Comment Period End	03/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 1948-98

Transferred from RIN 1115-AF11

Agency Contact: Pearl Chang, Branch Chief, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
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RIN: 1615-AA15**1202. 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 published a final rule that provided that all persons, other than ministers, immigrating to the U.S. as religious workers must immigrate or adjust status to permanent residence before October 1, 1997. By statute this special immigrant category for religious workers expired on October 1, 2000. Congress extended the category again for an additional three years, until October 1, 2003. This regulation will implement the extension of this category and modify qualifying employment experience requirements for those persons affected by this provision of immigration regulations. In order to maintain consistency in the adjudication of nonimmigrant and special immigrant religious worker classifications, the nonimmigrant religious workers classification will, where appropriate, reflect the special immigration religious worker changes.

Timetable:

Action	Date	FR Cite
NPRM (CIS No. 1436-94)	01/00/04	
NPRM Comment Period End	03/00/04	

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: Irene Hoffman, Adjudications Officer, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Suite 3040, 425 I Street NW., Washington, DC 20536
Phone: 202 353-3365

RIN: 1615-AA16**1203. DISMISSAL OF ASYLUM APPLICATION FOR UNEXCUSED FAILURE TO APPEAR AND AFFECT ON ELIGIBILITY FOR EMPLOYMENT AUTHORIZATION****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; 8 CFR 2; 8 USC 1101; 8 USC 1329a**CFR Citation:** 8 CFR 208; 8 CFR 274a**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	03/00/04	
NPRM Comment Period End	05/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2011-99

Transferred from RIN 1115-AF38

Agency Contact: Joanna Ruppel, Supervisor for Asylum Operations, International Affairs, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20536
Phone: 202 305-2663

RIN: 1615-AA18**1204. 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

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immigrant status and adjustment of status or otherwise obtain corresponding nonimmigrant status.

Timetable:

Action	Date	FR Cite
NPRM	02/00/04	
NPRM Comment	04/00/04	
Period End		

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: Donna Crump, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 353–8177

RIN: 1615–AA21

1205. ADJUSTMENT OF STATUS UNDER THE 1966 CUBAN ADJUSTMENT ACT

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1255; PL 105–100, sec 202; ...

CFR Citation: 8 CFR 245

Legal Deadline: None

Abstract: This interim rule specifies what effect an alien's arrival in the United States at a place other than an open port of entry will have on the alien's ability to obtain permanent residence under section 1 of the Cuban Adjustment Act of 1966, as amended. This rule is necessary to establish uniform rules relating to both the alien's eligibility for this relief and to the proper exercise of the discretion to grant or deny this relief.

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	
NPRM Comment	06/00/04	
Period End		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1115–AF48

Agency Contact: Michael Valverde, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
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Email: michael.valverde@usdoj.gov

RIN: 1615–AA23

1206. 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	01/00/04	
NPRM Comment	03/00/04	
Period End		

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: Mark Rouse, Assistant Director, Office of Adjudications, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 514–4754

RIN: 1615–AA32

1207. IMPLEMENTATION OF THE NUMERICAL LIMIT ON ASYLUM GRANTS AND REFUGEE ADMISSIONS BASED ON RESISTANCE TO COERCIVE POPULATION CONTROL MEASURES

Priority: Other Significant

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

CFR Citation: 8 CFR 208; 8 CFR 274a

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	
NPRM Comment	01/00/04	
Period End		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2067–00

Transferred from RIN 1115–AF84

Agency Contact: Joanna Ruppel, Supervisor for Asylum Operations, International Affairs, Department of Homeland Security, Bureau of

DHS—BCIS

Proposed Rule Stage

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RIN: 1615-AA37

1208. 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	04/00/04	
NPRM Comment Period End	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2098-00.

Transferred from RIN 1115-AF96

Agency Contact: Steven Heller, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Suite 3214, 425 I Street NW., Washington, DC 20536
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RIN: 1615-AA43

1209. 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 they 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	12/00/03	
NPRM Comment Period End	02/00/04	

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: Irene Hoffman, Adjudications Officer, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Suite 3040, 425 I Street NW., Washington, DC 20536
Phone: 202 353-3365

RIN: 1615-AA48

1210. 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	12/00/03	
NPRM Comment Period End	02/00/04	

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: Michael Valverde, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
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RIN: 1615-AA54

1211. 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

DHS—BCIS

Proposed Rule Stage

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 increases the numerical H–1B cap to 195,000 for FY 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	12/00/03	
NPRM Comment Period End	02/00/04	

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 United States workers may file complaints against employers for denying them employment opportunities by improperly hiring temporary foreign professionals on H–1B visas. Under that process, the Secretary is to receive and review these complaints and then—where there is reasonable cause to believe a complainant’s allegations-initiate binding arbitration proceedings through Federal Mediation and Conciliation Service.

Transferred from RIN 1115–AG11

Agency Contact: Molly Johnson, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536
Phone: 202 353–8177

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Phone: 202 307–6596

RIN: 1615–AA55

1212. 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 has solicited comments from the public on the issue of aliens admitted to the U.S. as B nonimmigrant visitors whose intent is to engage in construction work during the alien’s stay. In particular the Department is exploring 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 the Department in determining if an alien

admitted as a B nonimmigrant visitor may engage in construction during his or her period of authorized stay. The Department is considering a rulemaking on this subject.

Timetable:

Action	Date	FR Cite
ANPRM	09/19/01	66 FR 48223
ANPRM Comment Period End	11/19/01	
NPRM	02/00/04	

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: Craig Howie, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536
Phone: 202 616–7869
Fax: 202 514–0198

RIN: 1615–AA58

1213. REMOVAL AND ADJUSTMENT PROCEDURES FOR VICTIMS OF TRAFFICKING AND CERTAIN CRIMINAL ACTIVITIES

Priority: Other Significant

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

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	
NPRM Comment Period End	03/00/04	

DHS—BCIS

Proposed Rule Stage

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: Laura M. Dawkins, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536
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RIN: 1615-AA60**1214. 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	01/00/04	
NPRM Comment Period End	03/00/04	

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: Michael Hardin, Assistant Director, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 514-4754**RIN:** 1615-AA61**1215. WAIVERS OF THE TWO-YEAR FOREIGN RESIDENCE REQUIREMENT FOR CERTAIN EXCHANGE VISITORS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; ...**CFR Citation:** 8 CFR 212 and 299**Legal Deadline:** None**Abstract:** This rule proposes to amend Department regulations relating to the two-year foreign residence requirement under section 212(e) of the Immigration and Nationality Act (Act). The proposed changes would conform to the requirements of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), and the Department of Justice Appropriations Act, 2000. The proposed rulemaking would affect aliens who enter the United States as J-1 or J-2 nonimmigrant exchange visitors and who are subject to the requirement of section 212(e) of the Act, which stipulates that they must return to their home country for a period of two years before they are eligible to change to a different nonimmigrant classification or apply for lawful permanent residence in the United States.**Timetable:**

Action	Date	FR Cite
NPRM	02/00/04	
NPRM Comment Period End	04/00/04	

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

Transferred from RIN 1115-AG31

Agency Contact: Mark Rouse, Assistant Director, Office of Adjudications, Department of Homeland Security, Bureau of Citizenship and ImmigrationServices, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 514-4754**RIN:** 1615-AA62**1216. REMOVAL OF LIMITATIONS ON 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 proposes to amend DHS regulations by enabling it to issue Employment Authorization Documents (EADs) for those applying for work authorization under 8 CFR 274a.12(c)(9) for a validity period of up to two years. This category is reserved for those applying for adjustment of status, having filed Form I-485, Application to Register Permanent Residence or Adjust Status, with the Department. The rule change would give DHS the flexibility to issue EADs for the length of time it anticipates that adjudication of a given case will take.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/03	
NPRM Comment Period End	02/00/04	

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, Branch Chief, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 514-4754**RIN:** 1615-AA63**1217. ILLEGAL ENTRIES, UNLAWFUL PRESENCE, AND AUTOMATIC VOIDING OF NONIMMIGRANT VISAS****Priority:** Other Significant**Legal Authority:** 5 USC 552; 8 USC 1101 to 1103; 8 USC 1182; ...

DHS—BCIS

Proposed Rule Stage

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	03/00/04	
NPRM Comment Period End	05/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: Split from CIS No. 1413

Transferred from RIN 1115–AG36

Agency Contact: Michael Hardin, Assistant Director, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 514–4754

RIN: 1615–AA64

1218. MEDICAL EXAMINATION REQUIREMENTS AND DESIGNATION OF CIVIL SURGEONS

Priority: Other Significant

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

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	03/00/04	
NPRM Comment Period End	05/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: Split from CIS No. 1413

Transferred from RIN 1115–AG37

Agency Contact: Mark Rouse, Assistant Director, Office of Adjudications, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 514–4754

RIN: 1615–AA65

1219. 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	12/00/03	
NPRM Comment Period End	02/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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

Transferred from RIN 1115–AG38

Agency Contact: Mark Rouse, Assistant Director, Office of Adjudications, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 514–4754

RIN: 1615–AA66

1220. NEW CLASSIFICATION FOR VICTIMS OF CERTAIN CRIMINAL ACTIVITY; ELIGIBILITY FOR THE U NONIMMIGRANT STATUS

Priority: Other Significant

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

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

Legal Deadline: None

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

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

Timetable:

Action	Date	FR Cite
NPRM	03/00/04	

DHS—BCIS

Proposed Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	05/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State, Local**Additional Information:** Transferred from RIN 1115–AG39

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RIN: 1615–AA67**1221. JUDICIAL REVIEW OF DECISIONS OF THE SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY****Priority:** Other Significant**Legal Authority:** 5 USC 552; 5 USC 552(a); 5 USC 704; 8 USC 1101; 8 USC 1103; ...**CFR Citation:** 8 CFR 103**Legal Deadline:** None

Abstract: This rule clarifies that, if the Administrative Procedure Act provides the authority for judicial review, a person must exhaust all administrative appeals available as a matter of right before the person may seek judicial review of a Department decision under the Immigration and Nationality Act that is within the appellate jurisdiction of the Board of Immigration Appeals or of the Associate Commissioner for Examinations. This amendment is necessary to prevent the filing of premature lawsuits, by ensuring that the proper administrative appellate authority has the opportunity to review and correct any errors in the original decision before the party may seek judicial review.

Timetable:

Action	Date	FR Cite
NPRM	03/00/04	
NPRM Comment Period End	05/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 1785–96

Transferred from RIN 1115–AG49

Agency Contact: Michael Neifach, Attorney, Office of the General Counsel, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 6100, 425 I Street NW., Washington, DC 20536
Phone: 202 514–2895

RIN: 1615–AA71**1222. TERMINATION OF LAWFUL PERMANENT RESIDENT STATUS THROUGH ABANDONMENT****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 CFR 211; 22 CFR 42**CFR Citation:** 8 CFR 246**Legal Deadline:** None

Abstract: This rule establishes procedures to terminate on notice the lawful permanent resident status of an alien who has remained outside the country for a continuous period of over one year since his or her departure from the United States, if it is determined that such alien has abandoned his or her permanent residency and is no longer eligible for admission as a returning resident. This process will allow the Department to terminate the status of a permanent resident due to abandonment when it becomes aware of that fact rather than, as is current practice, having to wait for such alien to present himself or herself for inspection at a port-of-entry.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	
NPRM Comment Period End	01/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1115–AG64

Agency Contact: Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536
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RIN: 1615–AA76**1223. LIMITING THE USE OF DURATION OF STATUS FOR CERTAIN F, J, AND I NONIMMIGRANTS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1101 note; 8 USC 1103; 8 USC 1182; 8 USC 1184; ...**CFR Citation:** 8 CFR 214**Legal Deadline:** None

Abstract: This rule concerns the duration of status for nonimmigrants in the F (student), J (exchange visitor), and I (media representative) categories. This rule will set forth standards and procedures for the admission of certain nonimmigrants in these categories for a fixed period (subject to extension) rather than for the duration of their course of study, exchange program, or approved employment. This action will allow the Department to more effectively ensure that affected nonimmigrants are engaging in activities consistent with their classification and to take necessary action. By ensuring more effective control over nonimmigrants in the United States, this rule will enhance the integrity of the immigration process.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	
NPRM Comment Period End	01/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2222–02

Transferred from RIN 1115–AG76

Agency Contact: Maura Deadrick, Assistant Director, Adjudication Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536
Phone: 202 514–3228

RIN: 1615–AA80

DHS—BCIS

Proposed Rule Stage

1224. PETITIONS FOR ALIENS TO PERFORM TEMPORARY NONAGRICULTURAL SERVICES OR LABOR (H-2B)**Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1281; 8 USC 1282**CFR Citation:** 8 CFR 2**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	02/00/04	
NPRM Comment Period End	04/00/04	

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: Molly Johnson, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 616-7435

RIN: 1615-AA82**1225. ADJUSTMENT OF THE IMMIGRATION BENEFIT APPLICATION FEE SCHEDULE TO RECOVER COSTS ASSOCIATED WITH ADDITIONAL SECURITY CHECKS****Priority:** Other Significant**Legal Authority:** 5 USC 552; 5 USC 552(a); 8 USC 1101; 8 USC 1103; 8 USC 1304; ...**CFR Citation:** 8 CFR 103**Legal Deadline:** None

Abstract: The rule proposes to adjust the immigration benefit application fee by \$5 to recover costs associated with performing additional security checks on all immigration benefit applications. Fees collected from persons filing immigration benefit applications are deposited into the Immigration Examinations Fee Account and used to fund the full cost of processing immigration benefit applications and associated support benefits; the full cost of providing similar benefits to asylum and refugee applicants; and the full cost of similar benefits provided to other immigrants, as specified in the regulation, at no charge. Federal guidelines require the Department of Homeland Security to establish and collect fees to recover the full cost of processing benefit applications. These security checks are necessary to try to protect the United States from future terrorist attacks.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	
NPRM Comment Period End	02/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2233-02

Transferred from RIN 1115-AG82

Agency Contact: Paul Schlesinger, Acting Director, Office of Budget, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 5307, 425 I Street NW., Washington, DC 20536
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RIN: 1615-AA84**1226. ADJUSTMENT OF THE APPEAL AND MOTION FEE TO RECOVER FULL COSTS****Priority:** Other Significant**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1304; 8 USC 1356; 31 USC 9701; EO 12356; ...**CFR Citation:** 8 CFR 103**Legal Deadline:** None

Abstract: This rule proposes to raise the fees for filing an appeal or motion

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	
NPRM Comment Period End	02/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2245-02

Transferred from RIN 1115-AG89

Agency Contact: Paul Schlesinger, Acting Director, Office of Budget, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 5307, 425 I Street NW., Washington, DC 20536
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RIN: 1615-AA88**1227. CHANGES TO EMPLOYMENT AUTHORIZATION ELIGIBILITY FOR CERTAIN APPLICANTS AND TO STANDARDS FOR DETERMINING A FRIVOLOUS ASYLUM APPLICATION****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; ...**CFR Citation:** 8 CFR 208; 8 CFR 274a**Legal Deadline:** None

DHS—BCIS

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

Timetable:

Action	Date	FR Cite
NPRM	02/00/04	
NPRM Comment Period End	04/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2251-02

Transferred from RIN 1115-AG91

Agency Contact: Joanna Ruppel, Supervisor for Asylum Operations, International Affairs, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20536
Phone: 202 305-2663

RIN: 1615-AA89

1228. IMPLEMENTATION OF THE AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES REGARDING ASYLUM CLAIMS MADE AT LAND BORDER PORTS-OF-ENTRY AND APPLICABILITY OF OTHER ASYLUM BA

Priority: Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282**CFR Citation:** 8 CFR 208**Legal Deadline:** None

Abstract: The Department of Homeland Security proposes to amend asylum regulations governing the credible fear process to permit asylum officers to apply certain mandatory bars to asylum during the credible fear interview. The proposed rule is necessary for two reasons. First, the terms of a recently signed agreement between the United States and Canada bar certain categories of aliens arriving from Canada at land border ports of entry and in transit from Canada from formally applying for protection in the United States. Second, national security concerns necessitate a more thorough solicitation and analysis of facts to determine whether aliens in the credible fear process are clearly subject to a bar to asylum based on criminal or terrorist activities. This proposed rule would establish asylum officers' and immigration judges authority to make negative credible fear determinations based on these bars.

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	
NPRM Comment Period End	06/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2255-03

Transferred from RIN 1115-AG95

Agency Contact: Joanna Ruppel, Supervisor for Asylum Operations, International Affairs, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20536
Phone: 202 305-2663

RIN: 1615-AA91

1229. 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	03/00/04	
NPRM Comment Period End	05/00/04	

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

Transferred from RIN 1115-AG90

Agency Contact: Michael Hardin, Assistant Director, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 514-4754

RIN: 1615-AA94

1230. PROCEDURES FOR CHECKING JUVENILE CRIMINAL RECORDS AND SUBMITTING FINGERPRINTS OF THAT ADDITIONAL CLASS OF ALIENS INELIGIBLE FOR FAMILY UNITY

Priority: Other Significant**Legal Authority:** 18 USC 5031**CFR Citation:** 8 CFR 236**Legal Deadline:** None

Abstract: This rule describes procedures necessary for DHS Service Centers, District Offices, and Application Support Centers to follow when checking juvenile criminal records and fingerprints of aliens who

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committed a specific act of juvenile delinquency that, if committed by an adult, would be classified as a felony "crime of violence against another individual." Section 383 of Illegal Immigration Reform and Immigrant Responsibility Act of 1996 provides that aliens who committed a specific act of juvenile delinquency, as defined in 18 U.S.C. 5031, are ineligible for benefits under the Family Unity Program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	
NPRM Comment Period End	08/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** CIS No. 2116-01

Transferred from RIN 1115-AG07

Agency Contact: Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
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RIN: 1615-AB01**1231. • REMOVAL OF STANDARDIZED REQUEST FOR EVIDENCE PROCESSING TIMEFRAME****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 8 USC 1103**CFR Citation:** 8 CFR 103**Legal Deadline:** NPRM, Statutory, September 1, 2003, NPRM.

Abstract: This rule proposes to remove the standard 12-week timeframe for responding to requests for additional evidence to support an petition or application, replacing it with a flexible response time determined by the Department to be an appropriate period of time for the type of case and the nature of the request.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2287-03

Agency Contact: Efren Hernandez, Director, Business and Trade Branch, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 425 I Street NW., Washington, DC 20536
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RIN: 1615-AB13**1232. • CRIMINAL GROUNDS OF INADMISSIBILITY, EXCEPTIONS AND WAIVERS FOR IMMIGRANTS AND NONIMMIGRANTS, REFUGEES AND ASYLEES****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

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

CFR Citation: 8 CFR 103; 8 CFR 210; 8 CFR 212; 8 CFR 299**Legal Deadline:** None

Abstract: DHS is in the process of reorganizing section 212 of title 8 of the Federal regulations. This regulation will create subsection C of 8 CFR 212, which covers criminal grounds of inadmissibility listed in section 212(a)(2) of the Immigration and Nationality Act (INA). The Illegal Immigration Reform and Immigrant Responsibility Act (Pub. L. 104-208) revised section 212(a)(2) of the INA, and subsequent laws revised it further. This regulation will implement those sections of law. Previously, this regulation was part of a larger 212 regulation (CIS No. 1413-97, RIN 1115-AB45), but due to the desire for clarity and the need to have different DHS components concentrate on different areas of inadmissibility, these criminal sections have been broken out into a separate regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2276-03

Agency Contact: Michael Hardin, Assistant Director, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 514-4754

RIN: 1615-AB15**1233. 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 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	01/00/04	
NPRM Comment Period End	03/00/04	

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, 425 I Street NW., Washington, DC 20536

DHS—BCIS

Proposed Rule Stage

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RIN: 1615-AB19

Department of Homeland Security (DHS)

Final Rule Stage

Bureau of Citizenship and Immigration Services (BCIS)

1234. 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 fiancé(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 fiancé(e).

Timetable:

Action	Date	FR Cite
NPRM	08/20/96	61 FR 43028
NPRM Comment Period End	10/21/96	
Final Action	03/00/04	

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**1235. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR AS A PREFERENCE IMMIGRANT; SELF-PETITIONING FOR CERTAIN BATTERED OR ABUSED ALIEN SPOUSES AND CHILDREN****Priority:** Other Significant**Legal Authority:** 8 USC 1101; PL 103-322; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255**CFR Citation:** 8 CFR 204**Legal Deadline:** None

Abstract: The Department published an interim rule on this subject in 1996. This final rule allows battered and abused spouses and children of U.S. citizens and lawful permanent residents to petition for immigrant classification. The consent of the abuser would not be required. The final rule uses the term abused to mean either battered or subjected to extreme cruelty.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/26/96	61 FR 13061
Interim Final Rule Effective	03/26/96	
Interim Final Rule Comment Period End	05/28/96	
Final Rule	04/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** CIS No. 1705-95

Transferred from RIN 1115-AE04

Agency Contact: Laura M. Dawkins, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and

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RIN: 1615-AA03**1236. DEFINITION OF THE TERM "LAWFULLY PRESENT" FOR PURPOSES OF ELIGIBILITY FOR PUBLIC BENEFITS****Priority:** Other Significant**Legal Authority:** 5 USC 552; 31 USC 9701; EO 12356; 47 FR 14874 to 15557; 3 CFR 1982 comp; 8 CFR 2; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252B; 8 USC 1304; 8 USC 1356**CFR Citation:** 8 CFR 103**Legal Deadline:** None

Abstract: Section 401(a) of the Personal Responsibility and Work Reconciliation Act of 1996 (PRWORA) provides that, with limited exceptions, only qualified aliens, as defined under section 431, may receive certain Federal public benefits. Section 401(b)(2) provides an exception that allows aliens who are "lawfully present in the United States" as determined by the Attorney General 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 interim final rule published September 6, 1996, amended DHS 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.

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	04/00/04	

Regulatory Flexibility Analysis**Required:** No

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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

1237. 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 DHS regulations by establishing that an individual (the sponsor) who files an affidavit of support under section 213A of the Immigration and Nationality Act (INA) on behalf of an intending immigrant incurs an obligation that may be enforced by a civil action. This rule also specifies the requirements that Federal, State, or local agencies or private entities must meet to request reimbursement from the sponsor for provision of means-tested public benefits and provides procedures for imposing the civil penalty provided for under section 213A of the INA, if the sponsor fails to give notice of any change of address. This rule is necessary to ensure that sponsors of aliens meet their obligations under section 213A of the INA.

Timetable:

Action	Date	FR Cite
Interim Final Rule (CIS No. 1807–96)	10/20/97	62 FR 52346
Interim Final Rule Comment Period End	02/07/98	
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Transferred from RIN 1115–AE58

Agency Contact: Michael Hardin, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 514–3048

RIN: 1615–AA06

1238. IMPLEMENTATION OF HERNANDEZ V. RENO SETTLEMENT AGREEMENT; CERTAIN ALIENS ELIGIBLE FOR FAMILY UNITY BENEFITS AFTER SPONSORING FAMILY MEMBER'S NATURALIZATION

Priority: Other Significant

Legal Authority: 8 USC 1225a note; PL 104–208

CFR Citation: 8 CFR 236.23

Legal Deadline: None

Abstract: On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The Department will publish a regulation implementing a new basis of ineligibility for Family Unity benefits for certain juvenile offenders.

Timetable:

Action	Date	FR Cite
Interim Final Rule (CIS No. 1823–96)	07/14/00	65 FR 43677
Interim Final Rule Comment Period End	09/12/00	
Final Rule	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 1823–96; PL 104–208, title III, section 38; and this regulation will affect 8 CFR 242.5 that will be renumbered 8 CFR 236.25.

Transferred from RIN 1115–AE72

Agency Contact: Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
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RIN: 1615–AA09

1239. 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: Over the last several years, 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: 1) codified existing DHS policy statements by incorporating them into the Department's regulations; and 2) eliminated 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	02/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 1881–97

Transferred from RIN 1115–AE96

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RIN: 1615–AA12

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1240. VERIFICATION OF ELIGIBILITY FOR PUBLIC BENEFITS**Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1642**CFR Citation:** 8 CFR 104**Legal Deadline:** NPRM, Statutory, November 3, 1997, NPRM. Final, Statutory, February 22, 1998, Final.

Abstract: This regulatory action requires entities (other than nonprofit charitable organizations) providing Federal public benefits (with certain exceptions) to verify by examining documents and using a DHS—automated verification system that alien applicants are eligible for the benefits under Federal benefit reform legislation. This rule also sets forth provisions by which State or local governments can verify whether aliens applying for State or local public benefits are eligible for such benefits under Federal laws. In addition, the rule establishes procedures for verifying the U.S. nationality of individuals applying for benefits in a fair and nondiscriminatory manner.

The Interim Verification Guidelines were published as a notice on November 17, 1997, at 62 FR 61344. The guidelines set forth procedures that benefit-granting agencies can use to verify U.S. citizens, non-citizen nationals, and qualified aliens for eligibility under title IV of the Personal Responsibility and Work Opportunity Reconciliation Act prior to issuance of final regulations.

The proposed rule for the Verification of Eligibility for Public Benefits was published on August 4, 1998, at 63 FR 41662. The changes made in response to the comments received on the proposed rule were significant enough and dealt with complex and important issues that another opportunity to comment is warranted. The next version of the rule will be issued as an interim rule, rather than a final rule, in order to implement the statutory directive to promulgate verification regulations and start the subsequent two-year period in which Federal public benefit-granting agencies must come into compliance. The interim rule is in the concurrence process and has not yet been published.

Timetable:

Action	Date	FR Cite
NPRM (CIS No. 1902–98)	08/04/98	63 FR 41662
NPRM Comment Period End	10/05/98	
Interim Final Rule (CIS No. 1902–98)	03/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State**Additional Information:** CIS No. 1902–98 should be referenced for any inquiries concerning this rulemaking action.

Transferred from RIN 1115–AE99

Agency Contact: Phillip Busch, Senior Counsel, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 6100, Office of General Counsel, 425 I Street NW., Washington, DC 20536
Phone: 202 514–2895**RIN:** 1615–AA13**1241. 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: canceling the Designated Fingerprinting Service program; 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; establishing a fee for fingerprinting by the Department; and requiring confirmation from the Federal Bureau of Investigation that a full criminal background check has been

completed before adjudication of a naturalization application is completed.

Timetable:

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

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, Bureau of Citizenship and Immigration Services, Room 980, 425 I Street NW., Washington, DC 20536
Phone: 202 514–9475**RIN:** 1615–AA14**1242. 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

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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 Rule	03/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** CIS No. 1915–98

Transferred from RIN 1115–AF14

Agency Contact: Joanna Ruppel, Supervisor for Asylum Operations, International Affairs, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20536
Phone: 202 305–2663

RIN: 1615–AA17**1243. 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, Other.**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 Rule	03/00/04	

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: Thea Lea, Attorney, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Refugee and Asylum Branch, Office of General Counsel, 425 I Street NW., Washington, DC 20536
Phone: 202 514–2895

Charles Adkins-Blanch, General Counsel, Executive Office for Immigration Review, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Suite 2400, 2600 Skyline Tower, 5106 Leesburg Pike, Falls Church, VA 22041
Phone: 703 305–0470

RIN: 1615–AA19**1244. 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 negative public health consequences generated by 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 Rule	03/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** CIS No. 1989–99

Transferred from RIN 1115–AF45

Agency Contact: Alice Smith, Assistant General Counsel, Office of General Counsel, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 6100, 425 I Street NW., Washington, DC 20536
Phone: 202 305–9353

RIN: 1615–AA22**1245. 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. 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

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be admitted to the United States in refugee status. This rule amends Department 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 that may appear ambiguous 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 Rule	03/00/04	

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, Bureau of Citizenship and Immigration Services, 425 I Street NW., Washington, DC 20536
Phone: 202 305-2756

RIN: 1615-AA24

1246. 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 Act to deter aliens from marrying solely to obtain immigration benefits. IMFA established a conditional resident status for aliens who obtained lawful permanent resident status based upon a marriage of less than two years duration. The

interim rule published on May 16, 1991, established procedures to allow a conditional resident who married in good faith but whose marriage was terminated by the United States citizen or lawful permanent resident spouse to seek a waiver of the joint filing requirement. The interim rule published on May 16, 1991, also was necessary to provide a method by which a battered conditional resident, or a conditional resident parent of an abused conditional resident child, may apply for removal of the conditional basis of resident status without filing a joint petition. This interim 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	02/00/04	

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, Branch Chief, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 514-4754

RIN: 1615-AA29

1247. 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 the DHS regulations relating to administrative revocation of naturalization by changing the burden of proof the Department must satisfy in order to administratively revoke a grant of naturalization and by clarifying the 180-day period for the rendering of the

district director's decision. This rule provides that DHS will only initiate revocation proceedings based on clear, unequivocal, and convincing evidence, and that the burden of proof remains with the Department throughout the administrative process.

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	02/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No.1858-97

Transferred from RIN 1115-AF63

Agency Contact: Michael Neifach, Attorney, Office of the General Counsel, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 6100, 425 I Street NW., Washington, DC 20536
Phone: 202 514-2895

RIN: 1615-AA30

1248. ENTRY REQUIREMENTS FOR CITIZENS OF THE REPUBLIC OF THE MARSHALL ISLANDS, THE FEDERATED STATES OF MICRONESIA, AND PALAU

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; 8 CFR 212

Legal Deadline: None

Abstract: This rule amends Department regulations by adding documentary requirements for a naturalized citizen of the Marshall Islands, the Federated States of Micronesia, or Palau (Compact Countries) to enter into the United States, lawfully engage in occupations, accept employment, and establish residence as a nonimmigrant in the United States and its territories and possessions. This rule also clarifies the documentary requirements for an adopted child from the Compact Countries who is immigrating to the United States. Without clarification of the documentary requirements for an

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adopted child from the Compact Countries, the Compact Countries may not consent to the adoption of children by U.S. citizens and legal permanent residents.

Timetable:

Action	Date	FR Cite
NPRM	07/18/01	66 FR 37429
NPRM Comment Period End	08/17/01	
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2047-00

Transferred from RIN 1115-AF65

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RIN: 1615-AA31**1249. 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	03/00/04	
Interim Final Rule Comment Period End	04/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No.2042-00

Transferred from RIN 1115-AF71

Agency Contact: Michael Hardin, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 514-3048

RIN: 1615-AA33**1250. 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 proposes an amendment to 8 CFR 204 and 245 in order to implement the new statutory provisions. DHS issued an interim regulation so that applicants may begin to take advantage of the new provisions.

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	

Action	Date	FR Cite
Correction to Interim Final Rule	10/20/00	65 FR 63118
Interim Final Rule Comment Period End	11/06/00	
Final Action	05/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2048-00

Transferred from RIN 1115-AF75

Agency Contact: Craig Howie, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536
Phone: 202 616-7869
Fax: 202 514-0198

RIN: 1615-AA34**1251. 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	06/00/04	

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

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Government Levels Affected: None

Additional Information: CIS No. 2050-00

Transferred from RIN 1115-AF76

Agency Contact: Molly Johnson, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 616-7435

RIN: 1615-AA35

1252. WAIVING THE FINGERPRINTING REQUIREMENT FOR CERTAIN DISABLED NATURALIZATION APPLICANTS

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1443; 8 USC 1447; 29 USC 794(a), The Rehabilitation Act of 1973

CFR Citation: 8 CFR 316; 8 CFR 335

Legal Deadline: None

Abstract: Currently, all naturalization applicants filing Form N-400, Application for Naturalization, are required to be fingerprinted on Form FD-258 Applicant Card for the purpose of conducting criminal background checks by the Federal Bureau of Investigation. This rule amends Department regulations by providing a fingerprinting waiver for naturalization applicants who, because of a permanent impairment, are unable to provide any fingerprints. It also provides an alternative method for collecting the required background clearances.

Timetable:

Action	Date	FR Cite
Interim Final Rule With Request for Comments	12/00/03	
Interim Final Rule Comment Period End	01/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No.2060-00

Transferred from RIN 1115-AF80

Agency Contact: Pamela T. Wallace, Staff Officer, Department of Homeland Security, Bureau of Citizenship and

Immigration Services, Room 980, 425 I Street NW., Washington, DC 20536
Phone: 202 514-9475

RIN: 1615-AA36

1253. ADDING ACTUARIES AND PLANT PATHOLOGISTS TO THE NORTH AMERICAN FREE TRADE AGREEMENT

Priority: Other Significant

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

CFR Citation: 8 CFR 214.6

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	12/19/00	65 FR 79320
NPRM Comment Period End	02/20/01	
Final Action	02/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2068-00

Transferred from RIN 1115-AF85

Agency Contact: Craig Howie, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536
Phone: 202 616-7869
Fax: 202 514-0198

RIN: 1615-AA38

1254. EMPLOYMENT AUTHORIZATION FOR CERTIFICATE OF CITIZENSHIP APPLICANTS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1324a; 8 USC 1443; 8 USC 1448; 8 CFR 2

CFR Citation: 8 CFR 274a, 8 CFR 341

Legal Deadline: None

Abstract: This interim final rule amends Department regulations by providing a procedure under which aliens who, believing they are actually citizens, have filed applications for certificates of citizenship (Forms N-600) may obtain employment authorization while their applications are pending. This interim final rule is necessary to establish a uniform procedure to accommodate Form N-600 applicants, without creating a strong incentive for aliens to file applications in bad faith, seeking simply to obtain employment authorization.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/04	
Interim Final Rule Comment Period End	03/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No.2076-00

Transferred from RIN 1115-AF90

Agency Contact: Kellie LeClair, Staff Officer, Business Process Re-engineering, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 980, 425 I Street, NW., Washington, DC 20536
Phone: 202 307-9919

RIN: 1615-AA39

1255. 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

DHS—BCIS

Final Rule Stage

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	04/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Transferred from RIN 1115-AF91

Agency Contact: Michael Valverde, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536

Phone: 202 514-4754

Email: michael.valverde@usdoj.gov

RIN: 1615-AA40

1256. ASYLUM AND WITHHOLDING DEFINITIONS

Priority: Other Significant

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

CFR Citation: 8 CFR 208

Legal Deadline: None

Abstract: This rule proposes to amend regulations that govern establishing asylum eligibility by providing guidance on certain issues that have arisen in the context of asylum adjudications. The amendments focus on portions of the regulations that deal with the definitions of persecution, membership in a particular social group, and State action. This rule codifies long-standing concepts of the definition of persecution. 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 be considered a member of a particular social group. The Department of Justice believes this issue required further examination after the Board of Immigration Appeals decision, Matter of R-A. This rule also clarifies that the factors considered in Ninth Circuit case law regarding membership in a particular social group are non-determinative. Finally, the rule offers further guidance on what is required to show a State's inability or unwillingness to control a persecutor. Finally, this rule establishes circumstances under which the Board of Immigration Appeals (BIA) must remand proceedings to the Immigration Judge to resolve questions of fact.

