



# Federal Register

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**Monday,  
December 10, 2007**

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**Part VIII**

**Department of  
Homeland Security**

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**Semiannual Regulatory Agenda**

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**DEPARTMENT OF HOMELAND SECURITY (DHS)**


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**DEPARTMENT OF HOMELAND SECURITY****Office of the Secretary****6 CFR Chs. I and II**

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

**Unified Agenda of Federal Regulatory and Deregulatory Actions****AGENCY:** Office of the Secretary, DHS.**ACTION:** Semiannual regulatory agenda.

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**SUMMARY:** This regulatory agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department of Homeland Security (DHS). For this edition of the DHS regulatory agenda, the most important significant regulatory actions and a Statement of Regulatory Priorities are included in The Regulatory Plan, which appears in both the online Unified Agenda and in part II of the Federal Register that includes the Unified Agenda. It is expected that this information will enable the public to be more aware of and effectively participate in the Department's regulatory activity. The public also is invited to submit comments on any aspect of this agenda.

**FOR FURTHER INFORMATION CONTACT:***General*

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

*Specific*

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

**SUPPLEMENTARY INFORMATION:** This notice is given pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980) and Executive Order (E.O.) 12866, "Regulatory

Planning and Review" (September 30, 1993), which require the publication of a semiannual agenda of regulations by the Department. The regulatory agenda is a semiannual summary of all current and projected rulemakings, as well as actions completed since the publication of the last regulatory agenda for the Department. DHS' last semiannual regulatory agenda was published on April 30, 2007 at 72 FR 22574.

Beginning with the fall 2007 edition, the Internet will be the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at [www.reginfo.gov](http://www.reginfo.gov), in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Homeland Security's printed agenda entries include regulatory actions that are in the Department's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including DHS's regulatory plan.

DHS currently has several directorates and program offices that are involved in Departmental rulemaking actions. These include the Science and Technology Directorate, and the Management Directorate. Further, effective March 31, 2007, the former Preparedness Directorate was reorganized and moved under FEMA in accordance with the Post-Katrina Emergency Management Reform Act of 2006 (Pub. L. 109-295) (PKEMRA). Accordingly, active regulatory matters previously issued as Office of the Secretary rules by the

former Preparedness Directorate, will now be identified as FEMA regulatory actions. In addition, the National Protection and Programs Directorate (NPPD) was established under PKEMRA. NPPD, which houses such offices as the Office of Cyber Security, the Office of Infrastructure Protection and US-VISIT, is responsible for several regulatory actions set forth in this Agenda.

DHS also has several components that have active regulatory programs, including the U.S. Coast Guard (Coast Guard), the U.S. Secret Service, the Transportation Security Administration (TSA), the Federal Emergency Management Administration (FEMA), U.S. Citizenship and Immigration Services (USCIS), the U.S. Immigration and Customs Enforcement (ICE), and U.S. Customs and Border Protection (CBP). Many of these components had active regulatory agendas when they transferred to DHS in 2003. Any of those legacy regulatory actions that remain active are identified in this DHS regulatory agenda. Accordingly, some of the regulatory actions identified in this agenda may reference actions initiated by a predecessor Department or agency, such as the Departments of Justice or Treasury, or the former-Immigration and Naturalization Service.

In September 2005, DHS joined the Environmental Protection Agency Federal Partner online electronic Federal Docket Management System (FDMS) located at [www.regulations.gov](http://www.regulations.gov); with the exception of the Coast Guard and TSA, who remained with the Department of Transportation's (DOT) electronic Docketing Management System. Effective October 1, 2007, the Coast Guard and TSA will migrate to FDMS ensuring that all DHS regulatory actions subject to public comment are available on [www.regulations.gov](http://www.regulations.gov).

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

**Dated:** September 28, 2007.**Mary Kate Whalen,***Deputy Associate General Counsel for Regulatory Affairs.*

## DHS

## Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
385	Minimum Standards for Driver's Licenses and Identification Cards Acceptable to Federal Agencies for Official Purposes ( <b>Reg Plan Seq No. 56</b> ) .....	1601-AA37

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

## Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
386	Sharing Sensitive Homeland Security Information ( <b>Section 610 Review</b> ) .....	1601-AA25

