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**Monday,
April 30, 2007**

Part IX

**Department of
Homeland Security**

Semiannual Regulatory Agenda

DEPARTMENT OF HOMELAND SECURITY (DHS)

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Chs. I and II

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

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, DHS.

ACTION: Semiannual regulatory agenda.

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

FOR FURTHER INFORMATION CONTACT:

General

Please direct all comments and inquiries on the agenda in general to the 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. This is DHS' eighth semiannual regulatory agenda since the Department's inception in January 2003. DHS' last semiannual regulatory agenda was published on December 11, 2006, at 71 FR 73278.

DHS currently has three directorates that are involved in Departmental rulemaking; those are the Directorate for Preparedness, Science and Technology Directorate, and the Management Directorate. Other major components at DHS Headquarters include the Office of Policy, Office of Intelligence and Alliance; the Office of Operations Coordination, and the Domestic Nuclear Detection Office. DHS also has several agencies 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 the U.S. Customs and Border Protection (CBP). Many of these agencies 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.

In September 2005, DHS joined the Environmental Protection Agency Federal Partner online electronic Federal Docket Management System (FDMS) located at www.regulations.gov. All Coast Guard and TSA electronic dockets continue to be accessed at dms.dot.gov. Since Coast Guard and TSA were originally on the Department of Transportation's (DOT) electronic Docketing Management System, those agencies will remain on that system until DHS fully migrates to FDMS.

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

Dated: March 7, 2007.

Mary Kate Whalen,
Deputy Associate General Counsel for Regulatory Affairs.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1019	Supplemental Standards of Conduct for Employees of the Department of Homeland Security	1601-AA17
1020	Sharing Sensitive Homeland Security Information	1601-AA25
1021	Homeland Security Acquisition Regulation (HSAR): Conformance to the Federal Acquisition Circulars (FACs)	1601-AA28
1022	Public Transportation Security Grants	1601-AA31
1023	Minimum Standards for Driver's Licenses and Identification Cards Acceptable to Federal Agencies for Official Purposes	1601-AA37
1024	Homeland Security Acquisition Regulations (HSAR); Patents, Data, and Copyrights	1601-AA38
1025	Homeland Security Acquisition Regulation (HSAR); SAFETY Act Implementation	1601-AA39
1026	Nondiscrimination in Matters Pertaining to Faith-Based and Community Organizations	1601-AA40
1027	Revision of Department of Homeland Security Acquisition Regulation (HSAR); One-Step Turnkey Design-Build Contracts for USCG, HSAR Case 2007-001	1601-AA44

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Office of the Secretary—Final Rule Stage

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1029	Chemical Facility Anti-Terrorism Standards	1601-AA41

Office of the Secretary—Long-Term Actions

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1032	Enforcement of Nondiscrimination on the Basis of Disability in Department of Homeland Security Programs or Activities	1601-AA03
1033	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance	1601-AA04
1034	Regulations Regarding Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance	1601-AA05
1035	Authority of the Secretary of the Department of Homeland Security; Delegations of Authority; Immigration Laws	1601-AA06
1036	Regulations Imposing Restrictions Upon Lobbying	1601-AA12
1037	Uniform Administrative Requirements for Grants and Cooperative Agreements; Administration of Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations	1601-AA18
1038	Collection of Nontax Debts Owed to the Department of Homeland Security	1601-AA23
1039	Implementation of the United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT); Biometric Requirements for Exit at Air and Sea Ports	1601-AA34
1040	Revision of Department of Homeland Security Acquisition Regulation (HSAR); Civilian Board of Contract Appeals	1601-AA42
1041	Revision of Department of Homeland Security Acquisition Regulation (HSAR); Notification on Limitation in Subcontracting; HSAR Case 2007-003	1601-AA43
1042	Revision of Department of Homeland Security Acquisition Regulation (HSAR); Limitation on Certain Noncompetitive Contracts; HSAR Case 2007-002	1601-AA45
1043	Implementation of OMB Guidance on Nonprocurement Debarment and Suspension	1601-AA46

Office of the Secretary—Completed Actions

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1044	Program Fraud Civil Remedies	1601-AA11
1045	Assistance to Firefighters Grant Program	1601-AA30
1046	Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program	1601-AA32

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

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1048	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
1049	Consent To Reapply for Admission After Removal	1615-AA61
1050	Implementation of Amendments Affecting Petitions for Employment Creation Aliens	1615-AA90
1051	Implementation of the Age Out Protections Afforded Under the Child Status Protection Act	1615-AA95
1052	Requiring Completion of Security Checks Before Issuance of Evidence of Alien Registration	1615-AB12
1053	Adding a Filing Fee for Re-Registration and Extension of Temporary Protected Status	1615-AB31
1054	Employment Based Immigrants—Elimination of Beneficiary Substitution on Approved Labor Certifications and Validity Period of Approved Labor Certifications	1615-AB34
1055	Application Process for Replacing Forms I-551 Without an Expiration Date	1615-AB36

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

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1057	Halting Concurrent Filing of Form I-140 Immigrant Petition With a Form I-485 Application	1615-AB51
1058	Adjustment of the Immigration Benefit Application/Petition and Biometric Fee Schedule	1615-AB53
1059	Classification of Adopted Aliens as Children of United States Citizens Based on Adoptions That Are Not Governed by the Hague Convention	1615-AB57

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

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1061	Battered and Abused Conditional Residents; Termination of Marriage by Conditional Residents	1615-AA29
1062	Revoking Grants of Naturalization	1615-AA30
1063	Classification of Aliens as Children of United States Citizens Based on Intercountry Adoptions Under the Hague Convention	1615-AA43
1064	Establishing Premium Processing Service for Employment-Based Petitions and Applications	1615-AA49
1065	Nonimmigrant Classes; Spouses and Children of Lawful Permanent Residents; V Classification	1615-AA53
1066	Adjustment of Status to Lawful Permanent Resident for Aliens in T and U Nonimmigrant Status	1615-AA60
1067	New Classification for Victims of Certain Criminal Activity; Eligibility for the U Nonimmigrant Status	1615-AA67
1068	Withholding of Adjudication	1615-AA86
1069	Removal of Standardized Request for Evidence Processing Timeframe	1615-AB13
1070	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
1071	Establishment of Fee for Processing Genealogical Research Requests	1615-AB19
1072	Administrative Appeals Office: Procedural Reforms To Improve Efficiency	1615-AB29
1073	Interpretation at Asylum Interviews	1615-AB35
1074	Removal of Obsolete Service Regulations Concerning the Disclosure of Records and Information Pursuant to the Freedom of Information Act and the Privacy Act	1615-AB38
1075	Irish Peace Process Cultural and Training Program	1615-AB42
1076	Changing the Period of Time From 30 to 45 Days That a Student With an F-1 Visa May Be Admitted Before Academic Program Start Date	1615-AB55
1077	Removing References To Filing Locations and Obsolete References to Legacy Immigration and Naturalization Service	1615-AB56

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

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1080	Adjustment of Status, Continued Validity of Nonimmigrant Status, and Unexpired Employment Authorization for Applicants Maintaining Nonimmigrant H or L Status	1615-AA12
1081	Fingerprinting Applicants and Petitioners for Immigration Benefits; Establishing a Fee for Fingerprinting by the Department of Homeland Security	1615-AA14
1082	Suspension of Deportation and Special Rule Cancellation of Removal for Certain Nationals of Guatemala, El Salvador, and Former Soviet Bloc Countries	1615-AA17
1083	Regulations Concerning the Convention Against Torture	1615-AA19
1084	Inadmissibility and Deportability on Public Charge Grounds	1615-AA22
1085	Application for Refugee Status; Acceptable Sponsorship Agreement Guaranty of Transportation	1615-AA24
1086	National Interest Waivers for Second Preference Employment-Based Immigrant Physicians Serving in Medically Underserved Areas or at Department of Veterans Affairs Facilities	1615-AA34
1087	Petitioning Requirements for the H-1C Nonimmigrant Classification Under Public Law 106-95	1615-AA35

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

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1090	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
1091	Academic Honorarium for B Nonimmigrant Aliens	1615-AA44
1092	Children Born Outside the United States; Applications for Certificate of Citizenship	1615-AA45
1093	Allowing for the Filing of Form I-140 Visa Petition Concurrently With a Form I-485 Application in Certain Circumstances	1615-AA46
1094	Adjustment of Status for Certain Nationals of Nicaragua, Cuba, and Haiti	1615-AA51
1095	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
1096	K Nonimmigrant Classification; Legal Immigration Family Equity Act (LIFE)	1615-AA56
1097	Adjustment of Status for Certain Syrian Nationals Granted Asylum in the United States	1615-AA57
1098	New Classification for Victims of Severe Forms of Trafficking in Persons Eligible for the T Nonimmigrant Status	1615-AA59
1099	Removal of Limitations on the Validity Period for Employment Authorization Documents	1615-AA63
1100	Requiring Change of Status From B to F-1 or M-1 Nonimmigrant Prior To Pursuing a Course of Study	1615-AA73
1101	Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H-2B)	1615-AA82
1102	Electronic Signature on Applications and Petitions for Immigration and Naturalization Benefits	1615-AA83
1103	Eliminating the Numerical Cap on Mexican TN Nonimmigrants	1615-AA96
1104	Extension of the Deadline for Certain Health Care Workers Required To Obtain Certificates	1615-AB28
1105	Allocation of H-1B Visas Created by the H-1B Visa Reform Act of 2004	1615-AB32
1106	Authorizing Suspension of Employment Authorization Requirements on the Basis of Severe Economic Hardship for F-1 Students and Emergent Circumstances	1615-AB44
1107	Eligibility of Arriving Aliens in Removal Proceedings To Apply for Adjustment of Status and Jurisdiction To Adjudicate Applications for Adjustment of Status	1615-AB50
1108	Amendments to Regulatory Provisions Regarding Refugee and Asylee Relative Petitions	1615-AB54

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1110	Registration and Fingerprinting of Aliens in the United States: Control of Employment of Aliens	1615-AA33
1111	Special Immigrant Visa for Fourth Preference Employment-Based Broadcasters	1615-AA47
1112	Waiver of Fees	1615-AA48
1113	Medical Grounds of Inadmissibility and Waivers	1615-AA66
1114	Procedures for Conducting Examinations and Waiving the Oath of Allegiance for Naturalization Applicants With Disabilities	1615-AA81
1115	Filing of Proposals for Designation as a Regional Center Approved To Participate in the Immigrant Investor Pilot Program	1615-AB00
1116	Petitioning Requirements for the O and P Nonimmigrant Classifications	1615-AB17
1117	Revision of Procedures for Premium Processing Service for Employment-Based Petitions and Applications	1615-AB40
1118	New Electronic Account, Adjudication, and Reporting System; New Procedures for Filing and Processing of Petitions and Applications	1615-AB46
1119	Receipt of Classified Derogatory Information Before Oath to Naturalization Applicant	1615-AB48
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1121	Adjustment of the Premium Processing Fee for Inflation	1615-AB52

U.S. Coast Guard—Proposed Rule Stage

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1122	Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978 (USCG-2004-17914)	1625-AA16

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

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1124	Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard (USCG 1998-3472)	1625-AA59
1125	Administrative Changes to Numbering of Vessels and Reporting of Casualties (USCG-2003-14963)	1625-AA70
1126	Commercial Fishing Industry Vessels (USCG-2003-16158)	1625-AA77
1127	Navigation Equipment; SOLAS Chapter V Amendments and Electronic Chart System (USCG-2004-19588)	1625-AA91
1128	Alternate Compliance Program: Vessel Inspection Alternatives	1625-AA92
1129	Notification of Arrival in U.S. Ports; Certain Dangerous Cargoes; Electronic Submission (USCG-2004-19963)	1625-AA93
1130	Financial Responsibility for Water Pollution (Vessels) and Limits of Liability	1625-AA98
1131	Vessel Requirements for Notices of Arrival and Departure, and Automatic Identification System (USCG-2005-21869)	1625-AA99
1132	Long Range Identification and Tracking of Ships	1625-AB00
1133	Vapor Control Systems	1625-AB01
1134	Carbon Dioxide Fire Suppression Systems on Commercial Vessels	1625-AB04
1135	Landowner Defenses to Liability Under the Oil Pollution Act of 1990: Standards and Practices for Conducting All Appropriate Inquiries	1625-AB09
1136	Training and Service Requirements for Merchant Marine Officers	1625-AB10
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U.S. Coast Guard—Final Rule Stage

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1140	Outer Continental Shelf Activities (USCG-1998-3868)	1625-AA18
1141	Vessel and Facility Response Plans for Oil: 2003 Removal Equipment Requirements and Alternative Technology Revisions (USCG-2001-8661)	1625-AA26
1142	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
1143	Protection for Whistle Blowers in the Coast Guard (USCG-2002-13016)	1625-AA50
1144	Review and Update of Standards for Marine Equipment (USCG-2003-16630)	1625-AA83
1145	Pollution Prevention Equipment (USCG-2004-18939)	1625-AA90
1146	2006 Rates for Pilotage on the Great Lakes	1625-AB05
1147	Coast Guard Sector, Marine Inspection Zone, and Captain of the Port Structure; Technical Amendment	1625-AB07

U.S. Coast Guard—Long-Term Actions

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1149	Special Anchorage Areas/Anchorage Grounds Regulations	1625-AA01
1150	Discharge-Removal Equipment for Vessels Carrying Oil (CGD 90-068)	1625-AA02
1151	Claims Procedures Under the Oil Pollution Act of 1990 (USCG-2004-17697)	1625-AA03
1152	State Access to the Oil Spill Liability Trust Fund (USCG-2004-19123)	1625-AA06
1153	Regatta and Marine Parade Regulations	1625-AA08
1154	Drawbridge Regulations	1625-AA09
1155	Escort Vessels in Certain U.S. Waters (CGD 91-202a)	1625-AA10
1156	Regulated Navigation Areas	1625-AA11
1157	Marine Transportation-Related Facility Response Plans for Hazardous Substances (USCG-1999-5705)	1625-AA12
1158	Tank Vessel Response Plans for Hazardous Substances (USCG-1998-4354)	1625-AA13
1159	Numbering of Undocumented Barges (USCG-1998-3798)	1625-AA14
1160	Salvage and Marine Firefighting Requirements; Vessel Response Plans for Oil (USCG-1998-3417)	1625-AA19
1161	Commercial Diving Operations (USCG-1998-3786)	1625-AA21
1162	Improvements to Maritime Safety in Puget Sound-Area Waters (USCG-1998-4501)	1625-AA22

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

Sequence Number	Title	Regulation Identifier Number
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1165	Wearing of Personal Flotation Devices by Persons Operating or Riding on Personal Watercraft, Water Skiing, or Engaging in Other Forms of Towing Persons Behind Recreational Vessels (USCG-2002-11421)	1625-AA40
1166	Vessel Traffic Service Lower Mississippi River (USCG-1998-4399)	1625-AA58
1167	Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Documents (MMDs) (USCG-2003-14500)	1625-AA81
1168	Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Licenses and Certificates of Registry (USCG-2004-17455)	1625-AA85
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1170	Dry Cargo Residue Discharges in the Great Lakes (USCG-2004-19621)	1625-AA89
1171	Waiver for Marking Sunken Vessels With Light at Night (USCG-2005-20488)	1625-AA97
1172	Consolidation of Merchant Mariner Qualification Credentials (USCG-2006-24371)	1625-AB02
1173	Inspection of Towing Vessels (USCG-2006-24412)	1625-AB06