Timetable:

Action	Date	FR Cite
NPRM	12/07/00	65 FR 76588
NPRM Comment Period End	01/22/01	
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2092-00

Transferred from RIN 1115-AF92

Agency Contact: Rebecca Story, Attorney, Office of the General Counsel, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 6100, 425 I Street NW., Washington, DC 20536
Phone: 202 514-2895
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RIN: 1615-AA41

1257. 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	05/00/04	

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

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RIN: 1615-AA42

DHS—BCIS

Final Rule Stage

1258. 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	03/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2100–00

Transferred from RIN 1115–AF97

Agency Contact: Craig Howie, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536
Phone: 202 616–7869
Fax: 202 514–0198

RIN: 1615–AA44**1259. 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, Final.

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	06/00/04	

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: Lori Pietropaoli, Branch Chief, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Business and Re-engineering Branch, 425 I Street, NW., Washington, DC 20536
Phone: 202 305–0539

RIN: 1615–AA45**1260. ALLOWING FOR THE FILING OF FORM I–140 VISA PETITION CONCURRENTLY WITH A FORM I–485 APPLICATION IN CERTAIN CIRCUMSTANCES****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641**CFR Citation:** 8 CFR 204; 8 CFR 245**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/31/02	67 FR 49561
Interim Final Rule Effective	07/31/02	
Interim Final Rule Comment Period End	09/30/02	
Final Action	04/00/04	

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: Maurice R. Berez, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 353–8177

RIN: 1615–AA46

DHS—BCIS

Final Rule Stage

1261. SPECIAL IMMIGRANT VISA FOR FOURTH PREFERENCE EMPLOYMENT-BASED BROADCASTERS**Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641**CFR Citation:** 8 CFR 204**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/11/01	66 FR 51819
Interim Final Rule Effective	11/13/01	
Interim Final Rule Comment Period End	12/10/01	
Final Action	03/00/04	

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: Craig Howie, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536
Phone: 202 616-7869
Fax: 202 514-0198

RIN: 1615-AA47**1262. 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 Department of Homeland Security (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	06/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2108-01

Transferred from RIN 1115-AG03

Agency Contact: Cindy Keiss, Adjudications Officer, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 10th Floor, 425 I Street, NW., Washington, DC 20536
Phone: 202 305-2300

RIN: 1615-AA49**1263. 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 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 Immigration and Nationality Act (Act) 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 Act, 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 Act are grounds of inadmissibility relating to aliens previously removed and aliens who are unlawfully present in the United States after previous immigration violations, respectively. Section 1505 of the amendments to the LIFE Act also states that an alien who has become eligible for benefits under NACARA/HRIFA as a result of the enactment of the LIFE Act may file a motion to reopen his or her removal proceedings in order to apply for adjustment or to apply for cancellation of removal or suspension of deportation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/31/01	66 FR 29449
Interim Final Rule Comment Period End	05/31/01	
Final Action	12/00/03	

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: Michael Valverde, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and

DHS—BCIS

Final Rule Stage

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RIN: 1615-AA51

1264. 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 Act) and LIFE Act Amendments pertaining to adjustment of status of certain class action participants (specifically, Catholic Social Services v. Meese (CSS), 509 U.S. 43 (1993), League of United Latin American Citizens v. INS (LULAC), 509 U.S. 43 (1993), and Zambrano v. INS, 509 U.S. 918 (1993) class applicants) who entered before January 1, 1982, to that of a person admitted for lawful residence. This rule establishes procedures for a one-year application period to allow CSS, LULAC, and Zambrano class applicants to apply for adjustment of status to that of lawful permanent residence.

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

apply for, and extend, Family Unity benefits under the provisions of the LIFE Act Amendments are able to do so in a timely manner.

Timetable:

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

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: Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536
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RIN: 1615-AA52

1265. 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	04/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2117-01

Transferred from RIN 1115-AG08

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RIN: 1615-AA53

1266. 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

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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. The Department is now circulating a final rule.

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	03/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1115–AG13

Agency Contact: Michael Valverde, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
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RIN: 1615–AA57

1267. 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 Rule	04/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

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

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

Transferred from RIN 1115–AG19

Agency Contact: Laura M. Dawkins, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536
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RIN: 1615–AA59

1268. LIMITING THE PERIOD OF ADMISSION FOR B NONIMMIGRANT ALIENS

Priority: Other Significant

Legal Authority: 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1101; 8 USC 1101 note; 8 USC 1102; 8 USC 1103; 8 USC 1182

CFR Citation: 8 CFR 214; 8 CFR 235; 8 CFR 248

Legal Deadline: None

Abstract: This rule eliminates the minimum admission period of a B–2 visitor for pleasure, reducing the maximum admission period of B–1 and B–2 visitors from one year to six months, and establishing greater control over a B visitor's ability to extend the status or to change status to that of a nonimmigrant student. These changes will enhance the Department's authority under sections 214(a) and 248 of the Immigration and Nationality Act and will help lessen the probability that alien visitors will establish permanent ties in the United States and thus remain in the country illegally.

Timetable:

Action	Date	FR Cite
NPRM	04/12/02	67 FR 18065
NPRM Comment Period End	05/13/02	
Final Action	03/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: CIS No. 2176–01

Transferred from RIN 1115–AG43

Agency Contact: Craig Howie, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536
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RIN: 1615–AA68

1269. 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

DHS—BCIS

Final Rule Stage

CFR Citation: 8 CFR 211

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Action	04/00/04	

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: Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 514-4754
Email: elizabeth.n.lee@dhs.gov

RIN: 1615-AA69

1270. 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	03/00/04	
Interim Final Rule	05/00/04	
Comment Period		
End		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2181-01

Transferred from RIN 1115-AG48

Agency Contact: Georgia Mayers, Chief of Cash Management, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 6034, 425 I Street NW., Washington, DC 20536
Phone: 202 305-1200

RIN: 1615-AA70

1271. ADDING AND REMOVING INSTITUTIONS TO AND FROM THE LIST OF RECOGNIZED AMERICAN INSTITUTIONS OF RESEARCH

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1443; 8 USC 1447

CFR Citation: 8 CFR 316

Legal Deadline: None

Abstract: This rule amends DHS regulations by adding the Rutgers, Indiana, and Harvard Universities to the list of American institutions of research located in section 316 of the Immigration and Naturalization Act, recognized by the Attorney General for the purpose of preserving residence in the United States for naturalization eligibility. This rule also removes the recently dissolved Harvard Institute for International Development from the same list.

Timetable:

Action	Date	FR Cite
Final Rule	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2131-01

Transferred from RIN 1115-AG52

Agency Contact: Gerard Casale, Senior Adjudications Officer, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 514-0788

RIN: 1615-AA72

1272. 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	06/11/02	
Comment Period		
End		
Final Action	02/00/04	

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: Craig Howie, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536

DHS—BCIS

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Charles Adkins-Blanch, General Counsel, Executive Office for Immigration Review, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Suite 2400, 2600 Skyline Tower, 5106 Leesburg Pike, Falls Church, VA 22041
Phone: 703 305-0470

RIN: 1615-AA73

1273. RESTRUCTURING THE NONIMMIGRANT REGULATIONS

Priority: Other Significant

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

CFR Citation: 8 CFR 214; 8 CFR 252

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/04	
Interim Final Rule	05/00/04	
Comment Period		
End		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2218-02

Transferred from RIN 1115-AG62

Agency Contact: Efren Hernandez, Director, Business and Trade Branch, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 425 I Street NW., Washington, DC 20536
Phone: 202 353-8177

RIN: 1615-AA74

1274. 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	02/00/04	
Interim Final Rule	04/00/04	
Comment Period		
End		

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: Mark Rouse, Assistant Director, Office of Adjudications, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 514-4754

RIN: 1615-AA75

1275. REGISTRATION REQUIREMENTS AND WORK AUTHORIZATION ELIGIBILITY FOR ALIENS IN THE UNITED STATES

Priority: Other Significant

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

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

Legal Deadline: None

Abstract: This rule amends DHS regulations regarding employment authorization and registration of aliens.

First, this rule broadens the rule that permits the presentation of specified documents to satisfy the employment eligibility verification requirements for a temporary period. Second, this rule broadens the acceptable documentation available to establish that an asylee, or an alien who has applied for asylum, has complied with the requirement to be registered with the Department. Third, this rule clarifies the employment authorization regulations by specifying that certain classes of aliens who are employment authorized incident to status are not required to apply for or obtain an Employment Authorization Document, but are permitted to do so if they wish to have a DHS-issued secure photo identity document. Fourth, this rule implements two new Federal laws enacted on January 16, 2002, involving the employment authorization of the spouses of E and L aliens, by making these classifications employment authorized incident to status, consistent with the provisions of these laws. This rule also provides for restructuring of 8 CFR 274a.12(d).

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/04	
Interim Final Rule	03/00/04	
Comment Period		
End		

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: Michael Hardin, Assistant Director, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 514-4754

RIN: 1615-AA78

1276. 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; ...

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

Legal Deadline: None

Abstract: This regulation provides procedures for conducting examinations and waiving the oath of allegiance attachment requirement and the oath requirement for any individual who has a developmental, physical, or mental impairment that makes him or her unable to understand, or communicate an understanding of, the meaning of the oath. The rule incorporates changes made by Public Law 106-448, which authorized the Secretary of the Department Homeland Security (DHS) 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	06/00/04	
Interim Final Rule Comment Period End	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2191-02

Transferred from RIN 1115-AG77

Agency Contact: Kellie LeClair, Staff Officer, Business Process Re-engineering, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 980, 425 I Street, NW., Washington, DC 20536
Phone: 202 307-9919

RIN: 1615-AA81

1277. 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, Other.

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

Timetable:

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

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: Tracy Renaud, Branch Chief, Office of Quality Assurance and Performance, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 1000, 425 I Street NW, Washington, DC 20007
Phone: 202 514-1229
Email: tracy.renaud@dhs.gov

RIN: 1615-AA83

1278. WITHHOLDING OF ADJUDICATION

Priority: Other Significant

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

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

Legal Deadline: None

Abstract: This regulation expands the situations where a director can withhold the adjudication of an application or petition. The director may withhold adjudication at six-month increments while there is an ongoing investigation relating to that

application or petition. Any regulatory deadlines will be tolled while adjudication is withheld. The director will give notice of withholding to the petitioner or applicant if it will not prejudice the investigation. The Department is now conducting security checks on all applicants and petitions, so this rule is necessary to ensure that immigration benefits are not granted while there is an ongoing investigation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/00/04	
Interim Final Rule Comment Period End	03/00/04	

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: Rebecca J. Roles, Associate General Counsel, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 6109, Office of General Counsel, 425 I Street NW., Washington, DC 20536

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Email: rebecca.j.roles@usdoj.gov

RIN: 1615-AA86

1279. VALIDITY PERIOD OF APPROVED FORM I-600A, APPLICATION FOR ADVANCED PROCESSING OF ORPHAN PETITION

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 1644

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: This rule amends the relevant regulations of the Department by establishing procedures to allow for the extension of the validity period of the Form I-600A, Application for Advance Processing of Orphan Petition. This rule is necessary to ensure that prospective adoptive parents are provided an adequate period of time in which to identify an orphan for inter-country adoption.

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Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/04	
Interim Final Rule	08/00/04	
Comment Period		
End		

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2230-02

Transferred from RIN 1115-AG88

Agency Contact: Steven Heller, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Suite 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 616-7435
Email: steve.heller@dhs.gov

RIN: 1615-AA87**1280. 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, Final.

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	01/00/04	
Interim Final Rule	03/00/04	
Comment Period		
End		

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

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

Transferred from RIN 1115-AG93

Agency Contact: Maurice R. Berez, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 353-8177

RIN: 1615-AA90**1281. CERTAIN BENEFITS AVAILABLE TO ALIENS UNDER THE PROVISIONS OF 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: This interim final rule amends the relevant regulations of the Department by implementing the provisions of the Child Status Protection Act, Public Law 107-208. This rule is necessary to 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	03/00/04	
Interim Final Rule	05/00/04	
Comment Period		
End		

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2265-03

Transferred from RIN 1115-AG99

Agency Contact: Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536

Phone: 202 514-4754

Email: elizabeth.n.lee@dhs.gov

RIN: 1615-AA93**1282. 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	02/00/04	
Interim Final Rule	04/00/04	
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: Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 514-4754
Email: elizabeth.n.lee@dhs.gov

RIN: 1615-AA95**1283. ELIMINATING THE NUMERICAL CAP ON MEXICAN TN NONIMMIGRANTS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; ...**CFR Citation:** 8 CFR 214**Legal Deadline:** None

Abstract: This rule eliminates the 5,500 annual limit on the number of Mexican

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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	03/00/04	
Interim Final Rule	05/00/04	
Comment Period		
End		

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2266-03

Transferred from RIN 1115-AH02

Agency Contact: Efren Hernandez, Director, Business and Trade Branch, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 425 I Street NW., Washington, DC 20536

Phone: 202 353-8177

RIN: 1615-AA96**1284. 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	04/00/04	
Interim Final Rule	06/00/04	
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: Maurice R. Berez, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536

Phone: 202 353-8177

RIN: 1615-AB00**1285. • APPLICATION FOR NATURALIZATION BY ALTERNATIVE APPLICATION IF CITIZEN PARENT HAS DIED****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**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 United States citizen parent has died.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2289-03

Agency Contact: Pamela T. Wallace, Staff Officer, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 980, 425 I Street NW., Washington, DC 20536

Phone: 202 514-9475

RIN: 1615-AB08**1286. • SUNSET OF ADDITIONAL \$1,000 FILING FEE AND RETURN TO 65,000 ANNUAL LIMIT ON H-1B NONIMMIGRANT PETITION APPROVALS****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 to 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1281; 8 USC 1282; 8 USC 1301 to 1305; 8 USC 1356; 8 USC 1372; PL 105-277; PL 106-311; PL 106-313; ...**CFR Citation:** 8 CFR 103; 8 CFR 214**Legal Deadline:** None

Abstract: The American Competitiveness and Workforce Improvement Act, Public Law 105-277, temporarily increased the number of temporary skilled personnel admitted to the United States under the H-1B program, and imposed an additional fee for petitioning employers. The increase in temporary workers and additional fee sunset on October 1, 2003.

Accordingly, this final rule amends DHS regulations by removing references to the additional filing fee for certain H-1B nonimmigrant petitions. This final rule also removes language related to the annual H-1B numerical limit.

Timetable:

Action	Date	FR Cite
Final Action	03/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2286-03

Agency Contact: Kevin Cummings, Adjudications Officer, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 425 I Street NW., Washington, DC 20536

Phone: 202 305-3157

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RIN: 1615-AB10

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1287. • IMPLEMENTATION OF THE BORDER COMMUTER STUDENT ACT OF 2002

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

Legal Authority: 8 USC 1101; 8 USC 1101 note; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1221; 8 USC 1281; ...

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This rule implements recent legislation creating new visa classifications applicable to part-time students who commute across the border. Previously, DHS created an option for F-1 and M-1 nonimmigrant students to enroll in a reduced course load if the nonimmigrant maintained residence in their home country of Mexico or Canada and commuted to schools within five 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 wishing to enroll in a reduced course load for purposes of commuting must obtain an F-3 or an M-3 visa accordingly. These students, however, will not be required to pursue a full course of study. The F-3 and M-3 visa holders will be tracked in the Student and Exchange Visitor Information System administered by DHS and the Bureau of Immigration and Customs Enforcement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2290-03

Agency Contact: Efren Hernandez, Director, Business and Trade Branch, Adjudications Division, Department of Homeland Security, Bureau of

Citizenship and Immigration Services, 425 I Street NW., Washington, DC 20536

Phone: 202 353-8177

RIN: 1615-AB11

1288. • REQUIRING COMPLETION OF SECURITY CHECKS BEFORE ISSUANCE OF EVIDENCE OF ALIEN REGISTRATION

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

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

CFR Citation: 8 CFR 264

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2291-03

Agency Contact: Pearl Chang, Branch Chief, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 514-4754

RIN: 1615-AB12

1289. • 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. Major status under 5 USC 801 is undetermined.

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

CFR Citation: 8 CFR 204

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/04	
Interim Final Rule Comment Period End	05/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2277-03

Agency Contact: Efren Hernandez, Director, Business and Trade Branch, Adjudications Division, Department of Homeland Security, Bureau of

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Citizenship and Immigration Services,
425 I Street NW., Washington, DC
20536

Phone: 202 353-8177

RIN: 1615-AB14

1290. • PETITIONING REQUIREMENTS FOR THE O AND P NONIMMIGRANT CLASSIFICATIONS

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

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

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This interim rule amends the regulations of the Department of Homeland Security (DHS) to enable certain petitioners to file O and P nonimmigrant petitions up to one year prior to the petitioners' need for the alien's services. Petitioners frequently plan for an event or performance more than one year in advance when seeking O and/or P nonimmigrant workers for employment in the United States. By extending the filing time requirement for O and P petitions from the current six months to one year, DHS hopes to provide relief and assurance to petitioners that, if approvable, such petitions will be approved prior to the

date of the petitioners' need for the alien's services.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Undetermined

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 business 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.

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RIN: 1615-AB17

Department of Homeland Security (DHS) Bureau of Citizenship and Immigration Services (BCIS)

Long-Term Actions

1291. 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, Final.

Abstract: On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). 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 proposed rulemaking published February 12, 1998, implements sections 212(a) and (d) of IIRIRA and proposes other changes to the employment verification process identified through that review. A revised Form I-9 was included with the proposed rulemaking.

The comment period closed on April 3, 1998. The Department is analyzing the comments and taking 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.

CIS No. 1947-98, Interim Rule published February 9, 1999 (64 FR 6187). The "Receipt Rule" permits employees to present their employer certain types of "receipts" in lieu of a document listed on the Form I-9.

Timetable:

Action	Date	FR Cite
NPRM (CIS No. 1399 Comment Period End 12/23/93)	11/23/93	58 FR 61846
NPRM (CIS No. 1339S Comment Period End 07/24/95)	06/22/95	60 FR 32472

DHS—BCIS

Long-Term Actions

Action	Date	FR Cite
Notice (CIS No. 1713 Applications Due 01/29/96)	11/30/95	60 FR 61630
Appl. Extension Through 3/8/96; Notice Pilot Demonstration Program (CIS No. 1713)	02/06/96	61 FR 4378
Final Rule (CIS No. 1399E)	09/04/96	61 FR 46534
Interim Final Rule (CIS No. 1818)	09/30/97	62 FR 51001
NPRM (CIS No. 1890–97 Comment Period End 04/03/98)	02/02/98	63 FR 5287
Final Rule	12/00/04	

Regulatory Flexibility Analysis**Required:** Yes**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.

CIS No. 1890–97; PL 104–208, title 4.

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

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

CIS No. 1713–95, Demonstration Project for Electronic I–9.

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

Transferred from RIN 1115–AB73

Agency Contact: Pearl Chang, Branch Chief, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 514–4754

RIN: 1615–AA01**1292. TEMPORARY PROTECTED STATUS NOTICES****Priority:** Other Significant

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

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

Legal Deadline: None

Abstract: Regulations implement provisions of the Immigration and Nationality Act as established by section 302 of the Immigration Act of 1990, Public Law 101–649, which allow for the establishment and implementation of Temporary Protected Status (TPS). Currently, nationals of countries have been accorded TPS through the publication of separate Federal Register Notices.

Current regulatory actions include:

CIS No. 1608 provides for exceptions to deadlines for registering for TPS and updates the application process.

CIS No. 1612 provides for the removal of obsolete TPS language.

CIS No. 2229 terminates TPS for Sierra Leone.

Timetable:

Action	Date	FR Cite
TPS Final Rule (CIS No. 1612) Removal of Obsolete Sections Covering TPS for Salvadorans	09/10/96	61 FR 47667
TPS Notice (CIS No. 1832–97) Extension and Redesignation of Liberia	04/07/97	62 FR 16608
TPS Notice (CIS No. 1853–97) Extension and Termination of Rwanda Eff.	06/19/97	62 FR 33442
TPS Notice (CIS No. 1862–97) Extension of Bosnia-Herzegovina	08/01/97	62 FR 41420

Action	Date	FR Cite
TPS Notice (CIS No. 1863–97) Extension of Somalia	08/01/97	62 FR 41421
TPS Notice (CIS No. 1878–97) TPS Designation of Montserrat	08/28/97	62 FR 45685
TPS Notice (CIS No. 1775–96) TPS Designation of Burundi	11/04/97	62 FR 59735
TPS Notice (CIS No. 1780–97) TPS Designation of Sudan	11/04/97	62 FR 59737
TPS Notice (CIS No. 1877–97) TPS Designation of Sierra Leone	11/04/97	62 FR 59736
TPS Notice (CIS No. 1910–98) Termination of Designation of Liberia	03/31/98	63 FR 15437
TPS Notice (CIS No. 1929–98) TPS Designation of Province	06/09/98	63 FR 31527
TPS Notice (CIS No. 1945–98) Extension of Designation of Somalia	09/28/98	63 FR 51602
TPS Notice (CIS No. 1953–98) Redesignation of Liberia	09/29/98	63 FR 51958
TPS Notice (CIS No. 1957–98) TPS Extension of Designation of Burundi	11/03/98	63 FR 59334
TPS Notice (CIS No. 1958–98) TPS Extension of Designation of Sierra Leone	11/03/98	63 FR 59336
TPS Notice (CIS No. 1959–98) Extension of Designation of Sudan	11/03/98	63 FR 59337
Final Action, Temporary Protected Status, Exception to Registration Deadlines	11/16/98	63 FR 63593
TPS Notice (CIS No. 1964–98) TPS Designation of Honduras	01/05/99	64 FR 524
TPS Notice (CIS No. 1965–98) TPS Designation of Nicaragua	01/05/99	64 FR 526

DHS—BCIS

Long-Term Actions

Action	Date	FR Cite	Action	Date	FR Cite	Action	Date	FR Cite
TPS Notice (CIS No. 1960–98) TPS Designation of Guinea-Bissau	03/11/99	64 FR 12181	TPS Notice (CIS No. 2065–00) Extension of Designation of Hondurans	05/11/00	65 FR 30438	TPS Notice (CIS No. 2148–01) Auto. Ext. of Work Authorization for Hondurans & Nicaraguans Under TPS	07/03/01	66 FR 35270
TPS Notice (CIS No. 1986–99) TPS Extension and Redesignation of the Province of Kosovo	06/08/99	64 FR 30542	TPS Notice (CIS No. 2066–00) Termination of the Kosovo . . .	05/23/00	65 FR 33356	TPS Notice (CIS No. 2146–01) Extension of the Designation of Montserrat under TPS	08/03/01	66 FR 40834
TPS Notice (CIS No. 1953–99) Termination of TPS Designation of Liberia	07/30/99	64 FR 41463	TPS Notice (CIS No. 2064R–00) Extension of Re-Registration for Nicaraguans	06/09/00	65 FR 36729	TPS Notice (CIS No. 2162–01) Extension of Designation of Burundi under TPS	08/31/01	66 FR 46027
TPS Notice (CIS No. 2009–99) Extension of the TPS Registration Period for Hondurans and Nicaraguans	08/06/99	64 FR 42991	TPS Notice (CIS No. 2065R–00) Extension of Re-Registration for Hondurans	06/09/00	65 FR 36719	TPS Notice (CIS No. 2163–01) Extension of the Designation of Sierra Leone under TPS	08/31/01	66 FR 46029
TPS Notice (CIS No. 2006–99) Extension of TPS Designation of Bosnia-Herzegovina	08/11/99	64 FR 43720	TPS Notice (CIS No. 2079–00) Termination of Bosnia-Herzegovina	08/30/00	65 FR 52789	TPS Notice (CIS No. 2164–01) Extension of Designation of Sudan under TPS	08/31/01	66 FR 46031
TPS Notice (CIS No. 2010–99) Extension of TPS Designation of Montserrat	09/02/99	64 FR 48190	TPS Notice (CIS No. 2087–00) Extension of Designation of Montserrat Under Temporary Protected Status	10/02/00	65 FR 58806	TPS Notice (CIS No. 2151–01) Extension of Redesignation of Somalia under TPS	09/04/01	66 FR 46288
TPS Notice (CIS No. 2015–99) Extension of TPS Designation of Somalia	09/13/99	64 FR 49511	TPS Notice (CIS No. 2094–00) Extension of Designation of Sudan	11/09/00	65 FR 67407	TPS Notice (CIS No. 2114–01) Extension of the Designation of Angola under TPS	02/01/02	67 FR 4997
TPS Notice (CIS No. 2022–99) Extension and Redesignation of Burundi Under Temporary Protected Status	11/09/99	64 FR 61123	TPS Notice (CIS No. 2095–00) Extension of Designation of Sierra Leone	11/09/00	65 FR 67405	TPS Notice (CIS No. 2196–02) Extension of Designation of Nicaragua under TPS	05/03/02	67 FR 22450
TPS Notice (CIS No. 2023–99) Extension and Redesignation of Sudan Under the Temporary Protected Stat	11/09/99	64 FR 61128	TPS Notice (CIS No. 2096–00) Extension of Designation of Burundi	11/09/00	65 FR 67404	TPS Notice (CIS No. 2197–02) Extension of the Designation Honduras under TPS	05/03/02	67 FR 22451
TPS Notice (CIS No. 2024–99) Extension and Redesignation of Sierra Leone Under Temporary Protected S	11/09/99	64 FR 61125	Correction TPS Notice (CIS No.2090–00) Extension of Designation of Somalia	12/08/00	65 FR 69789	TPS Notice (CIS No. 2212–02) Extension of Designation of El Salvador under TPS	07/11/02	67 FR 46000
TPS Notice (CIS No. 2043–00) Extension and Termination of Designation of Guinea-Bissau Under TPS	03/20/00	65 FR 15016	TPS Notice (CIS No. 2125–01) Designation of El Salvador	03/09/01	66 FR 14214	TPS Notice (CIS No. 2209–02) Extension of Designation of Montserrat	07/17/02	67 FR 47002
TPS Notice (CIS No. 2044–00) Designation of Angola Under TPS	03/29/00	65 FR 16634	TPS Notice (CIS No. 2114–01) Extension and Redesignation of Angola	04/05/01	66 FR 18111	TPS Notice (CIS No. 2209–02) Extension of Designation of Montserrat under TPS	07/17/02	67 FR 47002
TPS Notice (CIS No. 2064–00) Extension of Nicaragua Designation	05/11/00	65 FR 30440	TPS Notice (CIS No. 2135–01) Extension of Designation of Honduras under TPS	05/08/01	66 FR 23269	TPS Notice (CIS No. 2215–02) Extension of Designation of Somalia	07/26/02	67 FR 48950
			TPS Notice (CIS No. 2136–01) Extension of Designation of Nicaragua under TPS	05/08/01	66 FR 23271	TPS Notice (CIS 2226–02) Extension of the Designation of Sudan under TPS	08/30/02	67 FR 55877
						TPS Notice (CIS No. 2225–02) Extension of Designation of Burundi under TPS	08/30/02	67 FR 55875

DHS—BCIS

Long-Term Actions

Action	Date	FR Cite
TPS Notice (CIS No. 2235-02) Designation of Liberia under TPS	10/01/02	67 FR 61664
TPS Notice (CIS No. 2237-02) Extension of TPS for Sierra Leone	10/31/02	67 FR 66423
TPS Notice (CIS No. 2229-02) Extension of Designation of Angola under TPS	01/27/03	68 FR 3896
Next Action		Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

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

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

Transferred from RIN 1115-AE26

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RIN: 1615-AA04

1293. EMPLOYMENT VERIFICATION BY EMPLOYERS THAT ARE MEMBERS OF A MULTI-EMPLOYER ASSOCIATION

Priority: Other Significant

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

CFR Citation: 8 CFR 274a

Legal Deadline: None

Abstract: This proposed action clarifies when an employer, that is a member of a multi-employer association employing an individual under a collective bargaining agreement entered

into between one or more employee organizations and the multi-employer association, may rely upon an Employment Eligibility Verification Form (Form I-9) completed for the individual by a previous employer that is a member of the same multi-employer association.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Re CIS No. 1817-96; PL 104-208, title 4

Transferred from RIN 1115-AE67

Agency Contact: Marguerite Przbyski Kleczek, Attorney, Office of General Counsel, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 6100, 425 I Street NW., Washington, DC 20536
Phone: 202 514-2895

RIN: 1615-AA07

1294. LIMITING LIABILITY FOR CERTAIN TECHNICAL AND PROCEDURAL VIOLATIONS OF PAPERWORK REQUIREMENTS

Priority: Other Significant

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

CFR Citation: 8 CFR 274a

Legal Deadline: None

Abstract: This rule will implement section 411 of IIRIRA, which allows employers that have made a good faith attempt to comply with a particular employment verification requirement to correct technical or procedural failures to meet the requirement before such failures are deemed to be violations of the Act. This rule will explain the good faith rule, define the term technical or procedural failure to meet such requirement, and explain how an employer can correct technical or procedural failures.

Timetable:

Action	Date	FR Cite
NPRM	04/07/98	63 FR 16909
NPRM Comment Period End	06/08/98	
Final Rule	12/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: CIS No. 1819-96 and Public Law 104-208, title IV

Transferred from RIN 1115-AE70

Agency Contact: Marguerite Przbyski Kleczek, Attorney, Office of General Counsel, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 6100, 425 I Street NW., Washington, DC 20536
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RIN: 1615-AA08

1295. INTERIM DESIGNATION OF ACCEPTABLE RECEIPTS FOR 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: The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) made several amendments to the employment eligibility verification provisions of the Immigration and Nationality Act (INA). An interim final rule implementing some of these amendments was issued on September 30, 1997. This rule included amendments to the "Receipt Rule," which permits employees to present a "Receipt" in lieu of a document listed on the Employment Eligibility Verification form (Form I-9, Employment Eligibility Verification).

This interim final rule was necessary to facilitate employer and employee compliance with the regulations. The rule revised the amount of time a receipt remains valid where the employee presents a form I-94, Arrival-Departure Record, marked with a temporary I-551 stamp and containing a photograph of the bearer. Where the employee presents a form I-94 marked with a refugee admission stamp, the rule adds form I-688B to the list of documents that the employee can present at the end of the receipt validity period.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/09/99	64 FR 6187

DHS—BCIS

Long-Term Actions

Action	Date	FR Cite
Interim Final Rule Comment Period End	04/12/99	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 1947–98.

Transferred from RIN 1115–AF42

Agency Contact: Marguerite Przbylski Kleczek, Attorney, Office of General Counsel, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 6100, 425 I Street NW., Washington, DC 20536
Phone: 202 514–2895

RIN: 1615–AA20**1296. ADOPTION OF SIBLINGS, ADOPTED ALIEN CHILDREN LESS THAN 18 YEARS OF AGE CONSIDERED A “CHILD”****Priority:** Other Significant**Legal Authority:** PL 106–139; 8 USC 1103; 8 CFR 2**CFR Citation:** 8 CFR 204**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	10/00/04	
NPRM Comment Period End	12/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2110–01

Transferred from RIN 1115–AG04

Agency Contact: Steven Heller, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Suite 3214, 425 I Street NW., Washington, DC 20536
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RIN: 1615–AA50**1297. 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, Final.

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 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	12/00/04	

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: Michael Hardin, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and

Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 514–3048

RIN: 1615–AA56**1298. AVAILABILITY OF MATERIAL UNDER FREEDOM OF INFORMATION ACT AND 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 revised regulation is necessary to include the provisions of the Electronic Freedom of Information Act (EFOIA) Amendments of 1996. The EFOIA requires that we maintain, and provide to the public, a record in either paper or electronic format and maintain an electronic reading room. It further updates the timing of responses to requests by extending the response time from 10 to 20 working days. This regulation reflects current procedures for the public to request and obtain access to the Department of Homeland Security records through the Freedom of Information Act and Privacy Act. It is being updated to include the handling of requests referred from another agency to ensure that requesters are not penalized by waiting in another agency’s backlog.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**Additional Information:** CIS No. 1942–98

Transferred from RIN 1680–AA00

Agency Contact: Mildred Carter, FOIA/PA Program Specialist, Department of Homeland Security, Files and Forms Management, 425 I Street NW., Washington, DC 20536
Phone: 202 514–1722

RIN: 1615–AB18

Department of Homeland Security (DHS)

Completed Actions

Bureau of Citizenship and Immigration Services (BCIS)

1299. CERTIFICATION OF CERTAIN HEALTH CARE WORKERS**Priority:** Other Significant**Legal Authority:** 8 USC 1182(a)(5); PL 104-208**CFR Citation:** 8 CFR 204; 8 CFR 212; 8 CFR 214.2; 8 CFR 245; 8 CFR 248**Legal Deadline:** Other, Statutory, January 19, 2001, Other.

Abstract: On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Section 343 prohibits the entry of any alien who seeks to enter the United States for the purpose of performing labor as a health care worker (other than a physician) without a certificate as to the alien's qualifications and English ability from the Commission on Graduates of Foreign Nursing Schools (CGFNS) or an equivalent independent organization approved by the Secretary.