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

Sequence Number	Title	Regulation Identifier Number
387	Reduction of the Number of Acceptable Documents and Other Changes to Employment Verification Requirements ( <b>Reg Plan Seq No. 57</b> ) .....	1615-AA01
388	Employment Based Immigrants—Elimination of Beneficiary Substitution on Approved Labor Certifications and Validity Period of Approved Labor Certifications .....	1615-AB34

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

## U.S. Coast Guard—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
389	Claims Procedures Under the Oil Pollution Act of 1990 (USCG-2004-17697) .....	1625-AA03
390	Increasing Passenger Weight Standard for Passenger Vessels (USCG 2005-22732) ( <b>Reg Plan Seq No. 65</b> ) .....	1625-AB20

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

## U.S. Customs and Border Protection—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
391	Importer Security Filing and Additional Carrier Requirements ( <b>Reg Plan Seq No. 69</b> ) .....	1651-AA70

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

## U.S. Customs and Border Protection—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
392	Letters and Documents; Advanced Electronic Presentation of Cargo Data .....	1651-AA55

## Transportation Security Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
393	Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License .....	1652-AA41

**DHS**

Transportation Security Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
394	Modification of the Aviation Security Infrastructure Fee (ASIF) (Market Share) .....	1652-AA43

U.S. Immigration and Customs Enforcement—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
395	Collection of Fees Levied on F, M, and J Nonimmigrants and Schools Approved by DHS To Enroll F and M Non-immigrants To Defray the Costs of the Student and Exchange Visitor Program .....	1653-AA54

U.S. Immigration and Customs Enforcement—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
396	Electronic Signature and Storage of Form I-9, Employment Eligibility Verification .....	1653-AA47

Federal Emergency Management Agency—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
397	Assistance to Firefighters Grant Program .....	1660-AA50

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

**Final Rule Stage**

**385. MINIMUM STANDARDS FOR DRIVER'S LICENSES AND IDENTIFICATION CARDS ACCEPTABLE TO FEDERAL AGENCIES FOR OFFICIAL PURPOSES**

**Regulatory Plan:** This entry is Seq. No. 56 in part II of this issue of the **Federal Register**.

**RIN:** 1601-AA37

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

**Completed Actions**

**386. SHARING SENSITIVE HOMELAND SECURITY INFORMATION (SECTION 610 REVIEW)**

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

**Abstract:** There is a need to articulate the Federal statutory protection and establish regulatory procedures for sharing Homeland Security Information among Federal agencies and

appropriate State, tribal, local, and private sector personnel.

**Timetable:**

Action	Date	FR Cite
Withdrawn	09/10/07	

**Regulatory Flexibility Analysis Required:** No

**Agency Contact:** Deborah Drexler, Branch Chief, Information Sharing and

Coordination, Department of Homeland Security, 4200 Wisconsin Avenue NW, 4th Floor, Washington, DC 20016  
Phone: 202 282-9400  
Fax: 202 282-8828  
Email: deborah.drexler@dhs.gov

**RIN:** 1601-AA25

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

**Proposed Rule Stage**

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

**Regulatory Plan:** This entry is Seq. No. 57 in part II of this issue of the **Federal Register**.

**RIN:** 1615-AA01

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

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

**Abstract:** DHS and the Department of Labor's Employment and Training Administration (DOL) are proposing

changes to reduce the incentives and opportunities for fraud and abuse related to the permanent employment of aliens in the United States. DHS is considering the elimination of the current practice of allowing the substitution of alien beneficiaries on permanent labor certifications, among other options. In addition, DHS is proposing to reduce further the likelihood of the submission of malafide Form I-140, Immigration Petition for Alien Worker, which are employment-based petitions that are supported by fraudulent or stale labor certification applications for the permanent employment of aliens in the United States by proposing a 45-day period for employers to file approved permanent labor certifications in support of Form I-140 petitions with DHS after the issuance of an approved labor certification by DOL.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/08	
NPRM Comment Period End	05/00/08	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Kevin Cummings, Branch Chief, Business and Trade Services, Department of Homeland Security, U.S. Citizenship and Immigration Services, (ULLICO) 3rd Floor, Office of Program and Regulations Development, 111 Massachusetts Avenue NW., Washington, DC 20529  
 Phone: 202 272-8412  
 Email: kevin.cummings@dhs.gov

**RIN:** 1615-AB34

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

**Proposed Rule Stage**

**389. CLAIMS PROCEDURES UNDER THE OIL POLLUTION ACT OF 1990 (USCG-2004-17697)**

**Legal Authority:** 33 USC 2713 to 2714

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

comprehensive notice of proposed rulemaking has been delayed while the Coast Guard gained experience on NRD claims, as well as other OPA damages. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