U.S. Coast Guard—Completed Actions

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1174	Drawbridge Operations Regulations; Revisions (USCG-2001-10881)	1625-AA36
1175	Consolidation of Cruise Ship Regulations	1625-AB08
1176	Safety Zones; U.S. Coast Guard Water Training Areas, Great Lakes	1625-AB11

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

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1179	Cargo Information (Manifest) Discrepancy Reporting Requirements and Penalty Guidelines	1651-AA45
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1181	Use of Sampling Methods in CBP Audits and Offsetting of Overpayments and Over-Declarations in 19 U.S.C. 1592 Penalty Cases	1651-AA64
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1184	Documents Required for Travelers Entering the United States at Sea and Land Ports-of-Entry From Within the Western Hemisphere	1651-AA69
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U.S. Customs and Border Protection—Final Rule Stage

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1187	Extension of 25-Mile Limit at Select Arizona Ports-of-Entry	1651-AA11
1188	Access to Customs Security Areas at Airports	1651-AA38
1189	Passenger Name Record Information Required for Passengers on Flights in Foreign Air Transportation To or From the United States	1651-AA40
1190	Letters and Documents; Advanced Electronic Presentation of Cargo Data	1651-AA55
1191	Remittance of Immigration User Fee	1651-AA57

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U.S. Customs and Border Protection—Final Rule Stage (Continued)

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U.S. Customs and Border Protection—Long-Term Actions

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1197	Amendment of the Regulatory Definition of Arriving Alien	1651-AA07
1198	Removal of Visa and Passport Waiver for Certain Permanent Residents of Canada and Bermuda	1651-AA23
1199	Nonimmigrant Visa Exemption for Nationals of the British Virgin Islands Entering the United States Through St. Thomas, U.S. Virgin Islands	1651-AA29
1200	Procedures Governing the Border Release Advanced Screening and Selectivity (BRASS) Program	1651-AA35
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1202	Extension of Time Limit on Admission of Certain Mexican Nationals	1651-AA60

U.S. Customs and Border Protection—Completed Actions

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Transportation Security Administration—Proposed Rule Stage

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Transportation Security Administration—Final Rule Stage

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Transportation Security Administration—Long-Term Actions

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Transportation Security Administration—Long-Term Actions (Continued)

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1217	Security Threat Assessment for Individuals Applying for a Hazardous Materials Endorsement for a Commercial Driver's License	1652-AA17
1218	Flight Training for Aliens and Other Designated Individuals; Security Awareness Training for Flight School Employees	1652-AA35
1219	Aircraft Repair Station Security	1652-AA38
1220	Maryland Three Airports: Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC, Metropolitan Area Flight Restricted Zone	1652-AA39
1221	Modification of the Aviation Security Infrastructure Fee (ASIF) (Market Share)	1652-AA43
1222	Ronald Reagan Washington National Airport: Enhanced Security Procedures for Certain Operations	1652-AA49
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Transportation Security Administration—Completed Actions

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

Sequence Number	Title	Regulation Identifier Number
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1229	Establishing Procedures for Recertification of Schools Approved by the Student and Exchange Visitor Program (SEVP) To Enroll F or M Nonimmigrant Students	1653-AA42
1230	Strengthening Control Over Immigration Surety Bonds	1653-AA45
1231	Removal of Obsolete Procedures and Requirements for F and M Nonimmigrant Students for Schools Authorized To Enroll F and M Nonimmigrant Students	1653-AA51
1232	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	1653-AA54

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

Sequence Number	Title	Regulation Identifier Number
1233	Requiring Aliens Ordered Removed From the United States To Surrender to the Department of Homeland Security for Removal	1653-AA05
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1235	Detention of Aliens Subject to Final Orders of Removal	1653-AA13
1236	Custody Procedures	1653-AA14
1237	Requiring Certification of All Service-Approved Schools for Enrollment in the Student and Exchange Visitor Information System (SEVIS)	1653-AA31
1238	Safe-Harbor Procedures for Employers Who Receive a No-Match Letter	1653-AA50

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

Sequence Number	Title	Regulation Identifier Number
1239	Early Release for Removal of Criminal Aliens in State Custody for Nonviolent Offenses	1653-AA06
1240	Power of Secretary of the Department of Homeland Security To Terminate Deportation Proceedings and Initiate Removal Proceedings	1653-AA08
1241	Procedures for Detainee Hunger Strikes	1653-AA12
1242	Changes in Registration Policies and Monitoring of Certain Nonimmigrants	1653-AA29
1243	Extending the Period of Duration of Status for Certain F and J Nonimmigrant Aliens	1653-AA30
1244	School Appeals Process Regarding Adjudications by the Student and Exchange Visitor Program To Deny or Withdraw Department of Homeland Security Certification	1653-AA33
1245	Implementation of the Border Commuter Student Act of 2002	1653-AA37
1246	Transfer of Flight Training Programs Under the Department of State Oversight to the Department of Homeland Security	1653-AA43
1247	Clarification of Criteria for Certification, Oversight, and Recertification of Schools by the Student and Exchange Visitor Program (SEVP) To Enroll F or M Nonimmigrant Students	1653-AA44
1248	Electronic Signature and Storage of Form I-9, Employment Eligibility Verification	1653-AA47
1249	Custody and Bond Eligibility of Aliens Designated for Expedited Removal	1653-AA52

U.S. Immigration and Customs Enforcement—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1250	Notification for Aliens Detained Prior to a Final Order (ICE 2355-05)	1653-AA53

Federal Emergency Management Agency—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1251	Flood Mitigation Assistance Program	1660-AA00
1252	Hazard Mitigation Planning and Hazard Mitigation Grant Program	1660-AA17
1253	Management Costs	1660-AA21
1254	Flood Mitigation Grants and Hazard Mitigation Planning	1660-AA36
1255	Public Assistance Eligibility	1660-AA45
1256	National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Compensation for FIRA Implementation	1660-AA48

Federal Emergency Management Agency—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1257	Criminal and Civil Penalties Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act	1660-AA01
1258	Disaster Assistance; Hazard Mitigation Grant Program	1660-AA02
1259	National Urban Search and Rescue Response System	1660-AA07
1260	National Flood Insurance Program (NFIP); Insurance Coverage and Rates	1660-AA09
1261	Disaster Assistance; Federal Assistance to Individuals and Households	1660-AA18
1262	National Flood Insurance Program (NFIP); Group Flood Insurance Policy (GFIP)	1660-AA22
1263	Disaster Assistance; Crisis Counseling Regular Program; Amendment to Regulation	1660-AA23
1264	National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers	1660-AA28
1265	National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Extension of Term of Arrangement	1660-AA29
1266	National Flood Insurance Program; Standard Flood Insurance Policy; Expansion of Increased Cost of Compliance (ICC) Coverage and Prospective Payment of Flood Insurance Premiums	1660-AA30
1267	Disaster Assistance; Public Assistance Insurance Requirements	1660-AA32
1268	Estimating Eligible Cost	1660-AA33
1269	Assistance Program Under the 9/11 Heroes Stamp Act of 2001	1660-AA34

DHS

Federal Emergency Management Agency—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
1270	Special Community Disaster Loans Program	1660-AA44
1271	Disaster Assistance; Public Assistance Repetitive Damage	1660-AA47
1272	Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program	1660-AA49
1273	Assistance to Firefighters Grant Program	1660-AA50

Federal Emergency Management Agency—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1274	Debt Collection	1660-AA05
1275	National Flood Insurance Program (NFIP); State Renewal of Group Flood Insurance Policy	1660-AA35
1276	Federal Emergency Management Agency (FEMA) Acquisition Regulation System; Removal of Chapter 44	1660-AA46

Department of Homeland Security (DHS)
Office of the Secretary (OS)
Proposed Rule Stage
1019. SUPPLEMENTAL STANDARDS OF CONDUCT FOR EMPLOYEES OF THE DEPARTMENT OF HOMELAND SECURITY

Priority: Substantive, Nonsignificant

Legal Authority: 5 CFR 2635.105

CFR Citation: Not Yet Determined

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	07/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Robert E. Coyle, Designated Agency Ethics Official, Department of Homeland Security, Washington, DC 20528-3650
Phone: 202 447-3515

Fax: 202 282-9186
Email: robert.coyle@dhs.gov
RIN: 1601-AA17

1020. SHARING SENSITIVE HOMELAND SECURITY INFORMATION

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

Unfunded Mandates: Undetermined

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

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This proposed regulation will be consistent with the anticipated new Controlled Unclassified Information (CUI) framework and establish protections for sharing Homeland Security Information among Federal agencies and appropriate State, tribal, and local governments, private sector personnel, foreign entities and first responders (hereinafter referred to as homeland security stakeholders).

Timetable:

Action	Date	FR Cite
NPRM	07/00/07	
NPRM Comment Period End	10/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal, Local, State

Agency Contact: Grace Mastalli, Deputy Director, ISCO, Department of Homeland Security, Washington, DC 20528

Phone: 202 282-9415
Fax: 202 282-8828
Email: grace.l.mastalli@dhs.gov

RIN: 1601-AA25

1021. HOMELAND SECURITY ACQUISITION REGULATION (HSAR): CONFORMANCE TO THE FEDERAL ACQUISITION CIRCULARS (FACS)

Priority: Routine and Frequent

Unfunded Mandates: Undetermined

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

CFR Citation: 48 CFR

Legal Deadline: None

Abstract: The Department of Homeland Security is proposing to issue changes to the Department of Homeland Security Acquisition Regulation (HSAR) as authorized by 41 U.S.C. 418b. The changes will update DHS policies, procedures, and incorporate revised agency acquisition regulatory language as necessary in parts 3001 through 3052 to correspond with the current Federal Acquisition Regulation (FAR) as promulgated by the Federal Acquisition Circulars (FACs), and current Department of Homeland Security policies.

DHS—OS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/00/07	
NPRM Comment	02/00/08	
Period End		
Final Action	07/00/08	

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

Agency Contact: Kathy Strouss, Department of Homeland Security, Office of the Chief of Procurement, Washington, DC 20528
Phone: 202 447-5273
Email: kathy.strouss@dhs.gov

RIN: 1601-AA28**1022. PUBLIC TRANSPORTATION SECURITY GRANTS****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** sec 3820 of PL 109-59, 119, Stat 1144**CFR Citation:** 6 CFR 35**Legal Deadline:** NPRM, Statutory, February 2006, Legislative deadline — 180 days after enactment (2/2006).

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	
NPRM Comment	08/00/07	
Period End		

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

Agency Contact: Thomas Robison, Acting Director, Transportation Infrastructure Security Division, Office

of Grants and Training, Department of Homeland Security, Office of the Secretary, 800 K Street NW., Washington, DC 20531
Phone: 202 786-9512
Email: thomas.robison@dhs.gov

RIN: 1601-AA31**1023. MINIMUM STANDARDS FOR DRIVER'S LICENSES AND IDENTIFICATION CARDS ACCEPTABLE TO FEDERAL AGENCIES FOR OFFICIAL PURPOSES****Priority:** Economically Significant. Major under 5 USC 801.

Legal Authority: Division B—REAL ID Act of 2005; The Emergency Supplemental Appropriations Act for Defense; The Global War on Terror and Tsunami Relief, 2005; PL 109-13, 119 Stat 231, 302 (May 11, 2005) (codified at 49 USC 30301 note)

CFR Citation: 6 CFR 37, et seq (New)**Legal Deadline:** Final, Statutory, May 11, 2008.

Abstract: This regulation is designed to implement the REAL ID Act. The Act prohibits Federal agencies from accepting a driver's license or personal identification card (license) for an "official purpose" unless it has been issued by a State that has certified to, and been determined by DHS to meet, the requirements of the Act. The Act sets forth minimum document requirements, minimum issuance standards, and other requirements, including: information and security features that must be incorporated into each card; the information that must be provided by an applicant to establish identity and immigration status before a card can be issued; physical security standards for locations where licenses are produced.

Timetable:

Action	Date	FR Cite
NPRM	03/09/07	72 FR 10820
NPRM Comment	05/08/07	
Period End		

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** Federal, Local, State

Agency Contact: Darrell Williams, Department of Homeland Security,

Office of the Secretary, Washington, DC 20528

Phone: 202 447-3836

RIN: 1601-AA37**1024. HOMELAND SECURITY ACQUISITION REGULATIONS (HSAR); PATENTS, DATA, AND COPYRIGHTS****Priority:** Routine and Frequent. Major status under 5 USC 801 is undetermined.**Legal Authority:** 41 USC 418a; 35 USC 200 et seq**CFR Citation:** 48 CFR 30 sec 3027; 48 CFR 30 sec 3052**Legal Deadline:** None

Abstract: FAR part 27 implements a number of statutes and Executive orders pertaining to patents, data, and copyrights. The current HSAR for part 3027 needs to be revised to reflect the best practices of the Government with respect to the treatment of intellectual property in Government acquisitions. This effort focuses on clarifying, streamlining, and updating the current HSAR text with the ultimate goal of making the policies and procedures more flexible to permit Contracting Officers the requisite ability to negotiate contracts beneficial to DHS.

Timetable:

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

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined

Agency Contact: Kathy Strouss, Department of Homeland Security, Office of the Chief of Procurement, Washington, DC 20528
Phone: 202 447-5273
Email: kathy.strouss@dhs.gov

RIN: 1601-AA38**1025. HOMELAND SECURITY ACQUISITION REGULATION (HSAR); SAFETY ACT IMPLEMENTATION****Priority:** Routine and Frequent. Major status under 5 USC 801 is undetermined.**Legal Authority:** 41 USC 418b(a); 41 USC 418b(b); 6 USC 441 to 444

DHS—OS

Proposed Rule Stage

CFR Citation: 48 CFR 30, sec 3050; 48 CFR 30, sec 3052

Legal Deadline: None

Abstract: The Department of Homeland Security (DHS) is proposing to issue changes to the Department of Homeland Security Acquisition Regulation (HSAR) as authorized by 41 U.S.C. 418b. The changes are planned to supplement the pending FAR rule implementation on the SAFETY Act, 6 CFR part 25 for DHS acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	
NPRM Comment Period End	08/00/07	
Final Action	05/00/08	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

Agency Contact: Kathy Strouss, Department of Homeland Security, Office of the Chief of Procurement, Washington, DC 20528
Phone: 202 447-5273
Email: kathy.strouss@dhs.gov

RIN: 1601-AA39

1026. NONDISCRIMINATION IN MATTERS PERTAINING TO FAITH-BASED AND COMMUNITY ORGANIZATIONS

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

Legal Authority: EO 13279; EO 13403;

CFR Citation: 6 CFR 19

Legal Deadline: None

Abstract: This proposed rule would implement executive branch policy that, within the framework of constitutional church-state guidelines, faith-based organizations should be able to compete on an equal footing with other organizations for Federal funding.