The Department published an interim rule (CIS No. 1879-97) to address shortages in the occupations of nursing and occupational therapy on October 14, 1998. In addition, DHS issued a second interim rule on April 30, 1999, to grant CGFNS authorization to issue certificates to foreign health care workers in the occupations of occupational therapy and physical therapy. This rule also granted the Foreign Credentialing Commission on Physical Therapy the authority to issue certificates to foreign-trained physical therapists. The second interim rule (CIS No. 1979-99) was published under RIN 1115-AF43 and now is consolidated with this Unified Agenda of Federal Regulations entry. A third interim rule (CIS No. 2089-00) was published on January 16, 2001, to address certification requirements for Speech Language Pathologists, Audiologists, Medical Technologists, and Physician Assistants. The Department also published a related rule in response to the passage of the NRDA, (CIS No. 2050-00). In the rule, DHS announced that it would continue to waive the certification requirements for nonimmigrant nurses, pending the promulgation of new regulations implementing the certification requirements for section 343.

On October 11, 2002, the Department published a proposed rule (CIS No.2080-02) to fully implement section 343, including solicitation of public comments on the requirements relating

to the designation of covered health care occupations, the procedures and requirements for certifying organizations, the content of the certificates, and the process for presentation of the certificates and listing approved English language tests and requisite scores. The Department will publish a final rule implementing the proposals and taking into account the comments received in response to the October 11, 2002, proposed rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule (CIS No. 1879)	10/14/98	63 FR 55007
Interim Final Rule Effective (CIS No. 1879)	12/14/98	
Interim Final Rule Comment Period End (CIS No. 1879)	02/11/99	
Interim Final Rule (CIS No. 1979-99)	04/30/99	64 FR 23174
Interim Final Rule Comment Period End (CIS No. 1979-99)	06/29/99	
Interim Final Rule Effective (CIS No. 1979-99)	06/29/99	
Interim Final Rule (CIS No. 2089-00)	01/16/01	66 FR 3440
Interim Final Rule Comment Period End	03/19/01	
Interim Final Rule Effective (CIS No. 2089-00)	03/19/01	
NPRM (CIS No. 2080-02)	10/11/02	67 FR 63313
Final Action	07/25/03	68 FR 43901

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1115-AE73

Agency Contact: Molly Johnson, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 616-7435

RIN: 1615-AA10**1300. NONIMMIGRANT CLASSES: Q-2 IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM VISITOR****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186; 8 USC 1187; ...**CFR Citation:** 8 CFR 214; 8 CFR 245; 8 CFR 248; 8 CFR 274**Legal Deadline:** None

Abstract: This rule amends the regulations to establish a new visa classification, Q-2. Public Law 105-319, also known as the Irish Peace Process Cultural and Training Program Act of 1998, provides the basis for this regulatory change. The Q-2 visa classification identifies those visitors from Northern Ireland and certain designated counties in the Republic of Ireland to come to the United States temporarily for training employment and to experience coexistence and conflict resolution in a diverse society.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/17/00	65 FR 14774
Interim Final Rule Effective	03/17/00	
Interim Final Rule Comment Period End	05/16/00	
Final Action	06/12/03	68 FR 35151

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2000-99

Transferred from RIN 1115-AF51

Agency Contact: Donna Crump, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 353-8177

RIN: 1615-AA25**1301. CLARIFICATION OF PAROLE AUTHORITY****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; ...**CFR Citation:** 8 CFR 212**Legal Deadline:** None

DHS—BCIS

Completed Actions

Abstract: This rule amends Department regulations concerning the authority to grant the parole of aliens from DHS custody by specifically identifying the scope of that authority to include the Secretary. This action is being taken to clarify which individuals are authorized by the Secretary to grant parole from DHS custody.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/28/00	65 FR 82254
Interim Final Rule Comment Period End	12/28/00	
Interim Final Rule Delay of Effective Date until 03/30/2001	01/26/01	66 FR 7863
Final Action	06/13/03	68 FR 35273

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2004-99

Transferred from RIN 1115-AF53

Agency Contact: Kenneth Leutbecker, Director, Parole and Humanitarian Assistance Branch, Office of International Affairs, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Attn: ULLICO Building, Third Floor, 111 Massachusetts Avenue NW., Washington, DC 20001
Phone: 202 305-2670

RIN: 1615-AA26

1302. EXTENDING THE PERIOD OF DURATION OF STATUS FOR CERTAIN F AND J NONIMMIGRANT ALIENS**Timetable:**

Action	Date	FR Cite
Transferred to RIN 1653-AA30	10/29/03	

RIN: 1615-AA27

1303. REQUIRING RECERTIFICATION OF ALL SERVICE-APPROVED SCHOOLS FOR ENROLLMENT IN THE STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM (SEVIS)**Timetable:**

Action	Date	FR Cite
Transferred to RIN 1653-AA31	10/29/03	

RIN: 1615-AA77

1304. REDUCED COURSE LOAD FOR CERTAIN F AND M NONIMMIGRANT STUDENTS AT BORDER COMMUNITIES**Timetable:**

Action	Date	FR Cite
Transferred to RIN 1653-AA32	10/29/03	

RIN: 1615-AA79

1305. DENIAL AND REVOCATION FOR APPROVAL OF SCHOOL FOR ATTENDANCE BY NONIMMIGRANT STUDENTS**Timetable:**

Action	Date	FR Cite
Transferred to RIN 1653-AA33	10/29/03	

RIN: 1615-AA85

1306. READJUSTMENT OF IMMIGRATION BENEFIT APPLICATION FEES

Priority: Other Significant

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

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: On January 24, 2003, the Department published an interim final rule in the Federal Register adjusting the immigration benefit application fee schedule by subtracting the applicable amount of surcharges used for asylum and refugee services, fee exemptions and fee waivers. The Department was required to take that action under provisions of section 457 of the Homeland Security Act of 2002, Public Law 107-296. However, Congress has now repealed that section in the Homeland Security Act Amendments of 2003. Accordingly, this rule readjusts the immigration benefit application fee schedule to the levels that existed prior to January 24, 2003. Fees collected from persons filing immigration benefit applications are deposited into the Immigration Examinations Fee Account and recover the cost of processing immigration benefit applications and associated administrative costs and the costs of asylum applications pursuant to law. Federal guidelines require the Department to establish and collect fees to recover the full costs of processing immigration benefit applications.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/27/03	68 FR 8989
Interim Final Rule Effective	02/27/03	
Interim Final Rule Comment Period End	04/28/03	
Withdrawn	09/02/03	

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: None

Additional Information: CIS No. 2260-03

Transferred from RIN 1115-AH00

Agency Contact: Paul Schlesinger, Office of Budget, Chief, Immigration Services Branch, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 5307, 425 I Street NW., Washington, DC 20536
Phone: 202 514-3410

RIN: 1615-AA97

1307. CONDITIONS ON NONIMMIGRANT STATUS; DISCLOSURE OF INFORMATION

Priority: Other Significant

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

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This rule removes the current regulatory language conditioning an alien's nonimmigrant status on his or her providing full and truthful information requested by the Department of Homeland Security, regardless of the requested information's materiality. This rule would clarify that the nonimmigrant's stay is conditioned on, among other things, the provision of all information deemed necessary to ensure that the alien has acquired, and is maintaining, lawful nonimmigrant status during the entire period of his or her stay, or is eligible to receive any other benefit under the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
NPRM	06/14/96	61 FR 30188
NPRM Comment Period End	08/13/96	
Withdrawn	08/08/03	

DHS—BCIS

Completed Actions

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 1732-95

Transferred from RIN 1115-AE17

Agency Contact: Michael Hardin, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 514-3048

RIN: 1615-AA98

1308. AUTHORIZING SUSPENSION OF EMPLOYMENT AUTHORIZATION REQUIREMENTS ON THE BASIS OF SEVERE ECONOMIC HARDSHIP FOR F-1 STUDENTS AND EMERGENT CIRCUMSTANCES

Timetable:

Action	Date	FR Cite
Transferred to RIN 1653-AA34	10/29/03	

RIN: 1615-AA99

1309. ● TEMPORARY PROTECTED STATUS (TPS) NOTICES

Priority: Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** Immigration and Nationality Act, sec 244; 8 USC 1254a**CFR Citation:** None**Legal Deadline:** None

Abstract: Regulations implement provisions of the Immigration and Nationality Act as established by section 302 of the Immigration Act of 1990, Public Law 101-649, which allow for the establishment and implementation of Temporary Protected Status (TPS). Currently, nationals of countries have been accorded TPS through the publication of separate Federal Register notices.

Timetable:

Action	Date	FR Cite
Notice (CIS No. 2280-03) Extension of the Designation of Montserrat Under TPS	07/01/03	68 FR 39106
Notice (CIS No. 2284-03) Extension of the Designation of Somalia Under TPS	07/21/03	68 FR 43147

Action	Date	FR Cite
Notice (CIS No. 2292-03) Extension of the Designation of Sudan Under TPS	09/03/03	68 FR 52410
Notice (CIS No. 2294-03) Termination of the Designation of Sierra Leone Under TPS	09/03/03	68 FR 52407

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2280-03

Agency Contact: Jonathan Mills, Adjudications Officer, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 425 I Street NW., Washington, DC 20536

Phone: 202 514-4754
Email: jonathan.mills@dhs.gov

RIN: 1615-AB06

1310. ● EXTENSION OF VALIDITY PERIOD OF APPROVED FORM I-600A, APPLICATION FOR ADVANCE PROCESSING OF ORPHAN PETITIONS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; ...**CFR Citation:** 8 CFR 204**Legal Deadline:** None

Abstract: This rule amends the Department of Homeland Security (DHS) regulations governing the processing of applications and petitions relating to the immigration of alien orphans. The amendment to the rule establishes that the Director of the Bureau of Citizenship and Immigration Services may, at his or her discretion, extend the validity period for a decision approving an Application for Advanced Processing of Orphan Petition (Form I-600A), either in an individual case or for any case within a designated class of cases because of delays in completing the adoption process due to public health concerns relating to the incidence of Severe Acute Respiratory Syndrome (SARS). This amendment will permit DHS to more readily accommodate prospective adoptive parents who have been unable to comply with the requirement to file

a Petition to Classify Orphan as an Immediate Relative (Form I-600) within 18 months of the Form I-600A approval date.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/07/03	68 FR 46925
Final Action	08/07/03	68 FR 46926

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2288-03

Agency Contact: Steven Heller, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Suite 3214, 425 I Street NW., Washington, DC 20536
Phone: 202 616-7435
Email: steve.heller@dhs.gov

RIN: 1615-AB07

1311. ● EXTENSION OF THE DESIGNATION OF BURUNDI UNDER TEMPORARY PROTECTED STATUS (TPS) PROGRAM

Priority: Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** Immigration and Nationality Act, sec 244; 8 USC 1254a**CFR Citation:** None**Legal Deadline:** None

Abstract: This notice extends the Secretary of Homeland Security's designation of Burundi for 12 months until November 2, 2004, and sets forth procedures necessary for nationals of Burundi (or aliens having no nationality who last habitually resided in Burundi) with TPS to reregister and to apply for an extension of their employment authorization documentation for the additional 12-month period.

Timetable:

Action	Date	FR Cite
Notice (CIS No. 2292-03) Extension of the Designation of Burundi Under TPS	09/03/03	68 FR 52405

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

DHS—BCIS

Completed Actions

Additional Information: CIS No. 2292–03

Agency Contact: Jonathan Mills, Adjudications Officer, Department of

Homeland Security, Bureau of Citizenship and Immigration Services, 425 I Street NW., Washington, DC 20536

Phone: 202 514–4754
Email: jonathan.mills@dhs.gov

RIN: 1615–AB16

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

Proposed Rule Stage

1312. CLAIMS PROCEDURES UNDER THE OIL POLLUTION ACT OF 1990 (CGD 91–035)

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. The interim rule provides the 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 included the processing of natural resource damage (NRD) claims. The NRD claims, however, were not processed until September 25, 1997, when the Department of Justice issued an opinion that the Oil Spill Liability Trust Fund (OSLTF) is available without further appropriation to pay trustee NRD claims under the general claims provisions of the Oil Pollution Act (OPA) of 1990, 33 U.S.C. 2712(a)(4). Release of the 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 Final Rule	08/12/92	57 FR 36314
Correction	09/09/92	57 FR 41104
Interim Final Rule	12/10/92	
Comment Period		
End		
NPRM	07/00/04	

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: Transferred from RIN 2115–AD90

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: Edward A. Blackadar Jr., Project Manager, National Pollution Fund Center, Department of Homeland Security, U.S. Coast Guard, Suite 1000, 4200 Wilson Boulevard, Arlington, VA 22203–1804
Phone: 202 493–6843

RIN: 1625–AA03

1313. POST CASUALTY DRUG AND ALCOHOL TESTING (USCG–2001–8773)

Priority: Other Significant

Legal Authority: PL 105–383, sec 304

CFR Citation: 46 CFR 4

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: Transferred from RIN 2115–AG07

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

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

RIN: 1625–AA27

1314. STANDARDS FOR LIVING ORGANISMS IN SHIPS' BALLAST WATER DISCHARGED IN U.S. WATERS (USCG–2001–10486)

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

Legal Authority: 16 USC 4711

CFR Citation: 33 CFR 151

Legal Deadline: None

Abstract: This rulemaking would add a performance standard to 33 CFR part 151, subpart D, for all ballast water treatment methods being used as alternatives to midocean ballast water exchange. It supports the Coast Guard's strategic goals of marine safety and protection of natural resources. This project is significant due to high interest among several Federal and State agencies.

Timetable:

Action	Date	FR Cite
ANPRM	03/04/02	67 FR 9632
ANPRM Comment	06/03/02	
Period End		
NPRM	09/00/04	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses
Government Levels Affected: None

DHS—USCG

Proposed Rule Stage

Additional Information: Transferred from RIN 2115-AG21

URL For More Information:
dms.dot.gov

URL For Public Comments:
dms.dot.gov

Agency Contact: Dr. Richard Everett, Project Manager, Department of Homeland Security, U.S. Coast Guard, Office of Operating & Environmental Standards (G-MSO), 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-2243

RIN: 1625-AA32

1315. MARINE EVENTS: PERMIT PROCEDURES (USCG-2001-10713)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1233

CFR Citation: 33 CFR 100

Legal Deadline: None

Abstract: This rule would revise Coast Guard procedures to expedite approval of organized marine events conducted on the navigable waters of the United States. These new procedures would establish general permits with nationwide or regional applicability and would encourage sponsors to submit information to the Coast Guard by electronic means. These new procedures would reduce the paperwork burden on both the public and the Coast Guard without adversely affecting vessel safety or the environment in the event areas. This project supports the Coast Guard's strategic goals of maritime safety and maritime mobility.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG26

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

RIN: 1625-AA35

1316. TRAFFIC SEPARATION SCHEMES: IN THE STRAIT OF JUAN DE FUCA AND ITS APPROACHES; IN PUGET SOUND AND ITS APPROACHES; IN HARO STRAIT, BOUNDARY PASS, AND IN THE STRAIT OF GEORGIA (USCG-2002-12702)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1223

CFR Citation: 33 CFR 167

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	08/27/02	67 FR 54981
NPRM Comment Period End	10/28/02	
Supplemental NPRM	02/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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

Transferred from RIN 2115-AG45

URL For More Information:
dms.dot.gov

URL For Public Comments:
dms.dot.gov

Agency Contact: George Detweiler, Project Manager G-MWV, Department of Homeland Security, U.S. Coast

Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-0574

RIN: 1625-AA48

1317. PROTECTION FOR WHISTLEBLOWERS IN THE COAST GUARD (USCG-2002-13016)

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 1034

CFR Citation: 33 CFR 53

Legal Deadline: None

Abstract: This rulemaking would amend 33 CFR part 53 both by extending coverage to uniformed members of the Coast Guard who make "protected" communications either to an organization within the Department within which the Coast Guard is operating concerned with audit, inspection, or law enforcement, or to any other person or organization (including any person or organization in the chain of command) designated pursuant to regulations to receive such communications, and by extending the nature of protected communications to comprise complaints: (a) of violations of statute or regulation prohibiting sexual harassment; (b) of unlawful discrimination; and (c) of gross mismanagement. This project supports the Coast Guard's five strategic goals of maritime safety and security, protection of natural resources, maritime mobility, and national defense.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG49

Agency Contact: LT Jason Krajewski, 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

DHS—USCG

Proposed Rule Stage

1318. VESSEL DOCUMENTATION: LEASE FINANCING FOR VESSELS ENGAGED IN THE COASTWISE TRADE; SECOND RULEMAKING (USCG-2003-14472)**Priority:** Other Significant**Legal Authority:** 14 USC 664; 31 USC 9701; 42 USC 9118; 46 USC 2103; 46 USC 2107; 46 USC 2110; 46 USC 12106; 46 USC 12120; 46 USC 12122; 46 USC app 876**CFR Citation:** 46 CFR 67**Legal Deadline:** None

Abstract: The Coast Guard proposes to amend its regulations on documentation, under the lease-financing provisions, of vessels engaged in the coastwise trade. This rule's provisions would address several issues. One concerns whether the Coast Guard should prohibit or restrict the chartering back of a lease-financed vessel to the parent of the vessel owner or to an affiliate or subsidiary of the parent. The second concerns the question of whether applications for an endorsement under the lease-financing provisions should be reviewed and approved by an independent third party with expertise in vessel chartering. The third concerns limitations on the grandfather provisions. These proposals would amend the final rule (USCG-2001-8825) on vessel documentation under lease financing. This project supports the Coast Guard's strategic goal of maritime mobility.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AG55

Agency Contact: Patricia Williams, Project Manager, NVDC, Department of Homeland Security, U.S. Coast Guard, National Vessel Documentation Center, 792 T.J. Jackson Drive, Falling Waters, WV 25419
Phone: 304 271-2506

RIN: 1625-AA63**1319. • 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	12/00/03	

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: Jeanne Timmons, Project Manager, G-OPB-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 205930001
Phone: 202 267-0857

RIN: 1625-AA70**1320. • TERMS IMPOSED BY STATES ON NUMBERING OF VESSELS (USCG-2003-15708)****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 46 USC 12307**CFR Citation:** 33 CFR 174, subpart B**Legal Deadline:** None

Abstract: This rulemaking would expand the number of conditions that a State may require in order for owners to obtain vessel numbering certificates in that State. Current Federal statutes and regulations limit these conditions to proof of ownership or payment of State or local taxes. The proposed rule would allow any State to impose proof of liability insurance as a condition for obtaining vessel numbering certificates in that State. This project supports the Coast Guard's strategic goals of maritime safety and maritime mobility.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

Agency Contact: Audrey Pickup, Project Manager, G-OPB-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-0872

RIN: 1625-AA75**1321. • SAFETY ZONE FOR OUTER CONTINENTAL SHELF FACILITY IN THE GULF OF MEXICO (CDG08-03-028)****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 14 USC 85, 43 USC 1333**CFR Citation:** 33 CFR 147**Legal Deadline:** None

Abstract: The Coast Guard proposes the establishment of a safety zone around a petroleum and gas production facility in Green Canyon 645 of the Outer Continental Shelf in the Gulf of Mexico while the facility is being constructed and after the construction is completed. The construction site and facility need to be protected from vessels operating outside the normal shipping channels and fairways, and placing a safety zone around this area would significantly reduce the threat of allisions, oil spills and releases of

DHS—USCG

Proposed Rule Stage

natural gas. The proposed rule would prohibit all vessels from entering or remaining in the specified area around the facility's location except for the following: an attending vessel; a vessel under 100 feet in length overall not engaged in towing; or a vessel authorized by the Eighth Coast Guard District Commander. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	09/26/03	68 FR 55557
NPRM Comment Period End	11/25/03	
Final Rule	02/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: LT Kevin Lynn, Commander Eighth District, Department of Homeland Security, U.S. Coast Guard, 501 Magazine Street, New Orleans, LA 70130

Phone: 504 589-6271

RIN: 1625-AA76

1322. • COMMERCIAL FISHING-INDUSTRY VESSELS (USCG-2003-16158)

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

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

CFR Citation: 46 CFR 28

Legal Deadline: None

Abstract: This rulemaking would add new and clarify existing rules for commercial fishing vessels in 46 CFR part 28. It would also establish rules on stability and watertight integrity for fishing vessels under 79 feet in length and institute regulations for the carriage of immersion suits in seasonally cold waters. To improve crew preparedness in case of an emergency, this project would also add requirements such as mandatory logging of already required drills, providing evidence of training, and ensuring that personnel required to

be trained are current in their training. The project would amend 46 CFR part 28 to clarify and improve the consistency of the regulatory language so to aid in vessels compliance with the existing rules. This rulemaking supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	07/00/04	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal, Tribal

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

Phone: 202 267-0505

RIN: 1625-AA77

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

Final Rule Stage

1323. SAFETY AND SECURITY ZONE REGULATIONS

Priority: Routine and Frequent

Legal Authority: 33 USC 1225; 33 USC 1226; 33 USC 1231; 33 USC 1233; 50 USC 191

CFR Citation: 33 CFR 100; 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 or security of events, vessels, waterfront facilities, 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 are established for events such as fireworks displays, high speed races, or the transit of dangerous cargoes such as explosives or liquefied petroleum gas. 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. Safety and 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 safety, mobility, maritime security, and national defense. The total actions expected from November 1, 2003, to October 31, 2004, are 300.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	10/00/04	

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-AA97

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

Phone: 202 267-6233

Email: jmcleod@comdt.uscg.mil

RIN: 1625-AA00

1324. 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

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Final Rule Stage

anchorage grounds are promulgated by District Commanders in response to requests from appropriate officials. These routine and frequent rulemakings support the Coast Guard's strategic goal of marine safety. The total actions expected from November 1, 2003, to October 31, 2004, are 10.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	10/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Transferred from RIN 2115-AA98

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

Phone: 202 267-0416

Email: elarue@comdt.uscg.mil

RIN: 1625-AA01

1325. REPORTING MARINE CASUALTIES (USCG-2000-6927)

Priority: Substantive, Nonsignificant

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

Action	Date	FR Cite
Supplemental NPRM	07/12/01	66 FR 36530
Supplemental NPRM Comment Period End	09/10/01	
Final Rule	12/00/03	

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 Charles Barbee, Project Manager, G-MOA-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., 2100 Second Street SW., Washington, DC 20593

Phone: 202 267-1418

RIN: 1625-AA04

1326. STATE ACCESS TO THE OIL SPILL LIABILITY TRUST FUND (CGD 92-014)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 2712

CFR Citation: 33 CFR 133

Legal Deadline: NPRM, Statutory, February 18, 1991, NPRM.

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 cleanup 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	
Interim Rule	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

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

Agency Contact: Allen R. Thuring, Project Manager, National Pollution Funds Center, Department of Homeland Security, U.S. Coast Guard, Suite 1000, 4200 Wilson Boulevard, Arlington, VA 22203-1804

Phone: 202 493-6801

RIN: 1625-AA06

1327. HANDLING OF EXPLOSIVES OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES (USCG-1998-4302)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1231

CFR Citation: 33 CFR 126

Legal Deadline: None

Abstract: This rulemaking was intended to revise existing regulations covering waterfront facilities that handle dangerous cargoes. The present regulations are outdated and do not reflect improved safety procedures and modern transportation methods, such as the use of containers. Where appropriate, the regulations incorporate industry standards regarding the handling of hazardous materials at waterfront facilities. This project supports the Vice Commandant's workload reduction initiative and also supports the Coast Guard's strategic goal of maritime safety by reducing deaths and injuries in the maritime industry.

Timetable:

Action	Date	FR Cite
ANPRM	01/13/93	58 FR 4127
ANPRM Comment Period End	04/13/93	
NPRM	10/29/98	63 FR 57964
NPRM Comment Period End	12/28/98	
NPRM Comment Period Reopened	01/12/99	64 FR 1770
NPRM Comment Period End	03/01/99	
Final Rule	09/26/03	68 FR 55436
Final Rule Effective (Except for section 126.15(a)(3))	10/27/03	

DHS—USCG

Final Rule Stage

Action	Date	FR Cite
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Final Rule for section 126.15(a)(3)	01/00/04	
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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses**Government Levels Affected:** None

Additional Information: An independent study has been completed and incorporated with comments from the public in the preparation of the rulemaking. Old Docket Number CGD 92-026.

The notice of proposed rulemaking was published under the more precisely descriptive title of Handling of Class I (Explosive) Materials or Other Dangerous Cargoes Within or Contiguous to Waterfront Facilities.

Transferred from RIN 2115-AE22

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: CDR Mark Prescott, Project Manager, G-MSO, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-0225

RIN: 1625-AA07**1328. REGATTA AND MARINE PARADE REGULATIONS****Priority:** Routine and Frequent**Legal Authority:** 33 USC 1233**CFR Citation:** 33 CFR 100**Legal Deadline:** None

Abstract: These routine and frequent special local regulations ensure the safety of participants and spectators during regattas and marine parades. The regulations or rules specify such controls as separate participant and spectator areas, separation schemes for watercraft in the area of the event, and temporary restrictions on waterways to accommodate the event. These rules are short-term in nature, usually applying to a single event not exceeding eight hours in duration, and usually encompass only a small portion of a navigable waterway. These rules are promulgated by District Commanders in response to a request from an event-sponsoring organization. These routine and frequent rulemakings support the

Coast Guard's strategic goals of maritime safety and maritime mobility of commercial and recreational vessel traffic. The total actions expected from November 1, 2003, to October 31, 2004, are 35.

Timetable:

Action	Date	FR Cite
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Action Will Continue Through	10/00/04	
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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses, Organizations**Government Levels Affected:** None

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

Transferred from RIN 2115-AE46

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

RIN: 1625-AA08**1329. DRAWBRIDGE REGULATIONS****Priority:** Routine and Frequent**Legal Authority:** 33 USC 499**CFR Citation:** 33 CFR 117**Legal Deadline:** None

Abstract: These routine and frequent regulations establish operating schedules and notice requirements for drawbridges across navigable waterways. Drawbridge regulations establish the permanent draw operation schedules for bridges and specify what notice mariners must give to request an opening. Short-term deviations from the permanent schedule may be issued for bridge repairs or to test the effectiveness of a proposed new opening schedule. Drawbridge regulations are promulgated by District Commanders usually at the request of the bridge owner or operator, or of local officials or local Coast Guard bridge administration officials. These routine and frequent rulemakings support the Coast Guard's strategic goals of maritime safety and maritime mobility of commercial and recreational vessel traffic. The total actions expected from November 1, 2003, to October 31, 2004, are 150.

Timetable:

Action	Date	FR Cite
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Actions Will Continue Through	10/00/04	
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Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions**Government Levels Affected:** None

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

Transferred from RIN 2115-AE47

Agency Contact: Alesia Steinberger, Project Manager, G-OPT-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-6215

RIN: 1625-AA09**1330. 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
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NPRM	11/02/98	63 FR 58679
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DHS—USCG

Final Rule Stage

Action	Date	FR Cite
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	02/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses, Organizations**Government Levels Affected:** None**Additional Information:** Old Docket Number CGD 95-015.

Transferred from RIN 2115-AF38

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

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

RIN: 1625-AA17

1331. 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: add new requirements for fixed OCS facilities for lifesaving, fire protection, training, hazardous materials used as stores, and accommodation spaces; require foreign vessels engaged in OCS activities to comply with requirements similar to those imposed on U.S. vessels similarly engaged; and allow all mobile inland

drilling units to operate on the OCS out to a defined boundary line if they meet requirements for lifesaving, firefighting, and operations similar to those for fixed OCS facilities. This project would affect the owners and operators of facilities and vessels engaged in offshore activities associated with the exploration for, development of, or production of the resources of the OCS. The preliminary estimate of costs imposed by these amendments varies according to the unit. The Coast Guard is consulting with the Minerals Management Service, part of the Department of the Interior. It supports the Coast Guard's strategic goal of marine safety and environmental protection.

Timetable:

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

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, this docket was terminated. This project continues under Docket No. USCG-1998-3868 and RIN 1625-AA18.

Transferred from RIN 2115-AF39

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

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

RIN: 1625-AA18

1332. DEEPWATER PORTS (USCG-1998-3884)**Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1503**CFR Citation:** 33 CFR 148 to 150**Legal Deadline:** None

Abstract: The Coast Guard purposes to revise the regulations governing deepwater ports, which are over 25 years old and which were written before any such port existed. The rulemaking will update the regulations with current technology and industry standards, and will align them with regulations for other fixed offshore facilities. In addition, the rulemaking recognizes the requirement of the Maritime Transportation Security Act of 2002 that rules be issued as soon as practicable for the application and issuance of deepwater port licenses to natural gas facilities. 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	
Interim Final Rule	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses**Government Levels Affected:** Undetermined

Additional Information: An advance notice of proposed rulemaking was published under Docket Number USCG-1998-4441. This 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: CDR Mark Prescott, Project Manager, G-MSO, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

DHS—USCG

Final Rule Stage

Phone: 202 267-0225

RIN: 1625-AA20

1333. ANCHORAGE GROUND; SAFETY ZONE; SPEED LIMIT; TONGASS NARROWS AND KETCHIKAN, ALASKA (CGD-1799-002)**Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 471; 33 USC 1231; 33 USC 2071**CFR Citation:** 33 CFR 162; 33 CFR 165; 33 CFR 110**Legal Deadline:** None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AF81**Agency Contact:** LT Milo Oritz, Project Manager, Department of Homeland Security, U.S. Coast Guard, 2030 Sealevel Drive, Suite 203, Ketchikan, AK 99901

Phone: 907 225-4496

RIN: 1625-AA23

1334. VESSEL AND FACILITY RESPONSE PLANS FOR OIL: 2003 REMOVAL EQUIPMENT REQUIREMENTS AND ALTERNATIVE TECHNOLOGY REVISIONS (USCG-2001-8661)**Priority:** Other Significant**Legal Authority:** 33 USC 1321**CFR Citation:** 33 CFR 153; 33 CFR 154; 33 CFR 155**Legal Deadline:** None

Abstract: This rulemaking will propose changes to the Vessel Response Plans and Marine Transportation Facility Response Plans, and revise the language in the Code of Federal Regulations concerning methods and procedures for removing oil from coastal waters. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	10/11/02	67 FR 63331
NPRM Comment Period Extended	11/19/02	67 FR 69697
NPRM Comment Period End	01/09/03	
NPRM Comment Period End	04/08/03	
Final Rule	06/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AG05**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov**Agency Contact:** Robert Pond, Project Manager, G-MOR-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-6603

RIN: 1625-AA26

1335. VESSEL DOCUMENTATION: LEASE FINANCING FOR VESSELS ENGAGED IN THE COASTWISE TRADE (USCG-2001-8825)**Priority:** Other Significant**Legal Authority:** 46 USC 12106; 46 USC 12120; 46 USC 12122**CFR Citation:** 46 CFR 67**Legal Deadline:** None

Abstract: This rulemaking will amend the regulations on the documentation of vessels engaged in the coastwise trade. It is a spin-off of Vessel Documentation (USCG 1998-4784). These proposals address statutory amendments eliminating certain barriers to seeking foreign financing by lease for U.S. flag vessels. These proposals would clarify the information needed to determine the eligibility of a vessel financed in this manner for a coastwise endorsement. This rulemaking supports the Coast Guard's strategic goal of maritime mobility.

Timetable:

Action	Date	FR Cite
NPRM	05/02/01	66 FR 21902
NPRM Comment Period Extended to 09/04/2001	05/29/01	66 FR 34603
NPRM Comment Period End	07/02/01	
NPRM Comment Period Reopened	12/14/01	66 FR 64784
Reopened Comment Period End	01/28/02	
Supplemental NPRM	08/09/02	67 FR 51804
Second NPRM Comment Period End	10/08/02	
Final Rule	12/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AG08**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-AA28

DHS—USCG

Final Rule Stage

1336. UPDATE OF RULES ON AIDS TO NAVIGATION AFFECTING BUOYS, SOUND SIGNALS, INTERNATIONAL RULES AT SEA, COMMUNICATIONS PROCEDURES, AND LARGE NAVIGATIONAL BUOYS (USCG-2001-10714)**Priority:** Info./Admin./Other**Legal Authority:** 14 USC 81; 33 USC 1231; 43 USC 1333; 46 USC 4302**CFR Citation:** 33 CFR 60-76**Legal Deadline:** None

Abstract: This rulemaking would revise 33 CFR subchapter C—Aids to Navigation, parts 60 through 76. In these parts, it would update technical information concerning buoys, sound signals, international rules at sea, communications procedures, and large navigational buoys. It would also revise these parts using plain language. The proposed changes would update the existing rules both to reflect current practices and to make them easier to understand. This rulemaking supports the Coast Guard's strategic goals of maritime safety and mobility.

Timetable:

Action	Date	FR Cite
NPRM	05/14/03	68 FR 25855
NPRM Comment Period End	08/12/03	
Final Rule	12/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AG25**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

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

RIN: 1625-AA34**1337. RATES FOR PILOTAGE ON THE GREAT LAKES (USCG-2002-11288)****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**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	
Final Rule	12/00/03	

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: Thomas Lawler, Project Manager, G-MW-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-1241

RIN: 1625-AA38**1338. NOTIFICATIONS OF ARRIVAL AND DEPARTURE IN PORTS OR PLACES IN THE UNITED STATES (USCG-2001-11865)****Priority:** Substantive, Nonsignificant**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**URL For More Information:** dms.dot.gov**URL For Public Comments:** dms.dot.gov

Agency Contact: LTJG Kimberly Andersen, Project Manager, G-MPP, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street NW., Washington, DC 20593
Phone: 202 267-2562

RIN: 1625-AA41**1339. PENALTIES FOR NONSUBMISSION OF BALLAST WATER MANAGEMENT REPORTS (USCG-2002-13147)****Priority:** Other Significant**Legal Authority:** 16 USC 4711**CFR Citation:** 33 CFR 151**Legal Deadline:** None

Abstract: This rulemaking would set penalties for vessels that fail to submit

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ballast water management reports, as required in subpart D of 33 CFR 151. It supports the Coast Guard's strategic goals of protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	01/06/03	68 FR 523
NPRM Comment Period End	04/07/03	
Final Rule	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG50

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

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

Phone: 202 267-1744

RIN: 1625-AA51

1340. MANDATORY BALLAST WATER MANAGEMENT PROGRAM FOR U.S. WATERS (USCG-2003-14273)

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

Unfunded Mandates: Undetermined

Legal Authority: 16 USC 4711

CFR Citation: 33 CFR 151

Legal Deadline: None

Abstract: This rulemaking would make ballast water management requirements applicable to all vessels equipped with ballast water tanks entering a port or place in the United States. It supports the Coast Guard's strategic goals of marine safety and protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	07/30/03	68 FR 44691
NPRM Comment Period End	10/28/03	
Final Rule	02/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected:

Undetermined

Additional Information: Transferred from RIN 2115-AG52

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

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

Phone: 202 267-1744

RIN: 1625-AA52

1341. COUNTRY OF ORIGIN CODES AND REVISION OF REGULATIONS ON HULL IDENTIFICATION NUMBERS (USCG-2003-14272)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 4302

CFR Citation: 33 CFR 181.27

Legal Deadline: None

Abstract: By modifying a restriction on U.S. boat manufacturers when they label a boat with a hull identification number (HIN), this proposed rule would make it less expensive for the manufacturers to comply with an international HIN standard for boats they would like to export and thus this rulemaking would support the Coast Guard's strategic goal of maritime mobility.