**Market or Regulatory Failure Analysis:** The Oil Pollution Act of 1990 (OPA 90), at 33 U.S.C. 2713(e), requires regulations for the presentation, filing, processing, settlement, and adjudication of claims for reimbursement of uncompensated oil removal costs and damages by the Oil Spill Liability Trust Fund. On August 12, 1992, the Coast Guard published an interim rule with request for comments, at 33 CFR part 136, entitled "Claims Under the Oil Pollution Act of 1990" (57 FR 36314). The provisions in this rulemaking would address public comment on the interim rRule and assist claimants in their preparation of a complete OPA 90 claim. We believe that without this regulation there would be inadequate or asymmetric information available to OPA 90 claimants.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** Yes

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

**RIN:** 1625-AA03

**390. • INCREASING PASSENGER WEIGHT STANDARD FOR PASSENGER VESSELS (USCG 2005-22732)**

**Regulatory Plan:** This entry is Seq. No. 65 in part II of this issue of the **Federal Register**.

**RIN:** 1625-AB20

**Department of Homeland Security (DHS)**  
**U.S. Customs and Border Protection (USCBP)**

**Proposed Rule Stage**

**391. IMPORTER SECURITY FILING  
 AND ADDITIONAL CARRIER  
 REQUIREMENTS**

**Regulatory Plan:** This entry is Seq. No. 69 in part II of this issue of the **Federal Register**.

**RIN:** 1651-AA70

**Department of Homeland Security (DHS)**  
**U.S. Customs and Border Protection (USCBP)**

**Final Rule Stage**

**392. LETTERS AND DOCUMENTS;  
 ADVANCED ELECTRONIC  
 PRESENTATION OF CARGO DATA**

**Legal Authority:** 5 USC 301; 19 USC 1431; 19 USC 1436; 19 USC 2071 note; ...

**Abstract:** Pursuant to section 343(a) of the Trade Act of 2002, as amended by the Maritime Transportation Security Act of 2002, CBP requires that it receive electronically information pertaining to cargo before the cargo is

either brought into or sent from the United States by any mode of commercial transportation. This rule concerns letters and documents that are being transported by air transportation. The rule exempts from full manifesting requirements flat documents and letters not exceeding 16 ounces.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/00/08	

**Regulatory Flexibility Analysis  
 Required:** Yes

**Agency Contact:** David M. King, Program Officer, Office of Field Operations, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
 Phone: 202 344-1133

**RIN:** 1651-AA55

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

**Proposed Rule Stage**

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

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

**Abstract:** The Department of Homeland Security (DHS), through the Transportation Security Administration (TSA) and the United States Coast Guard (Coast Guard), issued a final rule on January 25, 2007 implementing provisions of the Maritime Transportation Security Act of 2002. The rule requires credentialed merchant mariners and workers with unescorted access to secure areas of vessels and facilities to undergo a security threat assessment and receive a biometric credential, known as a Transportation Worker Identification Credential (TWIC). After enrollment in a Captain of the Port Zone is complete, persons without TWICs will not be granted unescorted access to secure areas at affected maritime facilities or on vessels. The final rule will enhance the security of ports by requiring

security threat assessments of persons in secure areas and by improving access control measures to prevent those who may pose a security threat from gaining unescorted access to secure areas of ports.

In the final rule, TSA applies its security threat assessment standards that apply to commercial drivers authorized to transport hazardous materials to merchant mariners and workers who require unescorted access to secure areas on vessels and at maritime facilities. To minimize redundant background checks of workers, TSA amended the threat assessment standards to include a process by which TSA determines if a background check conducted by another governmental agency is comparable to the standards in this rule. TSA expanded existing appeal and waiver provisions to apply to TWIC applicants and air cargo employees who undergo a security threat assessment. These modifications include a process for the review of adverse waiver decisions and certain disqualification cases by an administrative law judge. TSA also extends the time period in which applicants may apply for an appeal or

waiver. The rule establishes the user fee for the TWIC and invites comment on one component of the fee, the card replacement fee.

TSA is amending the final rule to establish a new replacement card fee and to codify the existing user fees that TSA announced in the Federal Register on March 20, 2007. In addition, TSA announces that the FBI is reducing its fee to conduct fingerprint based criminal history record checks from \$22 to \$17.25. TSA is also amending the immigration standards to permit additional aliens who are lawfully present in the U.S. and have a need for a TWIC to apply for one.