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	
NPRM Comment Period End	11/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Organizations

Government Levels Affected: State

Agency Contact: Keith Rothfus, Director, Center for Faith-Based and Community Initiatives, Department of Homeland Security, Office of the Secretary, 810 7th Street, NW, Washington, DC 20531
Phone: 202 786-9540
Email: keith.rothfus@dhs.gov

RIN: 1601-AA40

1027. • REVISION OF DEPARTMENT OF HOMELAND SECURITY ACQUISITION REGULATION (HSAR); ONE-STEP TURNKEY DESIGN-BUILD CONTRACTS FOR USCG, HSAR CASE 2007-001

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

Legal Authority: PL 109-241, sec 205; 14 USC 677

CFR Citation: 48 CFR 30

Legal Deadline: None

Abstract: The Department of Homeland Security (DHS) is proposing to amend the Department of Homeland Security Acquisition Regulation (HSAR), 48 CFR chapter 30 to provide notice to implement Public Law 109-241, title I, section 205, regarding one-step turnkey design-build contracts for the United States Coast Guard.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Kathy Strouss, Department of Homeland Security, Office of the Chief of Procurement, Washington, DC 20528
Phone: 202 447-5273
Email: kathy.strouss@dhs.gov

RIN: 1601-AA44

**Department of Homeland Security (DHS)
Office of the Secretary (OS)****Final Rule Stage****1028. UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY PROGRAM (US-VISIT), ENROLLMENT OF ADDITIONAL ALIENS IN US-VISIT**

Priority: Other Significant. Major under 5 USC 801.

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

CFR Citation: 8 CFR 215.8; 8 CFR 235.1

Legal Deadline: None

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

immigration system, and protect the privacy of visitors to the United States. In its early stages, US-VISIT applied only to nonimmigrants with visas and to those who did not require a visa as they were entering under the Visa Waiver Program. This rule would amend DHS regulations to provide that all aliens, including lawful Permanent Residents, may be enrolled into US-VISIT.

Timetable:

Action	Date	FR Cite
Proposed Rule	07/27/06	71 FR 42605
Comment Period End	08/28/06	
Final Rule	09/00/07	

DHS—OS

Final Rule Stage

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**URL For More Information:**

www.regulations.gov

URL For Public Comments:

www.regulations.gov

Agency Contact: Michael Hardin, Senior Policy Advisor, US-VISIT, Department of Homeland Security, 18th Floor, 1616 North Fort Myer Drive, Arlington, VA 22209
Phone: 202 298-5200
Fax: 202 298-5201
Email: usvisitregs@dhs.gov

Related RIN: Previously reported as 1650-AA06

RIN: 1601-AA35

1029. CHEMICAL FACILITY ANTI-TERRORISM STANDARDS

Priority: Economically Significant. Major under 5 USC 801.

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

Legal Authority: Section 550 of the Homeland Security Appropriations Act of 2007, PL No. 109-295, (October 4, 2006)

CFR Citation: 6 CFR 27

Legal Deadline: Other, Statutory, April 4, 2007, Section 550 of the Homeland Security Appropriations Act of 2007. Section 550 of the Homeland Security Appropriations Act of 2005 directs DHS to issue interim rules no later than 6 months after the effective date of the Act. The Act became effective on October 4, 2006, and so the statutory deadline for issuance of the interim rules under this provision is April 4, 2007.

Abstract: Section 550 of the Homeland Security Appropriations Act of 2007 provided the Department of Homeland Security with authority to promulgate "interim final regulations" for the security of certain chemical facilities in the United States. See Public Law No. 109-295, section 550 (Oct. 4, 2006). In accordance with section 550, these regulations will establish risk-based performance standards and require vulnerability assessments and the development and implementation of site security plans.

Timetable:

Action	Date	FR Cite
Advance Notice of Rulemaking	12/28/06	71 FR 78275
Comment Period End	02/07/07	
Interim Final Rule	04/09/07	72 FR 17688
Interim Final Rule Comment Period End	05/09/07	
Interim Final Rule Effective	06/08/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected:

Undetermined

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

URL For More Information:

www.regulations.gov

URL For Public Comments:

www.regulations.gov

Agency Contact: Lawrence Stanton, Deputy Director, Risk Management Division, Department of Homeland Security, Office of the Secretary, Washington, DC 20528
Phone: 703 235-5772

RIN: 1601-AA41

Department of Homeland Security (DHS)

Long-Term Actions

Office of the Secretary (OS)

1030. 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 to 552a

CFR Citation: 6 CFR 5**Legal Deadline:** None

Abstract: This action establishes procedures for the Department's Office of the Secretary, necessary to implement the Freedom of Information Act (5 U.S.C. 552) (FOIA) and the Privacy Act (5 U.S.C. 552a) (Privacy Act). The provisions of this subpart shall apply to each component of the Department. FOIA provides for the full disclosure of agency records and information to the public unless that information is exempt under clearly delineated statutory language. The Privacy Act serves to safeguard public interest in informational privacy by delineating the duties and

responsibilities of Federal agencies that collect, store, and disseminate personal information about individuals. The procedures established here assist the Department in satisfying its responsibility to the public to disclose departmental information while simultaneously safeguarding individual privacy.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

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

Agency Contact: Michael Russell, Deputy Associate General Counsel for

General Law, Department of Homeland Security, Office of the General Counsel, Washington, DC 20528
Phone: 202 447-3526
Fax: 202 447-3111
Email: michael.d.russell@dhs.gov

RIN: 1601-AA00

1031. 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 to 552(a)

CFR Citation: 6 CFR 5.1**Legal Deadline:** None

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

DHS—OS

Long-Term Actions

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/27/03	68 FR 4070
Interim Final Rule Effective	01/27/03	
Interim Final Rule Comment Period End	02/26/03	
Next Action Undetermined		

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

Agency Contact: Michael Russell, Deputy Associate General Counsel for General Law, Department of Homeland Security, Office of the General Counsel, Washington, DC 20528
Phone: 202 447-3526
Fax: 202 447-3111
Email: michael.d.russell@dhs.gov

RIN: 1601-AA01**1032. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF DISABILITY IN DEPARTMENT OF HOMELAND SECURITY PROGRAMS OR ACTIVITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-296, 116 Stat 2135; 5 USC 301; 29 USC 794**CFR Citation:** 6 CFR 15.1**Legal Deadline:** None

Abstract: This interim final rule establishes for the Department of Homeland Security, procedures for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the Department. The rule establishes standards for what constitutes discrimination on the basis of mental or physical handicap, provides a definition for individuals with handicaps and qualified individuals with handicaps, and establishes a complaint mechanism for resolving allegations of discrimination.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/06/03	68 FR 10886
Interim Final Rule Comment Period End	04/07/03	
Interim Final Rule Effective	04/07/03	
Next Action Undetermined		

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

Agency Contact: Tim Keefer, Deputy Officer and Acting Chief Counsel, Department of Homeland Security, Civil Rights and Civil Liberties, Washington, DC 20528
Phone: 202 357-8226
Fax: 202 357-8296
Email: timothy.keefer@dhs.gov

RIN: 1601-AA03**1033. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-296, 116 Stat 2135; 5 USC 301; 20 USC 1681 to 1683; 20 USC 1685 to 1688**CFR Citation:** 6 CFR 17.1**Legal Deadline:** None

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

Timetable:

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

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

Agency Contact: Tim Keefer, Deputy Officer and Acting Chief Counsel, Department of Homeland Security, Civil Rights and Civil Liberties, Washington, DC 20528
Phone: 202 357-8226
Fax: 202 357-8296
Email: timothy.keefer@dhs.gov

RIN: 1601-AA04**1034. REGULATIONS REGARDING NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-296, 116 Stat 2135; 5 USC 310; 42 USC 2000d to 2000d-7**CFR Citation:** 6 CFR 21.1**Legal Deadline:** None

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

Timetable:

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

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

Agency Contact: Tim Keefer, Deputy Officer and Acting Chief Counsel, Department of Homeland Security, Civil Rights and Civil Liberties, Washington, DC 20528
Phone: 202 357-8226
Fax: 202 357-8296
Email: timothy.keefer@dhs.gov

RIN: 1601-AA05**1035. AUTHORITY OF THE SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY; DELEGATIONS OF AUTHORITY; IMMIGRATION LAWS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-296, 116 Stat 2135; 5 USC 301; 8 USC 1101; 8 USC 1103**CFR Citation:** 8 CFR 1.1; 8 CFR 2.1; 8 CFR 103.1; 8 CFR 239.1**Legal Deadline:** None

DHS—OS

Long-Term Actions

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

Timetable:

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

Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Nader Baroukh, Associate General Counsel for Immigration, Department of Homeland Security, Washington, DC 20528
Phone: 202 282-9723
Email: nader.baroukh@dhs.gov

RIN: 1601-AA06

1036. REGULATIONS IMPOSING RESTRICTIONS UPON LOBBYING

Priority: Substantive, Nonsignificant

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

CFR Citation: 6 CFR 9.1

Legal Deadline: None

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

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

Timetable:

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

Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Michael Russell, Deputy Associate General Counsel for General Law, Department of Homeland Security, Office of the General Counsel, Washington, DC 20528
Phone: 202 447-3526
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Email: michael.d.russell@dhs.gov

RIN: 1601-AA12

1037. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS; ADMINISTRATION OF 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 (DHS) is issuing regulations that will establish uniform administrative procedures for Federal grants and cooperative agreements and subawards to State, local, and Indian tribal governments and for Federal grants and agreements with institutions of higher education, hospitals and other nonprofit organizations. DHS is also issuing regulations-setting for audit requirements of State and local governments and nonprofit organizations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Agency Contact: David Batcheller, Office of Grant Policy and Oversight, Department of Homeland Security, Washington, DC 20528
Phone: 202 447-5272
Email: david.batcheller@dhs.gov

RIN: 1601-AA18

1038. COLLECTION OF NONTAX DEBTS OWED TO THE DEPARTMENT OF HOMELAND SECURITY

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

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

CFR Citation: 6 CFR 23.1

Legal Deadline: None

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

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

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

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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 offset 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
Interim Final Rule	01/30/07	72 FR 4189
Interim Final Rule Effective	01/30/07	
Interim Final Rule Comment Period End	03/01/07	

Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 1601-AA23

1039. IMPLEMENTATION OF THE UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY PROGRAM (US-VISIT); BIOMETRIC REQUIREMENTS FOR EXIT AT AIR AND SEA PORTS

Priority: Other Significant

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

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

Legal Deadline: None

Abstract: DHS established the United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT) in accordance with a series of legislative mandates requiring that DHS create an integrated automated entry-exit system that records the arrival and departure of aliens; verifies aliens' identities, and authenticates travel documents. On January 5, 2004, DHS published an Interim Final Rule in the

Federal Register at 69 FR 468 authorizing the Secretary of Homeland Security to require, in part, certain aliens to provide fingerprints, photograph[s] or other biometric identifiers, documentation of immigration status in the United States, and other such evidence as may be required to determine the alien's identity and whether he or she has properly maintained immigration status while in the United States at the time of departure from the United States. The Interim Rule authorized the establishment of pilot programs at up to fifteen air and sea ports of entry to evaluate the implementation of this departure procedure. That evaluation pilot has been completed and the procedures have been adopted. This rule removes the limit on the collection of this information from the 15 locations of the pilot programs and authorizes implementation at all air and sea ports of entry. This rule authorizes the Secretary to require those aliens required to provide biometric identifiers at entry to provide biometric identifiers upon departure at any air and sea port of entry at which facilities exist to collect such information.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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Related RIN: Previously reported as 1650-AA04

RIN: 1601-AA34

1040. • REVISION OF DEPARTMENT OF HOMELAND SECURITY ACQUISITION REGULATION (HSAR); CIVILIAN BOARD OF CONTRACT APPEALS

Priority: Routine and Frequent

Legal Authority: PL 109-163 title VIII, sec 847 as implemented by 71 FR 65826

CFR Citation: 48 CFR Ch 30

Legal Deadline: Other, Statutory, January 6, 2007, Interim rule.

Abstract: DHS is issuing an interim rule to the HSAR to provide notice of a jurisdictional change effective January 6, 2007 for the DHS agency Board of Contract Appeals from the Department of Transportation Board of Contract Appeals (DOTBCA) to the Civilian Board of Contract Appeals (CBCA) according to Public Law 109-163, title VIII, section 847. This rule also makes amendments to the HSAR content according to internal DHS organization changes. The organization nomenclature changes are technical amendments or corrections and make no substantive changes to the regulation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/11/07	72 FR 1296
Interim Final Rule Effective	01/11/07	
Interim Final Rule Comment Period End	02/12/07	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal

URL For More Information:

www.regulations.gov

URL For Public Comments:

www.regulations.gov

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RIN: 1601-AA42

1041. • REVISION OF DEPARTMENT OF HOMELAND SECURITY ACQUISITION REGULATION (HSAR); NOTIFICATION ON LIMITATION IN SUBCONTRACTING; HSAR CASE 2007-003

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

Legal Authority: PL 109-295, sec 692

CFR Citation: 48 CFR 30

Legal Deadline: None

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Abstract: The Department of Homeland Security (DHS) is proposing to amend the Department of Homeland Security Acquisition Regulation (HSAR), 48 CFR Chapter 30 to provide notice to implement Public Law 109-295, title VI, section 692, Limitations on Tiering of Subcontractors. This limitation applies to any cost-reimbursement type contract or task or delivery order in an amount greater than the simplified acquisition threshold [as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)] entered into to facilitate response to or recovery from a natural disaster, act of terrorism, or other man-made disaster. A contractor is prohibited from using subcontractors for more than 65 percent of the cost of the contract or the cost of any individual task or delivery order (not including overhead or fee), unless the contracting officer determines that the 65 percent limitation is not feasible or practicable.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 1601-AA43

1042. • REVISION OF DEPARTMENT OF HOMELAND SECURITY ACQUISITION REGULATION (HSAR); LIMITATION ON CERTAIN NONCOMPETITIVE CONTRACTS; HSAR CASE 2007-002

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

Legal Authority: PL 109-295, sec 695

CFR Citation: 48 CFR 30

Legal Deadline: None

Abstract: The Department of Homeland Security (DHS) is proposing to amend the Department of Homeland Security Acquisition Regulation (HSAR), 48 CFR Chapter 30 to provide notice to implement Public Law 109-295, title VI, section 695, Limitation on Length of Certain Noncompetitive Contracts. The limitation applies for sole source contracts using the FAR part 6, unusual and compelling urgency exception (above the SAT) for requirements associated with facilitating response and recovery from natural disasters, acts of terrorism, or other man-made disasters, the maximum period of performance is 150 days, unless exceptional circumstances apply.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 1601-AA45

1043. • IMPLEMENTATION OF OMB GUIDANCE ON NONPROCUREMENT DEBARMENT AND SUSPENSION

Priority: Substantive, Nonsignificant

Legal Authority: PL 107-296, 116 Stat 2135; PL 103-355, 108 Stat 3243

CFR Citation: Not Yet Determined

Legal Deadline: Other, See comments below.

On August 31, 2005, OMB published guidelines, which provided that "Federal agencies must submit proposed regulations to OMB for review within nine months of the issuance of these guidelines and issue final regulations within 18 months of these guidelines." See 2 CFR 180.35.