Timetable:

Action	Date	FR Cite
NPRM	06/20/03	68 FR 36957
NPRM Comment Period End	09/18/03	
Final Rule	05/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG53

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: Alston Colihan, Project Manager, G-OPB-3, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

Phone: 202 267-0981

RIN: 1625-AA53

1342. ALLOWING ALTERNATIVES TO INCANDESCENT LIGHTS, AND ESTABLISHING STANDARDS FOR NEW LIGHTS, IN PRIVATE AIDS TO NAVIGATION (USCG-2000-7466)

Priority: Substantive, Nonsignificant

Legal Authority: 14 USC 83; 14 USC 85; 43 USC 1333

CFR Citation: 33 CFR 66

Legal Deadline: None

Abstract: The Coast Guard is seeking to let the lighting industry and owners of private aids to navigation take advantage of a recent improvement in technology—one that enables the use of lanterns based on Light-Emitting Diodes (LEDs), which would reduce the consumption of power and simplify the maintenance of the aids. The use of these lanterns should stimulate competition in the industry, reduce maintenance, and therefore operating costs, and allow the marking of the aids in a desirable manner. This rule supports the Coast Guard's strategic goals of maritime safety and maritime mobility.

Timetable:

Action	Date	FR Cite
Direct Final Rule	10/04/00	65 FR 59124
Direct Final Rule Withdrawn	01/02/01	66 FR 8
NPRM	06/24/02	67 FR 42512
NPRM Comment Period End	08/23/02	
Final Rule	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: The Coast Guard withdrew the direct final rule because it received an adverse comment. The Coast Guard published a notice of proposed rulemaking to solicit additional comments from the public.

Transferred from RIN 2115-AF98

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

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

Phone: 202 267-0327

RIN: 1625-AA55

DHS—USCG

Final Rule Stage

1343. ALTERNATE HULL EXAMINATION PROGRAM FOR CERTAIN PASSENGER VESSELS, AND UNDERWATER SURVEYS FOR PASSENGER, NAUTICAL SCHOOL, AND SAILING SCHOOL VESSELS (USCG—2000–6858)**Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 3305; 46 USC 3308**CFR Citation:** 46 CFR 71; 46 CFR 115; 46 CFR 167; 46 CFR 169; 46 CFR 176**Legal Deadline:** None

Abstract: This regulatory project will establish hull examination alternatives and a drydock extension policy for qualifying passenger vessels that operate exclusively on benign, low-risk environments, and that have limited time under way. In addition, the proposed regulations would provide the option of alternating drydock examinations with underwater surveys for passenger vessels. This project supports the Coast Guard's strategic Marine Safety, Security and Environmental Protection Program's goal of mobility by facilitating commerce and eliminating interruptions and impediments to the economical movement of goods and people.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/29/02	67 FR 21062
Interim Final Rule Effective	06/28/02	
Interim Final Rule Comment Period End	07/29/02	
Collection of Information Interim Rule Sections Effective	08/28/02	
Interim Final Rule; Announcement of Effective Date	08/28/02	67 FR 55162
Interim Rule; Announcement of Effective Date; Correction	10/18/02	67 FR 64315
Final Rule	12/00/03	

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

Additional Information: This project is split from RIN 2115–AF73. The split was a result of comments received under the notice of proposed rulemaking that was published under

RIN 2115–AF73, November 15, 1999, 64 FR 62018, entitled Frequency of Inspection Alternate Hull Exam Program for Certain Passenger Vessels, and Underwater Surveys for Passenger, Nautical School, and Sailing School Vessels.

Transferred from RIN 2115–AF95

URL For More Information: dms.dot.gov**URL For Public Comments:** dms.dot.gov

Agency Contact: LCDR Martin Walker, Project Manager, G–MOC, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001
Phone: 202 267–1047

RIN: 1625–AA57**1344. RULES OF PRACTICE, PROCEDURE, AND EVIDENCE FOR ADMINISTRATIVE PROCEEDINGS OF THE COAST GUARD (USCG 1998–3472)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 7701; 46 USC 7702; 33 USC 1321; 42 USC 9609**CFR Citation:** 33 CFR 20; 46 CFR 5**Legal Deadline:** None

Abstract: The Coast Guard maintains two separate sets of procedural rules: the administrative adjudication rules against merchant mariners' licenses, certificates of registry, and documents; and those for the adjudication of class II civil penalties. The rules for suspension and revocation, contained in part 5 of title 46 of the Code of Federal Regulations (CFR), date from 1948, and are based on criminal procedure. The rules for class II civil penalties, contained in part 20 of title 33 of the CFR, date from 1994, and are based on the Model Rules of Administrative Procedure and on other modern rules for civil procedure. Neither set implements the authority of the Oil Pollution Act of 1990 (OPA 90), which provides for the temporary suspension of a license, certificate of registry, or document for up to 45 days without a hearing, in certain circumstances, and a hearing within 30 days of any such suspension. This rulemaking would consolidate all procedural rules for administrative adjudications for class II civil penalties, and allow the Coast Guard to promulgate regulations implementing

the OPA 90 authority. This project supports the strategic goal of the Coast Guard to promote marine safety. We are in the process of deciding how to respond to comments received.

Timetable:

Action	Date	FR Cite
NPRM	04/06/98	63 FR 16731
NPRM Comment Period End	05/06/98	
NPRM Comment Period Reopened	05/20/98	63 FR 27700
NPRM Comment Period End	06/19/98	
Interim Final Rule	05/24/99	64 FR 28054
Interim Final Rule Effective	06/23/99	
Interim Final Rule Correction	06/28/99	64 FR 34540
Interim Final Rule Comment Period End	07/23/99	
Interim Final Rule Comment Period Reopened	10/05/99	64 FR 53970
Interim Final Rule Comment Period End	04/03/00	
Final Rule	12/00/03	

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**1345. FIRE-SUPPRESSION SYSTEMS AND VOYAGE PLANNING FOR TOWING VESSELS (USCG 2000–6931)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 3719; 46 USC 4102**CFR Citation:** 33 CFR 157; 46 CFR 27**Legal Deadline:** NPRM, Statutory, October 1, 1997, NPRM.

DHS—USCG

Final Rule Stage

Abstract: The Coast Guard proposes requirements for (a) total-flooding or other installed systems for suppressing fires on existing towing vessels, and (b) voyage-planning. The purpose of this rulemaking is to reduce oil spills from single-hull, non-self-propelled barges because drifting oil barges have run aground and spilled their cargoes, causing considerable damage to marine life and the environment. This project was developed in cooperation with the Towing Safety Advisory Committee. It supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	10/06/97	62 FR 52057
Comment Period End	01/05/98	
Comment Period Reopened	02/27/98	63 FR 9980
Notice of Public Meeting	02/27/98	63 FR 9980
Comment Period End	05/11/98	
Supplemental NPRM	11/08/00	65 FR 66941
Notice of Public Meeting	12/28/00	65 FR 82303
Supplemental NPRM Comment Period End	03/08/01	
Supplemental NPRM; Notice of Mtg. & Second Reopening Comment Period	07/11/01	66 FR 36223
Second Reopened Comment Period End	09/15/01	
Interim Rule	04/29/03	68 FR 22604
Interim Rule Comment Period End	07/28/03	
Interim Rule Effective	08/27/03	
Final Rule	12/00/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: This rulemaking was formerly titled "Towing Vessel Safety (Fire Suppression Systems and Other Measures for Towing Vessels)" (CGD 97-064). It originally proposed requirements for three sets of issues relative to the safety of towing vessel safety issues: (1) Fire-suppression systems and other measures; (2) control measures for tank barges; and (3) fire-protection measures for towing vessels.

The latter two components have developed into separate rulemakings: Emergency Control Measures for Tank Barges (USCG 1998-4443; RIN 2115-AF65), and Fire Protection Measures for Towing Vessels (USCG 1998-4445; RIN 2115-AF66).

Transferred from RIN 2115-AF53

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: Randall Eberly, Project Manager, G-MSE-4, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-1861

RIN: 1625-AA60

1346. APPROVAL FOR EXPERIMENTAL SHIPBOARD INSTALLATIONS OF BALLAST WATER TREATMENT SYSTEMS (USCG-2001-9267)

Priority: Other Significant

Legal Authority: 16 USC 4711

CFR Citation: 33 CFR 151, subpart C; 33 CFR 151, subpart D

Legal Deadline: None

Abstract: This rulemaking would establish a program through which vessel owners could apply for advance, conditional approval of experimental ballast water treatment systems installed and tested onboard their operating vessels. This interim rule would facilitate the development of effective ballast water treatment technology that could serve as an alternative to ballast water exchange, and ensure that U.S. regulations accomplish the intent of Congress to prevent and control the introduction of unwanted aquatic nuisance species as stated in the National Invasive Species Act of 1996.

Timetable:

Action	Date	FR Cite
Request for Comments	05/22/01	66 FR 28213
Notice of Withdrawal	12/00/03	

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: Dr. Richard Everett, Project Manager, Department of Homeland Security, U.S. Coast Guard, Office of Operating & Environmental Standards (G-MSO), 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-2243

RIN: 1625-AA66

1347. CIVIL MONETARY PENALTIES-ADJUSTMENTS FOR INFLATION (USCG-2003-15486)

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

Legal Authority: 28 USC 2461 note

CFR Citation: 33 CFR 27.3

Legal Deadline: None

Abstract: To comply with the Federal Civil Monetary Penalty Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, this rulemaking would adjust for inflation the Coast Guard's civil monetary penalties. This project supports the Coast Guard's strategic goals of maritime safety, maritime security, and protection of natural resources.

Timetable:

Action	Date	FR Cite
Final Rule	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert Spears, Project Manager, G-MSR-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-1099

RIN: 1625-AA73

Department of Homeland Security (DHS)
U.S. Coast Guard (USCG)
Long-Term Actions
1348. 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, Final.

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**URL For More Information:**

dms.dot.gov

URL For Public Comments:

dms.dot.gov

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

RIN: 1625-AA02
1349. ESCORT VESSELS FOR CERTAIN TANKERS (CGD 91-202)
Priority: Other Significant**Legal Authority:** 46 USC 3703**CFR Citation:** 33 CFR 168**Legal Deadline:** None

Abstract: This rulemaking developed standards that implement section 4116(c) of the Oil Pollution Act of 1990. It addressed the areas of Prince William Sound and Puget Sound and requires a two-vessel escort for single-hull tankers greater than 5,000 gross tons. On November 1, 1994, the crash stop criteria were suspended because of industry concerns about meeting the criteria. On February 1, 1995, a notice of availability of a two-part study assessing the capability of escort tugs to control disabled tankers in Prince William Sound was published. This project supports the Coast Guard's Marine Safety, Security and Environmental Protection program's goal to reduce the amount of oil discharged into the marine environment and the Coast Guard's strategic goal of protecting natural resources. This project is considered significant because of substantial public and State government interest.

Timetable:

Action	Date	FR Cite
NPRM	07/07/92	57 FR 30058
NPRM Comment Period End	09/08/92	
NPRM Comment Period Reopened	03/26/93	58 FR 16391
Notice of Public Hearings	04/29/93	58 FR 25959
Correction	05/19/93	58 FR 29157
NPRM Comment Period End	06/24/93	
Notice of Availability-Part 1 of Study	01/10/94	59 FR 1411
Final Rule	08/19/94	59 FR 42962
Final Rule-Suspension of Crash-Stop Provision	11/01/94	59 FR 54519
Final Rule Effective	11/17/94	
Final Rule-Partial Suspension Effective	11/17/94	
Notice of Availability-Part II of Study	02/01/95	60 FR 6345

Next Action Undetermined

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

Additional Information: We are in the process of deciding how to respond to the comments we have received. The Coast Guard, in cooperation with the Prince William Sound Regional Citizens Advisory Council, PWS Tanker Association, and Alaska Pipeline, conducted a disabled-tanker towing study. The results of the study were considered in this rulemaking. Tug escort requirements in areas other than Prince William Sound and Puget Sound are addressed in the project listed under RIN 1625-AA10.

ANALYSIS: Regulatory Evaluation, August 19, 1994, 59 FR 42962

Transferred from RIN 2115-AE10

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

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

Phone: 202 267-0173

RIN: 1625-AA05
1350. ESCORT VESSELS IN CERTAIN U.S. WATERS (CGD 91-202A)
Priority: Other Significant**Legal Authority:** 46 USC 3703**CFR Citation:** 33 CFR 168**Legal Deadline:** None

Abstract: This rule would designate those U.S. waters, other than Prince William Sound and Puget Sound, where tankers and other vessels must be escorted by a towing vessel or other appropriate vessel. This project supports the Coast Guard's Marine Safety, Security and Environmental Protection program's goal to reduce the amount of oil discharged into the marine environment and the Coast Guard's strategic goal of protecting natural resources. It is significant because of substantial public and State government interest.

Timetable:

Action	Date	FR Cite
ANPRM	04/27/93	58 FR 25766
Comment Period End	06/28/93	
Request for Comments	12/21/94	59 FR 65741
Comment Period End	02/13/95	

Next Action Undetermined

DHS—USCG

Long-Term Actions

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

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

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

Phone: 202 267-0173

RIN: 1625-AA10**1351. REGULATED NAVIGATION AREAS****Priority:** Routine and Frequent**Legal Authority:** 33 USC 1231; 50 USC 191**CFR Citation:** 33 CFR 165**Legal Deadline:** None

Abstract: These routine and frequent regulations establish operating requirements for vessels within specified geographic areas to ensure safety on the navigable waters where some special or unusual circumstance exists. Regulated navigation areas are limited areas in which the Coast Guard specifies operational or vessel restrictions such as vessel entry, movement or departure, and vessel size, speed, horsepower, or draft limitations. Regulated navigation areas are promulgated by District Commanders, usually at the request of Coast Guard marine safety or local maritime safety officials. These routine and frequent rulemakings support the Coast Guard's strategic goals of waterways management, marine safety, and maritime mobility. The total actions expected from November 1, 2003, to October 31, 2004, are 25.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	10/00/04	

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

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

Transferred from RIN 2115-AE84

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

Phone: 202 267-0416

Email: elarue@comdt.uscg.mil

RIN: 1625-AA11**1352. MARINE TRANSPORTATION-RELATED FACILITY RESPONSE PLANS FOR HAZARDOUS SUBSTANCES (USCG-1999-5705)****Priority:** Other Significant**Legal Authority:** 33 USC 1321(j); PL 101-380**CFR Citation:** 33 CFR 154**Legal Deadline:** None

Abstract: This project would implement provisions of the Oil Pollution Act of 1990 that require an owner or operator of a marine transportation-related facility transferring bulk hazardous substances to develop and operate in accordance with an approved response plan. The regulations would apply to marine transportation-related facilities that, because of their location, could cause harm to the environment by discharging a hazardous substance into or on the navigable waters or adjoining shoreline. A separate rulemaking, under RIN 1625-AA13, was developed in tandem with this rulemaking and addresses hazardous substances response plan requirements for tank vessels. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources by reducing the consequence of pollution incidents. This action is considered significant because of substantial public and industry interest.

Timetable:

Action	Date	FR Cite
ANPRM	05/03/96	61 FR 20084
Notice of Public Hearings	07/03/96	61 FR 34775
ANPRM Comment Period End	09/03/96	
NPRM	03/31/00	65 FR 17416
NPRM Comment Period End	06/29/00	
Interim Final Rule	To Be Determined	

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

Additional Information: Old Docket Number CGD 94-048. Public hearings regarding this rulemaking were held in Washington, DC, on July 30, 1996; Houston, TX, on August 5, 1996; and Houston, TX, on February 26 and 27, 1997. Public meetings for the notice of proposed rulemaking were held in New Orleans, LA, on May 10 and 11, 2000.

Transferred from RIN 2115-AE87

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: LT Eric Bauer, Project Manager, G-MOR, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

Phone: 202 267-0417

RIN: 1625-AA12**1353. 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,

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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 Notice of Public Hearings	05/03/96	61 FR 20084
ANPRM Comment Period End	07/03/96	61 FR 34775
NPRM Notice of Public Hearing	09/03/96	
NPRM Comment Period Extended	03/22/99	64 FR 13734
NPRM Comment Period End	06/15/99	64 FR 31994
NPRM Extended Comment Period End	06/15/99	
Interim Final Rule	06/21/99	
	08/30/99	
	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Old Docket Number CGD 94-032.

Public meetings regarding this rulemaking were held in Washington, DC, on July 30, 1996; Houston, TX, on August 5, 1996; and Houston, TX, on February 26 and 27, 1997. Public meetings for the notice of proposed rulemaking were held in Houston, TX on August 12 and 13, 1999.

Transferred from RIN 2115-AE88

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: LT Eric Bauer, Project Manager, G-MOR, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-0417

RIN: 1625-AA13

1354. NUMBERING OF UNDOCUMENTED BARGES (USCG-1998-3798)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 12301

CFR Citation: 33 CFR 189

Legal Deadline: None

Abstract: Title 46 U.S.C. 12301, as amended by the Abandoned Barge Act of 1992, requires that all undocumented barges more than 100 gross tons operating on the navigable waters of the United States be numbered. This rulemaking would establish a numbering system for these barges. The numbering of undocumented barges will allow identification of owners of barges found abandoned and help prevent future marine pollution. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

Timetable:

Action	Date	FR Cite
Request for Comments	10/18/94	59 FR 52646
Comment Period End	01/17/95	
ANPRM	07/06/98	63 FR 36384
ANPRM Comment Period End	11/03/98	
NPRM	01/11/01	66 FR 2385
NPRM Comment Period End	04/11/01	
Next Action	Undetermined	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: Old Docket Number CGD 93-091. In the 2002 spring agenda, we announced that we would be withdrawing this rulemaking but we are currently reevaluating that decision. We are in the process of deciding how to respond to the comments we have received.

Transferred from RIN 2115-AF13

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: Patricia Williams, Project Manager, NVDC, Department of Homeland Security, U.S. Coast Guard, National Vessel Documentation Center, 792 T.J. Jackson Drive, Falling Waters, WV 25419
Phone: 304 271-2506

RIN: 1625-AA14

1355. IMPLEMENTATION OF THE 1995 AMENDMENTS TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION, AND WATCHKEEPING (STCW) FOR SEAFARERS, 1978 (CGD 95-062)

Priority: Other Significant

Legal Authority: 44 USC 3507; 46 USC 2103; 46 USC 7101; 46 USC 7107

CFR Citation: 46 CFR 10; 46 CFR 12; 46 CFR 15

Legal Deadline: None

Abstract: The International Maritime Organization (IMO) comprehensively amended the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978, in 1995. The amendments came into force on February 1, 1997. This project implements them by revising current rules to ensure that the United States complies with their requirements on: the training of merchant mariners, the documenting of their qualifications, and watch-standing and other arrangements aboard seagoing merchant ships of the United States. This project supports the Coast Guard's strategic goal of maritime safety. It also supports the goal of our directorate for Marine Safety and Environmental Protection for reducing deaths and injuries of crewmembers on domestic merchant vessels and eliminating substandard vessels from the navigable waters of the United States. It is significant because of the potential impact on industry and the potential effect on international interests.

Timetable:

Action	Date	FR Cite
Notice of Meeting	08/02/95	60 FR 39306
Comment Period End	09/29/95	
Notice of Inquiry	11/13/95	60 FR 56970
Comment Period End	01/12/96	
NPRM	03/26/96	61 FR 13284
Notice of Public Meetings	04/08/96	61 FR 15438
Comment Period End	07/24/96	
Notice of Intent	02/04/97	62 FR 5197
Interim Rule	06/26/97	62 FR 34505
Interim Rule Effective	07/28/97	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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Additional Information: Old Docket Number CGD 95-062.

Transferred from RIN 2115-AF26

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: Mark Gould, Project Manager, G-MSO-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

Phone: 202 267-6890

RIN: 1625-AA16

1356. 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

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	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Partial suspension of regulations created through the Vessel Response Plan final rule, Docket No. 91-034, RIN 2115-AD81. The project was originally titled "Salvage and Firefighting Equipment; Vessel Response Plans." The change was made in order to distinguish this project from other similarly titled projects within the Coast Guard.

Transferred from RIN 2115-AF60

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: LT Reed Kohberger, Project Manager, G-MOR-3, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

Phone: 202 267-0448

RIN: 1625-AA19

1357. 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 are over 20 years old. A review of the commercial diving regulations is needed to determine what parts should be updated or changed based on the current standards of safety, technology, and industry practices and to evaluate and minimize any significant economic impact of the rules upon small entities. The project supports the Coast Guard Marine Safety, Security and Environmental Protection Program's goal to reduce deaths and injuries on U.S. commercial vessels and the Coast Guard's strategic goal of maritime safety.

Timetable:

Action	Date	FR Cite
ANPRM	06/26/98	63 FR 34840
ANPRM Comment Period Extended	09/23/98	63 FR 50848
ANPRM Comment Period End	11/09/98	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AF64

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: CDR Mark Prescott, Project Manager, G-MSO, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

Phone: 202 267-0225

RIN: 1625-AA21

1358. 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 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

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and through the San Juan Islands, and the Olympic Coast National Marine Sanctuary. Based on a determination by the Secretary of Transportation regarding the status of maritime safety in the Puget Sound area, the Coast Guard has initiated a comprehensive cost-benefit analysis to study the feasibility of implementing new safety measures, including extended tug escort requirements and a dedicated response vessel. Public input will help focus this cost-benefit analysis and develop any future proposed rules, if deemed necessary. This rulemaking supports the Coast Guard Marine Safety, Security and Environmental Protection Program's goal to reduce the amount of oil discharged into the marine environment and the Coast Guard's strategic goal of protection of natural resources. This is a significant action due to substantial public interest.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** Transferred from RIN 2115-AF68**URL For More Information:**

dms.dot.gov

URL For Public Comments:

dms.dot.gov

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

Phone: 202 267-0173

RIN: 1625-AA22**1359. TRAINING AND QUALIFICATIONS FOR PERSONNEL ON PASSENGER SHIPS (USCG 1999-5610)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 2103; 46 USC ch 71; 46 USC ch 73**CFR Citation:** 46 CFR 12; 46 CFR 15; 46 CFR 10**Legal Deadline:** None

Abstract: This project will implement new amendments to the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978 that impose requirements for training and qualifications of masters, officers, engineers, and "ratings." The following training courses are mandatory for the personnel on passenger ships other than roll-on, roll-off, carrying more than 12 passengers operating on international voyages: (1) Crisis Management and Human Behavior; (2) Crowd Management; (3) Special Safety; (4) Passenger Safety, with special attention given to disabled persons and others needing assistance; and (5) Special Familiarization. This rulemaking supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	06/15/00	65 FR 37507
NPRM Comment Period End	09/13/00	
Interim Final Rule	10/30/02	67 FR 66063
Final Rule	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AF83**URL For More Information:**

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: Mark Gould, Project Manager, G-MSO-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

Phone: 202 267-6890

RIN: 1625-AA24**1360. CARGO SECURING ON VESSELS OPERATING IN U.S. WATERS (USCG-2000-7080)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 3306**CFR Citation:** 33 CFR 97**Legal Deadline:** None**Abstract:** This rulemaking would amend the cargo stowage and securing

rules for U.S. vessels operating in U.S. waters. In addition, it would amend rules to require cargo-securing manuals for U.S. or foreign vessels of 500 gross tons or more on international voyages. Its goal is to reduce hazardous material cargo losses from vessels in U.S. waters. It supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	12/01/00	65 FR 75201
NPRM Comment Period End	03/01/01	
Next Action Undetermined		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None

Additional Information: This rulemaking is being returned to a long-term schedule. In the 2002 spring agenda, we announced we would be withdrawing this rulemaking but we are currently reevaluating that decision.

Transferred from RIN 2115-AF97

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: Robert Spears, Project Manager, G-MSR-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

Phone: 202 267-1099

RIN: 1625-AA25**1361. ELECTRONIC CHART DISPLAY AND INFORMATION SYSTEM (ECDIS) (USCG-2001-8826)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1223; 33 USC 1231; 46 USC 2103; 46 USC 3703; 46 USC 6101; 46 USC 8502**CFR Citation:** 33 CFR 164**Legal Deadline:** None

Abstract: This rule would allow commercial vessels the option of using an IMO-approved Electronic Charting Display and Information System (ECDIS) as a primary means of navigation in U.S. waters instead of paper charts. Compliance with this rule would be optional; any vessel choosing not to use such an ECDIS must

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Long-Term Actions

continue to navigate using corrected and updated printed charts and publications. This rule supports the Coast Guard's strategic goal of maritime safety.

Timetable:

Action	Date	FR Cite
ANPRM	05/02/01	66 FR 21899
ANPRM Comment	07/02/01	
Period End		

Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: This rulemaking is being shifted onto a long-term schedule. In the 2002 spring agenda, we announced that we would be withdrawing this rulemaking. We are currently reevaluating that decision.

Transferred from RIN 2115-AG09

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

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

RIN: 1625-AA29

1362. FEDERAL REQUIREMENTS FOR PROPELLER INJURY AVOIDANCE MEASURES (USCG 2001-10163)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 4302

CFR Citation: 33 CFR 175

Legal Deadline: None

Abstract: This rule would establish Federal requirements for nonplaning recreational houseboats equipped with propeller driven propulsion located aft of the transom. This rule would require owners of these nonplaning recreational houseboats to install either one or two propulsion unit measures (a propeller guard or a jet pump drive) or employ three combined measures (use of an ignition cut-off switch, where installed, and install a swim ladder interlock device and an aft-visibility device). Owners of rental houseboats would have to also install an ignition cut-off switch, if not already installed. These

requirements would reduce the number of boaters who are seriously or fatally injured when struck by the propeller of a nonplaning recreational houseboat. This rulemaking would implement recommendations made by the National Boating Safety Advisory Council. It supports the Coast Guard's strategic goal of marine safety.

Timetable:

Action	Date	FR Cite
NPRM	12/10/01	66 FR 63645
NPRM Comment	03/11/02	
Period End		

NPRM Comment 03/26/02 67 FR 13738

Period Extended

NPRM Comment 05/11/02

Period End

Final Rule To Be Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG18

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

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

RIN: 1625-AA31

1363. 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	06/02/03	
Period End		

Final Rule To Be Determined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG27

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

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

RIN: 1625-AA36

1364. ALTERNATE TONNAGE CONVENTION: SMALL PASSENGER VESSELS

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

Unfunded Mandates: Undetermined

Legal Authority: 14 USC 14104

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This rulemaking would amend small passenger vessel regulations retaining the tonnage thresholds based on measurement under 46 U.S.C. 14502, but adding alternate tonnage thresholds based on measurement under 46 U.S.C. 14302. We expect this rulemaking to support the Coast Guard's strategic goals of maritime mobility of commercial vessel traffic and maritime safety. However, we are reviewing our regulatory resource allocation and management

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strategies to optimize our overall regulatory mission effectiveness. Accordingly, we have decided to continue this item on the agenda, while we consider and balance our statutory obligations and discretionary authority.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

Additional Information: Transferred from RIN 2115-AG29

Agency Contact: Peter D. Eareckson, Project Manager, Marine Safety Center, Department of Homeland Security, U.S. Coast Guard, 400 7th Street SW., Washington, DC 20590-0001
Phone: 202 366-6502

RIN: 1625-AA37

1365. WEARING OF PERSONAL FLOTATION DEVICES BY PERSONS OPERATING OR RIDING ON PERSONAL WATERCRAFT OR BEING TOWED BEHIND RECREATIONAL VESSELS (USCG-2002-11421)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 4302

CFR Citation: 33 CFR 175

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected:

Undetermined

Federalism: Undetermined

Additional Information: Transferred from RIN 2115-AG32

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

RIN: 1625-AA40

1366. IDENTIFICATION CREDENTIALS FOR MARITIME SECURITY

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

Unfunded Mandates: Undetermined

Legal Authority: 46 USC 2103

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Coast Guard is considering a project to update standards and procedures for identifying people aboard vessels, and at ports and facilities on waterfronts. These standards and procedures might include checks of backgrounds for people in security-sensitive positions, but would take account of (and as far as possible be compatible with) efforts to the same effect from international bodies, other Federal agencies, and States.

The purpose of the project would be to deter terrorism. The project would support the Coast Guard's strategic goals of maritime security, maritime safety, protection of natural resources, and mobility.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

Additional Information: Related docket: Maritime Security Notice, USCG-2002-14069 (67 FR 79742, December 30, 2002).

Transferred from RIN 2115-AG42

Agency Contact: Gerald P. Miente, Project Manager, G-MSE-3, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

Phone: 202 267-2206

RIN: 1625-AA47

1367. 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	
Final Rule	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 will be developed in a separate rulemaking (see USCG-2003-14575, RIN 1625-AA67).

Transferred from RIN 2115-AF75

URL For More Information:

DHS—USCG

Long-Term Actions

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URL For Public Comments:

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

RIN: 1625-AA58

1368. WEARING OF PERSONAL FLOTATION DEVICES (PFDS) BY CERTAIN CHILDREN ABOARD RECREATIONAL VESSELS (USCG-2000-8589)

Priority: Substantive, Nonsignificant**Legal Authority:** 46 USC 4302**CFR Citation:** 33 CFR 175, subpart B**Legal Deadline:** None

Abstract: This rule requires every child under the age of 13 to wear a personal flotation device (PFD)-also called a lifejacket-while aboard a recreational vessel under way and while not below decks or in an enclosed cabin. It adopts, on waters subject to the jurisdiction of the United States within any State, any requirement for the wearing of a PFD established by that State for a child under an age specified by that State. The rule also sets, on waters subject to the jurisdiction of the United States within any State lacking any such requirement, its own, comparable requirements. This project supports the Coast Guard's strategic goal of maritime safety.

Timetable:

Action	Date	FR Cite
NPRM	05/01/01	66 FR 21717
NPRM Comment Period End	08/29/01	
Final Rule	02/27/02	67 FR 8881
Notice of Withdrawal of Final Rule	03/27/02	67 FR 19643
Withdrawal of Final Rule Effective	03/27/02	
Interim Final Rule	06/24/02	67 FR 42488
Interim Final Rule Comment Period End	08/23/02	
Interim Final Rule Effective	12/23/02	
Final Rule	To Be Determined	

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

Additional Information: After publication of the final rule, the State Boating Law Administrator (BLA) of Ohio raised a concern about possible adverse impacts due to Federal enforcement of PFD-wearing requirements on vessels not subject to State requirements because of vessels' lengths. The Coast Guard withdrew the final rule before its effective date and later published an interim final rule that allows public comment on a new alternative, which removes the potential differences between Federal and State requirements.

Transferred from RIN 2115-AG04

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

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

RIN: 1625-AA62

1369. ESCORT VESSELS FOR CERTAIN TANKERS-CRASH STOP CRITERIA (USCG-2003-14734)

Priority: Substantive, Nonsignificant**Legal Authority:** 46 USC 3703**CFR Citation:** 33 CFR 168**Legal Deadline:** None

Abstract: This rulemaking will make permanent the suspended "crash stop provision" to the escort vessel regulations. This rulemaking will support the Coast Guard's strategic goal of maritime safety.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

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

Additional Information: Transferred from 2115-AG51

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

RIN: 1625-AA65

Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

Completed Actions

1370. LICENSING AND MANNING FOR OFFICERS OF TOWING VESSELS (USCG 1999-6224)

Priority: Substantive, Nonsignificant**Legal Authority:** 14 USC 633; 44 USC 3507; 46 USC 2103; 46 USC 7101; 46 USC 7106; 46 USC 7107; 46 USC 7701**CFR Citation:** 46 CFR 10; 46 CFR 15**Legal Deadline:** None

Abstract: This rulemaking is necessary as part of an overall initiative by the Coast Guard to improve navigational safety for towing vessels. It will help

ensure that the mariner piloting a towing vessel has the proper training and qualifications to handle the tug and tow. It has introduced a third level of license where there have been only two. Each level requires greater experience and proficiency than the one below. This rulemaking also introduces a requirement for demonstration of proficiency as a prerequisite to being issued an original license. This will be in addition to the current requirements for sea service, physical examination, testing for drugs, and successful testing for competence.

This rulemaking supports the Coast Guard's strategic goal of maritime safety.

Timetable:

Action	Date	FR Cite
NPRM	06/19/96	61 FR 31332
Correction	07/11/96	61 FR 36608
Correction	08/07/96	61 FR 41208
Notice of Meeting	08/26/96	61 FR 43720
NPRM Comment Period End	10/17/96	
Notice of Intent	12/18/96	61 FR 66642
SNPRM	10/27/97	62 FR 55548

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Completed Actions

Action	Date	FR Cite
Public Meeting Boston 02/18/98	01/21/98	63 FR 3070
Public Meeting Houston 02/13/98	01/21/98	63 FR 3070
Public Meeting Memphis 02/11/98	01/21/98	63 FR 3070
Public Meeting Seattle 02/24/98	01/21/98	63 FR 3070
SNPRM Comment Period End	02/24/98	
Interim Final Rule	11/19/99	64 FR 63213
Interim Final Rule Comment Period End	02/17/00	
Interim Final Rule	10/27/00	65 FR 64388
Notice Concerning Review	02/09/01	66 FR 9673
Interim Final Rule	04/26/01	66 FR 20931
Interim Final Rule Effective	05/21/01	
Notice of Public Meeting	07/11/01	66 FR 36223
Interim Final Rule Comment Period End	07/25/01	
Final Rule	06/17/03	68 FR 35801
Final Rule Effective	09/15/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Old Docket Number CGD 94-055.