**Timetable:**

Action	Date	FR Cite
Notice-Information Collection; Prototype 60 Day New Collection	04/05/04	69 FR 17704
Notice-Information Collection; National Survey 60 Day New Collection	04/05/04	69 FR 17703
Notice-Information Collection; Prototype 30 Day New Collection	07/27/04	69 FR 44675

## DHS—TSA

## Proposed Rule Stage

Action	Date	FR Cite	Action	Date	FR Cite	Action	Date	FR Cite
Notice—Information Collection; National Survey 30 Day New Collection	07/27/04	69 FR 44675	Final Rule; TWIC Amendment Fees and Non-resident Alien Applicants	09/28/07	72 FR 55043	Notice: TWIC Enrollment Dates—Ports of Seattle, New York/New Jersey, Wilmington, Jacksonville, Duluth, and New Orleans	12/00/07	
NPRM	05/22/06	71 FR 29396	Notice; TWIC Enrollment Date for Port of Wilmington, DE	10/09/07	72 FR 57342	<b>Regulatory Flexibility Analysis Required:</b> Yes <b>Agency Contact:</b> Maurine Fanguy, TWIC Project Manager, Department of Homeland Security, Transportation Security Administration, Office of Threat Assessment & Credentialing, TSA—19, HQ, E8, 601 South 12th Street, Arlington, VA 22202–4220 Phone: 571 227–3741 Email: maurine.fanguy@dhs.gov  Christine Beyer, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA—2, HQ, E12–336N, 601 South 12th Street, Arlington, VA 22202–4220 Phone: 571 227–2657 Email: christine.beyer@dhs.gov <b>RIN:</b> 1652–AA41		
NPRM; Comment Period End	07/06/06		Notice: TWIC Enrollment Date for the Port of Corpus Christi, TX	10/26/07	72 FR 60871			
Notice—Public Meetings	05/26/06	71 FR 30352	Notice: TWIC Enrollment Dates—Ports of Honolulu; Baton Rouge; Takoma; Beaumont; Oakland	11/06/07	72 FR 62667			
Notice—Response to Letters from Congress	08/21/06	71 FR 48527	Notice: Public Meeting on Reader Hardware and Card Application Specifications	11/08/07	72 FR 63106			
Final Rule; Request for Comments	01/25/07	72 FR 3492	Notice: TWIC Enrollment Dates—Ports of Houston; Providence; Chicago; Port Arthur; Savannah	11/13/07	72 FR 63919			
Final Rule; Comment Period End For Card Replacement Fee	02/26/07							
Final Rule Effective	03/26/07							
Final Rule; Correction 1	02/07/07	72 FR 5632						
Final Rule; TWIC Fees	03/20/07	72 FR 13026						
Final Rule; Correction 2	03/26/07	72 FR 14049						
Final Rule; OFR Editorial Correction to TSA Correction 2	03/30/07	72 FR 15195						
Notice; TWIC Biometric Reader Specs and SmartCard Application	09/20/07	72 FR 53784						

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

## Long-Term Actions

**394. MODIFICATION OF THE AVIATION SECURITY INFRASTRUCTURE FEE (ASIF) (MARKET SHARE)**

**Legal Authority:** 49 USC 44901; 49 USC 44940

**Abstract:** This rulemaking will seek comment on a proposed revision to the method for apportioning the Aviation Security Infrastructure Fee (ASIF) among air carriers. The ASIF is a fee imposed on air carriers and foreign air carriers to help pay the Government's costs of providing civil aviation security services.

Starting in fiscal year 2005, the Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; 11/19/2001), authorizes TSA to change the methodology for imposing the ASIF on air carriers and foreign air carriers from a system based on their 2000 screening costs to a system based on

market share or other appropriate measures.

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

TSA sought comments on issues regarding how to impose the ASIF, and whether, when, and how often the ASIF should be adjusted. The comment period was extended on the notice for an additional 30 days, until February 5, 2004. TSA is considering a market share methodology for implementation.