Abstract: The Department of Homeland Security proposes to issue a part 30xx to implement the Office of Management and Budget (OMB) guidance on nonprocurement debarment and suspension. Through this proposed action, the Department of Homeland Security is joining the existing Governmentwide nonprocurement debarment and suspension system. Prior to the creation of the Department of Homeland Security, Agencies, or parts of Agencies, now located within DHS were already participating in that Governmentwide system.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1601-AA46

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

Completed Actions

1044. PROGRAM FRAUD CIVIL REMEDIES

Priority: Other Significant

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

CFR Citation: 6 CFR 19.1

Legal Deadline: None

Abstract: This action implements the Program Fraud Civil Remedies Act of 1986, which is codified at 31 U.S.C. 3801 to 3812. This Act imposes through administrative adjudication, civil penalties, and assessments against

certain persons making false claims or statements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/12/05	70 FR 59209

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Completed Actions

Action	Date	FR Cite
Interim Final Rule Effective	10/12/05	
Interim Final Rule Comment Period End	11/14/05	
Final Rule	02/09/07	72 FR 6143
Final Rule Effective	03/12/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal**Agency Contact:** Michael Russell, Deputy Associate General Counsel for General Law, Department of Homeland

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RIN: 1601-AA11**1045. ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM****Timetable:**

Action	Date	FR Cite
Transferred to RIN	02/22/07	
		1660-AA50
RIN:		1601-AA30

1046. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT PROGRAM**Timetable:**

Action	Date	FR Cite
Transferred to RIN	02/22/07	
		1660-AA49

RIN: 1601-AA32
**Department of Homeland Security (DHS)
 U.S. Citizenship and Immigration Services (USCIS)**

Proposed Rule Stage

1047. SPECIAL IMMIGRANT AND NONIMMIGRANT RELIGIOUS WORKERS**Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153 to 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255**CFR Citation:** 8 CFR 204**Legal Deadline:** None

Abstract: This rule proposes to amend U.S. Citizenship and Immigration Services (USCIS) regulations regarding the special immigrant and nonimmigrant religious worker visa classifications. This rule addresses concerns about the integrity of the religious worker program by proposing a petition requirement for religious organizations seeking to classify an alien as an immigrant or nonimmigrant religious worker. This rule also proposes including an on-site inspection for religious organizations to ensure the legitimacy of petitioner organizations and employment offers made by such organizations.

This rule would also clarify several substantive and procedural issues that have arisen since the religious worker category was created. This rule proposes new definitions that describe more clearly the regulatory requirements, as well as add specific evidentiary requirements for petitioning employers and prospective religious workers.

Finally, this rule also proposes to amend how USCIS regulations reference the sunset date, the statutory deadline by which special immigrant

religious workers, other than ministers, must immigrate or adjust status to permanent residence, so that regular updates to the regulations are not required each time Congress extends the sunset date.

Timetable:

Action	Date	FR Cite
NPRM (CIS No. 1436-94)	04/00/07	
NPRM Comment Period End	06/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Additional Information:** CIS No. 1436-94

Transferred from RIN 1115-AF12

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RIN: 1615-AA16**1048. 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 to 1187; 8 USC 1221; 8 USC 1255;**CFR Citation:** 8 CFR 103; 8 CFR 202; 8 CFR 212; 8 CFR 214; 8 CFR 245;**Legal Deadline:** None

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

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residence applications pending. Public Law 105-277 imposes penalties for employers violating certain representations and prohibits retaliation against H-1B workers who disclose these violations. Finally, on November 2, 2002, the President approved enactment of Public Law 107-273, The Twenty First Century Department of Justice Appropriations Act (21st Century DOJ Appropriations Act), which codified a provision that amends section 106(a) of AC21. This regulation clarifies several interpretive questions raised by the bills and ensures that the Department practice is consistent with these laws.

Timetable:

Action	Date	FR Cite
NPRM	10/00/07	
NPRM Comment Period End	12/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

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

the Federal Mediation and Conciliation Service.

Transferred from RIN 1115-AG11

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RIN: 1615-AA55

1049. 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	12/00/07	
NPRM Comment Period End	02/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2147-01

Transferred from RIN 1115-AG28

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RIN: 1615-AA61

1050. IMPLEMENTATION OF AMENDMENTS AFFECTING PETITIONS FOR EMPLOYMENT CREATION ALIENS

Priority: Other Significant

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

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

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

Abstract: This rule proposes amendments to the regulations of the Department of Homeland Security to implement changes made by the 21st Century Department of Justice Appropriations Authorization of 2001. This legislation made various changes to the EB-5 Alien immigrant classification.

Timetable:

Action	Date	FR Cite
NPRM	01/00/08	
NPRM Comment Period End	03/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Transferred from RIN 1115-AG93

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Service Center Operations, 2nd Floor, 20 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AA90

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1051. 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: On August 6, 2002, President Bush signed into law the Child Status Protection Act (CSPA), Public Law 107-208, 116 Stat. 927. The CSPA amends the Immigration and Nationality Act (the Act) by permitting an applicant for certain benefits to retain classification as a “child” under the Act, even if he or she has reached the age of 21 years. The CSPA also addresses automatic conversions for certain aliens classified as unmarried sons or daughters of lawful permanent residents (LPRs). This proposed rule codifies the Department of Homeland Security’s (DHS’) application of the provisions of the CSPA by amending the relevant DHS regulations.

The CSPA has generated litigation and much confusion among the public. While USCIS has worked tirelessly to communicate a coherent CSPA policy by way of guidance to the field, courts have consistently noted the absence of regulations addressing the issues raised by CSPA. If USCIS is to enjoy deference by the courts it must publish regulations codifying its interpretation of the CSPA before the issues are decided in binding court decisions. Moreover, USCIS receives numerous comments and questions from the public regarding the CSPA, which the publication of a proposed rule will bring to bear on the actual rulemaking process.

Timetable:

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

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1115-AH01**Agency Contact:** Pearl Chang, Chief, Regulations and Product Management

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RIN: 1615-AA95**1052. REQUIRING COMPLETION OF SECURITY CHECKS BEFORE ISSUANCE OF EVIDENCE OF ALIEN REGISTRATION****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1201; 8 USC 1303 to 1305**CFR Citation:** 8 CFR 264**Legal Deadline:** None

Abstract: This interim rule amends Department of Homeland Security (DHS) regulations governing registration of aliens under sections 262 and 264 of the Immigration and Nationality Act (Act). The rule, which codifies existing DHS practices, provides that DHS will issue alien registration documents only once all appropriate background and security checks have been completed to the satisfaction of the Secretary of Homeland Security (Secretary). This interim rule establishes time frames, under certain circumstances, for the issuance of such registration documentation and procedures for delaying the issuance of such documentation when DHS determines that the alien may pose a risk to national security or public safety.

Timetable:

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

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2291-03

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RIN: 1615-AB12**1053. ADDING A FILING FEE FOR RE-REGISTRATION AND EXTENSION OF TEMPORARY PROTECTED STATUS****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1254**CFR Citation:** 8 CFR 103; 8 CFR 244**Legal Deadline:** None

Abstract: This proposed rule would amend and clarify Department of Homeland Security regulations to require each Temporary Protected Status (TPS) initial registrant and re-registrant to submit to U.S. Citizenship and Immigration Services (USCIS): 1) Her/his biometrics at an Application Support Center (ASC); 2) a \$180 filing fee or fee waiver request with Form I-765, Application for Employment Authorization, when requesting an Employment Authorization Document (EAD); and 3) a \$70 biometric services fee. For TPS registrants and re-registrants who are under 14 years of age, this rule only imposes these requirements where an EAD is requested. This proposed rule would also clarify current regulations governing registration and imposes a new requirement that each TPS re-registrant submit a filing fee or a fee waiver request with Form I-821, Application for Temporary Protected Status.

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	
NPRM Comment Period End	11/00/07	

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

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RIN: 1615-AB31

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Proposed Rule Stage

1054. EMPLOYMENT BASED IMMIGRANTS—ELIMINATION OF BENEFICIARY SUBSTITUTION ON APPROVED LABOR CERTIFICATIONS AND VALIDITY PERIOD OF APPROVED LABOR CERTIFICATIONS

Priority: Other Significant

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

CFR Citation: 8 CFR 2

Legal Deadline: None

Abstract: DHS and the Department of Labor's Employment and Training Administration (DOL) are proposing changes to reduce the incentives and opportunities for fraud and abuse related to the permanent employment of aliens in the United States. DHS is considering the elimination of the current practice of allowing the substitution of alien beneficiaries on permanent labor certifications, among other options. In addition, DHS is proposing to reduce further the likelihood of the submission of 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	07/00/07	
NPRM Comment Period End	09/00/07	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: CIS No. 2347-05

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RIN: 1615-AB34

1055. APPLICATION PROCESS FOR REPLACING FORMS I-551 WITHOUT AN EXPIRATION DATE

Priority: Other Significant

Legal Authority: 5 USC 301; 5 USC 552; 5 USC 552a; 8 USC 1101

CFR Citation: 8 CFR 103; 8 CFR 211; 8 CFR 245; 8 CFR 246; 8 CFR 264; 8 CFR 274a

Legal Deadline: None

Abstract: The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) issues Alien Registration Receipt Cards (I-551) to lawful permanent residents to serve as evidence of immigration status, registration, identity and employment authorization, and as an entry document upon return from a trip outside the United States. Currently there is a population of lawful permanent residents who possess cards that do not have expiration dates. USCIS will be terminating the validity of Forms I-551 that do not have expiration dates. This rule establishes a 120-day period for aliens with Forms I-551 that do not bear expiration dates to apply for replacement cards. This rule also amends the regulations to remove references to outdated application procedures for the I-551. The application process required by this rule will enable USCIS to issue more secure Forms I-551 to affected aliens, update cardholder information, conduct background checks, and electronically store applicants' biometric information that can be used for biometric comparison and authentication purposes consistent with the goals of the Enhanced Border Security and Visa Entry Reform Act of 2002.

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	
NPRM Comment Period End	08/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1615-AB36

1056. FOREIGN RESIDENCE REQUIREMENT IMPOSED ON CERTAIN PARTICIPANTS IN THE IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: PL 108-449

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

Legal Deadline: None

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

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Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/00/07	
NPRM Comment Period End	12/00/07	

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

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RIN: 1615-AB43**1057. HALTING CONCURRENT FILING OF FORM I-140 IMMIGRANT PETITION WITH A FORM I-485 APPLICATION****Priority:** Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153 to 1154; 8 USC 1182 to 1182a; PL 105-277;

CFR Citation: 8 CFR 204; 8 CFR 205

Legal Deadline: None

Abstract: The Department of Homeland Security, U.S. Citizenship and Immigration Services, is proposing to amend its regulations concerning employment-based immigrant status. Under the current regulations, published at 67 FR 49561, employers may file a Form I-485, Application to Register Permanent Residence or Adjust Status (I-485) concurrently with Form I-140, Immigrant Petition for Alien Worker (immigrant petition), while the immigrant petition is pending; or after the immigrant petition has been approved, as long as a visa number is immediately available to the alien. The Department is considering modifying the current system to disallow concurrent I-140 and I-485 filings and instead mandate that an alien worker applying for adjustment of status and be the beneficiary of an approved immigrant petition prior to filing the adjustment application.

Timetable:

Action	Date	FR Cite
NPRM	08/00/07	
NPRM Comment Period End	10/00/07	

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

Additional Information: CIS No. 2380-06

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Service Center Operations, 2nd Floor, 20 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AB51**1058. ADJUSTMENT OF THE IMMIGRATION BENEFIT APPLICATION/PETITION AND BIOMETRIC FEE SCHEDULE**

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 8 USC 1356(m) and (n); 31 USC 901 to 903; 31 USC 902 (a)(8)

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: This rule proposes to adjust the immigration benefit application and petition fees of the Immigration Examinations Fee Account (IEFA), and the biometric fee for applicants/petitioners who apply for certain immigration benefits for fiscal years (FY) 2008 and FY 2009 biennial period. Fees collected from persons filing these benefits are deposited into the IEFA and used to fund the full cost of processing immigration benefit applications/petitions, biometric services, associated support services, and the cost of providing similar services to asylum and refugee applicants and other immigrants, at no charge. The fees that fund the IEFA were last updated on October 26, 2005, solely to reflect an increase in costs due to inflation. The U.S. Citizenship and Immigration Services (USCIS) conducted a comprehensive review of the resources and activities funded by the IEFA and have determined that the current fees do not reflect current processes and do not recover the full costs of services. This rule proposes to adjust the immigration benefit application and petition fee schedule and increases the biometric fee in order to ensure sufficient funding to process

incoming applications/petitions and biometric services while ensuring national security, enhancing customer service, and maintaining standard processing time goals in fiscal years 2008 and 2009. Without the additional fee revenues, USCIS would be forced to enact significant spending reductions resulting in a reversal of the considerable progress it has made over last several years to reduce the backlog of immigration benefit applications and petitions. If such reductions are necessary, USCIS will not curb any security-related activities in an effort to remain solvent.

Timetable:

Action	Date	FR Cite
NPRM	02/01/07	72 FR 4888
NPRM Comment Period End	04/02/07	
Final Action	04/00/07	

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

Additional Information: CIS No. 2393-06

URL For More Information:

www.regulations.gov

URL For Public Comments:

www.regulations.gov

Agency Contact: Paul Schlesinger, Office of Budget, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AB53**1059. • CLASSIFICATION OF ADOPTED ALIENS AS CHILDREN OF UNITED STATES CITIZENS BASED ON ADOPTIONS THAT ARE NOT GOVERNED BY THE HAGUE CONVENTION****Priority:** Other Significant

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

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

Legal Deadline: None

Abstract: This rule proposes to amend Department of Homeland Security

DHS—USCIS

Proposed Rule Stage

(DHS) regulations relating to intercountry adoptions in cases that are not governed by the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, signed at The Hague on May 29, 1993 (“Convention”). First, the rule proposes amendments to the rules governing adoption cases under section 101(b)(1)(E) of the Immigration and Nationality Act (“the Act”). Second, it also proposes amendments to the rules governing the immigration of alien orphans under section 101(b)(1)(F) of the Act. These amendments are needed to clarify the rules for both case types,

and to incorporate into the regulations recent statutory amendments. For the orphan cases, these amendments will also improve the ability to assure the protection of the best interests of alien orphans whose adoption is sought by U.S. citizens.