Transferred from RIN 2115-AF23

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: LCDR Luke Harden, Project Manager, G-MSO-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-1838

RIN: 1625-AA15

1371. TERRITORIAL SEAS, NAVIGABLE WATERS, AND JURISDICTION (USCG-2001-9044)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 2103; 46 USC 3306 to 3307; 46 USC 3703; 49 USC 1804; 49 USC 1655; 14 USC 633; 14 USC 80; ...

CFR Citation: 33 CFR 2; 33 CFR 26; 33 CFR 62; 33 CFR 64; 33 CFR 95; 33 CFR 100; 33 CFR 165

Legal Deadline: None

Abstract: This project will make substantive changes to current regulations, but only to the extent required to conform to the congressionally mandated changes in the laws administered and enforced by the Coast Guard as listed in section 301 of the Coast Guard Authorization Act of 1998 and sections 104 and 321 of the Maritime Transportation Security Act of 2002. We will redefine the "territorial sea," "navigable waters of the United States," "high seas," "contiguous zone," and "exclusive economic zone" to clarify the varying definitions of those terms under different laws administered and enforced by the Coast Guard, as well as relevant Presidential proclamations. This project supports the Coast Guard's strategic goals of maritime safety and security, and protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	08/14/02	67 FR 52906
Correction to NPRM	09/18/02	67 FR 58752
NPRM Comment Period End	11/12/02	
Final Rule	07/18/03	68 FR 42595
Final Rule Effective	08/18/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG13

URL For More Information:

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URL For Public Comments:

dms.dot.gov

Agency Contact: Alex Weller, Project Manager (G-LMI), Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-0097

RIN: 1625-AA30

1372. AREA MARITIME SECURITY (USCG-2003-14733)

Priority: Other Significant

Legal Authority: PL 107-295

CFR Citation: 33 CFR 101; 33 CFR 103

Legal Deadline: Other, Statutory, November 25, 2003, Other.

Abstract: This rulemaking will establish security measures

commensurate with the level and degree of risk within the marine transportation system, and will affect all users, workers, and property in and adjacent to navigable waters of the United States and waters subject to the jurisdiction of the United States. This rulemaking will include requirements for Port Security Committees, Port Security Assessments, and Port Security Plans. This project will support the Coast Guard's strategic goals of maritime security, maritime safety, protection of natural resources, and mobility.

Timetable:

Action	Date	FR Cite
Temporary Interim Rule	07/01/03	68 FR 39284
Interim Final Rule Effective	07/01/03	
Interim Final Rule Comment Period End	07/31/03	
Final Rule	10/22/03	68 FR 60472
Final Rule Effective	11/21/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Local, State

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

Additional Information: Related docket: Maritime Security Notice, USCG-2002-14069 (67 FR 79742, December 30, 2002).

Transferred from RIN 2115-AG37

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: LCDR Richard Teubner, Project Manager, G-MPS-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-4129

RIN: 1625-AA42

1373. FACILITY SECURITY (USCG-2003-14732)

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

Legal Authority: PL 107-295

CFR Citation: 33 CFR 105

DHS—USCG

Completed Actions

Legal Deadline: Other, Statutory, November 25, 2003, Other.

Abstract: This rulemaking will establish security measures commensurate with the level and degree of risk within the marine transportation system, and will affect all users, workers, and property in and adjacent to navigable waters of the United States and waters subject to the jurisdiction of the United States. This rulemaking will include requirements for Facility Security Assessments, Facility Security Plans, and Facility Security Officers. This project is expected to support the Coast Guard strategic goals of maritime security, maritime safety, protection of natural resources, and maritime mobility.

Timetable:

Action	Date	FR Cite
Temporary Interim Rule	07/01/03	68 FR 39315
Interim Final Rule Effective	07/01/03	
Interim Final Rule Comment Period End	07/31/03	
Final Rule	10/22/03	68 FR 60515
Final Rule Effective	11/21/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

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

Additional Information: Related docket: Maritime Security Notice, USCG–2002–14069 (67 FR 79742, December 30, 2002).

Transferred from RIN 2115–AG38

URL For More Information:
dms.dot.gov

URL For Public Comments:
dms.dot.gov

Agency Contact: LT Gregory Purvis, Project Manager, G–MPS, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., 2100 Second Street SW., Washington, DC 20593
Phone: 202 267–1072

RIN: 1625–AA43

1374. VESSEL SECURITY (USCG–2003–14749)

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

Legal Authority: PL 107–295

CFR Citation: 33 CFR 104

Legal Deadline: Other, Statutory, November 25, 2003, Other.

Abstract: The Vessel Security rulemaking will affect owners and operators of U.S. vessels, including Mobile Offshore Drilling Units (MODUs) and public vessels, and foreign vessels calling on U.S. ports. This rulemaking will not cover fixed and floating platforms or other specific excluded vessels. Consistent with the Maritime Transportation Security Act of 2002 and parts A and B of the IMO International Code for Security of Ships and Port Facilities (ISPS Code), the affected vessels will be required to designate security officers, develop vessel security plans based security assessments and surveys, and implement security measures and procedures specific to each vessel's operations and to indicated Maritime Security (MARSEC) levels. Other proposed requirements include provisions for training, record keeping, security equipment maintenance, and communication procedures. 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
Temporary Interim Rule	07/01/03	68 FR 39292
Interim Final Rule Effective	07/01/03	
Interim Final Rule Comment Period End	07/31/03	
Final Rule	10/22/03	68 FR 60483
Correction	11/04/03	68 FR 62501
Final Rule Effective	11/21/03	

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: None

Federalism: Undetermined

Additional Information: Related docket: Maritime Security Notice, USCG–2002–14069 (67 FR 79742, December 30, 2002).

Transferred from RIN 2115–AG41

URL For More Information:

dms.dot.gov

URL For Public Comments:
dms.dot.gov

Agency Contact: LCDR Darnell Baldinelli, Project Manager, G–MP, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267–4148

RIN: 1625–AA46

1375. SAFETY ZONE FOR OUTER CONTINENTAL SHELF FACILITY IN THE GULF OF MEXICO IN VIASCA KNOLL 915 (CGD08–02–045)

Priority: Substantive, Nonsignificant

Legal Authority: 14 USC 85; 43 USC 1333

CFR Citation: 33 CFR 147

Legal Deadline: None

Abstract: The Coast Guard proposes to establish a safety zone around a high-production, manned oil and natural gas facility in the Outer Continental Shelf in the Gulf of Mexico in Viasca Knoll 915. The facility needs to be protected from vessels operating outside the normal shipping channels and fairways. Placing a safety zone around the facility will significantly reduce the threat of allisions, oil spills, and releases of natural gas. The proposed regulation would prevent all vessels from entering or remaining in specified areas around the facility except for the following: an attending vessel; a vessel under 100 feet in length overall not engaged in towing; or a vessel authorized by the Eighth Coast Guard District Commander. The proposed safety zone is necessary to protect life, property and the environment and supports the Coast Guard's strategic goals of marine safety and protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	02/28/03	68 FR 9611
NPRM Comment Period End	04/29/03	
Final Rule	09/26/03	68 FR 55443
Final Rule Effective	10/27/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115–AG54

DHS—USCG

Completed Actions

Agency Contact: LT Kevin Lynn, Project Manager (mwm), Department of Homeland Security, U.S. Coast Guard, Eighth Coast Guard District Commander, Hale Boggs Federal Buildings, 501 Magazine Street, New Orleans, LA 70130
Phone: 504 589-6217
Email: klynn@d8.uscg.mil
RIN: 1625-AA54

1376. AUTOMATIC IDENTIFICATION SYSTEM; VESSEL CARRIAGE REQUIREMENT (USCG-2003-14757)

Priority: Other Significant

Legal Authority: PL 107-295

CFR Citation: 33 CFR 161; 33 CFR 164; 33 CFR 165

Legal Deadline: Other, Statutory, November 25, 2003, Other.

Abstract: The Coast Guard will amend certain ports and waterways regulations to reflect vessel carriage requirements, and technical and performance standards for an automatic identification system (AIS). The rule will implement the AIS vessel requirements of the Maritime Transportation Security Act of 2002 (MTSA) and the International Maritime Organization (IMO) requirements adopted under International Convention for the Safety of Life at Sea, 1974 (SOLAS), as amended. The changes will require AIS on all SOLAS vessels and certain other commercial vessels. The rule will facilitate vessel communications, enhance good order and predictability, promote safe navigation, expand maritime domain awareness, and improve upon existing operating measures on our nation's waterways. This rulemaking replaces a rulemaking we have withdrawn, RIN 1625-AA61 (Formerly 2115-AG36). We have withdrawn that rulemaking and have replaced it with this one that will specifically respond to the MTSA, including its requirement to publish a temporary interim rule (TIR). The TIR will focus on SOLAS vessels in all waters and domestic vessels operating in Vessel Traffic Service (VTS) and Vessel Movement Reporting System (VMRS) areas only. The public will be provided with an opportunity to comment on the TIR. Separate from this rulemaking, a notice will also be published seeking comments on AIS carriage requirements for non-VTS or non-VMRS areas, such as for other navigable waters per MTSA or domestic

vessels over 500 gross tons per SOLAS. This new rulemaking supports Coast Guard strategic goals of maritime safety, maritime security, protection of natural resources and maritime mobility.

Timetable:

Action	Date	FR Cite
Temporary Interim Rule	07/01/03	68 FR 39353
Interim Final Rule Effective	07/01/03	
Interim Final Rule Comment Period End	07/31/03	
Policy Statement	09/29/03	68 FR 55826
Final Rule	10/22/03	68 FR 60559
Final Action Effective	11/21/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

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

Additional Information: Related docket: Maritime Security Notice, USCG-2002-14069 (67 FR 79742, December 30, 2002), available at <http://dms.dot.gov>.

Also "Automatic Identification System: Expansion of Carriage Requirements for U.S. Waters" notice and request for comments (USCG-2003-14878)(68 FR 39369, July 1, 2003).

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

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

RIN: 1625-AA67

1377. OUTER CONTINENTAL SHELF FACILITY SECURITY (USCG-2003-14759)

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

Legal Authority: PL 107-295

CFR Citation: 33 CFR 106

Legal Deadline: Final, Statutory, November 25, 2003, Final.

Abstract: This rulemaking will establish security measures for Outer Continental Shelf (OCS) facilities

commensurate with the level and degree of risk within the marine transportation system and will affect all users, workers, and property in and adjacent to navigable waters of the United States and waters subject to the jurisdiction of the United States. This rulemaking will include requirements for OCS Facility Security Assessments, OCS Facility Security Plans, and OCS Facility Security Officers. The Maritime Transportation Security Act of 2002 (MTSA) requires that a temporary interim rule be published followed by a final rule no later than November 25, 2003, one year after the date of enactment of the MTSA. This project supports the Coast Guard's strategic goal of maritime security.

Timetable:

Action	Date	FR Cite
Temporary Interim Rule	07/01/03	68 FR 39338
Interim Final Rule Effective	07/01/03	
Interim Final Rule Comment Period End	07/31/03	
Final Rule	10/22/03	68 FR 60545
Final Rule Effective	11/21/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

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

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: LT Greg Versaw, Project Manager, G-MP, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-4144

RIN: 1625-AA68

1378. IMPLEMENTATION OF NATIONAL MARITIME SECURITY INITIATIVES (USCG-2003-14792)

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

Legal Authority: PL 107-295

CFR Citation: 33 CFR 101 to 103; 33 CFR 105; 33 CFR 161; 33 CFR 164; 33 CFR 165; 46 CFR 104

DHS—USCG

Completed Actions

Legal Deadline: Other, Statutory, November 25, 2003, Other.

Abstract: The Coast Guard is implementing a series of temporary interim rules as required by Public Law 107-295, the Maritime Transportation Security Act of 2002 (MTSA). This series of temporary interim rules addresses security assessments, plans, and specific security measure requirements for Area Maritime Transportation Security, Vessel Security, Facility Security, and Offshore Facility Security. The carriage requirements for Automatic Identification System (AIS) are also included in this series of interim final rules. A comprehensive discussion of the security requirements included in the MTSA is presented in this rulemaking along with a summary of the cost and benefits of the entire suite of temporary interim rules. Discussions are also included on the alignment of domestic maritime security requirements with the International Ship and Port Facility Security (ISPS) Code and recent amendments to the International Convention for the Safety of Life at Sea (SOLAS). The actual temporary interim rules in this suite limit their preamble discussions to the specific requirements they contain. Under the MTSA, a final rule for each of the six temporary interim rules will be issued before November 25, 2003. This rulemaking provides the elements and discussions common to the suite of related temporary interim rules. The public is encouraged to use this rulemaking as the foundation document for the entire suite. This project supports the Coast Guard's strategic goal of maritime security.

Timetable:

Action	Date	FR Cite
Temporary Interim Rule	07/01/03	68 FR 39240
Interim Final Rule Effective	07/01/03	
Interim Final Rule Comment Period End	07/31/03	
Final Rule	10/22/03	68 FR 60448
Final Rule Effective	11/21/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

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

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: CAPT Kevin Dale, Commandant (G-MPS), Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-0250

RIN: 1625-AA69

1379. • RIGHT TO APPEAL; DIRECTOR, GREAT LAKES PILOTAGE (USCG-2003-15137)

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

Legal Authority: 46 USC 9303(f)

CFR Citation: 46 CFR 1, 5, 7-10

Legal Deadline: None

Abstract: The Coast Guard is amending its procedures for the appeal of decisions or actions taken by the Director, Great Lakes Pilotage (G-MW-1). It has determined that the Assistant Commandant for Marine Safety, Security and Environmental Protection (G-M) should exercise this authority in place of the Director of Waterways Management (G-MW). This way, G-MW will be able to supervise more closely the work of G-MW-1 without also sitting in judgment on that work. This project supports the Coast Guard's strategic goals of maritime safety and maritime mobility.

Timetable:

Action	Date	FR Cite
Direct Final Rule	06/23/03	68 FR 37091
Direct Final Rule Comment Period End	07/23/03	
Direct Final Rule Effective	08/22/03	
Confirmation of Effective Date	08/27/03	68 FR 51499

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: Thomas Lawler, Project Manager, G-MW-1, Department of Homeland Security, U.S. Coast

Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-1241

RIN: 1625-AA71

1380. • SAFETY ZONE FOR OUTER CONTINENTAL SHELF FACILITY IN THE GULF OF MEXICO IN MISSISSIPPI CANYON 243

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

Legal Authority: 14 USC 85; 43 USC 1333

CFR Citation: 33 CFR 147

Legal Deadline: None

Abstract: The Coast Guard proposes to establish a safety zone around a high-production, manned oil and natural gas facility in the Outer Continental Shelf in the Gulf of Mexico being constructed in Mississippi Canyon 243. The facility needs to be protected while it is being constructed and after construction is completed from vessels operating outside the normal shipping channels and fairways. Placing a safety zone around the facility will significantly reduce the threat of allisions, oil spills, and releases of natural gas. The proposed regulation would prevent all vessels from entering or remaining in specified areas around the facility except for the following: An attending vessel; a vessel under 100 feet in length overall not engaged in towing; or a vessel authorized by the Eighth Coast Guard District Commander. The proposed safety zone is necessary to protect life, property and the environment and supports the Coast Guard's strategic goals of marine safety and protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	07/07/03	68 FR 40229
NPRM Comment Period End	09/05/03	
Final Rule	10/14/03	68 FR 59116
Final Rule Effective	11/13/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: LT Kevin Lynn, Project Manager (mwm), Department of Homeland Security, U.S. Coast Guard, Eighth Coast Guard District Commander, Hale Boggs Federal

DHS—USCG

Completed Actions

Buildings, 501 Magazine Street, New Orleans, LA 70130
Phone: 504 589-6217
Email: klynn@d8.uscg.mil

RIN: 1625-AA72

1381. • BASIC RATES AND CHARGES ON LAKE ERIE AND THE NAVIGABLE WATERS FROM SOUTHWEST SHOAL TO PORT HURON, MI (USCG-2002-12840)

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

Legal Authority: 46 USC 2104(a); 44 USC 3507

CFR Citation: 46 CFR 401

Legal Deadline: None

Abstract: This rule extends a temporary final rule published on July 19, 2002 (67 FR 47464), which expires on July 21, 2003. This rule would extend the temporary final rule until through December 24, 2003. Extension of the effective period ensures that the pilotage rates in District Two, Area 5, stay at the current rate while the Coast Guard completes its pending ratemaking project. This project supports the Coast Guard's strategic goals of maritime safety and maritime mobility.

Timetable:

Action	Date	FR Cite
Temporary Final Rule Effective	07/18/03	
Temporary Final Rule	07/23/03	68 FR 43470

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: The temporary final rule this rule extends appeared as a completed action in the Fall 2002 Unified Agenda as RIN 2115-AG46.

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: Thomas Lawler, Project Manager, G-MW-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-1241

RIN: 1625-AA74

Department of Homeland Security (DHS)

Proposed Rule Stage

Bureau of Customs and Border Protection (BCBP)

1382. INSPECTION OF PERSONS APPLYING FOR ADMISSION; INTERNATIONAL-TO-INTERNATIONAL USER FEE

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1356

CFR Citation: 8 CFR 286

Legal Deadline: None

Abstract: This rule proposes to amend Department regulations to require air carriers to charge and collect a user fee from every International-to-International (ITI) passenger arriving in the United States, except those individuals exempted under section 286(e)(1) of the Immigration and Nationality Act. This action is necessary since the Department is required to inspect all aliens who are applicants for admission or otherwise seeking admission or readmission to or transit through the United States.

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	
NPRM Comment Period End	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: INS No. 1757

Transferred from RIN 1115-AE37

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927-1018
Email: robert.hutnick@dhs.gov

RIN: 1651-AA03

1383. DOCUMENTARY REQUIREMENTS FOR RETURNING 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

CFR Citation: 8 CFR 211

Legal Deadline: None

Abstract: This rule proposes to amend DHS regulations to specify how an alien admitted for permanent residence, on returning to the United States, may prove that he or she is not to be considered an applicant for admission. This rule is necessary to implement section 101(a)(13)(C) of the Act and to clarify the responsibility for carriers who transport to the United States aliens who claim to be to be returning residents. This rule will ensure that aliens who present themselves as

lawful permanent residents are properly documented as such.

Timetable:

Action	Date	FR Cite
NPRM-INS No. 1932-98	04/00/04	
NPRM Comment Period End	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1932-98.

Transferred from RIN 1115-AF26

Agency Contact: Michael D. Jones, Acting Director, National Fines Office of Inspections, Department of Homeland Security, Bureau of Customs and Border Protection, Suite 425, 1525 Wilson Boulevard, Arlington, VA 22209
Phone: 202 305-7018

RIN: 1651-AA09

1384. CONTRACTS WITH TRANSPORTATION LINES

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1228

CFR Citation: 8 CFR 233

Legal Deadline: None

DHS—BCBP

Proposed Rule Stage

Abstract: This rule proposes to amend DHS regulations by providing signature authority for forms I-420, Agreement Between Transportation Line and the U.S., I-425, Agreement (Pre-Inspection) Between Transportation Line and the U.S. (At Places Outside U.S.), and I-426, Immediate and Continuous Transit Agreement Between a Transport Line & U.S., to the Commissioner or his delegated representative. This change is required by section 308 of IIRIRA, which amended section 233 (a) of the I&NA by requiring carriers transporting aliens to the United States from all "foreign territory and adjacent islands" to enter into a contract with the United States prior to transportation of such aliens. Another change is to remove the signature authority of the Associate Commissioner for Examinations for the aforementioned Agreements because the position was abolished.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	
NPRM Comment Period End	03/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No.1994-99

Transferred from RIN 1115–AF46

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927-1018
Email: robert.hutnick@dhs.gov

RIN: 1651–AA10**1385. IMPOSITION OF FINES FOR VIOLATIONS OF THE IMMIGRATION AND NATIONALITY ACT****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1221; 8 USC 1223; 8 USC 1227; 8 USC 1229**CFR Citation:** 8 CFR 280**Legal Deadline:** None

Abstract: This rule proposes to amend Department regulations to reflect the actual process used to recommend and

impose fines for violations of the Immigration and Nationality Act (Act). Since the publication of 8 CFR part 280, the Department had centralized the fines process and made some adjustments to certain procedures. The 8 CFR part 280 will be renumbered sequentially and reordered to group related issues in one section. This part will also be expanded to provide for fines imposed under section 231A(d)(2) and 274D of the Act and will introduce procedures for detaining vessels and posting bonds, as well as giving the Commissioner discretion in requiring bonds.

Timetable:

Action	Date	FR Cite
NPRM	03/00/04	
NPRM Comment Period End	05/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2041-00

Transferred from RIN 1115–AF70

Agency Contact: Michael D. Jones, Acting Director, National Fines Office of Inspections, Department of Homeland Security, Bureau of Customs and Border Protection, Suite 425, 1525 Wilson Boulevard, Arlington, VA 22209
Phone: 202 305–7018

RIN: 1651–AA12**1386. ADJUSTMENT OF FEES FOR DEDICATED COMMUTER LANES AND SECURE ELECTRONIC NETWORK FOR TRAVELERS' RAPID INSPECTION (SENTRI) PROGRAMS AT LAND BORDER PORTS OF ENTRY****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**Legal Deadline:** None

Abstract: This rule proposes to adjust the fees for the Land Border Inspection Fee Account (LBIFA) for the Form I-823, Application for Alternative Inspection Services at land border ports of entry and related systems cost fees for participants in the Dedicated Commuter Lane (DCL) program. Form I-823 is used by applicants to the Port

Passenger Accelerated Service System (PORTPASS) that includes the DCL program and several other land border programs. The Secure Electronic Network for Travelers' Rapid Inspection (SENTRI) Program at certain assigned POEs is part of the overall DCL program.

Timetable:

Action	Date	FR Cite
NPRM	03/00/04	
NPRM Comment Period End	05/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2031-99

Transferred from RIN 1115–AG18

Agency Contact: Penny Pastiva, Budget Analyst, Department of Homeland Security, Bureau of Customs and Border Protection, Room 5236, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 514–6254
Email: penny.pastiva@dhs.gov

RIN: 1651–AA16**1387. VISA WAIVER PROGRAM: GUAM VISA WAIVER PROGRAM****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1184; 8 USC 1187; ...**CFR Citation:** 8 CFR 103; 8 CFR 208; 8 CFR 212; 8 CFR 217; 8 CFR 233; ...**Legal Deadline:** None

Abstract: On October 30, 2000, the Visa Waiver Permanent Program Act, Public Law 106–396, made the Visa Waiver Pilot Program (VWPP) permanent with some modifications. The VWPP permits nationals from participating countries to apply for admission to the United States for 90 days or less as nonimmigrant visitors for business or pleasure without first obtaining a nonimmigrant visa. The proposed rule will clarify and explain the new VWP requirements as well as ensure that the VWP removal provisions apply fairly and equally to all inadmissible nonimmigrants regardless of nationality.

DHS—BCBP

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	03/00/04	
NPRM Comment Period End	05/00/04	

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

Additional Information: Merges actions pending for INS Nos. 1447-91, 1622-94, 1685-95, 1777-96, 1782, 17686, 2002-99, and 2188-02 into INS No. 1799.

See also INS No. 2099-00

Transferred from RIN 1115-AG25

Agency Contact: Marty Newingham, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536
Phone: 202 616-7992

RIN: 1651-AA17

1388. EXAMINATION OF IN-TRANSIT MAIL SHIPMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1624

CFR Citation: 19 CFR 145

Legal Deadline: None

Abstract: Amendment to provide that DHS has the authority to examine and search international mail without regard as to whether it is transiting the United States or the U.S. Virgin Islands, or is being delivered within the Customs territory of the United States or the U.S. Virgin Islands.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AC71

Agency Contact: Glen E. Vereb, Chief, Entry Procedures and Carriers Branch, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229

Phone: 202 572-8730

RIN: 1651-AA34

1389. 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 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	01/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AD10

Agency Contact: Elizabeth Tritt, Operations Officer, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927-4434

RIN: 1651-AA41

1390. 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 pertaining to prior disclosure and to the procedure for demanding payment of duties, taxes, fees, or revenue for violations of 19 U.S.C. 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	03/00/04	

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

1391. MANIFEST DISCREPANCY REPORTS

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 concerning the filing of cargo manifest discrepancy reports reflecting that accurate manifest information is required prior to the arrival of carriers transporting cargo into the United States.

DHS—BCBP

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Additional Information:** Transferred from RIN 1515-AD26

Agency Contact: Pete Flores, Inspector, Department of Homeland Security, Bureau of Customs and Border Protection, Manifest and Conveyance Branch, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927-0333

Jeremy Baskin, Attorney-Advisor, Penalties Branch, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Regulations and Rulings, 1300

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

RIN: 1651-AA45

1392. • PUBLICATION OF ADMINISTRATIVE FORFEITURE NOTICES

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

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1592; 19 USC 1593a; 19 USC 1624; 19 USC 1607; 19 USC 1608

CFR Citation: 19 CFR 162**Legal Deadline:** None

Abstract: Amendment to raise the value threshold of seized property for which publication of a notice in a newspaper is necessary from \$2,500 to \$5,000. By changing the requirements for publication of administrative forfeiture notices, amendment would

significantly reduce the publication costs, which have often exceeded the value of seized property.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1515-AD31

Agency Contact: Greg Olsavsky, Chief, Fines, Penalties and Forfeitures Branch, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927-3119

RIN: 1651-AA48

Department of Homeland Security (DHS)

Final Rule Stage

Bureau of Customs and Border Protection (BCBP)

1393. FEES FOR PARTICIPATION IN DEDICATED COMMUTER LANES AT SELECTED PORTS OF ENTRY; COLLECTION OF FEES UNDER THE DEDICATED COMMUTER LANE PROGRAM**Priority:** Other Significant

Legal Authority: 8 USC 1101; 8 USC 1224 to 1228; 8 USC 1252; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252b; 8 USC 1304; 8 USC 1356; 8 USC 1182; 8 USC 1183

CFR Citation: 8 CFR 103; 8 CFR 235; 8 CFR 286; 8 CFR 299

Legal Deadline: None

Abstract: These rules provide for the collection of a fee at the time of application for participation in a Dedicated Commuter Lane (DCL) program, instead of at the time of approval of the application. The DCL program is a pilot project established at selected land border ports of entry to expedite the transborder movement of eligible, pre-screened, low-risk groups through designated traffic lanes. The first interim final rule clarifies the requirements for the use of the DCL (INS No. 1675). The second interim final rule will set forth the fee required

of participants in order to cover the technological costs (INS No. 1794).

INS No. 2058-00 will propose to remove restrictions currently in place that limit the locations where the Department can establish commuter lanes. In addition, the proposed rule will incorporate other projects designed to enhance border security and effective traffic management at port of entry. Finally, the rule may adjust the fee structure in order to administer these projects.

Timetable:

Action	Date	FR Cite
Interim Final Rule-INS No. 1675 Eff. 9/29/95; Comment Period End 11/28/95	09/29/95	60 FR 50386
Interim Final Rule Comment Period End	11/28/95	
Interim Final Rule (INS No. 1794-96)	10/11/96	61 FR 53303
Final Action (INS No. 1675-94)-Effective 10/16/1996	10/16/96	61 FR 53830
Final Action (INS No. 1794-96)	12/00/03	
NPRM (INS No. 2058-00)	04/00/04	

Action	Date	FR Cite
NPRM Comment Period End (INS No. 2058-00)	06/00/04	

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: None**Additional Information:** INS Nos. 1675 and 1794-96

Transferred from RIN 1115-AD82

Agency Contact: Thomas C. Campbell, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4214, 425 I Street NW., Washington, DC 20536
Phone: 202 305-9246

RIN: 1651-AA01

1394. SUSPENSION OF PRIVILEGE TO TRANSPORT ALIENS TO THE UNITED STATES**Priority:** Other Significant

Legal Authority: 8 USC 1101; 8 USC 1252; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225 to 1227

CFR Citation: 8 CFR 103; 8 CFR 273**Legal Deadline:** None

DHS—BCBP

Final Rule Stage

Abstract: The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 added a provision to the Immigration and Nationality Act that allows DHS to suspend a commercial airline's privilege to transport aliens to the United States if the carrier has a record of bringing in aliens who have fraudulent documents. After consultation with other interested Government agencies, DHS is proposing to implement appropriate standards and procedures governing the use of this power to suspend a carrier's privilege to transport aliens to the United States.

Timetable:

Action	Date	FR Cite
NPRM	10/23/98	63 FR 56869
NPRM Comment Period End	12/22/98	
Final Action	04/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** INS No. 1809-96.

Transferred from RIN 1115-AE59

Agency Contact: Michael D. Jones, Acting Director, National Fines Office of Inspections, Department of Homeland Security, Bureau of Customs and Border Protection, Suite 425, 1525 Wilson Boulevard, Arlington, VA 22209
Phone: 202 305-7018

RIN: 1651-AA05**1395. 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 Department regulations by establishing a Preinspected Automated Lane (PAL) Program for the use of eligible persons and vehicles at immigration checkpoints within the United States. This rule will facilitate the passage of people and vehicles through DHS checkpoints while safeguarding the integrity of law enforcement objectives at the checkpoints.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/18/97	62 FR 19024
Interim Final Rule Comment Period End	06/17/97	
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1830-97

Transferred from RIN 1115-AE80

Agency Contact: Rudolph J. Miranda, Assistant Chief, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4226, United States Border Patrol, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927-0931

RIN: 1651-AA06**1396. 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 Department regulations by changing the regulatory definition of an arriving alien. Under section 235(b)(1)(A)(i) of the Immigration and Nationality Act, which was effective on April 1, 1997, certain arriving aliens are subject to expedited removal procedures. The existing regulatory definition of arriving aliens includes parolees. As a matter of policy, the Department has decided that it is appropriate to exempt from the new expedited removal procedures aliens who were paroled into the United States before April 1997. This rule clarifies that these aliens, as well as certain other aliens who were paroled into the United States pursuant to advance parole, will not be subjected to expedited removal upon termination at parole. The rule also makes several changes in the ordering of 1.1(q) to use language that is clearer and more consistent with the wording of the statute.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/20/98	63 FR 19382
Interim Final Rule Comment Period End	06/19/98	
Final Rule	04/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Re: INS No. 1868-97

Transferred from RIN 1115-AE87

Agency Contact: Jerry Liu, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536
Phone: 202 514-3410

RIN: 1651-AA07**1397. 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; 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, Final.

Abstract: This rule amends Department 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

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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	02/00/04	

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: Michael J. Flemmi, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536
Phone: 202 305-9247

RIN: 1651-AA08

1398. 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 Department regulations to extend the distance Mexican nationals with border crossing cards to 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	01/00/04	

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: Jerry Liu, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536
Phone: 202 514-3410

RIN: 1651-AA11

1399. EXPANSION OF DEDICATED COMMUTER LANES; CLARIFICATION OF DRIVER'S LICENSE REQUIREMENT FOR APPLICANTS TO DEDICATED COMMUTER LANES AND AUTOMATED PERMIT PORT PROGRAMS

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 interim final rule amends Department regulations governing the Dedicated Commuter Lanes (DCL) and Automated Permit Port programs by establishing DCLs along the northern borders of the United States. The rule proposes to clarify that nondriving passengers who do not have a driver's license, for example, children, certain elderly people, and others who are ineligible to drive or otherwise choose not to drive, are not required to have or present a driver's license before their application is approved.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/04	
Interim Final Rule Comment Period End	05/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2058-00

Transferred from RIN 1115-AF77

Agency Contact: Thomas C. Campbell, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4214, 425 I Street NW., Washington, DC 20536
Phone: 202 305-9246

RIN: 1651-AA13

1400. UPDATE OF LIST OF COUNTRIES WHOSE CITIZENS OR NATIONALS ARE INELIGIBLE FOR TRANSIT WITHOUT VISA (TWOV) PRIVILEGES TO THE UNITED STATES UNDER THE TWOV PROGRAM

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1221; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1229; 8 USC 1252

CFR Citation: 8 CFR 212; 8 CFR 233

Legal Deadline: None

Abstract: This interim final rule (INS No. 2020-99) updates the list of those countries that the Department, acting on behalf of the Secretary and jointly with the Department of State, has determined to be ineligible for participation in the Transit Without Visa (TWOV) program. This rule also removes certain countries from the ineligible listing so that aliens from these countries can have their passport and visa requirements waived. This rule is intended to benefit the traveling public by expanding the number of countries whose citizens or nationals may transit the United States without a visa while preventing an increase in the abuse of the TWOV program by citizens or nationals of countries placed on the ineligible list.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/05/01	66 FR 1017
Interim Final Rule Delay of Effective Date	02/02/01	66 FR 8743
Interim Final Rule Comment Period End	03/06/01	

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Action	Date	FR Cite
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Interim Final Rule Effective	04/06/01	
Final Action	01/00/04	

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

Additional Information: See also 1651-AA02 (INS No. 2129-01) "Establishing Criteria for Determining Countries Whose Citizens are Ineligible for the Transit Without Visa (TWOV) Program."