**Timetable:**

Action	Date	FR Cite
Notice; Requesting Comment—Imposition of the Aviation Security Infrastructure Fee (ASIF)	11/05/03	68 FR 62613
Notice—Imposition of ASIF; Comment Period End	01/05/04	
Notice—Imposition of ASIF; Comment Period Extended	12/31/03	68 FR 75611
Notice—Imposition of ASIF; Extended Comment Period End	02/05/04	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Michael Gambone, Deputy Director, Office of Revenue, Department of Homeland Security, Transportation Security Administration,

## DHS—TSA

## Long-Term Actions

Office of Finance & Administration,  
TSA-14, HQ, W12-319, 601 South 12th  
Street, Arlington, VA 22202-4220  
Phone: 571 227-1081  
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Email: linda.kent@dhs.gov

**RIN:** 1652-AA43

## Department of Homeland Security (DHS)

## Proposed Rule Stage

## U.S. Immigration and Customs Enforcement (USICE)

**395. COLLECTION OF FEES LEVIED  
ON F, M, AND J NONIMMIGRANTS  
AND SCHOOLS APPROVED BY DHS  
TO ENROLL F AND M  
NONIMMIGRANTS TO DEFRAY THE  
COSTS OF THE STUDENT AND  
EXCHANGE VISITOR PROGRAM**

**Legal Authority:** 8 USC 1372, 8 USC  
1356(m), 31 USC 9701

**Abstract:** This rule will modify DHS  
regulations governing the established  
SEVIS I-901 and the SEVP certification  
fees to defray actual costs of related

SEVP operating expenses. It further  
modifies DHS regulations to establish  
a fee that will defray SEVP operating  
expenses related to oversight and  
recertification of SEVP-certified  
schools, enabling SEVP to become  
compliant with the USA PATRIOT Act,  
HSA, and the Border Security Act.

**Timetable:**

Action	Date	FR Cite
NPRM	03/00/08	
NPRM Comment Period End	06/00/08	

**Regulatory Flexibility Analysis  
Required:** Yes

**Agency Contact:** Louis Farrell, Acting  
Director, Student and Exchange Visitor  
Program, Department of Homeland  
Security, U.S. Immigration and  
Customs Enforcement, 425 I Street  
NW., Suite 6034, Washington, DC  
20536

Phone: 202 305-2346

**RIN:** 1653-AA54

## Department of Homeland Security (DHS)

## Long-Term Actions

## U.S. Immigration and Customs Enforcement (USICE)

**396. ELECTRONIC SIGNATURE AND  
STORAGE OF FORM I-9,  
EMPLOYMENT ELIGIBILITY  
VERIFICATION**

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

**Abstract:** This interim rule amends  
Department of Homeland Security  
(DHS) regulations to provide that  
employers and recruiters or referrers for  
a fee required to complete and retain  
Forms I-9, Employment Eligibility  
Verification, may sign and retain these  
forms electronically. This rule  
implements statutory changes to the

Form I-9 retention requirement that  
President George W. Bush signed into  
law on October 30, 2004. In  
implementing these changes, this rule  
sets standards for electronic signatures  
and the electronic retention of the Form  
I-9.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/15/06	71 FR 34510
Interim Final Rule Effective	06/15/06	

Action	Date	FR Cite
Interim Final Rule	08/14/06	
Comment Period End		
Next Action Undetermined		

**Regulatory Flexibility Analysis  
Required:** Yes

**Agency Contact:** John Shofi,  
Department of Homeland Security, U.S.  
Immigration and Customs Enforcement,  
425 I Street NW., Washington, DC  
20536

Phone: 202 353-3611

**RIN:** 1653-AA47

## Department of Homeland Security (DHS)

## Long-Term Actions

## Federal Emergency Management Agency (FEMA)

**397. ASSISTANCE TO FIREFIGHTERS  
GRANT PROGRAM**

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

**Abstract:** To update existing guidance  
on grants made directly to fire  
departments and non-affiliated  
emergency medical service (EMS)  
organizations of a State for the purpose  
of enhancing their ability to protect the

health and safety of the public as well  
as that of firefighting personnel facing  
fire and fire-related hazards, and on  
grants made to eligible organizations  
and fire departments for fire prevention  
and firefighter safety research activities.



## DHS—FEMA

## Long-Term Actions

**Timetable:**

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	To Be	Determined

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

**Agency Contact:** Brian Cowan,  
Director, Assistance to Firefighters  
Program Office, Department of  
Homeland Security, Federal Emergency  
Management Agency, 245 Murray Lane  
SW., Building 410, Washington, DC  
20528-7000

Phone: 202 786-9790  
Fax: 202 786-9938  
Email: firegrants@dhs.gov

**RIN:** 1660-AA50

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