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	
NPRM Comment Period End	11/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: CIS No. 2406-07

Agency Contact: Lori Scialabba, Associate Chief, Refugee, Asylum International Operations Directorate, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AB57

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

Final Rule Stage

1060. 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 to 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255

CFR Citation: 8 CFR 204

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/26/96	61 FR 13061
Interim Final Rule Effective	03/26/96	
Interim Final Rule Comment Period End	05/28/96	
Interim Final Rule	11/00/07	
Interim Final Rule Comment Period End	01/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: CIS No. 1705-95

Transferred from RIN 1115-AE04

Agency Contact: Pearl Chang, Chief, Regulations and Product Management Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AA03

1061. BATTERED AND ABUSED CONDITIONAL RESIDENTS; TERMINATION OF MARRIAGE BY CONDITIONAL RESIDENTS

Priority: Other Significant

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

CFR Citation: 8 CFR 216; 8 CFR 299

Legal Deadline: None

Abstract: Enacted on November 10, 1986, the Immigration Marriage Fraud Amendments of 1986, (IMFA) made a number of changes to the Immigration and Nationality Act (Act) to deter aliens from marrying solely to obtain immigration benefits. IMFA established a conditional resident status for aliens who obtained lawful permanent resident status based upon a marriage of less than 2 years duration. The interim rule published on May 16, 1991, established procedures to allow a conditional resident who married in good faith but whose marriage was terminated by the United States citizen or lawful permanent resident spouse to seek a waiver of the joint filing requirement. The interim rule published on May 16, 1991, also was necessary to provide a method by which a battered conditional resident, or a conditional resident parent of an abused conditional resident child, may apply for removal of the conditional basis of resident status without filing a joint petition. This final rule implements certain technical changes made by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and addresses comments received in response to the interim rule published on May 16, 1991.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/16/91	56 FR 22635
Final Action	03/00/08	

Regulatory Flexibility Analysis Required: No

DHS—USCIS

Final Rule Stage

Small Entities Affected: No

Government Levels Affected: None

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

Transferred from RIN 1115-AF59

Agency Contact: Pearl Chang, Chief, Regulations and Product Management Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AA29

1062. REVOKING GRANTS OF NATURALIZATION

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1443

CFR Citation: 8 CFR 340

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/31/00	65 FR 17127
Interim Final Rule Comment Period End	05/30/00	
Final Action	03/00/08	

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: David Lester, Chief, Field Liaison Branch, Field Operations, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-1849

RIN: 1615-AA30

1063. CLASSIFICATION OF ALIENS AS CHILDREN OF UNITED STATES CITIZENS BASED ON INTERCOUNTRY ADOPTIONS UNDER THE HAGUE CONVENTION

Priority: Other Significant

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

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 Cooperation 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
Interim Final Rule	09/00/07	
Interim Final Rule Comment Period End	11/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2098-07.

Transferred from RIN 1115-AF96

Agency Contact: Lori Scialabba, Associate Chief, Refugee, Asylum International Operations Directorate, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AA43

1064. ESTABLISHING PREMIUM PROCESSING SERVICE FOR EMPLOYMENT-BASED PETITIONS AND APPLICATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1103

CFR Citation: 8 CFR 103; 8 CFR 299

Legal Deadline: None

Abstract: This interim rule changes the premium processing time from 15 calendar days to 15 business days and adds additional circumstances that will stop the premium processing clock. This rule also clarifies that for e-filed petitions and applications, the 15 business day processing period begins when U.S. Citizenship and Immigration Services receives the initial required supporting documentation to adjudicate the case at the Service Center with jurisdiction over that case. This interim rule also addresses public comments received in connection with the first interim rule.

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	
Interim Final Rule	03/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2108-01

Transferred from RIN 1115-AG03

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RIN: 1615-AA49

1065. 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 204-205; 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	03/00/08	

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

1066. ADJUSTMENT OF STATUS TO LAWFUL PERMANENT RESIDENT FOR ALIENS IN T AND U 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; 8 USC 1255; 22 USC 7101; 22 USC 7105;

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

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

Abstract: This rule sets forth measures by which certain victims of severe forms of trafficking who have been granted T nonimmigrant status and victims of certain criminal activity who have been granted U nonimmigrant status may apply for adjustment to permanent resident status in accordance with Public Law 106-386, Victims of Trafficking and Violence Protection Act of 2000, and Public Law 109-162, Violence Against Women and Department of Justice Reauthorization Act of 2005.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/07	
Interim Final Rule Comment Period End	10/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2134-01

Transferred from RIN 1115-AG21

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RIN: 1615-AA60

1067. NEW CLASSIFICATION FOR VICTIMS OF CERTAIN CRIMINAL ACTIVITY; ELIGIBILITY FOR THE U NONIMMIGRANT STATUS

Priority: Other Significant

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

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

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

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

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: Transferred from RIN 1115-AG39

Agency Contact: Pearl Chang, Chief, Regulations and Product Management Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 3rd Floor, 111

DHS—USCIS

Final Rule Stage

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RIN: 1615-AA67

1068. WITHHOLDING OF ADJUDICATION

Priority: Other Significant

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

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

Legal Deadline: None

Abstract: This interim rule codifies the Secretary of Homeland Security's current discretionary authority, as delegated to the Department of Homeland Security (DHS) directors, to manage the caseload of pending requests for immigration benefits in districts or regions over which the directors have jurisdiction. A component of this case management authority is the ability to withhold adjudication of any pending application or petition, particularly when an investigation is ongoing and background and security checks are still pending completion. This interim rule expands the circumstances under which DHS may withhold adjudication or toll any applicable regulatory deadline for completion of adjudication of an application or petition. This interim rule also modifies the regulations governing processing of naturalization applications to define when a naturalization examination will be deemed "conducted" for purposes of seeking administrative or judicial review under section 336 of the Immigration and Nationality Act (Act). The interim rule also requires that background and security checks be completed to the satisfaction of the Secretary before an alien may be found to have "good moral character" for naturalization and before the alien may be naturalized in accordance with title III of the Act. These changes will aid DHS in its efforts to improve case adjudication overall while simultaneously ensuring that no immigration or naturalization benefit is granted until any pending investigation or required background and security check is completed to the satisfaction of the Secretary. These changes also will ensure that no immigration benefit

is provided to an ineligible individual or person who may pose a threat to public safety or national security.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2234-02

Transferred from RIN 1115-AG86

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RIN: 1615-AA86

1069. REMOVAL OF STANDARDIZED REQUEST FOR EVIDENCE PROCESSING TIMEFRAME

Priority: Other Significant

Legal Authority: 8 USC 1103

CFR Citation: 8 CFR 103

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

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

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

Timetable:

Action	Date	FR Cite
NPRM	11/30/04	69 FR 69549
NPRM Comment Period End	01/31/05	
Final Action	04/00/07	
Final Action Effective	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2287-03

URL For More Information:
www.regulations.gov

URL For Public Comments:
www.regulations.gov

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RIN: 1615-AB13

DHS—USCIS

Final Rule Stage

1070. CLASSIFICATION OF CERTAIN SCIENTISTS OF THE COMMONWEALTH OF INDEPENDENT STATES OF THE FORMER SOVIET UNION AND THE BALTIC STATES AS EMPLOYMENT-BASED IMMIGRANTS**Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154**CFR Citation:** 8 CFR 204**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/25/05	70 FR 21129
Interim Final Rule Effective	05/25/05	
Interim Final Rule Comment Period End	06/24/05	
Final Action	02/00/08	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2277-03**URL For More Information:** www.regulations.gov

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Service Center Operations, 2nd Floor, 20 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AB14**1071. ESTABLISHMENT OF FEE FOR PROCESSING GENEALOGICAL RESEARCH REQUESTS****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1201; 8 USC 1252; 8 USC 1252b**CFR Citation:** 8 CFR 103; 8 CFR 299**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	04/20/06	71 FR 20357
NPRM Comment Period End	06/19/06	
Final Action	07/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2074-00

Transferred from RIN 1680-AA01

URL For More Information: www.regulations.gov**URL For Public Comments:** www.regulations.gov

Agency Contact: Dominick Gentile, Chief, Records Division, Department of Homeland Security, U.S. Citizenship

and Immigration Services, Office of Records Management, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-8686

RIN: 1615-AB19**1072. ADMINISTRATIVE APPEALS OFFICE: PROCEDURAL REFORMS TO IMPROVE EFFICIENCY****Priority:** Other Significant**Legal Authority:** 5 USC 301; 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1304;**CFR Citation:** 8 CFR 103; 8 CFR 204; 8 CFR 205; 8 CFR 210; 8 CFR 214; 8 CFR 245a; 8 CFR 320;**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/08	
Interim Final Rule Comment Period End	05/00/08	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS 2311-04

Agency Contact: Robert Wiemann, Chief, Administrative Appeals Office, Department of Homeland Security, U.S. Citizenship and Immigration Services, 3rd Floor, 20 Massachusetts Avenue NW., Washington, DC 20528
Phone: 202 272-1212
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RIN: 1615-AB29

DHS—USCIS

Final Rule Stage

1073. INTERPRETATION AT ASYLUM INTERVIEWS

Priority: Other Significant. Major under 5 USC 801.

Legal Authority: Not Yet Determined

CFR Citation: 8 CFR 208

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ted Kim, Chief of Operations, Asylum Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Refugee, Asylum, and International Operations, 20 Massachusetts Avenue NW., Washington, DC 20259
Phone: 202 272-1615

RIN: 1615-AB35

1074. REMOVAL OF OBSOLETE SERVICE REGULATIONS CONCERNING THE DISCLOSURE OF RECORDS AND INFORMATION PURSUANT TO THE FREEDOM OF INFORMATION ACT AND THE PRIVACY ACT

Priority: Other Significant

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

CFR Citation: 8 CFR 103

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Action	03/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2386-06

Agency Contact: Tracy Bellisime, Department of Homeland Security, U.S. Citizenship and Immigration Services, National Records Center USCIS FOIA Policy and Training Office, 150 Space Center Loop, Lee's Summit, MO 64064
Phone: 816 350-5524

RIN: 1615-AB38

1075. IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM

Priority: Other Significant

Unfunded Mandates: Undetermined

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

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

Legal Deadline: None

Abstract: The Irish Peace Process Cultural and Training Program (IPPCTP) allows young people from Northern Ireland and certain designated counties in the Republic of Ireland to come to the United States temporarily for training, for employment, and to experience coexistence and conflict resolution in a diverse society. On December 10, 2004, legislation, amending and extending the Irish Peace Process Cultural and Training Program Act of 1998, was signed into law. This rule implements certain changes made by this legislation. Other technical and administrative changes have been made to correct or clarify certain sections that were in the initial interim rule published in the Federal Register on March 17, 2000, at 65 FR 14774 that implemented this program. This rule

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/07	
Interim Final Rule	10/00/07	
Comment Period		
End		

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Service Center Operations, 2nd Floor, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-8411
Email: efren.hernandez@dhs.gov

RIN: 1615-AB42

1076. • CHANGING THE PERIOD OF TIME FROM 30 TO 45 DAYS THAT A STUDENT WITH AN F-1 VISA MAY BE ADMITTED BEFORE ACADEMIC PROGRAM START DATE

Priority: Other Significant

Legal Authority: 8 USC 1101(a)(15)(F)(i).

CFR Citation: 8 CFR 214; 8 CFR 214.2(f)(5)(i)

Legal Deadline: None

Abstract: U.S. Citizenship and Immigration Services (USCIS) is amending its regulations to extend the amount of time a student with an F-1 visa may be admitted to the United States before beginning an academic program. Currently, F-1 visa holders may be admitted for a period up to 30 days before the report date or program start date. This rule will change the period of time F-1 visa holders may be admitted to 45 days before the report date or program start date. This change will allow earlier admission of students, which will provide students additional time to better prepare for the academic year.

DHS—USCIS

Final Rule Stage

Timetable:

Action	Date	FR Cite
Direct Final Rule	06/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2401-06

Agency Contact: Pearl Chang, Chief, Regulations and Product Management Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-8350
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RIN: 1615-AB55

1077. • REMOVING REFERENCES TO FILING LOCATIONS AND OBSOLETE REFERENCES TO LEGACY IMMIGRATION AND NATURALIZATION SERVICE

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

Legal Authority: 8 CFR 2.1

CFR Citation: 8 CFR 100; 8 CFR 103; 8 CFR 204; 8 CFR 207 to 208; 8 CFR 211 to 212; 8 CFR 214; 8 CFR 216; 8 CFR 236; 8 CFR 244 to 245; 8 CFR 248; 8 CFR 264; 8 CFR 274a; 8 CFR 301; 8 CFR 316; 8 CFR 320; 8 CFR 322; 8 CFR 324; 8 CFR 327 to 329; 8 CFR 330; 8 CFR 334; 8 CFR 392

Legal Deadline: None

Abstract: This rule will amend the Department of Homeland Security (DHS), U.S. Citizenship and Immigrations Services' (USCIS) regulations to: (1) Remove the Immigration and Naturalization Service (INS) organizational structure from regulations since INS no longer exists; and (2) Eliminate from USCIS regulations all references to filing locations so that USCIS may provide such information on petition and applications forms and through any other means. This rule will eliminate confusion and obsolete references from USCIS regulations and help the public determine where to file forms with USCIS. It will also result in a more efficient and streamlined process for USCIS to make future changes to filing instructions, allowing the agency to better manage its workload.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2405-07

Agency Contact: Efrén Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Service Center Operations, 2nd Floor, 20 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AB56

Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services (USCIS)

Long-Term Actions

1078. REDUCTION OF THE NUMBER OF ACCEPTABLE DOCUMENTS AND OTHER CHANGES TO EMPLOYMENT VERIFICATION REQUIREMENTS

Priority: Other Significant. Major under 5 USC 801.

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

CFR Citation: 8 CFR 274a

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

Abstract: On September 30, 1996, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) was enacted. Section 412(a) of IIRIRA requires a reduction in the number of documents that may be accepted in the employment verification process. Section 412(d) clarifies the applicability of section 274A to the Federal Government.

Section 610 of the Regulatory Flexibility Act requires Agencies to review rules that have a significant economic impact on a substantial number of small entities every 10 years. The Department is conducting this review in conjunction with IIRIRA implementation. The Department of Justice published a proposed rulemaking on February 12, 1998, to implement sections 212(a) and (d) of IIRIRA and propose other changes to the employment verification process identified through that review. A revised Form I-9, Employment Eligibility Verification, was included with the proposed rulemaking.

The comment period closed on April 3, 1998. The Department of Homeland Security intends to publish a final rule this year. It should be noted that this action supersedes the previously published regulatory action titled "Reduction in the Number of Documents Accepted for Employment Verification." In order to avoid

confusion, this regulatory action is being referenced under the current RIN, which captures all prior actions related to employment verification.