Transferred from RIN 1115-AF81

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927-1018
Email: robert.hutnick@dhs.gov

RIN: 1651-AA14**1401. ADDING COLOMBIA TO THE LIST OF COUNTRIES WHOSE CITIZENS OR NATIONALS ARE INELIGIBLE FOR TRANSIT WITHOUT VISA (TWOV) PRIVILEGES TO THE UNITED STATES UNDER THE TWOV PROGRAM****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**Legal Deadline:** None

Abstract: The Transit Without Visa (TWOV) program allows certain aliens to transit the United States en route to a specified foreign country without a passport or visa provided they are traveling on a carrier signatory to an agreement with the Department of Homeland Security in accordance with section 233(c) of the Act. This interim final rule adds Colombia to the list of those countries that the Department, acting on behalf of the Secretary and jointly with the Department of State, has determined to be ineligible for participation in the TWOV program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/30/01	66 FR 17321

Action	Date	FR Cite
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Interim Final Rule Effective	04/02/01	
Interim Final Rule Comment Period End	05/29/01	
Final Action	01/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No 2129-01

Transferred from RIN 1115-AG16

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927-1018
Email: robert.hutnick@dhs.gov

RIN: 1651-AA15**1402. REMOVING RUSSIA FROM THE LIST OF COUNTRIES WHOSE CITIZENS OR NATIONALS ARE INELIGIBLE FOR TRANSIT WITHOUT VISA (TWOV) PRIVILEGES TO THE UNITED STATES UNDER THE TWOV PROGRAM****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: The Transit Without Visa (TWOV) Program allows certain aliens to transit the United States en route to a specified foreign country without a passport or visa provided they are traveling on a carrier signatory to an agreement with the Department of Homeland Security in accordance with section 233 (c) of the Immigration and Nationality Act (Act). This interim final rule removes Russia from the list of those countries that the Department, acting on behalf of the Secretary and jointly with the Department of State, has determined to be eligible for participation in the TWOV program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/15/01	66 FR 32529

Action	Date	FR Cite
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Interim Final Rule Comment Period End	08/15/01	
Final Action	03/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2144-01

Transferred from RIN 1115-AG27

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927-1018
Email: robert.hutnick@dhs.gov

RIN: 1651-AA18**1403. 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 Department 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

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Department of State. This rule is intended to increase security and safeguard the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/03	68 FR 5189
Interim Final Rule Effective	03/17/03	
Interim Final Rule Comment Period End	04/01/03	
Final Action	03/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2202-02

Transferred from RIN 1115-AG68

Agency Contact: Joyce Broughman, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536
Phone: 202 514-3019

RIN: 1651-AA23

1404. POSTING OF SECURITY GUARD AT GANGWAY OF VESSEL FOR DETAINING ALIEN CREWMAN

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1184; 8 USC 1258; 8 USC 1281; 8 USC 1282

CFR Citation: 8 CFR 252

Legal Deadline: None

Abstract: The Immigration and Nationality Act (Act) provides that any immigration officer may revoke the conditional permit to land any alien crewman and require the master or commanding officer of the vessel on which the crewman arrived to receive and detain him or her on board such vessel. This interim final rule amends Department regulations by requiring that, upon request of an immigration officer, the master or commanding officer of a vessel will, in certain cases, not only detain an alien crewman on board the vessel, but will, at his or her own expense, provide the necessary security to ensure that the detained alien crewman does not leave the vessel. This rule is necessary to enhance the security of the United States since a detained alien crewman

may seek to leave the vessel on which he or she has been detained and that his or her illegal departure may pose a significant threat to the public safety.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/04	
Interim Final Rule Comment Period End	05/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2210-02

Transferred from RIN 1115-AG72

Agency Contact: Andrew Taub, Assistant Chief Inspector, Office of Inspections, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536
Phone: 202 305-9244

RIN: 1651-AA24

1405. ELECTRONIC ARRIVAL-DEPARTURE MANIFEST FOR VISA WAIVER PROGRAM

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1187

CFR Citation: 8 CFR 2

Legal Deadline: Final, Statutory, October 1, 2002, Final.

Abstract: This rule serves to further implement the automated exit entry control system mandated by section 217 (h) of the Immigration and Nationality Act (Act) by specifying those passenger data elements that must be electronically transmitted to the Department by carriers seeking to transport Visa Waiver Program (VWP) passengers into and out of the United States on or after October 1, 2002. This rule will also ensure that legitimate VWP travel is not disrupted after September 30, 2002, when the Secretary will no longer have the authority to admit applicants for admission under section 217 of the Act who arrive via sea or air unless the carrier transporting such aliens is electronically transmitting specified passenger data that the Secretary has determined is sufficient to track the arrival and departure of VWP aliens.

This rule is necessary for the proper identification and monitoring of VWP aliens.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/04	
Interim Final Rule Comment Period End	07/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2219-02

Transferred from RIN 1115-AG73

Agency Contact: Michael J. Flemmi, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536
Phone: 202 305-9247

RIN: 1651-AA25

1406. REMOVING INDONESIA AND MALAYSIA FROM THE GUAM VISA WAIVER PROGRAM

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: The Guam Visa Waiver Program (GVWP) waives the nonimmigrant visa requirement for nationals of certain countries, including Malaysia, who apply for admission as a nonimmigrant visitor for business or pleasure for the sole purpose of visiting Guam for a period not to exceed 15 days. This rule will remove Indonesia and Malaysia from the list of countries authorized to participate in GVWP without significantly restricting legitimate travel to Guam.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/04	
Interim Final Rule Comment Period End	03/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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Additional Information: Transferred from RIN 1115-AG92

Agency Contact: Marty Newingham, Senior Immigration Inspector, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW, Washington, DC 20536
Phone: 202 305-1063

RIN: 1651-AA26

1407. AUTOMATED INSPECTION SERVICES-EXTENSION OF ENROLLMENT PERIOD

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: The Department intends to amend the regulations to extend the current enrollment period for the Automated Inspection Services (AIS) from one year to two years. The regulations currently limit the period of approval to the program to one year, requiring applicants to resubmit a new application and fee each year. This is a very burdensome process for both the traveling public and the Federal agencies administering the programs. DHS has determined that it can effectively maintain the security of the program and the border without requiring applicants to undergo a yearly application renewal.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	02/28/03	
Interim Final Rule	03/04/03	68 FR 10143
Interim Final Rule Comment Period End	04/29/03	
Final Action	03/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2256-03

Transferred from RIN 1115-AG94

Agency Contact: Thomas C. Campbell, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4214, 425 I Street NW., Washington, DC 20536

Phone: 202 305-9246

RIN: 1651-AA27

1408. NONIMMIGRANT VISA EXEMPTION FOR NATIONALS OF THE BRITISH VIRGIN ISLANDS ENTERING THE UNITED STATES THROUGH ST. THOMAS, U.S. VIRGIN ISLANDS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1252; 8 USC 1102; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228

CFR Citation: 8 CFR 212

Legal Deadline: None

Abstract: This rule amends the Department of Homeland Security's regulations to allow nonimmigrant visitors for business or pleasure who are nationals of the British Virgin Islands to apply for admission to the United States without a visa at the ports-of-entry of St. Thomas, U.S. Virgin Islands. Since visas are no longer issued from the British Virgin Islands by the Department of State, all persons needing a nonimmigrant visa have to either travel or mail their applications to Barbados, the nearest visa-issuing location. The Department's action will facilitate travel to the United States for nationals of the British Virgin Islands while still ensuring that the proper application provisions of the INA are met.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/18/99	64 FR 7989
Interim Final Rule Comment Period End	04/18/99	
Final Action	04/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State, Local, Federal

Additional Information: INS No. 1956-98

Transferred from RIN 1115-AF28

Agency Contact: Dennis Thompson, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536
Phone: 202 514-3019

RIN: 1651-AA29

1409. PATENT SURVEYS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1624

CFR Citation: 19 CFR 12; 19 CFR 24

Legal Deadline: None

Abstract: Amendment to eliminate patent surveys.

Timetable:

Action	Date	FR Cite
NPRM	03/20/03	68 FR 13636
NPRM Comment Period End	05/19/03	
Final Action	01/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AC93

Agency Contact: Louis Alfano, Customs Officer, Commercial Enforcement, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927-0005

RIN: 1651-AA36

1410. PASSENGER AND CREW MANIFESTS FOR ARRIVING AND DEPARTING VESSELS AND AIRCRAFT

Priority: Economically Significant

Unfunded Mandates: Undetermined

Legal Authority: 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1433; 19 USC 1436; 19 USC 1448; 19 USC 1459; 19 USC 1590; 19 USC 1594; 19 USC 1623; 19 USC 1624; 19 USC 1644; 19 USC 1644a; 49 USC 44909(c); 19 USC 1431; ...

CFR Citation: 19 CFR 122; 19 CFR 4; 8 CFR 217; 8 CFR 231; 8 CFR 251

Legal Deadline: None

Abstract: Amendment to implement a provision of the Aviation and Transportation Security Act, which requires that each air carrier, foreign and domestic, operating a passenger flight in foreign air transportation to the United States electronically transmit in advance of arrival a passenger and crew manifest that contains certain specified information. The submission of this information is required for purposes of ensuring aviation safety and protecting

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national security. Amendment also implements a provision of the Border and Security and Visa Reform Act of 2002 which requires the electronic transmission of passenger and crew member manifest information to immigration officers in advance of an aircraft or vessel arrival in, or departure from, the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/01	66 FR 67482
Interim Final Rule	03/01/02	
Comment Period End		
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AC99

Agency Contact: Tricia Bauer, Program Manager, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927-0530

RIN: 1651-AA37

1411. 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 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. The changes are needed to enhance the security areas and are commensurate with the heightened enforcement posture of the Federal Government following the September 11, 2001, terrorist attacks.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/29/02	67 FR 48977
Interim Final Rule	07/29/02	
Effective		
Interim Final Rule	09/27/02	
Comment Period End		
Final Action	01/00/04	

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: 202 927-4434

RIN: 1651-AA38

1412. CONDITIONAL RELEASE PERIOD AND CUSTOMS BOND OBLIGATIONS FOR FOOD, DRUGS, DEVICES, AND COSMETICS

Priority: Substantive, Nonsignificant

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1448; 19 USC 1484; 19 USC 1499; 19 USC 1623; 19 USC 1624; 21 USC 381

CFR Citation: 19 CFR 141; 19 CFR 151

Legal Deadline: None

Abstract: Amendment to provide for a specific conditional release period for any food, drug, device, or cosmetic that has been released under bond and for which admissibility is to be determined under the provisions of the Food, Drug, and Cosmetic Act. Amendment also clarifies the amount of liquidated damages that may be assessed when there is a breach of the terms and conditions of the customs bond. Lastly, amendment authorizes any representative of the Food and Drug Administration to obtain a sample of any food, drug, device, or cosmetic, the

importation of which is governed by section 801 of the Food, Drug, and Cosmetic Act, as amended.

Timetable:

Action	Date	FR Cite
NPRM	06/07/02	67 FR 39322
NPRM Comment Period End	08/06/02	
Final Action	03/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AD05

Agency Contact: Jeremy Baskin, Attorney-Advisor, Penalties Branch, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 572-8753

RIN: 1651-AA39

1413. 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 implement a provision of the Aviation and Transportation Security Act, which requires that air carriers make Passenger Name Record (PNR) information available 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	06/25/02	
Effective		
Interim Final Rule	08/26/02	
Comment Period End		
Final Action	01/00/04	

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Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1515-AD06**Agency Contact:** Liliana Quintero, Operations Officer, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927-2531**RIN:** 1651-AA40**1414. CUSTOMS BROKER LICENSE EXAMINATION DATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1624; 19 USC 1641**CFR Citation:** 19 CFR 111**Legal Deadline:** None**Abstract:** Amendment to allow the publication of a notice changing the date on which a semiannual written examination for an individual broker's license will be held when the normal date (the first Monday in April and October) conflicts with a holiday, religious observance, or other scheduled event.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/29/03	68 FR 31976
Interim Final Rule Effective	05/29/03	
Interim Final Rule Comment Period End	07/28/03	
Final Action	12/00/03	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1515-AD28**Agency Contact:** Mike Craig, Operations Officer, Broker Management Branch, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927-1684**RIN:** 1651-AA46**1415. 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 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	02/00/04	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1515-AD29**Agency Contact:** Kelly Herman, Attorney, Disclosure Law Branch, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 572-8713Gregory R. Vilders, Attorney, Disclosure Law Branch, Department of Homeland Security, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 572-8772**RIN:** 1651-AA47**1416. • REQUIRED ADVANCE ELECTRONIC PRESENTATION OF CARGO INFORMATION****Priority:** Economically Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 5 USC 301; 19 USC 66; 19 USC 1431; 19 USC 1433; 19 USC 1434; 19 USC 1624; 46 USC app 3; 46 USC app 91; 46 USC app 883; 19 USC 2071 note**CFR Citation:** 19 CFR 4; 19 CFR 103; 19 CFR 113; 19 CFR 122; 19 CFR 123; 19 CFR 192**Legal Deadline:** Final, Statutory, October 1, 2003, Final.

Section 343(a) of the Trade Act of 2002, as amended by section 108 of the Maritime Transportation Security Act of 2002 requires that the Secretary endeavor to promulgate final regulations not later than October 1, 2003, that provide for the mandatory collection of electronic cargo information.

Abstract: Amendment to provide that information pertaining to cargo carried by any mode of commercial transportation (sea, air, rail, or truck) must be received, by way of an approved electronic data interchange system, before the cargo is either brought into or sent from the United States. The cargo information required is that which is reasonably necessary to enable high-risk shipments to be identified so as to prevent smuggling and ensure cargo safety and security. Amendments are intended to implement the provisions of section 343(a) of the Trade Act of 2002, as amended by the Maritime Transportation Security Act of 2002.**Timetable:**

Action	Date	FR Cite
NPRM	07/23/03	68 FR 43574
NPRM Comment Period End	08/22/03	
Final Action	12/00/03	

Regulatory Flexibility Analysis**Required:** Yes**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1515-AD33**Agency Contact:** Kimberly Nott, Operations Officer, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927-0042**RIN:** 1651-AA49**1417. • SUSPENSION OF IMMEDIATE AND CONTINUOUS TRANSIT AGREEMENTS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1223; 8 USC 1225; 8 USC 1226; 8 USC 1227; ...**CFR Citation:** 8 CFR 212; 8 CFR 214; 8 CFR 231; 8 CFR 233

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Final Rule Stage

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 allows 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 has entered into an Immediate and Continuous Transit Agreement on Form I-426, pursuant to section 233(c) of the Immigration and

Nationality Act (Act). This rule suspends immediate and continuous transit provisions for both the TWOV and ITI programs.

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	
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AD36

Agency Contact: Kenneth Sava, Director, Air and Sea Passenger Operations, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927-0530

RIN: 1651-AA50

Department of Homeland Security (DHS)

Bureau of Customs and Border Protection (BCBP)

Long-Term Actions

1418. 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

Action	Date	FR Cite
Interim Final Rule-1622-93; Eff. 7/29/93; Com. End 8/30/93; (To be merged with 1447R-93)*	07/29/93	58 FR 40581
Public Notice-INS No. 1674 Eff. 10/25/94, Comment Period End 09/30/96	02/21/95	60 FR 9699
Interim Final Rule-INS No. 1685 Eff. 4/1/95; Comment Period End 5/30/95	03/28/95	60 FR 15855
Interim Final Rule-INS No. 1777	07/08/96	61 FR 35598
Interim Final Rule-INS No. 1782-96 With Comments (Australia)	07/29/96	61 FR 39721
Interim Final Rule-INS 1786-96 With Comments (Slovenia)	09/30/97	62 FR 50998
Final Rule-INS No. 1799	12/30/98	63 FR 71726
Interim Final Rule-INS 2002-99 With Comments (Portugal, Singapore, and Uruguay)	08/03/99	64 FR 42006
Interim Final Rule-INS 2188-02 (Removing Argentina)	02/21/02	67 FR 7943
Interim Final Rule	03/07/03	68 FR 10954
Next Action Undetermined		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: INS No. 2002-99 interim final rule Adding Portugal, Singapore, and Uruguay to the List of Countries Authorized to Participate in the VISA Waiver Pilot Program published on August 3, 1999, at 64 FR 42006.

INS No. 1447-91, 1622-94, 1685-95, 1777-96, and 1782 are to be consolidated into one final rulemaking, which is designated as INS No. 1799.

Transferred from RIN 1115-AB93

Agency Contact: Marty Newingham, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536
Phone: 202 616-7992

RIN: 1651-AA00

1419. ESTABLISHING CRITERIA FOR DETERMINING COUNTRIES WHOSE CITIZENS ARE INELIGIBLE FOR THE TRANSIT WITHOUT VISA (TWOV) PROGRAM

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 2; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 USC 1221; 8 USC 1229

CFR Citation: 8 CFR 212; 8 CFR 234.2

Legal Deadline: None

Abstract: This rule proposes to remove from the regulations the list of those countries that are ineligible to participate in the TWOV program. In its place, DHS proposes to publish and

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update the list of countries that are ineligible to participate in the TWOV program by Federal Register notice. This rule also sets forth a nonexhaustive list of factors that may be considered in determining those countries whose citizens or nationals are ineligible countries and provides for a regular review of all countries to determine their eligibility for participation in the TWOV program. The TWOV program allows the Department of Homeland Security, acting jointly with the Department of State, to waive the passport and visa requirement for aliens from certain countries who request immediate and continuous transit privileges through the United States.

Timetable:

Action	Date	FR Cite
NPRM	01/05/01	66 FR 1053
NPRM Comment Period End	03/05/01	
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: INS No. 1696-95

Transferred from RIN 1115-AD96

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927-1018
Email: robert.hutnick@dhs.gov

RIN: 1651-AA02

1420. 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, Other.

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, DHS and 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, DHS published the rule "Asylum Procedures" (INS No. 1865-97; RIN 1115-AE93), which finalized the asylum portions of this interim rule. The Department still intends to publish a final rule to finalize the portions of this rulemaking relating to inspection and expedited removal of aliens, detention and deportation and removal of aliens, and the conduct of removal proceedings.

Timetable:

Action	Date	FR Cite
Final Action-INS No. 1669-94	03/22/96	61 FR 11717
NPRM-INS No. 1788-96 Comment Period End 2/3/97	01/03/97	62 FR 444
Interim Final Rule-INS No. 1788-96 Comment Period End 7/15/97	03/06/97	62 FR 10312
Interim Final Rule Correction (Effective 04/01/97)	04/01/97	62 FR 15362
Interim Final Rule-INS No. 1788-96 Correction	04/09/97	62 FR 17048
Final Rule-INS No. 1920-98	07/22/98	63 FR 39217
Final Action INS No. 1788-96	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1788-96 (Final Action)

INS Rule No. 1920-98 makes a correction to the services regulations that govern the documentary requirements for immigrants and corresponding waivers. This rule relates to changes promulgated by INS 1169-94 and INS No. 1788-96.

INS Rule No. 1865-97, AG Order No. 2340-2000, final rule, Asylum Procedures published on December 6, 2000, at 65 FR 76121, amended portions of the title III IIRIRA governing cases in which an applicant has established past persecution or in which an applicant may be able to avoid persecution in a particular country by relocating to another area of that country.

Transferred from RIN 1115-AE47

Agency Contact: Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041
Phone: 703 305-0470

RIN: 1651-AA04

1421. RESTRICTING CITIZENS OF BANGLADESH, INDIA, PAKISTAN, AND SRI LANKA FROM PARTICIPATION IN THE INTERNATIONAL-TO-INTERNATIONAL (ITI) PROGRAM

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: 8 CFR 212.1(f)(2)

Legal Deadline: None

Abstract: This regulatory action advises the public that the Department of Homeland Security is amending its policy that allowed citizens from Bangladesh, India, Pakistan, and Sri Lanka the privilege to participate in the International-to-International (ITI) program despite Department regulations at title 8, section 212, part 1(f)(2) barring the citizens of these countries from participation in the Transit Without Visa (TWOV) and ITI programs. This notice proposes to correct this conflict between policy and regulations.

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Timetable:

Action	Date	FR Cite
ANPRM	To Be Determined	
ANPRM Comment Period End	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2157-01

Transferred from RIN 1115-AG30

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927-1018
Email: robert.hutnick@dhs.gov

RIN: 1651-AA19

1422. ALLOWING CITIZENS AND NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA LIMITED TRANSIT WITHOUT VISA (TWOV) PRIVILEGES AT TWOV-DESIGNATED ALASKA INTERNATIONAL AIRPORTS

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: The Transit Without Visa (TWOV) Program allows certain aliens to transit the United States en route to a specified foreign country without passport or visa provided they are traveling on a carrier signatory to an agreement with the Department of Homeland Security in accordance with section 233(c) of the Act and meet certain other requirements as enumerated in Department regulations at 8 CFR 212.1(f) and 214.2(c). This interim final rule allows citizens and nationals of the People's Republic of China limited TWOV privileges at TWOV-designated Alaska international airports provided they meet additional requirements enumerated in the rule. This rule is intended to benefit the economy of Alaska by allowing citizens and nationals of the People's Republic of China to transit the United States without a visa at TWOV-designated Alaska international airports while limiting the risk of abuse of the TWOV

program by citizens or nationals of the People's Republic of China by restricting this policy to certain Alaskan ports of entry.

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be Determined	
Interim Final Rule Comment Period End	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2160-01;

Transferred from RIN 1115-AG33

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927-1018
Email: robert.hutnick@dhs.gov

RIN: 1651-AA20

1423. LIMITING THE NUMBER OF TRANSIT WITHOUT VISA (TWOV) STOPS IN THE UNITED STATES TO ONE

Priority: Other Significant

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

CFR Citation: 8 CFR 214.2 (c)

Legal Deadline: None

Abstract: The Office of Inspector General (OIG) recently completed a follow-up review of the Department of Homeland Security's (DHS) efforts to improve security of the Transit Without Visa (TWOV) program. The OIG report found that several security concerns described in the original 1993 report continue to exist, specifically the 1) continued allowance for TWOV passengers to make two stops in the United States, with the second stop being a domestic arrival; and 2) lack of carrier standards and accountability for supervising TWOV passengers waiting for their connecting flights in public, domestic areas. This proposed rule informs the public that DHS intends to amend its regulations by

limiting the number of transit stops in the United States for TWOV passengers to one stop. These TWOV program modifications will enhance U.S. national security while still providing the traveling public TWOV privileges.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	
NPRM Comment Period End	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1115-AG59

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927-1018
Email: robert.hutnick@dhs.gov

RIN: 1651-AA22

1424. ADDING GEORGIA TO THE LIST OF COUNTRIES WHOSE CITIZENS OR NATIONALS ARE INELIGIBLE FOR TRANSIT WITHOUT VISA (TWOV) PRIVILEGES TO THE U.S. UNDER THE TWOV PROGRAM

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: The Transit Without Visa (TWOV) program allows certain aliens to transit the United States enroute to a specified foreign country without a passport or visa provided they are traveling on a carrier signatory to an agreement with the Department of Homeland Security in accordance with section 233(c) of the Immigration and Nationality Act (Act). This interim rule adds Georgia to the list of those countries that the Department, acting on behalf of the Secretary and jointly with the Department of State, has determined to be ineligible for participation in the TWOV program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

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Action	Date	FR Cite
Interim Final Rule Comment Period End	To Be Determined	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2263-03

Transferred from RIN 1115-AG98

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927-1018
Email: robert.hutnick@dhs.gov

RIN: 1651-AA28**1425. DESIGNATED LAND BORDER CROSSING LOCATIONS FOR CERTAIN CONVEYANCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1431; 19 USC 1433; 19 USC 1459; 19 USC 1624**CFR Citation:** 19 CFR 123**Legal Deadline:** None

Abstract: Amendment would allow the designation of land border crossing locations for certain traffic and merchandise. At ports of entry with multiple crossing points, port directors would have express authority to require by local instructions that certain trucks and other commercial conveyances enter the United States at specific land border crossing locations within the port of entry designated for the processing and clearance of those conveyances.

Timetable:

Action	Date	FR Cite
NPRM	11/17/97	62 FR 61251

Action	Date	FR Cite
NPRM Comment Period End	01/16/98	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** Transferred from RIN 1515-AC12

Agency Contact: Dennis Dore, Program Analyst, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927-3274

RIN: 1651-AA32**1426. SIMPLIFICATION OF IN-TRANSIT TRUCK SHIPMENTS BETWEEN CANADA AND THE UNITED STATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1431; 19 USC 1433; 19 USC 1436; 19 USC 1448; 19 USC 1553; 19 USC 1624**CFR Citation:** 19 CFR 123**Legal Deadline:** None

Abstract: Amendment to simplify reporting procedures for the in-transit movement of truck shipments between Canada and the United States. Amendment is designed to reduce traffic congestion along the northern border by reducing the number of reporting stops.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1515-AC65

Agency Contact: Raymond Janiszewski, Supervisory Import

Specialist, Office of Field Operations, Department of Homeland Security, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927-0365

RIN: 1651-AA33**1427. 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 provide for the Border Release Advanced Screening and Selectivity (BRASS) Program, an improved automated and electronic system that will replace the Line Release method of processing certain repetitive and high volume shipments of merchandise into the United States.

Timetable:

Action	Date	FR Cite
NPRM	02/01/02	67 FR 4930
NPRM Comment Period End	04/02/02	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1515-AC92

Agency Contact: Enrique S. Tamayo, Operations Officer, Trade Programs, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927-0693

RIN: 1651-AA35

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

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1428. CARRIER ARRIVAL AND DEPARTURE ELECTRONIC MANIFEST REQUIREMENTS

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: PL 107-173; PL 106-96; 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1221; 8 USC 1228; 8 USC 1229

CFR Citation: 8 CFR 231

Legal Deadline: Final, Statutory, January 1, 2003, Final. Public Law 107-173, the Visa Waiver Permanent Program Act (VWPPA), sets a mandatory deadline of October 1, 2002.

Abstract: There are four principal laws that require the Attorney General to develop an automated and integrated entry/exit data system for aliens:

1. The Immigration and Naturalization Service Data Management Improvement Act (DMIA), Public Law 106-21;
2. The Visa Waiver Permanent Program Act (VWPPA), Public Law 106-396;
3. The USA PATRIOT Act, Public Law 107-56; and
4. The Enhanced Border Security and Visa Entry Reform Act (Border Security Act), Public Law 107-173.

Implementation of the relevant provisions in these four laws together will result in the Entry/Exit System. One of the basic legislative mandates is that the system integrate the available alien arrival and departure data that exist in any DHS or Department of State (DOS) data base or system. This necessarily must include the systems that incorporate carrier manifest data on passengers and crew members who are entering or leaving the U.S. via air or sea. Section 231 of the Immigration and Nationality Act (INA) and 8 CFR part 231 state the requirements for carrier manifests.

In section 402 of the Border Security Act, Congress amended the manifest requirements in INA, section 231. The Border Security Act requires the submission of arrival and departure manifests electronically in advance of a commercial aircraft or vessel's arrival in or departure from the United States not later than January 1, 2003. Promulgation of regulations to implement this law will provide the Department with advance notification of information necessary for the identification of passengers and

crewmembers on commercial carriers. The contents of the electronic arrival and departure manifest include: (1) complete name; (2) date of birth; (3) citizenship; (4) sex; (5) passport number and country of issuance; (6) country of residence; (7) United States visa number, date, and place of issuance, where applicable; (8) alien registration; (9) United States address while in the United States; and (10) such other information the Secretary, in consultation with the Secretary of State and the Secretary of Treasury determines as being necessary for the identification of the persons transported and for the enforcement of the immigration laws and to protect safety and national security.

In October 2000, Congress also amended section 217 of the INA to make the Visa Waiver Pilot a permanent program. The VWPPA also added a specific requirement for a "fully automated entry and exit control system" covering all aliens who enter the United States under the VWP at airports and seaports. The requirements for this system are both narrower and broader, in different respects, than the DMIA automated system requirements. The VWP entry/exit system will be incorporated into the broader Entry/Exit System mandated by DMIA. In addition, the VWPPA states that no alien arriving by air or sea may be granted a visa waiver under INA, section 217, on or after October 1, 2002, unless the carrier is submitting passenger information electronically to the VWP entry/exit system, as required by the Secretary. The Department is separately promulgating regulations to amend 8 CFR part 217 to implement the electronic manifest requirements for VWP purposes.

Timetable:

Action	Date	FR Cite
NPRM	01/03/03	68 FR 292
NPRM Comment Period End	02/03/03	
Merged With RIN 1651-AA37.	06/16/03	

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: None

Additional Information: INS No. 2182-01

Transferred from RIN 1115-AG57

Sectors Affected: 481 Air Transportation

Agency Contact: Tricia Bauer, Program Manager, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927-0530

RIN: 1651-AA21

1429. • IMPLEMENTATION OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA REGARDING ASYLUM CLAIMS MADE AT LAND BORDER PORTS OF ENTRY

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

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1158; 8 USC 1188; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228

CFR Citation: 8 CFR 212; 8 CFR 235

Legal Deadline: None

Abstract: Amendment to establish CBP officers' responsibilities to aliens arriving in the United States from Canada at land border ports of entry and in transit from Canada who are seeking asylum pursuant to the U.S.-Canada Safe Third Country Agreement.

Timetable:

Action	Date	FR Cite
Withdrawn	10/16/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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: 202 927-2493

RIN: 1651-AA31

1430. PERFORMANCE OF CUSTOMS BUSINESS BY PARENT AND SUBSIDIARY CORPORATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1624; 19 USC 1641

CFR Citation: 19 CFR 111

DHS—BCBP

Completed Actions

Legal Deadline: None

Abstract: Amendment to specify circumstances in which a corporate entity may perform certain customs business on behalf of a parent corporation or subsidiary corporation or sister subsidiary corporation without the need to obtain a customs broker license. It is anticipated that the amendment would improve the operational efficiency of the affected corporate entities and thereby enhance their ability to ensure compliance with applicable customs laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/15/02	67 FR 63576
NPRM Comment Period End	12/16/02	
Final Action	08/11/03	68 FR 47455
Final Action Effective	09/10/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AD14

Agency Contact: Gina Grier, Attorney, Entry Procedures and Carriers Branch, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 572-8730

RIN: 1651-AA43

1431. CONFIDENTIALITY PROTECTION FOR VESSEL CARGO MANIFEST INFORMATION

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 19 USC 552; 19 USC 552a; 19 USC 66; 19 USC 1431; 19 USC 1624; 31 USC 9701

CFR Citation: 19 CFR 103

Legal Deadline: None

Abstract: Amendment to provide that, in addition to the importer or consignee, parties that electronically transmit vessel cargo manifest information directly 24 or more hours before cargo is laden aboard the vessel at the foreign port may request confidentiality with respect to the name and address of the importer or consignee, related marks, and identification numbers that reveal their names and addresses, and the names and addresses of their shippers. These

parties must submit a letter of authorization signed by the importer or consignee with the request for confidentiality.

Timetable:

Action	Date	FR Cite
NPRM	01/09/03	68 FR 1173
NPRM Comment Period End	02/10/03	
Withdrawn	08/13/03	68 FR 48327

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AD18

Agency Contact: Larry L. Burton, Director, International Trade Compliance, Department of Homeland Security, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 572-8728

RIN: 1651-AA44

1432. • DELEGATIONS OF AUTHORITY: SIGNATURE OF CUSTOMS AND BORDER PROTECTION REGULATIONS PUBLISHED IN THE FEDERAL REGISTER

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

Legal Authority: 5 USC 301; 6 USC 101; 19 USC 66; 19 USC 1624; 31 USC 321

CFR Citation: 19 CFR 0; 19 CFR 400

Legal Deadline: None

Abstract: Revision of title and structure of title 19 of the Code of Federal Regulations (CFR) to reflect changes caused by the creation of the Department of Homeland Security and the consequent governmental reorganization. Amendment specifies the signatures that indicate the exercise of authority for documents that appear in 19 CFR chapter I. In addition, the rule adds and reserves for future use a chapter under which the agency may issue regulations.

Timetable:

Action	Date	FR Cite
Final Action	08/28/03	68 FR 51868
Final Action Effective	08/28/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AD39

Agency Contact: Harold M. Singer, Chief, Regulations Branch, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 572-8767

RIN: 1651-AA52

1433. • TONNAGE DUTIES-REVISED AMOUNTS

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

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1431; 19 USC 1433; 19 USC 1434; 19 USC 1624; 46 USC 2107(b); 46 USC 8103; 46 USC 14306; 46 USC 14502; 46 USC 14511; 46 USC 14512; 46 USC 14513; 46 USC 14701; 46 USC 14702; 46 USC app 121; 46 USC app 128

CFR Citation: 19 CFR 4

Legal Deadline: None

Abstract: Amendment of rule dealing with vessels in foreign and domestic trades by revising the amounts of tonnage duties applicable to those entering the United States from a foreign port. Revisions reflect changes in the pertinent statutory provisions.

Timetable:

Action	Date	FR Cite
Final Action	08/13/03	68 FR 48279
Final Action Effective	08/13/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AD35

Agency Contact: Glen E. Vereb, Chief, Entry Procedures and Carriers Branch, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229
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RIN: 1651-AA53

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

Proposed Rule Stage

1434. BACKGROUND CHECKS FOR AIRPORT WORKERS

Priority: Other Significant. Major status under 5 USC 801 is 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 will address criminal history background checks for individuals who regularly have escorted access to secured areas of an airport, individuals who work in sterile areas of an airport, and others.

Timetable:

Action	Date	FR Cite
NPRM	04/00/04	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

Additional Information: Transferred from RIN 2110-AA08

Agency Contact: Christine Beyer, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, HQ, West Bldg, Floor 8, TSA-2, 601 South 12th Street, Arlington, VA 22202
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RIN: 1652-AA06

1435. INVESTIGATIVE AND ENFORCEMENT PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 6002; 28 USC 2461 (note); 49 USC 114; 49 USC 40113; 49 USC 40114; 49 USC 44901 to 44907; 49 USC 46101 to 46107; 49 USC 46109; 49 USC 46110; 49 USC 46301; 49 USC 46305; 49 USC 46311; 49 USC 46313; 49 USC 46314

CFR Citation: 49 CFR 1503

Legal Deadline: None

Abstract: This rulemaking establishes the interim investigative and enforcement procedural rules that the TSA will use to address statutory and regulatory violations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/08/02	67 FR 51480

Action	Date	FR Cite
Interim Final Rule Effective	08/08/02	
NPRM	02/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from 2110-AA09

Agency Contact: Quang Nguyen, Attorney, Enforcement Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, HQ, West Bldg, Floor 8, TSA-2, 601 South 12th Street, Arlington, VA 22202
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RIN: 1652-AA07

1436. GENERAL RULEMAKING PROCEDURES

Priority: Substantive, Nonsignificant

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 to 44918; 49 USC 44935; 49 USC 44936; 44942, 46105

CFR Citation: 49 CFR 1501

Legal Deadline: None

Abstract: TSA is developing general rulemaking procedures to explain to the public the process required to initiate, follow-up, and complete the rulemaking process, and what the agency has to comply with during the process. This is needed because currently TSA does not have a regulation that explains the rulemaking process to the public. Rulemaking procedures are an important way for the public to interact with TSA. Therefore, it is important that these procedures be clearly explained and easy to understand and follow. This proposed rule will layout the process to the public to allow them to understand how TSA processes rulemaking proceedings, and what they can do to have input in that process.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Angela Anderson, Senior Rulemaking Analyst, Department of Homeland Security, Transportation Security Administration, TSA Headquarters-West Building, 8th floor, TSA-2, 601 South 12th Street, Arlington, VA 22202
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RIN: 1652-AA18

1437. ADMINISTRATIVE CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 28 USC 2672; 28 USC 2675; 49 USC 114; 49 USC 308; 49 USC 40113

CFR Citation: 49 CFR 1512

Legal Deadline: None

Abstract: This proposed rule will require prospective claimants under the Federal Tort Claims Act to follow certain procedures to file their claims to TSA. The rule is needed because the absence of a published rule of procedure may cause problems due to lack of knowledge by some parties on how or where to file claims, and the minimum information needed to file a claim.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Gregg Golden, Asst. Chief Counsel, Torts Litigation, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, HQ, West Bldg, Floor 8, TSA-2, 601 South 12th Street, Arlington, VA 22202
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RIN: 1652-AA19

1438. MARINE VESSEL SECURITY STANDARDS-PROHIBITED ITEMS

Priority: Other Significant

Legal Authority: 49 USC 114

CFR Citation: 49 CFR 1576

DHS—TSA

Proposed Rule Stage

Legal Deadline: None

Abstract: This proposed regulation would establish lists of “prohibited items” (weapons, explosives, incendiaries, and other dangerous items) that individuals would not be allowed to carry on their person, or in their baggage when they travel onboard one of four categories of passenger vessels.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 1652-AA22

1439. AVIATION SECURITY-ALL-CARGO SECURITY RULES

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

Unfunded Mandates: Undetermined

Legal Authority: PL 107-71, sec 110(f)

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This action develops a comprehensive strategic plan to address air cargo security.

Timetable:

Action	Date	FR Cite
NPRM	03/00/04	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

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RIN: 1652-AA23

1440. FEDERAL FLIGHT DECK OFFICER PROGRAM

Priority: Other Significant

Legal Authority: 49 USC 114; 49 USC 40113; 49 USC 44921

CFR Citation: 49 CFR 1552

Legal Deadline: None

Abstract: This proposed rule establishes a program to screen, train, deputize, and equip certain commercial airline pilots as Federal law enforcement officers, and to authorize them to transport and carry firearms and to use force, including deadly force, to defend the flight decks of the aircraft against acts of criminal violence or air piracy.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Dion Casey, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, HQ, West Bldg, Floor 8, TSA-2, 601 South 12th Street, Arlington, VA 22202
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RIN: 1652-AA24

1441. • VULNERABILITY SELF-ASSESSMENTS

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

Legal Authority: PL 107-71

CFR Citation: 49 CFR 1574

Legal Deadline: None

Abstract: This document would cover owners and operators of highway, pipeline, mass transit, and rail facilities or conveyances that are determined by TSA to be at risk of being involved in a transportation security incident and who are informed by TSA that they must conduct vulnerability self-assessments. A transportation security incident is a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area. The document would set forth the methodologies that must be used to perform the self-assessment, and would also provide a TSA-developed assessment tool as one means of satisfying the regulatory requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

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RIN: 1652-AA30

DHS—TSA

Proposed Rule Stage

1442. • CONTAINER SECURITY FOR MARITIME AND INTERMODAL SHIPMENTS

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

Unfunded Mandates: Undetermined

Legal Authority: PL 107–295; 49 USC 40113

CFR Citation: Not Yet Determined

Legal Deadline: NPRM, Statutory, January 2004, NPRM.

Abstract: This document would require the development of antiterrorism cargo identification, screening and tracking systems, and performance standards for the physical security of containers shipped between the United States and other countries. Under this regulation, persons who import or export materials in containers, by means of vessels, would be required to meet the performance standards detailed.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

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RIN: 1652-AA31

1443. • CAPPS II-ACCESS TO PASSENGER RESERVATION INFORMATION

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

CFR Citation: 59 CFR 1560

Legal Deadline: None

Abstract: TSA is proposing to require certain aircraft operators, foreign air carriers, and operators of computer reservation systems to transmit passenger reservation information to TSA for use in aviation security screening. The proposal would require that for any flight transporting passengers to, from, or within the United States, each aircraft operator, foreign air carrier, or reservation system operator that accepts a reservation for a passenger on that flight must transmit the passenger's reservation information to TSA at least 72 hours before the scheduled departure of the flight or at the time the passenger purchases a ticket for the flight, whichever is later. The reservation information transmitted to TSA must include a passenger's full name, home address, home telephone number, and date of birth. The proposal also would require that prior to collecting this information from an individual, an aircraft operator, foreign air carrier, or reservation system operator must take reasonable steps to ensure that the individual is provided notice of the purpose for which the information is collected, the authority under which it is collected, and the consequences of a passenger's failure to provide the information. TSA will use passengers' information to support a more effective version of the current automated system for aviation passenger screening, known as Computer Assisted Passenger Prescreening System II, or CAPPS II.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Brandon B. Straus, Assistant Chief Counsel for Regulations, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, HQ, West Bldg, Floor 8, TSA-2, 601 South 12th Street, Arlington, VA 22202
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RIN: 1652-AA32

1444. • FEES FOR SECURITY THREAT ASSESSMENTS ON HAZMAT DRIVERS

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

Legal Authority: PL 108-90, sec 520

CFR Citation: 49 CFR 1522

Legal Deadline: None

Abstract: In response to recent statutory requirements, the Transportation Security Administration proposes to establish fees for security threat assessments that TSA is required to perform on individuals who apply for, renew, or transfer a hazardous materials endorsement for a commercial drivers license.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: State

Federalism: Undetermined

Agency Contact: Dion Casey, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, HQ, West Bldg, Floor 8, TSA-2, 601 South 12th Street, Arlington, VA 22202
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RIN: 1652-AA33

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

Final Rule Stage

1445. 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: None

Abstract: The Transportation Security Administration announces the imposition of a security service fee in the amount of \$2.50 per emplanement on passengers of domestic and foreign carriers in air transportation, foreign air transportation, and intrastate air transportation originating in the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/01	66 FR 67698
Notice Information Collection	01/31/02	67 FR 4866
Notice Information Collection	02/19/02	67 FR 7582
Interim Final Rule Comment Period End	03/01/02	
Comment Period Reopened	03/28/02	67 FR 14879
Comment Period End	04/30/02	
Disposition of Comments	03/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2110-AA01

Agency Contact: Randall Fiertz, Chief, Office of Revenue, Department of Homeland Security, Transportation Security Administration, Finance and Administration, HQ, West Bldg, Floor 5, TSA-14, 601 South 12th Street, Arlington, VA 22202
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RIN: 1652-AA00

1446. AVIATION SECURITY INFRASTRUCTURE FEES

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

Legal Authority: 49 USC 44901; 49 USC 44940

CFR Citation: 49 CFR 1511

Legal Deadline: None

Abstract: TSA announces the imposition of an air carrier fee each fiscal year on air carriers and foreign air carriers in air transportation, foreign air transportation, and intrastate air transportation. The fee is necessary to help defray TSA's costs of providing U.S. civil aviation security services.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	02/18/02	
Interim Final Rule Correction	02/20/02	67 FR 7926
Notice Information Collection	02/22/02	67 FR 8579
Notice Information Collection	02/28/02	67 FR 9355
Interim Final Rule Comment Period End	03/18/02	
Comment Period Extended	03/20/02	67 FR 12954
Comment Period End	04/02/02	
Notice Guidance App A	05/01/02	67 FR 21582
Disposition of Comments	03/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2110-AA02

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RIN: 1652-AA01

1447. 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 17, 2002, Final.

Abstract: This action transfers the FAA security rules to the Transportation Security Administration.

Timetable:

Action	Date	FR Cite
Final Rule Effective	02/17/02	
Final Rule	02/22/02	67 FR 8340
Final Rule Comment Period End	03/25/02	
Disposition of Comments	01/00/04	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Additional Information: Transferred from RIN 2110-AA03

Agency Contact: Benjamin Klein, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, HQ, West Bldg, Floor 8, TSA-2, 601 South 12th Street, Arlington, VA 22202
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RIN: 1652-AA02

1448. 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 17, 2002, Final.

Abstract: This action requires operators of aircraft with a maximum certificated takeoff weight of 12,500 pounds or more to implement a Transportation Security Administration-approved security program.

DHS—TSA

Final Rule Stage

Timetable:

Action	Date	FR Cite
Final Rule	02/22/02	67 FR 8205
Final Rule Comment Period End	04/23/02	
Final Rule Effective	06/24/02	
Notice to Extend Compliance Date	02/05/03	68 FR 5974
Disposition of Comments	01/00/04	

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

Additional Information: TSA issued the final security program to affected operators required to comply by April 1, 2003.

Transferred from RIN 2110-AA04

Agency Contact: Lon M. Siro, Security Specialist, Department of Homeland Security, Transportation Security Administration, Aviation Operations, HQ, East Bldg, Floor 11, TSA-7, 601 South 12th Street, Arlington, VA 22202
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RIN: 1652-AA03**1449. 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 1520**Legal Deadline:** None

Abstract: TSA is revising its regulation governing the protection of sensitive security information (SSI) in order to implement recent legislative changes that expand TSA's authority to protect SSI related to modes of transportation other than aviation. TSA is issuing revisions to its existing regulation in the form of an interim final rule in order to address the immediate needs of individuals and entities operating in maritime and other modes of transportation as they develop security plans, assessments, procedures, and other measures called for by the Homeland Security Act of 2002 and the Maritime Transportation Security Act

of 2002. To that end, TSA is expanding the definition of SSI to include additional types of information related to security in all modes of transportation and to expand the list of persons required to protect SSI. TSA also is requiring that records containing SSI be marked with a protective marking and distribution limitation statement that indicate the record contains SSI, the restrictions on the release of SSI, and the consequences of unauthorized disclosure of the SSI. TSA is requiring disposal of records containing SSI when they are no longer needed.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

Additional Information: Transferred from RIN 2110-AA10

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RIN: 1652-AA08**1450. SECURITY COMPLIANCE PROGRAM FOR AIRCRAFT OPERATORS****Priority:** Other Significant**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: Rules governing civil aviation security were transferred from the Federal Aviation Administration 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. 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.

Timetable:

Action	Date	FR Cite
Final Action	06/00/04	

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

Additional Information: Transferred from RIN 2110-AA11

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RIN: 1652-AA09**1451. SECURITY COMPLIANCE PROGRAM FOR AIRPORTS****Priority:** Other Significant

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: Rules governing civil aviation security were transferred from the Federal Aviation Administration 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. TSA will establish a compliance program for airport operators to implement and test security contingency plans. The intent

DHS—TSA

Final Rule Stage

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.

Timetable:

Action	Date	FR Cite
Final Action	06/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2110-AA12

Agency Contact: Christine Beyer, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, HQ, West Bldg, Floor 8, TSA-2, 601 South 12th Street, Arlington, VA 22202
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RIN: 1652-AA10

1452. CRIMINAL HISTORY RECORDS CHECKS

Priority: Other Significant

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: This rule, published by the Federal Aviation Administration (FAA), requires each airport operator and aircraft operator that has adopted a security program under 14 CFR parts 107 or 108 to conduct fingerprint-based criminal history record checks for individuals if they have not already undergone criminal history record checks. 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 the Transportation Security Administration (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.

Timetable:

Action	Date	FR Cite
Final Rule; Request for Comments	12/06/01	66 FR 63474
Comment Period End	01/07/02	
Comment Period Reopened	01/25/02	67 FR 3810
Reopened Comment Period End	03/11/02	
Disposition of Comments	12/00/03	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: Transferred from RIN 2110-AA11

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RIN: 1652-AA11

1453. THREAT ASSESSMENTS REGARDING CITIZENS OF THE UNITED STATES WHO HOLD OR APPLY FOR FAA CERTIFICATES

Priority: Other Significant

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

CFR Citation: 49 CFR 1540

Legal Deadline: None

Abstract: This action provides the process by which the Transportation Security Administration (TSA) will notify a holder of, or an applicant for, a Federal Aviation Administration (FAA) airman certificate, and the FAA, that TSA has determined that the certificate holder or applicant poses a security threat. This process, provides the subject individual notice and the opportunity to be heard before TSA makes a final decision.

Timetable:

Action	Date	FR Cite
Final Rule	01/24/03	68 FR 3756
Comment Period Ends	03/25/03	
Disposition of Comments	01/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2110-AA14

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RIN: 1652-AA12

1454. THREAT ASSESSMENTS REGARDING ALIEN HOLDERS OF, AND APPLICANTS FOR, FAA CERTIFICATES

Priority: Other Significant

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 to 44918; 49 USC 44935; 49 USC 44936; 49 USC 44942; 49 USC 46105

CFR Citation: 49 CFR 1540

Legal Deadline: None

Abstract: This action provides the process by which the Transportation Security Administration (TSA) will notify an alien holder of, or an alien applicant for, a Federal Aviation Administration (FAA) airman certificate, and the FAA, that TSA has determined that the certificate holder or applicant poses a security threat. This process, provides, the subject individual notice and the opportunity to be heard before TSA makes a final decision.

Timetable:

Action	Date	FR Cite
Final Rule	01/24/03	68 FR 3762
Comment Period End	03/25/03	
Disposition of Comments	01/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2110-AA17

Agency Contact: Brandon B. Straus, Assistant Chief Counsel for Regulations,

DHS—TSA

Final Rule Stage

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RIN: 1652-AA15

1455. TRANSPORTATION OF EXPLOSIVES FROM CANADA TO THE UNITED STATES VIA COMMERCIAL MOTOR VEHICLE AND RAILROAD CARRIER

Priority: Other Significant

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: This interim final rule addresses security issues regarding transportation of explosives by commercial motor vehicles and railroads. It establishes temporary requirements that all motor carriers, motor private carriers, and railroad carriers not using United States citizens or lawful permanent resident aliens as drivers or railroad crews to transport explosives to the United States, must meet during the period while DOT develops the standards that will apply on a more permanent basis.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/06/03	68 FR 6083
Interim Final Rule Comment Period End	03/10/03	
Amendment to Interim Final Rule	03/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred
from RIN 2110-AA18

Agency Contact: Benjamin Klein,
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RIN: 1652-AA16

1456. SECURITY THREAT ASSESSMENT FOR INDIVIDUALS APPLYING FOR A HAZARDOUS MATERIALS ENDORSEMENT FOR A COMMERCIAL DRIVERS LICENSE

Priority: Substantive, Nonsignificant.
Major under 5 USC 801.

Legal Authority: 49 USC 114; 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) is amending the Transportation Security Regulations to establish security threat assessment standards for determining whether an individual poses a security threat warranting denial of a hazardous materials endorsement for a commercial drivers license (CDL). TSA is also establishing procedures for seeking a waiver from the standards and appealing a security assessment determination.

TSA is issuing this interim final rule in coordination with a separate interim final rule being issued by the Federal Motor Carrier Safety Administration (FMCSA). The FMCSA rule amends the Federal Motor Carrier Safety Regulations governing commercial drivers licenses to prohibit States from issuing, renewing, transferring, or upgrading a commercial drivers license with a hazardous material endorsement unless the Department of Justice has first conducted a background records check of the applicant, and the TSA has determined that the applicant does not pose a security threat warranting denial of the hazardous materials endorsement. These interim final rules implement the background records check requirements of section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), and also establish requirements regarding the transportation of explosives in commerce.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/05/03	68 FR 23851
Interim Final Rule	11/07/03	68 FR 63033

Regulatory Flexibility Analysis

Required: Yes

Government Levels Affected: Federal,
State

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

Additional Information: Transferred
from RIN 2110-AA19

Agency Contact: Stephen Sprague,
Supervisory Transportation Security
Specialist, Department of Homeland
Security, Transportation Security
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RIN: 1652-AA17

1457. • MARITIME AND LAND SECURITY DIRECTIVES AND INFORMATION CIRCULARS

Priority: Other Significant

Legal Authority: 49 USC 114; 49 USC
40113; 49 USC 40119

CFR Citation: 49 CFR 1570

Legal Deadline: None

Abstract: This document provides a regulatory framework through which the Transportation Security Administration may issue Security Directives to owners or operators of conveyances, facilities, terminals, or infrastructure assets, involved in all modes of transportation, except aviation. Security Directives, if issued, would 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 advising operators of possible threats to transportation security.

DHS—TSA

Final Rule Stage

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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RIN: 1652-AA26**1458. • MARITIME TRANSPORTATION SECURITY ACT: BACKGROUND CHECKS FOR MARITIME WORKERS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 46 USC 70105**CFR Citation:** 49 CFR 1572**Legal Deadline:** None

Abstract: This rule will establish procedures for background checks to determine maritime workers' eligibility for unescorted access to restricted areas.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Undetermined**Federalism:** Undetermined

Agency Contact: Anthony Furst, Supervisory Transportation Security Specialist, Department of Homeland Security, Transportation Security Administration, Maritime & Land Security, HQ, West Bldg, Floor 10, TSA-8, 601 South 12th Street, Arlington, VA 22202

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RIN: 1652-AA27**1459. • PRIVACY ACT OF 1974: IMPLEMENTATION OF EXEMPTION****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 49 USC 114(l)(1); 5 USC 552a(k)**CFR Citation:** 49 CFR 1507**Legal Deadline:** None

Abstract: This document proposes to establish eight Privacy Act Systems of Records that are exempt from one or more provisions of the Privacy Act. This rule will enable TSA to withhold records in response to requests for information pertaining to active investigations and in other instances where disclosure could reveal sensitive information.

Timetable:

Action	Date	FR Cite
NPRM	08/18/03	68 FR 49410
NPRM Comment	09/17/03	
Period End		
Final Rule	12/00/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Conrad Huygen, Privacy Act Officer, TSA Office of Information Management Programs, Department of Homeland Security, Transportation Security Administration, Finance and Administration, HQ, West Bldg, Floor 4, TSA-17, 601 South 12th Street, Arlington, VA 22202

Phone: 571 227-1954
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RIN: 1652-AA28**1460. • TEMPORARY SUSPENSION OF THE SEPTEMBER 11TH SECURITY FEE AND THE AVIATION SECURITY INFRASTRUCTURE FEE****Priority:** Other Significant**Legal Authority:** PL 108-11**CFR Citation:** 49 CFR 1510; 49 CFR 1511**Legal Deadline:** None

Abstract: The Transportation Security Administration (TSA) is issuing this rule to temporarily suspend the September 11, 2001, Passenger Civil Aviation Security Service Fees and the Aviation Security Infrastructure Fees (ASIF) during the period beginning June 1, 2003, and ending September 30, 2003, as provided in Public Law 108-11, enacted on April 16, 2003, titled, "Emergency Wartime Supplemental Appropriations Act, 2003" (Appropriations Act).

TSA interprets the Appropriations Act to prohibit TSA from requiring passengers to pay the September 11th Security Fee if they purchase air transportation during the suspension period, regardless of whether the air transportation actually takes place during the suspension period. Accordingly, TSA will not impose the September 11th Security Fee on air transportation purchased from 12:00 a.m., Eastern Daylight Time, on June 1, 2003, through 11:59 p.m., Eastern Daylight Time, on September 30, 2003.

The Appropriations Act also prohibits TSA from imposing the ASIF during the suspension period. Therefore, air carriers and foreign air carriers engaged in air transportation will not incur any obligations to make ASIF payments to TSA for the months of June, July, August, and September of 2003, which otherwise would have been required to be paid to TSA by the last day of July, August, September, and October of 2003, respectively.

Timetable:

Action	Date	FR Cite
Final Rule	05/21/03	68 FR 27747
Notice - Resumption	09/29/03	68 FR 55985

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Randall Fiertz, Chief, Office of Revenue, Department of Homeland Security, Transportation

DHS—TSA

Final Rule Stage

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RIN: 1652-AA29

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

Long-Term Actions

1461. PRIVATE CHARTER SECURITY RULES

Priority: Other Significant

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: None

Abstract: This rule amends the rules that apply to private charter aircraft. Private charter aircraft with a maximum certificated takeoff weight of 45.5 kg or

more, or 61+ seats will now be required to ensure that passengers and their accessible property are screened prior to boarding.

Timetable:

Action	Date	FR Cite
Final Rule	06/19/02	67 FR 41635
Final Rule Comment Period End	07/19/02	
Final Rule Effective	08/19/02	
Final Rule	12/31/02	67 FR 79881
Notice to Extend Compliance Date	02/05/03	68 FR 5975
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: The final security program has been issued and affected operators must comply by April 1, 2003.

Transferred from RIN 2110-AA05

Agency Contact: Lon M. Siro, Security Specialist, Department of Homeland Security, Transportation Security Administration, Aviation Operations, HQ, East Bldg, Floor 11, TSA-7, 601 South 12th Street, Arlington, VA 22202
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RIN: 1652-AA04

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

Completed Actions

1462. TRANSPORTATION SECURITY ADMINISTRATION TRANSITION TO DEPARTMENT OF HOMELAND SECURITY; TECHNICAL AMENDMENTS REFLECTING ORGANIZATIONAL CHANGES

Priority: Info./Admin./Other

Legal Authority: 6 USC 203; 49 USC 114; 49 USC 40113

CFR Citation: 49 CFR 1500 to 1511; 49 CFR 1540 to 1550

Legal Deadline: None

Abstract: The Homeland Security Act of 2002 transferred the Transportation Security Administration from the Department of Transportation to the newly created Department of Homeland Security. This rule makes conforming technical changes to various parts of the Transportation Security Regulations, chapter XII of title 49, Transportation, of the Code of Federal Regulations, revising, where appropriate, all references to the titles, abbreviations, and acronyms of the "Department of Transportation" and the "Under Secretary of Transportation for Security." This regulation also makes conforming changes to the general definitions sections and revises

TSA's address because of TSA Headquarters' physical move to Arlington, Virginia. Because this rule revises existing regulations to reflect organizational changes, it has no substantive effect on the public.

Timetable:

Action	Date	FR Cite
Final Rule	08/19/03	68 FR 49718

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Marisa Mullen, Senior Rulemaking Analyst, Regulations Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, HQ, West Bldg, Floor 8, TSA-2, 601 South 12th Street, Arlington, VA 22202
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RIN: 1652-AA20

1463. SECURITY THREAT ASSESSMENTS FOR INDIVIDUALS WHO HANDLE HAZARDOUS MATERIALS IN RAIL TRANSPORTATION

Priority: Other Significant

Legal Authority: 49 USC 114

CFR Citation: 49 CFR 1573

Legal Deadline: None

Abstract: This rule is withdrawn because TSA issued a notice that outlined current procedures that take the place of requiring additional background check standards at this time.

Timetable:

Action	Date	FR Cite
Withdrawn	06/09/03	

Regulatory Flexibility Analysis Required: Undetermined

Small Entities Affected: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Christine Beyer, Attorney, Regulations Division, Department of Homeland Security,

DHS—TSA

Completed Actions

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RIN: 1652-AA21

Department of Homeland Security (DHS)

Proposed Rule Stage

Bureau of Immigration and Customs Enforcement (BICE)

**1464. NONIMMIGRANT CLASSES; S
CLASSIFICATION; LAW
ENFORCEMENT INITIATIVES; ALIEN
WITNESSES**

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1324a; 8 CFR 2; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252

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

Legal Deadline: None

Abstract: Two regulatory initiatives dealing with the processing of alien witnesses have been prepared by the Department. INS No. 1683-94 provides the application and approval process for the admission of aliens in S nonimmigrant classification. It provides guidance to the various law enforcement agencies needing alien witnesses and informants to complete critical law enforcement initiatives in the United States. INS No. 1728-95 establishes a fee for the processing of Form I-854, Inter-Agency Alien Witness and Informant Record, for Law Enforcement Agency (LEA) requests for S nonimmigrant classification for eligible alien witnesses and informants. The fee recovers the costs of the processing of requests for immigration benefits and is needed to comply with specific Federal immigration laws and Federal user fee statute and regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule-INS No. 1683 Eff. 8/25/95; Comment Period End 12/4/95	08/25/95	60 FR 44260
Interim Final Rule-INS No. 1683 Correction	10/05/95	60 FR 52068
Interim Final Rule-INS No. 1683 Correction	10/05/95	60 FR 52248
NPRM-INS No. 1728	04/00/04	
Final Action-INS No.1683	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: INS No. 1683-94; and INS No. 1728-95

Transferred from RIN 1115-AD86

Agency Contact: Lydia St. John-Mellado, Investigator, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 1000, Investigations Division, 425 I Street NW., Washington, DC 20536
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RIN: 1653-AA00

**1465. USE OF PAROLE FOR
HUMANITARIAN REASONS OR
SIGNIFICANT PUBLIC BENEFIT**

Priority: Other Significant

Legal Authority: 8 USC 1182

CFR Citation: 8 CFR 212

Legal Deadline: NPRM, Statutory, September 11, 1997, NPRM.

Abstract: Changes to the current regulations are necessitated by section 602 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. This section has reworded certain parole authority by stipulating parole on a case-by-case basis for urgent humanitarian reasons or significant public benefit.

Timetable:

Action	Date	FR Cite
NPRM-INS No. 1840-97	04/00/04	
NPRM Comment Period End	06/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: INS No. 1840-97

See also (INS No. 2004-99): This interim final rule published on December 28, 2000, amended the regulations concerning the authority to grant the parole of aliens from DHS

custody by specifically identifying the scope of that authority to include the Secretary. This action was taken to clarify which individuals are authorized by the Secretary to grant parole from DHS custody.

Transferred from RIN 1115-AE68

Agency Contact: Kenneth Leutbecker, Director, Parole and Humanitarian Assistance Branch, Office of International Affairs, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Attn: ULLICO Building, Third Floor, 111 Massachusetts Avenue NW., Washington, DC 20001
Phone: 202 305-2670

RIN: 1653-AA04

**1466. STRENGTHENING CONTROL
OVER IMMIGRATION SURETY BONDS**

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1356; 31 USC 9701; 31 USC 9305; 31 USC 9308; PL 104-208

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: During the past several years the Department has experienced problems collecting funds relating to breached surety bonds. Several surety companies and/or their bonding agents have circumvented administrative remedies to address immigration surety bond claims sent out by the Department and furthermore have evaded the judicial review process.

This rule proposes to strengthen the Department's control over the collection of immigration surety bonds by tightening current DHS procedures relating to the collection of surety bonds and by providing the Department with more powerful enforcement measures. Specifically, this rule will require surety companies and bonding agents to exhaust administrative remedies by using Department appeal procedures as a prerequisite to challenging the Department's actions under the Administrative Procedures Act (5 U.S.C. 701 et seq.) before seeking

DHS—BICE

Proposed Rule Stage

judicial review of DHS actions. In addition, this rule limits the exposure of the Department in the case of bonding agents who have acted improperly or whose authorities have been denied by their corporate principals; encourages surety companies and bonding agents to respond early if there are any issues or disputes with the Department's claim and formalizes DHS' reporting requirements to the Department of the Treasury (Treasury); provides for notification to the Treasury of high dollar volume of unpaid debt over 90 days; and lastly, adds an enforcement tool 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 surety companies.

Timetable:

Action	Date	FR Cite
NPRM	03/00/04	
NPRM Comment Period End	05/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2193-02

Transferred from RIN 1115-AG65

Agency Contact: Jim Landolt, Branch Chief, Policy, Office of Financial Management, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 425 I Street NW., Washington, DC 20536
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RIN: 1653-AA16

1467. INTEREST PAYMENTS ON CANCELLED CASH BONDS

Priority: Other Significant

Legal Authority: 8 USC 1103; 31 USC 1322; 31 USC 9308

CFR Citation: 8 CFR 293

Legal Deadline: None

Abstract: When DHS receives a cash bond, it is deposited into an account where interest is accumulated from the date the bond is posted, to the date that the bond is paid out. If a cancelled cash bond is unclaimed after a year, the principal and any accumulated interest are transferred to the U.S. Department of the Treasury, account entitled "Payments of Unclaimed Moneys of Individuals Whose Whereabouts are Unknown." This regulation at 8 CFR 293.1 concerns the computation of interest on cash bonds. It does not mention the Treasury requirement concerning the disposition of funds from unclaimed cash bonds. Since some cash bonds obligors have questioned the curtailment of interest a year after the bond is cancelled, we believe that this regulation should include language that clarifies the Department's requirement to comply with Treasury's regulation.

Timetable:

Action	Date	FR Cite
NPRM	03/00/04	
NPRM Comment Period End	05/00/04	

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: Georgia Mayers, Chief of Cash Management, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 6034, 425 I Street NW., Washington, DC, DC 20536

Phone: 202 305-1200

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RIN: 1653-AA20

1468. DENIAL AND REVOCATION FOR APPROVAL OF SCHOOL 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: The Department of Homeland Security (DHS) proposes to amend its regulations to clarify its procedures for denial of applications by schools for approval to enroll nonimmigrant students. DHS also proposes to streamline and align the revocation process with the denial and appeal process. Finally, DHS proposes the authority to suspend a school's approval to issue new forms I-20 during denial or revocation proceedings.

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	
NPRM Comment Period End	10/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2239-02

Transferred from RIN 1615-AA85

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RIN: 1653-AA33

Department of Homeland Security (DHS)

Final Rule Stage

Bureau of Immigration and Customs Enforcement (BICE)

1469. AGREEMENT PROMISING NON-DEPORTATION OR OTHER IMMIGRATION BENEFITS**Priority:** Other Significant**Legal Authority:** 5 USC 301; 28 USC 509; 28 USC 510; 28 USC 515 to 519**CFR Citation:** 28 CFR 0.197**Legal Deadline:** None

Abstract: This rule will finalize a 1996 interim final rule that requires Federal prosecutors, law enforcement agencies, and other officials to obtain written consent from DHS when entering into a plea agreement, cooperation agreement, or similar agreement promising an alien favorable treatment by DHS. This rule ensures that favorable treatment under the immigration laws is extended only after a full consideration of its effect on overall immigration enforcement, alleviates confusion over the authority to enforce the immigration laws, and prevents the Department from being bound by agreements undertaken without its knowledge and approval.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/13/96	61 FR 48405
Interim Final Rule Comment Period End	11/12/96	
Final Action	06/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1791-96

Transferred from RIN 1115-AE50

Agency Contact: Joan S. Lieberman, Attorney, Office of General Counsel, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 6100, 425 I Street NW., Washington, DC 20536
Phone: 202 514-2895

RIN: 1653-AA02**1470. 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	
Final Rule	03/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1115-AE82

Agency Contact: Lisa Batey, Associate General Counsel, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 6100, 425 I Street NW., Washington, DC 20536
Phone: 503 353-1825

RIN: 1653-AA05**1471. 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

Action	Date	FR Cite
NPRM Comment Period End	09/10/99	
Final Action-INS No. 1848-97	06/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Federal**Additional Information:** INS No.1848-97

Transferred from RIN 1115-AE83

Agency Contact: Joan S. Lieberman, Attorney, Office of General Counsel, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 6100, 425 I Street NW., Washington, DC 20536
Phone: 202 514-2895

RIN: 1653-AA06**1472. 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

DHS—BICE

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	01/29/01	
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2083-00

Transferred from RIN 1115–AF87

Agency Contact: Roger Sagerman, Chief Counsel, Immigration Enforcement, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 425 I Street NW., Washington, DC 20536
Phone: 202 514–2895

RIN: 1653–AA08

1473. 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, Other.

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

Action	Date	FR Cite
Interim Final Rule Comment Period End	10/22/01	
Final Action	03/00/04	

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: Sharon Andrade, Program Analyst, Investigations, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 425 I Street NW., Washington, DC 20536
Phone: 202 616–7596

RIN: 1653–AA09

1474. 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 amends the custody review process governing the detention of aliens who are the subject of a final order of removal, deportation or exclusion (see 8 CFR 241.4) in light of the decision of the U.S. Supreme Court in *Zadvydas v. Davis*. This rule adds new provisions governing cases for DHS to determine whether there is a significant likelihood that an alien will be removed from the United States in the reasonably foreseeable future, and cases where there are special circumstances justifying the continued detention of certain aliens. This rule also makes conforming changes to the existing postremoval period detention regulations, and provides procedures to implement the statutory provision for the extension of the removal period beyond 90 days if the alien conspires or acts to prevent his or her removal or fails or refuses to assist DHS in obtaining documents necessary to his or her removal.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/14/01	66 FR 56967

Action	Date	FR Cite
Interim Final Rule Comment Period End	01/14/02	
Final Action	04/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2156-01

Transferred from RIN 1115–AG29

Agency Contact: Joan S. Lieberman, Attorney, Office of General Counsel, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 6100, 425 I Street NW., Washington, DC 20536
Phone: 202 514–2895

RIN: 1653–AA13

1475. 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	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

DHS—BICE

Final Rule Stage

Government Levels Affected: None

Additional Information: INS No 2171-01

Transferred from RIN 1115–AG40

Agency Contact: Michael Nelfach, Special Counsel, 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–AA14

1476. ADDRESS NOTIFICATION TO BE FILED WITH DESIGNATED APPLICATIONS

Priority: Other Significant

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

CFR Citation: 8 CFR 103; 8 CFR 299

Legal Deadline: None

Abstract: The proposed rule would amend DHS regulations by requiring every alien who is applying for immigration benefits to acknowledge having received notice that he or she is required to provide a valid current address to the Department, including any change of address within 10 days of the change; that the Department will use the most recent address provided by the alien for all purposes, including the service of a Notice to Appear if the Department initiates removal proceedings; and, if the alien has changed address and failed to provide the new address to DHS, that the alien will be held responsible for any communications sent to the most recent address provided by the alien. This rule will satisfy the requirements or advance notice to the alien of the obligation to provide a current address to the Department, and of the consequences that may result for failure to do so, including the entry of an in absentia removal order against the alien if the alien fails to appear at a removal hearing.