Timetable:

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

DHS—USCIS

Long-Term Actions

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** Federal, Local, State, Tribal

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

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

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

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

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

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

Transferred from RIN 1115-AB73

Agency Contact: Gerri Ratliff, Chief, Verification Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
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Email: gerri.ratliff@dhs.gov

RIN: 1615-AA01**1079. DEFINITION OF THE TERM "LAWFULLY PRESENT" FOR PURPOSES OF ELIGIBILITY FOR PUBLIC BENEFITS****Priority:** Other Significant**Legal Authority:** 5 USC 552; 31 USC 9701; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252B; 8 USC 1304; 8 USC 1356**CFR Citation:** 8 CFR 103**Legal Deadline:** None

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

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/06/96	61 FR 47039
Interim Final Rule Comment Period End	11/05/96	
Final Action	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, State**Additional Information:** CIS No. 1792-96

Transferred from RIN 1115-AE51

Agency Contact: Pearl Chang, Chief, Regulations and Product Management Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AA05**1080. ADJUSTMENT OF STATUS, CONTINUED VALIDITY OF NONIMMIGRANT STATUS, AND UNEXPIRED EMPLOYMENT AUTHORIZATION FOR APPLICANTS MAINTAINING NONIMMIGRANT H OR L STATUS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1282; 8 CFR 2; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1255; 8 USC 1281**CFR Citation:** 8 CFR 214; 8 CFR 245**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/01/99	64 FR 29208
Interim Final Rule Comment Period End	08/02/99	
Final Action	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 1881-97

Transferred from RIN 1115-AE96

Agency Contact: Pearl Chang, Chief, Regulations and Product Management Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
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DHS—USCIS

Long-Term Actions

Email: pearl.chang@dhs.gov

RIN: 1615-AA12

1081. FINGERPRINTING APPLICANTS AND PETITIONERS FOR IMMIGRATION BENEFITS; ESTABLISHING A FEE FOR FINGERPRINTING BY THE DEPARTMENT OF HOMELAND SECURITY

Priority: Other Significant

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

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

Legal Deadline: None

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

Timetable:

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

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: Dan Neufel, Chief, Field Operations, Department of

Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-1017

RIN: 1615-AA14

1082. 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; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1186a; 8 USC 1224; 8 USC 1225 to 1227; 8 USC 1251; 8 USC 1252 note; 8 USC 1252a

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

Legal Deadline: None

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

Timetable:

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

Action	Date	FR Cite
Interim Rule Comment Period End	07/20/99	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: CIS No. 1915-98

Transferred from RIN 1115-AF14

Agency Contact: Joanna Ruppel, Deputy Chief, Asylum Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AA17

1083. 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 to 8 CFR 241

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

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/19/99	64 FR 8478
Interim Final Rule Corrections	03/22/99	64 FR 13881
Interim Final Rule Effective	03/22/99	
Interim Final Rule Comment Period End	04/20/99	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

DHS—USCIS

Long-Term Actions

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 1976-99

Transferred from RIN 1115-AF39

Agency Contact: Ronald W. Whitney, Associate Chief Counsel, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Chief Counsel, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-1400

RIN: 1615-AA19

1084. INADMISSIBILITY AND DEPORTABILITY ON PUBLIC CHARGE GROUNDS

Priority: Other Significant

Legal Authority: 8 USC 1101 to 1103; 8 USC 1182 to 1183;

CFR Citation: 8 CFR 212; 8 CFR 237

Legal Deadline: None

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

Timetable:

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

Next Action Undetermined

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, Office of the Chief Counsel, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20

Massachusetts Avenue NW.,
Washington, DC 20529
Phone: 202 272-1400
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RIN: 1615-AA22

1085. 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 to 1158;

CFR Citation: 8 CFR 207

Legal Deadline: None

Abstract: Section 207 of the Immigration and Nationality Act authorizes the Attorney General to admit refugees to the United States under certain conditions, including those provided for by regulation. That authority was delegated to the Secretary of Homeland Security under the Homeland Security Act. DHS regulations require that sponsorship agreements be secured before an applicant is granted admission as a refugee at a U.S. port-of-entry. The determination of whether or not someone is classified as a refugee is described in the Act as a separate decision from whether a refugee may be admitted to the United States in refugee status. This rule amends DHS regulations by removing language that erroneously implies that DHS requires a sponsorship agreement and guaranty of transportation prior to determining whether an applicant is a refugee. This rule is necessary to clarify issues in the existing regulation, and provides more advantageous treatment for the limited number of applicants for refugee status who have their DHS interviews before sponsorship agreements have been secured.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/21/99	64 FR 27660
Interim Final Rule Comment Period End	07/20/99	
Final Action	To Be Determined	

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: Barbara Strack, Chief, Refugee Affairs Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AA24

1086. 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 to 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641

CFR Citation: 8 CFR 204; 8 CFR 245

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

DHS—USCIS

Long-Term Actions

Additional Information: CIS No. 2048-00

Transferred from RIN 1115-AF75

Agency Contact: Pearl Chang, Chief, Regulations and Product Management Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-8350
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RIN: 1615-AA34

1087. 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	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2050-00

Transferred from RIN 1115-AF76

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Service Center Operations, 2nd Floor, 20 Massachusetts Avenue NW., Washington, DC 20529

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RIN: 1615-AA35

1088. ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE; TEMPORARY REMOVAL OF CERTAIN RESTRICTIONS OF ELIGIBILITY

Priority: Other Significant

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

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

Legal Deadline: None

Abstract: The Department is amending its regulations governing eligibility for adjustment of status under section 245(i) of the Immigration and Nationality Act to conform the regulations to existing policy and procedures and to remove language that has been superseded by subsequent legislation. Specifically, this rule conforms the regulations to include the changes made by Public Law 105-119 and Public Law 106-544. It also provides for the changes contained in the Legal Immigration Family Equity Act of 2000 (LIFE Act). As required by the LIFE Act, this rule changes the sunset date of section 245(i) of the Immigration and Naturalization Act to the new date of April 30, 2001, for filing of qualifying petitions or applications that enable the applicant to apply to adjust status using section 245(i) and clarifies the effect of the new sunset date on eligibility. This means that in order to preserve the ability to apply for adjustment of status under section 245(i), an alien must be the beneficiary of a visa petition for classification under section 204 of the Act or application for labor certification properly filed on or before April 30, 2001, and determined to have approval when filed. This rule also provides guidance on the standard for review of filing for immigrant visa petitions and applications for labor certification on or before April 30, 2001.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/26/01	66 FR 16383
Interim Final Rule Effective	03/26/01	

Action	Date	FR Cite
Interim Final Rule	05/25/01	
Comment Period End		
Final Action	To Be Determined	

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

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Phone: 202 272-8350
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RIN: 1615-AA40

1089. ASYLUM AND WITHHOLDING DEFINITIONS

Priority: Other Significant

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

CFR Citation: 8 CFR 208

Legal Deadline: None

Abstract: This rule proposes to amend Department of Homeland Security regulations that govern asylum eligibility by providing guidance on certain issues that have arisen in the context of asylum adjudications. The amendments focus on portions of the regulations that deal with the definitions of membership in a particular social group, the requirements for failure of State protection, and determinations about whether persecution is inflicted on account of a protected ground. This rule codifies long-standing concepts of the definitions. It clarifies that gender can be a basis for membership in a particular social group. It also clarifies that a person who has suffered or fears domestic violence may under certain circumstances be eligible for asylum on that basis. The Department of Justice believed that this issue required further examination after the Board of Immigration Appeals decision, Matter of R-A-, Interim Decision 3403 (BIA 1999) and published a proposed rule.

DHS—USCIS

Long-Term Actions

Additionally, the rule clarifies the factors considered in cases in the Court of Appeals for the Ninth Circuit regarding membership in a particular social group are not determinative.

Hence, DHS, USCIS will publish a final rule which incorporates provisions contained in both an interim rule amending Department of Justice regulations to implement the Illegal Immigration Reform and Immigrant Responsibility Act, (62 FR 10312-1997), and the proposed past persecution rule, Executive Office for Immigration Review; New Rules Regarding Procedures for Asylum and Withholding of Removal (63 FR 31945-1998).

Timetable:

Action	Date	FR Cite
NPRM	12/07/00	65 FR 76588
NPRM Comment Period End	01/22/01	
Final Action	04/00/08	

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: Barbara Strack, Chief, Refugee Affairs Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AA41

1090. 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 to 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	To Be Determined	

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

1091. 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

Action	Date	FR Cite
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NPRM Comment 07/29/02

Period End

Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2100-00

Transferred from RIN 1115-AF97

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RIN: 1615-AA44

1092. CHILDREN BORN OUTSIDE THE UNITED STATES; APPLICATIONS FOR CERTIFICATE OF CITIZENSHIP

Priority: Other Significant

Legal Authority: PL 106-395

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

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

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/13/01	66 FR 32138

DHS—USCIS

Long-Term Actions

Action	Date	FR Cite
Interim Final Rule Effective	06/13/01	
Interim Final Rule Comment Period End	08/13/01	
Final Action	04/00/08	

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: Ramona McGee, Office of Chief Counsel, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20529
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RIN: 1615-AA45

1093. 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 to 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 Effective	07/31/02	67 FR 49561
Interim Final Rule Comment Period End	07/31/02	
Interim Final Rule Comment Period End	09/30/02	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2104-00

Transferred from RIN 1115-AG00

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RIN: 1615-AA46

1094. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS OF NICARAGUA, CUBA, AND HAITI

Priority: Other Significant

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

CFR Citation: 8 CFR 241; 8 CFR 245

Legal Deadline: None

Abstract: This final rule implements the provisions of the Legal Immigration Family Equity Act (LIFE Act) and its technical amendments to both the Nicaraguan Adjustment and Central American Relief Act (NACARA), and the Haitian Refugee Immigration Fairness Act (HRIFA) of 1998. Specifically, section 1505 of the amendments to the LIFE Act states that section 241(a)(5) of the Immigration and Nationality Act (INA) does not apply to adjustment applicants under NACARA/HRIFA and that the grounds of inadmissibility under section 212(a)(9)(A) and (C) of the INA may be waived for NACARA/HRIFA adjustment applicants. Section 241(a)(5) of the INA provides for the reinstatement of a removal order

against any alien who illegally re-enters the United States after having been removed or after having departed voluntarily under an order of removal. It also bars any alien whose removal order has been reinstated from receiving any relief under the INA, including any waivers of grounds of inadmissibility necessary for the grant of adjustment of status. Sections 212(a)(9)(A) and 212(a)(9)(C) of the INA 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 Rule	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2113-01

Transferred from RIN 1115-AG05

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RIN: 1615-AA51

1095. 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

DHS—USCIS

Long-Term Actions

CFR Citation: 8 CFR 245a**Legal Deadline:** None

Abstract: This interim final rule 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	
Next Action	Undetermined	

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

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RIN: 1615-AA52**1096. K NONIMMIGRANT CLASSIFICATION; LEGAL IMMIGRATION FAMILY EQUITY ACT (LIFE)****Priority:** Other Significant**Legal Authority:** PL 106-553**CFR Citation:** 8 CFR 212; 8 CFR 214; 8 CFR 245; 8 CFR 248; 8 CFR 274a**Legal Deadline:** Final, Statutory, December 21, 2000.

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/14/01	66 FR 42587
Interim Final Rule Comment Period End	10/15/01	
Final Action	To Be Determined	

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

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RIN: 1615-AA56**1097. 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**CFR Citation:** None**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/17/01	66 FR 27445
Interim Final Rule Effective	05/17/01	
Interim Final Rule Comment Period End	07/17/01	
Final Action	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1115-AG13

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RIN: 1615-AA57

DHS—USCIS

Long-Term Actions

1098. NEW CLASSIFICATION FOR VICTIMS OF SEVERE FORMS OF TRAFFICKING IN PERSONS ELIGIBLE FOR THE T NONIMMIGRANT STATUS

Priority: Other Significant

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

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

Legal Deadline: None

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

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/02	67 FR 4784
Interim Final Rule Effective	03/04/02	
Interim Final Rule Comment Period End	04/01/02	
Final Action	To Be Determined	

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

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RIN: 1615-AA59

1099. REMOVAL OF LIMITATIONS ON THE VALIDITY PERIOD FOR EMPLOYMENT AUTHORIZATION DOCUMENTS

Priority: Other Significant

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

CFR Citation: 8 CFR 103; 8 CFR 274a

Legal Deadline: None

Abstract: This rule amends DHS regulations governing issuance of Employment Authorization Documents (EADs) to give the Agency discretion to modify EAD validity periods for initial, renewal, and replacement EADs. This rule also amended the regulations to reflect that the Agency will issue EADs to aliens granted asylum by the Department of Justice, Executive Office of Immigration Review (EOIR), with validity periods of up to 5 years, unless otherwise appropriate.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/30/04	69 FR 45555
Interim Final Rule Comment Period End	09/28/04	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2152-01

Transferred from RIN 1115-AG32

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RIN: 1615-AA63

1100. 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

CFR Citation: 8 CFR 214; 8 CFR 248

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/12/02	67 FR 18061
Interim Final Rule Comment Period End	06/11/02	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2195-02

Transferred from RIN 1115-AG60

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RIN: 1615-AA73

DHS—USCIS

Long-Term Actions

1101. PETITIONS FOR ALIENS TO PERFORM TEMPORARY NONAGRICULTURAL SERVICES OR LABOR (H-2B)**Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186(a); 8 USC 1187; 8 USC 1221; 8 USC 1281; 8 USC 1282**CFR Citation:** 8 CFR 214**Legal Deadline:** None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** CIS No. 2228-02

Transferred from RIN 1115-AG78

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RIN: 1615-AA82**1102. ELECTRONIC SIGNATURE ON APPLICATIONS AND PETITIONS FOR IMMIGRATION AND NATURALIZATION BENEFITS****Priority:** Other Significant**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note;**CFR Citation:** 8 CFR 103**Legal Deadline:** Other, Statutory, September 2003, Public Law 105-277.

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

Timetable:

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

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2224-02

Transferred from RIN 1115-AG79

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

RIN: 1615-AA83**1103. ELIMINATING THE NUMERICAL CAP ON MEXICAN TN NONIMMIGRANTS****Priority:** Other Significant**Legal Authority:** 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184;**CFR Citation:** 8 CFR 214**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/10/04	69 FR 11287
Interim Final Rule Comment Period End	05/10/04	
Final Action	To Be Determined	

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

Transferred from RIN 1115-AH02

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RIN: 1615-AA96**1104. EXTENSION OF THE DEADLINE FOR CERTAIN HEALTH CARE WORKERS REQUIRED TO OBTAIN CERTIFICATES****Priority:** Other Significant**Legal Authority:** 8 USC 1101 to 1103; 8 USC 1182;**CFR Citation:** 8 CFR 212; 8 CFR 214**Legal Deadline:** None

Abstract: This rule amends Department of Homeland Security regulations to extend the deadline by which certain health care workers from Canada and Mexico must obtain health care worker certifications. This rule applies only to affected health care workers, who, before September 23, 2003, were previously employed as TN nonimmigrant health care workers

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(Canadian or Mexican citizens), and held a valid license from a U.S. jurisdiction. This interim rule does not change the licensing requirements for employment purposes. Publication of this rule ensures that the U.S. health care system is not adversely affected by the expiration of the transition period for certain health care workers to present the required certification.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/22/04	69 FR 43729
Interim Final Rule Comment Period End	09/20/04	
Final Action	To Be Determined	

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

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RIN: 1615-AB28**1105. ALLOCATION OF H-1B VISAS CREATED BY THE H-1B VISA REFORM ACT OF 2004****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** PL 108-447; 5 USC 301; 5 USC 552; 5 USC 552a; 8 USC 1101**CFR Citation:** 8 CFR 103; 8 CFR 214**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/05/05	70 FR 23775
Interim Final Rule Comment Period End	07/05/05	
Final Action	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**URL For More Information:**

www.regulations.gov

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RIN: 1615-AB32**1106. 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 to 1282**CFR Citation:** 8 CFR 214**Legal Deadline:** None

Abstract: This rule amended DHS regulations applying to on-campus employment, off-campus employment authorization, and duration of status for nonimmigrant F-1 students. The rule permits the Secretary to suspend some or all of the requirements for on-campus or off-campus employment where emergent circumstances exist as provided through notice in the Federal Register. The rule also amends the regulations to provide that an F-1 student who carries less than a full course of study as a result of this special employment authorization will be deemed to be maintaining status for the duration of the authorization, as long as the student carries a minimum course load of 6 credit hours if the student is an undergraduate, or 3 credit hours if the student is in graduate school.