Timetable:

Action	Date	FR Cite
NPRM	07/26/02	67 FR 48818
NPRM Comment Period End	08/26/02	
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2198-02

Transferred from RIN 1115–AG61

Agency Contact: Barry O'Meillin, Legal Advisor, Immigration and Customs Enforcement, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 5113 Leesburg Pike, Falls Church, VA 22041
Phone: 703 756-6257

RIN: 1653–AA15

1477. 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 Rule	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: Transferred from RIN 1115–AG84

Agency Contact: Ron Dodson, Supervisory Special Agent, Headquarters Investigations, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 1000, 425 I Street NW., Washington, DC 20536

Phone: 202 616–7310

RIN: 1653–AA18

1478. PROCESSING, DETENTION, AND RELEASE OF JUVENILES

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1224 to 1227; 8 USC 1362

CFR Citation: 8 CFR 236.3

Legal Deadline: Final, Judicial, July 31, 1998, Final.

The court-approved settlement agreement in Flores v. Reno (C.D. Cal.) required DHS to initiate action to publish regulations in July 1998. However, the changes brought by AEDPA and IIRIRA delayed issuance of the regulations. DHS later republished the rule for comments.

Abstract: The rule amends Department regulations by establishing the procedures for processing alien juveniles from custody and the detention of unreleased juveniles in State-licensed programs and detention facilities. This rule also governs the transportation and transfer of juveniles in DHS custody.

Timetable:

Action	Date	FR Cite
NPRM-INS No. 1906-98	07/24/98	63 FR 39759
NPRM Comment Period End	09/22/98	
NPRM Comment Period Reopened	01/14/02	67 FR 1670
Second NPRM Comment Period End	03/15/02	
Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1906-98.

Transferred from RIN 1115–AF05

Agency Contact: Mark A. Matese, Director of Juvenile Affairs, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 8th Floor, 801 I Street NW., Washington, DC 20536
Phone: 202 514–2162

RIN: 1653–AA22

DHS—BICE

Final Rule Stage

1479. AUTHORIZING COLLECTION OF FEE LEVIED ON F, J, AND M NONIMMIGRANT CLASSIFICATIONS UNDER ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT (IIRIRA)**Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; ...**CFR Citation:** 8 CFR 103; 8 CFR 214; 8 CFR 299**Legal Deadline:** None

Abstract: This rule amends DHS regulations to establish a fee, pursuant to section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), as amended by Public Law 106–396. In accordance with these statutes, the alien will remit the fee directly to the Secretary of Homeland Security at a time prior to the alien being classified as an F, J, or M nonimmigrant. The rule will outline the fee amounts, who is subject, when the fee must be paid, and the consequences that an F-1, J-1, and M-1 nonimmigrant faces upon failure to pay the fee. This rule is necessary to implement section 641 of the IIRIRA, as amended, as well as authorized under section 103 and 214 of the Immigration and Nationality Act and under 31 U.S.C. 9701.

Timetable:

Action	Date	FR Cite
NPRM	12/21/99	64 FR 71323
NPRM Comment Period End	02/22/00	
Interim Final Rule	10/27/03	68 FR 61148
Final Action	04/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1991-99

Transferred from RIN 1115–AF56

Agency Contact: Jill Drury, Sevis Program Coordinator, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 10th Floor, 801 K Street NW., Washington, DC 20536
Phone: 202 305–0080

RIN: 1653–AA23**1480. REVISION OF THE REGULATIONS CONCERNING F, J, AND M NONIMMIGRANT CLASSIFICATIONS****Priority:** Other Significant**Legal Authority:** 5 USC 552, 552(a); 5 USC 552(a); 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252(b); 8 USC 1304; 8 USC 1356; 31 USC 9701; EO 12356; 8 USC part 2; ...**CFR Citation:** 8 CFR 103; 8 CFR 214**Legal Deadline:** None

Abstract: This rule lays the foundation for the implementation of the Student and Exchange Visitor Information System (SEVIS), an Internet-based system that provides tracking and monitoring functionality, with access to accurate and current information on nonimmigrant students and exchange visitors. SEVIS is being integrated into the new entry-exit system, which is the U.S. Visitor and Immigrant Status Indication Technology System (U.S. VISIT). The U.S. VISIT is designed to make entering the United States easier for legitimate tourist, students, and business travelers while making it more difficult to enter the United States illegally through the implementation of biometrically authorized documents.

There are three principal laws that require the Secretary to develop an automated system to track foreign students and exchange visitors:

1. Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA);
2. Section 416 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act); and
3. Section 501 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act).

IIRIRA requires the Department to collect current information, on an ongoing basis, from schools and exchange programs relating to nonimmigrant foreign students and exchange visitors during their course of stay in the United States. In addition, the USA PATRIOT Act amended section 641 of IIRIRA to require full implementation and expansion of SEVIS prior to January 1, 2003. Furthermore, the Border Security Act clarifies the collection of information required by SEVIS and adds the

specific requirement that educational institutions report any failure of an alien to enroll not later than 30 days after the registration deadline of the institution. Finally, Presidential Directive No. 2 and the findings released by the Office of the Inspector General have also had a significant impact on the direction of the student program at the Department.

While this rule implements SEVIS and its requirements, SEVIS is only one component of the Department's Student and Exchange Visitor Program (SEVP). Further rulemakings are a necessary part of the overall reengineering process and success of SEVP, which encompasses the review and registration of all schools and exchange programs in SEVIS prior to January 30, 2003, subsequent recertifications every two years, and the student fee regulation mandated by Congress in IIRIRA to pay for the operation and maintenance of SEVIS.

As part of this ongoing program, the Department published an interim final rule at 67 FR 44344 (July 1, 2002) allowing schools that met certain criteria to preliminarily enroll in SEVIS beginning on July 1, 2002. In early fall, the Department will publish another rule that will require all schools to apply for certification in SEVIS in order to be able to begin accepting or continue accepting foreign students after the SEVIS mandatory compliance date. Additionally, DHS will publish a rule describing the recertification, withdrawal, and denial process for SEVIS. Finally, DHS will reintroduce a rule for the collection of the fee for all F, J, and M nonimmigrants.

Timetable:

Action	Date	FR Cite
NPRM (INS No. 2185-02)	05/16/02	67 FR 34862
NPRM Comment Period End	06/16/02	
Interim Final Rule (INS No. 2211-02)	07/01/02	67 FR 44343
Interim Final Rule Comment Period End	07/31/02	
Final Action (INS No. 2185-02)	12/02/02	67 FR 31184
Final Action (INS No. 2211-02)	06/00/04	

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

DHS—BICE

Final Rule Stage

Additional Information: INS No. 2185-02

Transferred from RIN 1115-AG55

Agency Contact: Jill Drury, Sevis Program Coordinator, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 10th Floor, 801 K Street NW., Washington, DC 20536
Phone: 202 305-0080

RIN: 1653-AA24

1481. 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 amends Department regulations to provide that the Commissioner 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 is a necessary stop-gap measure because of 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 will be unable to change their nonimmigrant status for the remainder of a given fiscal year because of the cap on H-1B petitions. This rule will allow 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	04/00/04	

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: Jill Drury, Sevis Program Coordinator, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 10th Floor, 801 K Street NW., Washington, DC 20536
Phone: 202 305-0080

RIN: 1653-AA30

1482. REQUIRING RECERTIFICATION 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: On October 30, 2001, the President issued Homeland Security Directive No. 2 requiring the Department 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. It also continues the implementation of the process by which schools may be approved to obtain access to the Student and Exchange Visitor Information System (SEVIS). While the Department has in place an existing process for certifying and decertifying schools, DHS is requiring that all previously approved schools must 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	02/00/04	

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: Jill Drury, Sevis Program Coordinator, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 10th Floor, 801 K Street NW., Washington, DC 20536
Phone: 202 305-0080

RIN: 1653-AA31

1483. REDUCED COURSE LOAD FOR CERTAIN F AND M NONIMMIGRANT STUDENTS AT BORDER COMMUNITIES

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1101 note 1; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1221; 8 USC 1281; 48 USC 1901; 48 USC 1931; PL 104-208; ...

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This rule amends Department regulations governing F and M nonimmigrants. This rule will clarify that nonimmigrant aliens who reside outside the United States and regularly commute across a land border to study may do so on a part-time basis within the F or M nonimmigrant category. It is common for aliens residing outside the United States, such as in Canada or Mexico, to enroll part-time in border educational institutions to enter the United States daily to pursue part-time studies. This rule will prevent the significant disruption of part-time study that has become an accepted fact of life along the border and a settled expectation. Additionally, these changes are being made to facilitate and legitimize certain part-time study along border communities while ensuring that all applicable requirements and safeguards are met.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/27/02	67 FR 54941
Interim Final Rule Comment Period End	10/27/02	
Final Action	04/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

DHS—BICE

Final Rule Stage

Government Levels Affected: None

Additional Information: CIS No. 2220-02

Transferred from RIN 1615-AA79

Agency Contact: Jill Drury, Sevis Program Coordinator, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 10th Floor, 801 K Street NW., Washington, DC 20536
Phone: 202 305-0080

RIN: 1653-AA32

1484. 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 amends DHS regulations applying to on-campus employment, off-campus employment authorization, and duration of status for nonimmigrant F-1 students. The rule permits the Commissioner to suspend some or all of the requirements for on-campus or off-campus employment where emergent circumstances exist as provided through notice in the Federal Register. The rule also amends the regulations to provide that an F-1 student who carries less than a full course of study as a result of this special employment authorization will be deemed to be maintaining status for the duration of the authorization, as long as the student carries a minimum course load of six credit hours if the student is an undergraduate, or three credit hours if the student is in graduate school.

Timetable:

Action	Date	FR Cite
Interim Final Rule-CIS No. 1914-98	06/10/98	63 FR 31871

Action	Date	FR Cite
Interim Final Rule Comment Period End	08/10/98	
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: CIS No. 1914-98 (Employment Authorization for Certain F-1 Nonimmigrant Students Whose Means of Financial Support Comes From Indonesia, South Korea, Malaysia, Thailand, or the Philippines).

Transferred from RIN 1615-AA99

Agency Contact: Jill Drury, Sevis Program Coordinator, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 10th Floor, 801 K Street NW., Washington, DC 20536
Phone: 202 305-0080

RIN: 1653-AA34

Department of Homeland Security (DHS)

Bureau of Immigration and Customs Enforcement (BICE)

Long-Term Actions

1485. EMPLOYER SANCTIONS MODIFICATIONS

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: DHS is considering further changes to streamline the verification and enforcement process requirements related to the Employer Sanctions provisions of the Immigration Reform and Control Act.

The Department published an interim rule in 1996, INS No. 1738, allowing DHS to issue and serve a Warning Notice upon an alleged violator after DHS has determined that a person or entity has violated section 274a of the Act. This rule also allows interested parties to electronically generate blank copies of the Employment Eligibility Verification Form (Form I-9).

On September 30, 1996, the Illegal Immigration Reform and Immigrant Responsibility Act was enacted (IIRIRA). Section 411(a) of IIRIRA allows employers who have made a

good faith attempt to comply with a particular employment verification requirement to correct technical or procedural failures before such failures are deemed to be violations of the INA. DHS issued a proposed rule on April 7, 1998, INS No. 1819, to implement this provision and is in the process of preparing a final rule. Because the issuance of Warning Notices requires that violation determinations be made, it is being examined in conjunction with INS No. 1819 in light of section 411(a) of IIRIRA. The anticipated publication date of a final rule will not be determined until issues regarding implementation of section 411(a) of IIRIRA are resolved.

Timetable:

Action	Date	FR Cite
Interim Final Rule-INS No. 1738	10/07/96	61 FR 52235
Correction (Interim Final Rule)	10/29/96	61 FR 55840
Interim Final Rule Comment Period End	11/06/96	
Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: INS Nos. 1737 and 1738

Transferred from RIN 1115-AE21

Agency Contact: Joseph Donnelly, Director, Worksite Enforcement, Investigations, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Washington, DC 20536
Phone: 202 514-6057

RIN: 1653-AA01

1486. INCREASING THE NUMBER OF OFFICERS AUTHORIZED TO ISSUE NOTICES TO APPEAR AND ARREST WARRANTS FOR IMMIGRATION VIOLATIONS

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1221; 8 USC 1229; 8 CFR 2

CFR Citation: 8 CFR 239; 8 CFR 287

Legal Deadline: None

DHS—BICE

Long-Term Actions

Abstract: This rule increases the number of officers authorized to issue notices to appear, and warrants of arrest for immigration violations. Currently, the authority to issue notices to appear and to issue arrest warrants for immigration violations, is limited to a small number of DHS officers. The present listing identifies the officers authorized to issue by specific position. This revision increases the number of issuing officers and identifies issuing authority by job title. The action is necessary to improve Department operations since many DHS employees are posted great distances away from the officials who are currently authorized to issue notices to appear and arrest warrants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2137-01

Transferred from RIN 1115-AG22

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

RIN: 1653-AA10

1487. 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 241.19

Legal Deadline: None

Abstract: This rule proposes standards and procedures for responding to hunger strikes by individuals detained by the Department. All proposed medical treatments in this regulation conform to accepted medical practice.

Also, this rule would supersede the Department's Detention Standard on Hunger Strikes.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	
NPRM Comment Period End	02/00/05	

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: Nik Maravich, Detention and Deportation Officer, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 800, Detention and Removal Operations, 801 I Street NW., Washington, DC 20536
Phone: 202 514-1999

RIN: 1653-AA12

Department of Homeland Security (DHS)

Bureau of Immigration and Customs Enforcement (BICE)

Completed Actions

1488. FILING FACTUAL STATEMENTS ABOUT ALIEN PROSTITUTES

Priority: Other Significant

Legal Authority: 18 USC 2424; PL 104-208

CFR Citation: 28 CFR 94

Legal Deadline: None

Abstract: On September 30, 1996, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) was enacted. This law not only amended significant portions of title 8 of the U.S. Code, but also changed the provisions of title 18 U.S. Code (Crimes and Criminal Procedures). Because section 325 amends 18 U.S.C., DHS will publish an implementing regulation dealing with the filing of statements by individuals who keep, maintain, control, support, or harbor alien prostitutes.

Timetable:

Action	Date	FR Cite
Withdrawn	08/27/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal
Additional Information: INS No. 1810-96

Transferred from RIN 1115-AE60

Agency Contact: Elizabeth Goyer, Senior Special Agent, Investigations, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 425 I Street NW., Washington, DC 20536
Phone: 202 616-3722

RIN: 1653-AA03

1489. EXPANSION OF EXPEDITED REMOVAL OF CERTAIN CRIMINAL ALIENS HELD IN FEDERAL, STATE, AND LOCAL JAILS

Priority: Other Significant

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

CFR Citation: 8 CFR 212; 8 CFR 235

Legal Deadline: None

Abstract: This notice advises the public that DHS intends to apply the

expedited removal provisions of section 235(b)(1) of the Immigration and Nationality Act on a pilot basis to certain criminal aliens being held in three correctional facilities in the State of Texas. This action will not become effective until DHS evaluates and addresses public comments and informs the public by notice in the Federal Register when the expedited removal provisions will be implemented. This pilot program will last for a period of 180 days, and will be followed with an evaluation of the program. The Department believes that implementing the expedited removal provisions to persons who have been found by a Federal judge to be guilty of illegal entry and are serving short criminal sentences will result in faster removal of those criminal aliens. This will ensure prompt immigration determinations in those cases and consequently will save DHS detention space and immigration judge and trial attorney resources. The public comments were received and reviewed. DHS elected to study the process to determine if the efficiencies to be

DHS—BICE

Completed Actions

gained were still valid, and incorporated its results into the final notice, which is currently being reviewed by the Department.

Timetable:

Action	Date	FR Cite
ANPRM	09/22/99	64 FR 51338
ANPRM Comment Period End	11/22/99	
Withdrawn	08/22/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: Transferred from RIN 1115–AF50; INS No. 1998–99

Agency Contact: Robert Evans, Detention and Deportation Officer, Detention and Deportation, Detention and Removal, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Suite 800, 801 I Street NW., Washington, DC 20536
Phone: 202 353–7218

RIN: 1653–AA07

1490. DEFINITIONS OF “NOTICE TO APPEAR” AND “ARREST WARRANT”

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 CFR 2

CFR Citation: 8 CFR 1

Legal Deadline: None

Abstract: This proposed rule adds definitions for the terms “Notice to Appear” and “Arrest Warrant.” This proposed revision clarifies what is meant by those terms as they relate to the administration of immigration law. The action is necessary to improve the efficiency of the Department and to clarify how a Notice to Appear and an Arrest Warrant issued pursuant to the Immigration and Nationality Act differ from such documents issued under another statute.

Timetable:

Action	Date	FR Cite
Withdrawn	09/02/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2140–01

Transferred from RIN 1115–AG24

Agency Contact: Donna Kay Barnes, Acting Special Assistant, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 7114, 425 I Street NW., Washington, DC 20536
Phone: 202 616–7488

RIN: 1653–AA11

1491. ESTABLISHING SAN BERNARDINO, SANTA ANA, AND VENTURA SUBOFFICES UNDER THE JURISDICTION OF THE LOS ANGELES DISTRICT OFFICE

Priority: Other Significant

Legal Authority: 8 USC 1103

CFR Citation: 8 CFR 100

Legal Deadline: None

Abstract: This rule amends Department regulations by adding the San Bernardino, Santa Ana, and Ventura suboffices to the listing of internal suboffices. DHS is opening these three suboffices to better serve the residents within the jurisdiction of the Los Angeles District Office. The San Bernardino, Santa Ana, and Ventura Suboffices will enable DHS customers to significantly reduce the commuting distance to a DHS office as well as the wait time for assistance. The intended effect of this regulation is to reallocate Department resources and improve processing efficiency for the Los Angeles District.

Timetable:

Action	Date	FR Cite
Withdrawn	08/11/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2192–02

Transferred from RIN 1115–AG66

Agency Contact: Sharon M. Lucas, Special Assistant, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 7114, 425 I Street NW., Washington, DC 20536
Phone: 202 307–3862

RIN: 1653–AA17

1492. ● AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY; PAROLE AUTHORITY

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

Legal Authority: 8 USC 1101 ; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1227; ...

CFR Citation: 8 CFR 212

Legal Deadline: None

Abstract: On November 25, 2002, the President signed into Law the Homeland Security Act of 2002 (Pub. L. 107–296) (HSA), which created the Department of Homeland Security (Department or DHS). 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, under the HSA and the Department of Homeland Security Reorganization Plan, as modified (Reorganization Plan). 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. The rule addresses parole authority under section 212(d)(5) of the Immigration and Nationality Act. Regarding parole authority, the rule implements changes in the field structures of the Bureau of Citizenship and Immigration Services, the Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement by amending the titles of officers given parole authority.

Timetable:

Action	Date	FR Cite
Final Action	06/12/03	68 FR 35282

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Catherine Muhletaler, Attorney, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Rm 6100, 425 I Street NW., Washington, DC 20536
Phone: 202 514–2895

RIN: 1653–AA25

DHS—BICE

Completed Actions

1493. ● POWERS AND AUTHORITY OF OFFICERS AND EMPLOYEES AND REVISIONS TO THE INTERNAL REVIEW PROCESS FOR ALLEGED VIOLATIONS OF THE STANDARDS FOR ENFORCEMENT ACTIVITIES

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

Legal Authority: 8 USC 1101; 8 USC 1103; 5 USC 301; PL 107-296; ...

CFR Citation: 8 CFR 1; 8 CFR 103; 8 CFR 239; 8 CFR 287

Legal Deadline: None

Abstract: On November 25, 2002, the President signed into law the Homeland Security Act (HSA) of 2002 (Public Law 107-296, which created the Department of Homeland Security (Department or 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 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 to and does not restrict or otherwise limit the authority of and DHS officer.

Timetable:

Action	Date	FR Cite
Final Action	06/13/03	68 FR 35151

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: ICE No. 2274-03

Agency Contact: Catherine Muhletaler, Attorney, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Rm 6100, 425 I Street NW., Washington, DC 20536
Phone: 202 514-2895

RIN: 1653-AA26

Department of Homeland Security (DHS)

Proposed Rule Stage

Directorate for Emergency Preparedness and Response (EP&R)

1494. 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 revises 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 the Disaster Mitigation Act of 2000, which provides overall program guidance on the operation and administration of the Fire Management Assistance Grant Program (FMAGP). The revisions incorporated into this proposed rule are designed to facilitate the grant application and administration processes of FMAGP, thereby improving the delivery of financial assistance to the State, local, and Indian tribal governments.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

Agency Contact: Curtis Carleton, Recovery Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

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RIN: 1660-AA26

1495. NATIONAL FLOOD INSURANCE PROGRAM (NFIP); STATE RENEWAL OF GROUP FLOOD INSURANCE POLICY (GFIP)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4001 et seq

CFR Citation: 44 CFR 61

Legal Deadline: None

Abstract: FEMA is amending the Group Flood Insurance Policy (GFIP) to allow the States to continue the coverage for individuals insured under the initial GFIP policy after it has expired, provided the States pay the entire premium.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: Charles M. Plaxico Jr., Mitigation Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

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RIN: 1660-AA27

1496. NATIONAL FLOOD INSURANCE PROGRAM (NFIP); ASSISTANCE TO PRIVATE SECTOR PROPERTY INSURERS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4001 et seq

CFR Citation: 44 CFR 62

Legal Deadline: None

Abstract: This proposed rule would amend the Financial Assistance/Subsidy Arrangement between FEMA and the private sector insurers that sell and service flood insurance regarding the rules pertaining to when FEMA is responsible for litigation costs and when the insurers are responsible. It would also clarify issues of jurisdiction and choice of law when the insurers are sued and make some other changes to the Arrangement.

DHS—EP&R

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/14/03	68 FR 59146
NPRM Comment Period End	11/13/03	
Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Agency Contact:** Charles M. Plaxico Jr., Mitigation Division, Department of

Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

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RIN: 1660-AA28**Department of Homeland Security (DHS)****Final Rule Stage****Directorate for Emergency Preparedness and Response (EP&R)****1497. NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 5121 et seq**CFR Citation:** 44 CFR 208**Legal Deadline:** None

Abstract: This rule would standardize the financing, administration, and operation of the National Urban Search and Rescue Response System; a cooperative effort of FEMA, participating State emergency management agencies, and local public safety agencies across the country. The proposed rule addresses the relationship between Urban Search & Rescue (US&R) Task Forces and FEMA, and funding for preparedness and response activities, including the acquisition of equipment, supplies, and training.

Timetable:

Action	Date	FR Cite
NPRM	12/18/02	67 FR 77627
NPRM Comment Period End	02/03/03	
Final Action	01/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Local**Additional Information:** Transferred from RIN 3067-AC93

Agency Contact: Michael Tamillow, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472
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RIN: 1660-AA07**1498. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 103-355; 31 USC 6101 note**CFR Citation:** 44 CFR 17; 44 CFR 20**Legal Deadline:** None

Abstract: This common rule would make changes to the existing Governmentwide nonprocurement common rule for debarment and suspension, and the Governmentwide rule implementing the Drug-Free Workplace Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3265
NPRM Comment Period End	03/25/02	
To Be Withdrawn	12/00/03	

Regulatory Flexibility Analysis Required: Yes**Government Levels Affected:** None**Additional Information:** Transferred from RIN 3067-AD15

Agency Contact: Edward Broyles, Office of General Counsel, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

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Email: edward.broyles@dhs.gov

RIN: 1660-AA13**1499. 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: This regulation would clarify the date that local mitigation plans will be required as a condition of receiving project grant funds under the Pre-Disaster Mitigation program in compliance with 44 CFR part 201.

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	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Local, State, Tribal**Additional Information:** Transferred from RIN 3067-AD22

Agency Contact: Karen Helbrecht, Mitigation Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

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DHS—EP&R

Final Rule Stage

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RIN: 1660-AA17

1500. 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 Rule	12/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 3067-AD31

Agency Contact: Charles M. Plaxico Jr., Mitigation Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

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RIN: 1660-AA22

1501. • NATIONAL FLOOD INSURANCE PROGRAM (NFIP); ASSISTANCE TO PRIVATE SECTOR PROPERTY INSURERS; EXTENSION OF TERM OF ARRANGEMENT

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

Legal Authority: 42 USC 4001 et seq**CFR Citation:** 42 CFR 62**Legal Deadline:** None

Abstract: FEMA changed the current 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 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	
Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Undetermined

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RIN: 1660-AA29

Department of Homeland Security (DHS)

Long-Term Actions

Directorate for Emergency Preparedness and Response (EP&R)

1502. 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 Reform Act of 1994, 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:** State, Local, Tribal**Additional Information:** Transferred from RIN 3067-AC45

Agency Contact: Sheila Donahoe, Mitigation Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

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RIN: 1660-AA00

1503. CRIMINAL AND CIVIL PENALTIES UNDER THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 5157(d); PL 101-410; 28 USC 2461; PL 104-134, sec 31001(s)**CFR Citation:** 44 CFR 206**Legal Deadline:** None

Abstract: This rule would increase the maximum civil penalty under the Robert T. Stafford Disaster Relief and Emergency Assistance Act from \$5,000 to \$5,500.

Timetable:

Action	Date	FR Cite
NPRM	02/10/97	62 FR 5957
NPRM Comment Period End	04/11/97	
Final Action	To Be	Determined

DHS—EP&R

Long-Term Actions

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 3067-AC61**Agency Contact:** Jordan Fried, Office of General Counsel, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

Phone: 202 646-4112

Fax: 202 646-4536

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RIN: 1660-AA01**1504. DISASTER ASSISTANCE; HAZARD MITIGATION GRANT PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 5121 et seq**CFR Citation:** 44 CFR 206**Legal Deadline:** None**Abstract:** This rule would revise the categories of projects eligible for funding under the Hazard Mitigation Grant Program. It emphasizes nonstructural flood mitigation measures to reduce the number of flood-prone structures and clarifies that major structural flood control projects will not be considered for funding under the grant program.**Timetable:**

Action	Date	FR Cite
NPRM	05/01/98	63 FR 24143
NPRM Comment Period End	07/01/98	
Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 3067-AC69**Agency Contact:** Deborah Ingram, Mitigation Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

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RIN: 1660-AA02**1505. DEBT COLLECTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 3720A**CFR Citation:** 44 CFR 11**Legal Deadline:** None**Abstract:** Under this rule, FEMA refers delinquent debts owed to this agency to the Department of the Treasury for collection under the Governmentwide Treasury Offset Program and for tax-refund offsets at the same time. FEMA amends its regulations to allow administrative offset against delinquent debtor States and units of general local Government. FEMA also amends its regulations to change the method for calculating interest, penalty and administrative charges assessed on delinquent debts and to make States and units of general local Government subject to such changes.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/08/98	63 FR 1063
Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Additional Information:** Transferred from RIN 3067-AC77**Agency Contact:** Michael Komack, Financial & Acquisition Management Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

Phone: 202 646-4164

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RIN: 1660-AA05**1506. NATIONAL FLOOD INSURANCE PROGRAM (NFIP); INSURANCE COVERAGE AND RATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4001 et seq**CFR Citation:** 44 CFR 61**Legal Deadline:** None**Abstract:** This rule would apply full-risk premium rates under the NFIP to structures: 1) that have suffered multiple flood losses; and 2) whose owners decline an offer of funding to eliminate or reduce future flood damage.**Timetable:**

Action	Date	FR Cite
NPRM	08/05/99	64 FR 42632
NPRM Comment Period End	09/07/99	
Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 3067-AD02**Agency Contact:** Thomas Hayes, Mitigation Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

Phone: 202 646-7970

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Email: thomas.hayes@dhs.gov

RIN: 1660-AA09**1507. ORGANIZATIONAL UNITS, FUNCTIONS, AND DELEGATIONS OF AUTHORITY****Priority:** Info./Admin./Other**Legal Authority:** Reorganization Plan No. 3 of 1978**CFR Citation:** 44 CFR 2**Legal Deadline:** None**Abstract:** This rule revises 44 CFR part 2 to reflect changes in FEMA's organizational structure, functions of new directorates and offices, and delegations of authority.**Timetable:**

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 3067-AD03**Agency Contact:** Michael S. Herman, Office of General Counsel, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

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RIN: 1660-AA10

DHS—EP&R

Long-Term Actions

**1508. 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, Final.

Abstract: This rule implements section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and changes the title of the provision from “Temporary Housing Assistance” to “Federal Assistance to Individuals and Households.”

Timetable:

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3412
NPRM Comment Period End	03/11/02	
Interim Final Rule	09/30/02	67 FR 61446
Interim Final Rule Effective	10/15/02	
Interim Final Rule Comment Period End	04/15/03	
Corrections	10/09/02	67 FR 62896
Corrections Effective Final Rule	10/09/02 To Be Determined	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Federal,
State

Additional Information: Transferred
from RIN 3067-AD25

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RIN: 1660-AA18

**1509. DISASTER ASSISTANCE
DEFINITIONS; STATUTORY CHANGE**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 5121 to
5204(c)

CFR Citation: 44 CFR 206.2

Legal Deadline: None

Abstract: This rule would amend the
definitions of “Local government,”

“State,” and “United States,” as set
forth in the Code of Federal
Regulations, to coincide with those
definitions established by the Robert T.
Stafford Disaster Relief and Emergency
Assistance Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Local,
State

Additional Information: Transferred
from RIN 3067-AD26

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RIN: 1660-AA19

1510. 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,
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RIN: 1660-AA21

**1511. 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 Rule	To Be Determined	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Local,
State

Additional Information: Transferred
from RIN 3067-AD32

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RIN: 1660-AA23

Department of Homeland Security (DHS)

Completed Actions

Directorate for Emergency Preparedness and Response (EP&R)

1512. ADMINISTRATION OF GRANTS: AUDITS OF STATES, LOCAL GOVERNMENTS, AND NONPROFIT ORGANIZATIONS**Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 7501**CFR Citation:** 44 CFR 14**Legal Deadline:** None

Abstract: This rule implements the Single Audit Act of 1996, as amended, on an agencywide basis within FEMA. It requires recipients of financial assistance from FEMA to comply with OMB Circular A-133, which sets forth standards for obtaining consistency and uniformity among Federal agencies for the audit of States, local governments, and nonprofit organizations expending Federal awards.

Timetable:

Action	Date	FR Cite
Withdrawn	09/09/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State**Additional Information:** Transferred from RIN 3067-AC98

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RIN: 1660-AA08**1513. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, HANDICAP, AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 794; 42 USC 2000d to 2000d-7; 42 USC 6101 to 6107; EO 12250**CFR Citation:** 44 CFR 7; 44 CFR 16**Legal Deadline:** None

Abstract: This rule amends FEMA's regulations implementing title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1972, and the Age Discrimination Act of 1975.

Together, these statutes prohibit discrimination on the basis of race, color, national origin, disability, and age in programs or activities that receive Federal financial assistance. This rule explicitly incorporates the Civil Rights Restoration Act definitions of "program or activity" and "program."

Timetable:

Action	Date	FR Cite
NPRM	12/06/00	65 FR 76460
NPRM Comment Period End	01/05/01	
Final Action Effective	08/25/03	
Final Action	08/26/03	68 FR 51333

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal, Local, State**Additional Information:** Transferred from RIN 3067-AD14

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RIN: 1660-AA12**1514. NATIONAL FLOOD INSURANCE PROGRAM (NFIP); INSPECTION OF INSURED STRUCTURES BY COMMUNITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4001 et seq**CFR Citation:** 44 CFR 59; 44 CFR 61**Legal Deadline:** None

Abstract: This rule amends FEMA regulations to clarify that areas of Monroe County, Florida that incorporate on or after January 1, 1999, and become eligible for the sale of flood insurance, must participate in the inspection procedure to help communities verify that structures comply with the community's floodplain management ordinance, and to ensure that property owners pay flood insurance commensurate with their flood risk.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/08/02	67 FR 10631
Final Rule	10/14/03	68 FR 59126

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Additional Information:** Transferred from RIN 3067-AD16

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RIN: 1660-AA14**1515. DISASTER ASSISTANCE; PUBLIC ASSISTANCE PROGRAM AND COMMUNITY DISASTER LOAN PROGRAM STATUTORY CHANGES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 5121**CFR Citation:** 44 CFR 206**Legal Deadline:** None

Abstract: This rule amends FEMA regulations for the Public Assistance Program and the Community Disaster Loan Program to reflect statutory changes to these programs. Specifically, the rule: 1) changes the Federal contribution for Large in Lieu Contributions also known as "alternate projects;" 2) adds irrigation districts to the list of eligible private nonprofit (PNP) facilities; 3) institutes a loan requirement for certain noncritical PNP facilities; and 4) limits Community Disaster Loans to \$5 million and requires that loan applicants not be in arrears on any previous loan.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/04/01	66 FR 22443
Interim Final Rule Comment Period End	07/03/01	
Final Action	06/10/03	68 FR 34545

DHS—EP&R

Completed Actions

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 3067-AD20

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RIN: 1660-AA15

Department of Homeland Security (DHS)

Completed Actions

Office of the Undersecretary for Management (M)

1516. AVAILABILITY OF MATERIAL UNDER FREEDOM OF INFORMATION ACT AND PRIVACY ACT

Timetable:

Action	Date	FR Cite
Transferred to RIN 1615-AB18	10/29/03	

RIN: 1680-AA00

1517. ESTABLISHMENT OF FEE FOR PROCESSING GENEALOGICAL RESEARCH REQUESTS

Timetable:

Action	Date	FR Cite
Transferred to RIN 1615-AB19	10/29/03	

RIN: 1680-AA01

[FR Doc. 03-27743 Filed 12-19-03; 8:45 am]

BILLING CODE 4410-10-S