Timetable:

Action	Date	FR Cite
Interim Final Rule—(CIS No. 1914-98)	06/10/98	63 FR 31871
Interim Final Rule Comment Period End	08/10/98	
Final Action	To Be Determined	

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

Additional Information: CIS No. 1914-98 (Employment Authorization for Certain F-1 Nonimmigrant Students Whose Means of Financial Support Comes From Indonesia, South Korea, Malaysia, Thailand, or the Philippines). Transferred from RIN 1615-AA99

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Related RIN: Previously reported as 1115-AF15**RIN:** 1615-AB44**1107. ELIGIBILITY OF ARRIVING ALIENS IN REMOVAL PROCEEDINGS TO APPLY FOR ADJUSTMENT OF STATUS AND JURISDICTION TO ADJUDICATE APPLICATIONS FOR ADJUSTMENT OF STATUS****Priority:** Other Significant**Legal Authority:** 8 USC 1255; 8 USC 1225(b)(2); 8 USC 1229a(c)(2)(A); 8 USC 1101(a)(13)(B);**CFR Citation:** 8 CFR 1; 8 CFR 25; 8 CFR 1001; 8 CFR 1245**Legal Deadline:** None

Abstract: The Secretary of Homeland Security and the Attorney General publish these interim final rules to amend their respective agencies' regulations governing applications for adjustment of status filed by paroled arriving aliens seeking to become lawful permanent residents. The Secretary and the Attorney General are also amending the regulations to clarify when United States Citizenship and Immigration Services, or the

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immigration judges and the Board of Immigration Appeals Executive Office for Immigration Review, have jurisdiction to adjudicate applications for adjustment of status by such aliens. In addition, the Secretary and the Attorney General are requesting comments on the possibility of adopting further proposals in the future to structure the exercise of discretion in adjudicating these applications for adjustment of status.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/12/06	71 FR 27585
Interim Final Rule Comment Period End	06/12/06	
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2387-06

URL For More Information:

www.regulations.gov

URL For Public Comments:

www.regulations.gov

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RIN: 1615-AB50

1108. AMENDMENTS TO REGULATORY PROVISIONS REGARDING REFUGEE AND ASYLEE RELATIVE PETITIONS

Priority: Other Significant

Legal Authority: 8 USC 1157(c)(2); PL 107-208, sec 116 Stat 927

CFR Citation: 8 CFR 207 to 209

Legal Deadline: None

Abstract: This rule proposes to amend the Department of Homeland Security (DHS) regulations governing the adjudication of petitions for the spouses and children of refugees and asylees following to join the principal refugee or asylee. These changes are intended to eliminate vulnerabilities in the current system by enabling DHS to examine the eligibility of beneficiaries and create a mechanism to suspend the petition while DHS seeks to verify the validity of the petitioner's underlying grant of asylum or refugee admission.

The rule proposes to allocate jurisdiction over derivative asylum claims among U.S. Citizenship and Immigration Services and the Department of Justice, Executive Office for Immigration Review, and to clarify the distinction between approval of the petition and conveyance of status upon the beneficiary. The rule also proposes to amend the regulations to reflect changes in derivative eligibility following enactment of the Child Status Protection Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2372-06

Agency Contact: Joseph J Holliday, Branch Chief, Adjustment and Naturalization, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Domestic Operations, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-1520

RIN: 1615-AB54

Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services (USCIS)

Completed Actions

1109. ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE: CONDITIONAL RESIDENTS AND FIANC(E)S

Priority: Other Significant

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

CFR Citation: 8 CFR 245

Legal Deadline: None

Abstract: This final rule amends Department regulations by clarifying that an alien remains ineligible for adjustment of status after termination of conditional permanent resident status. The clarification is necessary in view of the determination by the Board of Immigration Appeals that the current regulations do not prohibit the adjustment of status of an alien whose

conditional resident status has been terminated. This final rule would also modify provisions regulating the adjustment of status of nonimmigrant fiance(e)s to reflect the current statute and to eliminate hardships on certain persons who are unable, despite their good faith intentions, to marry until after the expiration of the alien spouse's period of admission as a nonimmigrant fiance(e).

Timetable:

Action	Date	FR Cite
NPRM	08/20/96	61 FR 43028
NPRM Comment Period End	10/21/96	
Withdrawn	02/12/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: CIS No. 1353-91

Transferred from RIN 1115-AC70

Agency Contact: Pearl Chang, Chief, Regulations and Product Management Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-8350
Email: pearl.chang@dhs.gov

RIN: 1615-AA02

DHS—USCIS

Completed Actions

1110. REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES: CONTROL OF EMPLOYMENT OF ALIENS**Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1201 to 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
Withdrawn	02/12/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No.2042-00
Transferred from RIN 1115-AF71

Agency Contact: Pearl Chang, Chief, Regulations and Product Management Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-8350
Email: pearl.chang@dhs.gov

RIN: 1615-AA33**1111. 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 to 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	04/18/06	71 FR 19805
Final Action Effective	05/18/06	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2106-00

Transferred from RIN 1115-AG01

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Service Center Operations, 2nd Floor, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-8411
Email: efren.hernandez@dhs.gov

RIN: 1615-AA47**1112. WAIVER OF FEES****Priority:** Other Significant**Legal Authority:** 5 USC 552 to 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252; 8 USC 1252(b); 8 USC 1252(note); 8 USC 1304; 8 USC 1356**CFR Citation:** 8 CFR 103; 8 CFR 244**Legal Deadline:** None**Abstract:** This rule proposes to amend Department regulations concerning the

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

Timetable:

Action	Date	FR Cite
Withdrawn	02/12/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2091-00

Transferred from RIN 1115-AG02

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Service Center Operations, 2nd Floor, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-8411
Email: efren.hernandez@dhs.gov

RIN: 1615-AA48**1113. 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).

DHS—USCIS

Completed Actions

Timetable:

Action	Date	FR Cite
Withdrawn	02/12/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** Federal**Additional Information:** Split from CIS No. 1413 to move forward as a stand-alone rule.

Transferred from RIN 1115-AG38

Agency Contact: Pearl Chang, Chief, Regulations and Product Management Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-8350
Email: pearl.chang@dhs.gov

RIN: 1615-AA66**1114. PROCEDURES FOR CONDUCTING EXAMINATIONS AND WAIVING THE OATH OF ALLEGIANCE FOR NATURALIZATION APPLICANTS WITH DISABILITIES****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1421; 8 USC 1443; 8 USC 1447; 8 CFR 2.1;**CFR Citation:** 8 CFR 310; 8 CFR 313; 8 CFR 316; 8 CFR 319; 8 CFR 333;**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Withdrawn	02/12/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None**Additional Information:** CIS No. 2191-02

Transferred from RIN 1115-AG77

Agency Contact: David Lester, Chief, Field Liaison Branch, Field Operations, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-1849

RIN: 1615-AA81**1115. 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
Withdrawn	02/12/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** Federal**Additional Information:** CIS No. 1944-98

Transferred from RIN 1115-AF27

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

Service Center Operations, 2nd Floor, 20 Massachusetts Avenue NW., Washington, DC 20529

Phone: 202 272-8411

Email: efren.hernandez@dhs.gov

RIN: 1615-AB00**1116. PETITIONING REQUIREMENTS FOR THE O AND P NONIMMIGRANT CLASSIFICATIONS****Priority:** Other Significant**Legal Authority:** 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184;**CFR Citation:** 8 CFR 214**Legal Deadline:** None

Abstract: This rule amends the regulations of the Department of Homeland Security to enable certain petitioners to file O and P nonimmigrant petitions up to one year prior to the petitioners' need for the alien's services. Petitioners frequently plan for an event or performance more than one year in advance when seeking O and/or P nonimmigrant workers for employment in the United States. By extending the filing time requirement for O and P petitions from the current 6 months to one year, DHS hopes to provide relief and assurance to petitioners that, if approvable, such petitions will be approved prior to the date of the petitioners' need for the alien's services.

Timetable:

Action	Date	FR Cite
NPRM	04/28/05	70 FR 21983
NPRM Comment Period End	07/27/05	
Final Action	04/16/07	72 FR 18856
Final Action Effective	05/16/07	

Regulatory Flexibility Analysis

Required: No

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

Additional Information: Current filing times combined with processing times often result in an O or P petition being adjudicated at the same time or later than the date of the petitioner's stated need for the alien. This creates a hardship for employers who are seeking to hire the alien based on a scheduled performance, competition, or event, and who may have booked a venue and sold advance tickets. If the petition is not approved by the time of the petitioner's stated need, the petitioner may be required to cancel a scheduled

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

URL For More Information:

www.regulations.gov

URL For Public Comments:

www.regulations.gov

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Service Center Operations, 2nd Floor, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-8411
Email: efren.hernandez@dhs.gov

RIN: 1615-AB17

1117. REVISION OF PROCEDURES FOR PREMIUM PROCESSING SERVICE FOR EMPLOYMENT-BASED PETITIONS AND APPLICATIONS

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

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

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: This interim rule amends the Department of Homeland Security regulations by updating the procedures USCIS will follow when designating new petition and application types for the Premium Process Service, and giving notice to the public regarding when classifications or subcategories within designated applications and petition types may begin filing for the Premium Processing Service. Finally, this interim rule contains a notice of designation of Form I-140, Immigrant Petition for Alien Worker, Form I-539, Application to Extend or Change Status and Form I-765, Application for Authorization Document to the list of petitions and applications eligible for Premium Processing Service.

Timetable:

Action	Date	FR Cite
Withdrawn	02/12/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS 2350-05

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Service Center Operations, 2nd Floor, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-8411
Email: efren.hernandez@dhs.gov

RIN: 1615-AB40

1118. NEW ELECTRONIC ACCOUNT, ADJUDICATION, AND REPORTING SYSTEM; NEW PROCEDURES FOR FILING AND PROCESSING OF PETITIONS AND APPLICATIONS

Priority: Economically Significant. Major under 5 USC 801.

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

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

Legal Deadline: None

Abstract: U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security (DHS) is restructuring its entire business processes to implement new procedures for the filing, processing, and adjudication of all benefit

applications and petitions. USCIS is moving toward complete electronic filing and adjudication of benefits to streamline processing, modernize adjudications, and facilitate efficient and effective data collection and reporting.

Timetable:

Action	Date	FR Cite
Withdrawn	02/13/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: None

Agency Contact: Daniel Renaud, USCIS Transformation Program Office, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-1399

RIN: 1615-AB46

1119. RECEIPT OF CLASSIFIED DEROGATORY INFORMATION BEFORE OATH TO NATURALIZATION APPLICANT

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: 8 CFR 335

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Withdrawn	02/12/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Pearl Chang, Chief, Regulations and Product Management Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-8350

DHS—USCIS

Completed Actions

Email: pearl.chang@dhs.gov

RIN: 1615-AB48

1120. IMMIGRANT VISA SERVICE FEE**Priority:** Other Significant. Major under 5 USC 801.**Legal Authority:** 8 USC 1001; 8 USC 1103; 8 USC 1356; 31 USC 901; 31 USC 902; 31 USC 903**CFR Citation:** 8 CRR 103**Legal Deadline:** None

Abstract: This rule proposes charging a new immigrant visa service fee to every immigrant visa applicant. This action is necessary, because USCIS incurs significant operating costs in providing permanent resident maintenance services, such as Permanent Resident Card production, data entry, record creation, and other related services. Currently, USCIS is not charging immigrant visa applicants overseas the service fee that it charges to adjustment of status applicants in the United States. By charging a new immigrant visa service fee, USCIS will recover its full operating costs of providing maintenance services to all new permanent residents.

Timetable:

Action	Date	FR Cite
Withdrawn	02/13/07	

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

Agency Contact: Paul Schlesinger, Office of Budget, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-1930
Email: paul.l.schlesinger@dhs.gov

RIN: 1615-AB49

1121. ADJUSTMENT OF THE PREMIUM PROCESSING FEE FOR INFLATION**Priority:** Other Significant**Legal Authority:** PL 106-553, sec 114**CFR Citation:** 8 CFR 103**Legal Deadline:** None

Abstract: Section 112 of the District of Columbia Appropriations Act of 2001 authorized the collection of a premium fee for employment-based petitions and applications. U.S. Citizenship and Immigration Services (USCIS) uses this fee to provide certain premium-processing services to business customers, and to make infrastructure improvements in the adjudications and customer-service processes. This

proposed rule adjusts the premium processing fee for employment-based petitions and applications, and provides that all future fee adjustments for Premium Processing Service will be made annually through publication in the Federal Register as with other USCIS fees. The premium processing fee is paid in addition to the regular petition or application fee.

Timetable:

Action	Date	FR Cite
Withdrawn	02/16/07	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** CIS 2376-06.

Agency Contact: Paul Schlesinger, Office of Budget, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-1930
Email: paul.l.schlesinger@dhs.gov

RIN: 1615-AB52

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

Proposed Rule Stage

1122. IMPLEMENTATION OF THE 1995 AMENDMENTS TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION, AND WATCHKEEPING (STCW) FOR SEAFARERS, 1978 (USCG-2004-17914)
Priority: Other Significant**Legal Authority:** 44 USC 3507; 46 USC 2103; 46 USC 7101; 46 USC 7107**CFR Citation:** 46 CFR 10; 46 CFR 12; 46 CFR 15**Legal Deadline:** None

Abstract: The International Maritime Organization (IMO) comprehensively amended the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978, in 1995. The amendments came into force on

February 1, 1997. This project implements those amendments by revising current rules to ensure that the United States complies with their requirements on: The training of merchant mariners, the documenting of their qualifications, and watch-standing and other arrangements aboard seagoing merchant ships of the United States. In addition, the Coast Guard has identified the need for additional changes to the interim rule issued in 1997. This rulemaking has been amended to address the training and assessments necessary to obtain merchant mariner credentials, to propose streamlined regulations for the mariner credential issuance process, and to make several minor editorial and clarification changes throughout title 46 parts 10, 12 and 15. This project supports the Coast Guard's strategic goal of maritime safety. It also supports the goal of the

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

Timetable:

Action	Date	FR Cite
Notice of Meeting	08/02/95	60 FR 39306
Comment Period End	09/29/95	
Notice of Inquiry	11/13/95	60 FR 56970
Comment Period End	01/12/96	
NPRM	03/26/96	61 FR 13284
Notice of Public Meetings	04/08/96	61 FR 15438
Comment Period End	07/24/96	
Notice of Intent	02/04/97	62 FR 5197
Interim Final Rule	06/26/97	62 FR 34505
Interim Final Rule Effective	07/28/97	
Supplemental NPRM	12/00/07	

DHS—USCG

Proposed Rule Stage

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Old Docket Number CGD 95-062.

Transferred from RIN 2115-AF26

Agency Contact: Mark Gould, Project Manager, CG-3PSO-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 372-1409

RIN: 1625-AA16

1123. FEDERAL REQUIREMENTS FOR PROPELLER INJURY AVOIDANCE MEASURES (USCG 2001-10163)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 4302

CFR Citation: 33 CFR 175

Legal Deadline: None

Abstract: This rule would establish Federal requirements for non-planing recreational houseboats equipped with propeller driven propulsion located aft of the transom. This rule would require owners of these non-planing recreational houseboats to install either one or two propulsion unit measures (a propeller guard or a jet pump drive) or employ three combined measures (use of an ignition cut-off switch, where installed, and install a swim ladder interlock device and an aft-visibility device). Owners of rental houseboats would have to also install an ignition cut-off switch, if not already installed. These requirements would reduce the number of boaters who are seriously or fatally injured when struck by the propeller of a non-planing recreational houseboat. This rulemaking would implement recommendations made by the National Boating Safety Advisory Council. It supports the Coast Guard's strategic goal of marine safety.

Timetable:

Action	Date	FR Cite
NPRM	12/10/01	66 FR 63645
NPRM Comment Period End	03/11/02	
NPRM Comment Period Extended	03/26/02	67 FR 13738
NPRM Comment Period End	05/11/02	
Notice of Withdrawal	05/00/07	

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: Jeff Ludwig, Project Manager, CG-3PCB, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 372-1061

RIN: 1625-AA31

1124. 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: (1) The administrative adjudication rules against merchant mariners' licenses, certificates of registry, and documents; (2) and those for the adjudication of class II civil penalties. The rules for suspension and revocation, contained in part 5 of title 46 of the Code of Federal Regulations (CFR), date from 1948, and are based on criminal procedure. The rules for class II civil penalties, contained in part 20 of title 33 of the CFR, date from 1994, and are based on the Model Rules of Administrative Procedure and on other modern rules for civil procedure. Neither set implements the authority of the Oil Pollution Act of 1990 (OPA 90), which provides for the temporary suspension of a license, certificate of registry, or document for up to 45 days without a hearing, in certain circumstances, and a hearing within 30 days of any such suspension. This rulemaking would consolidate all procedural rules for administrative adjudications for class II civil penalties, and allow the Coast Guard to promulgate regulations implementing the OPA 90 authority. This project supports the strategic goal of the Coast Guard to promote marine safety. It would also align our rules with the

Coast Guard and Maritime Transportation Act of 2004.

Timetable:

Action	Date	FR Cite
NPRM	04/06/98	63 FR 16731
NPRM Comment 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 Effective	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	
Supplemental NPRM Final Rule	08/00/07	08/00/08

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: Mr. George Jordan, Project Manager, CG-00J, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 372-4442

RIN: 1625-AA59

1125. 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

DHS—USCG

Proposed Rule Stage

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 it more efficiently, and use it 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	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jeff Ludwig, Project Manager, CG-3PCB, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593

Phone: 202 372-1061

RIN: 1625-AA70

1126. COMMERCIAL FISHING INDUSTRY VESSELS (USCG-2003-16158)

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

Legal Authority: 46 USC 4502(a) to 4502(d); 46 USC 4506; 46 USC 6104; 46 USC 10603; DHS Delegation No. 0170.1(92)

CFR Citation: 46 CFR 28

Legal Deadline: None

Abstract: This rulemaking would amend commercial fishing industry vessel requirements to enhance maritime safety. The proposed changes would affect vessel stability and watertight integrity, carriage of immersion suits, training, compliance documentation, and safety equipment.

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Mr. Mike Rosecrans, Project Manager, CG-3PCV-3, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593

Phone: 202 372-1245

RIN: 1625-AA77

1127. NAVIGATION EQUIPMENT; SOLAS CHAPTER V AMENDMENTS AND ELECTRONIC CHART SYSTEM (USCG-2004-19588)

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

Legal Authority: 33 USC 1223(a)(3); 46 USC 3306(a)(1); 46 USC 3703; PL 108-293, sec 410

CFR Citation: 33 CFR 164; 46 CFR 37; 46 CFR 77; 46 CFR 78; 46 CFR 96; 46 CFR 97; 46 CFR 108; 46 CFR 111; 46 CFR 130; 46 CFR 159; 46 CFR 165; 46 CFR 195

Legal Deadline: NPRM, Statutory, January 1, 2007, Prescribe Electronic Charts Regulations before January 1, 2007.

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

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: LCDR James Rocco, Project Manager, Office of Navigation Systems, Navigation Standards Division CG-3PWN-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593

Phone: 202 372-1565

Ms. Dolores Mercier, Project Manager, Office of Design and Engineering Standards, Systems Engineering Division CG-3PSE-3, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593

Phone: 202 372-1381

RIN: 1625-AA91

1128. ALTERNATE COMPLIANCE PROGRAM: VESSEL INSPECTION ALTERNATIVES

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

Abstract: This rulemaking would:

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

SOLAS Passenger Ship Safety Certificate (PSSC)

IMO High-Speed Craft (HSC) Safety Certificate;

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

SOLAS Cargo Ship Safety Construction Certificate

SOLAS Cargo Ship Safety Equipment Certificate

International Load Line Certificate

International Tonnage Certificate

DHS—USCG

Proposed Rule Stage

International Oil Pollution Prevention Certificate;

Extend eligibility in the ACP to Oceanographic Research Vessels by adding a new section 46 CFR 189.15-3 to reference part 8; and, remove references to the American Bureau of Shipping (ABS) throughout the ACP regulations and replace them with references to “authorized classification society.” This rulemaking is intended to expand the benefits available under the ACP. This project supports the Coast Guard’s strategic goals of facilitating maritime safety and mobility.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William Peters, Project Manager, Office of Design and Engineering Standards, Systems Engineering Division CG-3PSE-3, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 372-1371
Email: william.s.peters@uscg.mil

RIN: 1625-AA92

1129. NOTIFICATION OF ARRIVAL IN U.S. PORTS; CERTAIN DANGEROUS CARGOES; ELECTRONIC SUBMISSION (USCG-2004-19963)

Priority: Other Significant

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

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

Legal Deadline: None

Abstract: This rulemaking project would permanently revise the Notice of Arrival (NOA) regulation, 33 CFR part 160, subpart C, by: 1) Adding to the list of certain dangerous cargo (CDC) ammonium nitrate and certain ammonium nitrate-based fertilizers, in bulk, as well as propylene oxide, alone or mixed with ethylene oxide, in bulk; and 2) adding two options for vessels to submit NOAs electronically. In

addition, the proposed rule would clarify that foreign, but not U.S., recreational vessels must submit NOAs. The rulemaking would also permanently revise 33 CFR parts 104 and 105 as necessary. This project supports the Coast Guard’s strategic goals of maritime safety, maritime security, and protection of natural resources.

Timetable:

Action	Date	FR Cite
Interim Rule	12/16/05	70 FR 74663
Interim Final Rule Effective	01/17/06	
Interim Final Rule Comment Period End	03/16/06	
NPRM	03/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: LTJG Julie Miller, Project Manager, Office of Vessel Activities, Foreign and Offshore Vessel Activities Div. CG-3PCV-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 372-1244

Related RIN: Related to 1625-AA41, Related to 1625-AA96, Related to 1625-AA99

RIN: 1625-AA93

1130. FINANCIAL RESPONSIBILITY FOR WATER POLLUTION (VESSELS) AND LIMITS OF LIABILITY

Priority: Info./Admin./Other

Legal Authority: 33 USC 2704, 2716

CFR Citation: 33 CFR 138

Legal Deadline: None

Abstract: This regulation would amend the “Financial Responsibility for Water Pollution (Vessels)” regulations to reflect the amended limits of liability resulting from enactment of the Coast Guard and Maritime Transportation Act of 2006. This regulation would support the Coast Guard’s strategic goal of protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

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

RIN: 1625-AA98

1131. VESSEL REQUIREMENTS FOR NOTICES OF ARRIVAL AND DEPARTURE, AND AUTOMATIC IDENTIFICATION SYSTEM (USCG-2005-21869)

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

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

CFR Citation: 33 CFR 160 to 161; 33 CFR 164 to 165

Legal Deadline: None

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

The NOAD portion of this rulemaking would expand the applicability of the NOAD regulations by changing the minimum size of vessels covered below the current 300 gross tons, require that a notice of departure be submitted for all vessels required to submit a notice of arrival, and mandate electronic submission of NOAD notices to the National Vessel Movement Center. The AIS portion of this rulemaking will expand current AIS carriage requirements for the population identified in the Marine Transportation Security Act of 2002.

Timetable:

Action	Date	FR Cite
NPRM	08/00/07	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

DHS—USCG

Proposed Rule Stage

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

Agency Contact: LTJG Julie Miller, Project Manager, Office of Vessel Activities, Foreign and Offshore Vessel Activities Div. CG-3PCV-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 372-1244

Jorge Arroyo, Project Manager, Office of Navigation Systems CG-3PWN, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 372-1563

RIN: 1625-AA99

1132. LONG RANGE IDENTIFICATION AND TRACKING OF SHIPS

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

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

CFR Citation: 33 CFR 169

Legal Deadline: Other, Statutory, April 1, 2007, Pub. L. 109-347 and 46 USC 70115.

Section 107 of the Security and Accountability for Every Port Act of 2006 directs that a long-range automated vessel tracking system consistent with international agreements to which the United States is a party be developed and implemented by April 1, 2007.

Abstract: This rulemaking would require, consistent with international law, certain vessels to report identifying and position data electronically. The requirements would better enable the Coast Guard to correlate Long Range Identification and Tracking (LRIT) data with data from other sources, detect anomalies, and heighten our overall Maritime Domain Awareness (MDA). This rulemaking will implement an International Maritime Organization amendment to chapter V of the International Convention for the Safety of Life at Sea

(SOLAS). This project is consistent with the Coast Guard's strategic goal of maritime security, maritime safety, and the Department's strategic goals of awareness, prevention, protection, and response.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mr. William Cairns, Project Manager, CG-3PWN, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 372-1557

RIN: 1625-AB00

1133. VAPOR CONTROL SYSTEMS

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

Legal Authority: 33 USC 1225, 1231, 1321; EO 12234 (45 FR 58801) 3 CFR, 1980 Comp p 277; 46 USC 3306, 3703, 3715, 6101; EO 12777 (56 FR 54757) 3 CFR, 1991 Comp p 351; 49 CFR 1.46; 33 USC 1903; PL 101-380; Department of Homeland Security Delegation No. 0170.1; EO 11735, 3 CFR, 1971 to 1975 Comp p 793; 49 USC 5103, 5106

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

Legal Deadline: None

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

U.S. commercial vessels, seeks to reduce the amount of oil and chemicals discharged into the Nation's waterways, and promotes the Coast Guard's strategic goal of marine safety.

Timetable:

Action	Date	FR Cite
NPRM	01/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Sara Ju, Project Manager, CG-3PSO-3, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593
Phone: 202 372-1425

Related RIN: Related to 1625-AA41, Related to 1625-AA81, Related to 1625-AA85

RIN: 1625-AB01

1134. CARBON DIOXIDE FIRE SUPPRESSION SYSTEMS ON COMMERCIAL VESSELS

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

Legal Authority: 33 USC 1903(b); 43 USC 1333; 46 USC 2103; 46 USC 3306; 46 USC 3703; 46 USC 4102; 46 USC 4302; 46 USC 4502; 46 USC 6101; EO 12234; 45 FR 58801; 3 CFR, 1980 Comp, p 277; Department of Homeland Security Delegation No 0170.1

CFR Citation: 46 CFR 25; 46 CFR 27; 46 CFR 34; 46 CFR 76; 46 CFR 95; 46 CFR 108; 46 CFR 118; 46 CFR 132; 46 CFR 167; 46 CFR 181; 46 CFR 193; 46 CFR 194

Legal Deadline: None

Abstract: The Coast Guard proposes to amend the current regulations for carbon dioxide fire suppression systems on commercial vessels. The proposal would amend existing regulations to clarify that approved alternatives to carbon dioxide systems may be used, add new regulations to set general parameters for those approved alternatives, and add a new requirement for lockout valves in manned spaces using carbon dioxide systems.

Timetable:

Action	Date	FR Cite
NPRM	11/00/07	

DHS—USCG

Proposed Rule Stage

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

Agency Contact: Mr. Klaus Wahle, Project Manager, CG-3PSE-4, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 372-1389

RIN: 1625-AB04

1135. LANDOWNER DEFENSES TO LIABILITY UNDER THE OIL POLLUTION ACT OF 1990: STANDARDS AND PRACTICES FOR CONDUCTING ALL APPROPRIATE INQUIRIES

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 2703

CFR Citation: 33 CFR 137

Legal Deadline: NPRM, Statutory, August 2006.

Abstract: This regulation would establish the standards and practices for conducting all appropriate inquiries to qualify for liability protection under OPA 90. The Coast Guard proposes to establish standards and practices concerning the “all appropriate inquiries” element of a defense to liability of an owner or operator of a facility that is the source of a discharge or substantial threat of discharge of oil into the navigable waters or adjoining shorelines or the exclusive economic zone. To be entitled to the defense, those persons must show, among other elements not addressed in this rulemaking, that, before acquiring the property, they had made all appropriate inquiries into the previous ownership and uses of the property to determine the presence or likely presence of oil. This rulemaking would support the Coast Guard Strategic Goals of Maritime Mobility and Protection of Natural Resources.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	
NPRM Comment Period End	09/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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-AB09

1136. • TRAINING AND SERVICE REQUIREMENTS FOR MERCHANT MARINE OFFICERS

Priority: Substantive, Nonsignificant

Legal Authority: 14 USC 633; 31 USC 9701; 46 USC 2101, 46 USC 2103, 46 USC 2110, 46 USC 3306, 46 USC 3703, 46 USC 7502, 46 USC 7505, 46 USC 7701, 46 USC 8101, 46 USC 8102, 46 USC 8104, 46 USC 8105, 46 USC 8301, 46 USC 8304; 44 USC 3507; 46 USC 8502, 46 USC 8503 46 USC 8701, 46 USC 8702, 46 USC 8901, to 8904, 46 USC 8905(b), 46 USC 8906, ; 46 USC 9102 46 USC 46 USC 9102 ch71, 44 USC 3507; DHS Delegation 0170.1

CFR Citation: 46 CFR 10.465; 46 CFR 10.480; 46 CFR 10, subpart C; 46 CFR 15.815

Legal Deadline: None

Abstract: This project would make the following changes to merchant mariner training and service requirements:

1. Radar Endorsement: Remove the requirement for placing the date of the radar-observer endorsement on a merchant mariner’s license. This change would eliminate the confusion arising from having two conflicting expiration dates on the face of the license.
2. Training Programs: Allow an apprentice mate of towing vessels to reduce sea-service time required to qualify for mate (pilot) of towing vessels by successfully completing a Coast Guard-approved training program.
3. Alternate Progression: Provide an alternate path to qualify as mate (pilot) of towing vessels for master of steam and motor vessels of not more than 200 gross register tons (GRT).

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Mr. Luke Harden, Project Manager, CG-3PSO-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Room 1201C, Washington, DC 20593-0001

Phone: 202 372-1408

Email: luke.b.harden@uscg.mil

RIN: 1625-AB10

1137. • TANK LEVEL OR PRESSURE MONITORING DEVICES: REMOVAL OF REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1231, 1321(j); 46 USC 3703a, 3715; 3 CFR 1971 to 1975 Comp., p. 793; 46 USC 3703 note

CFR Citation: 33 CFR 155; 33 CFR 156

Legal Deadline: None

Abstract: This rulemaking would remove the requirements found in title 33 Code of Federal Regulations (CFR) parts 155 and 156 for tank level or pressure monitoring (TLPM) devices as published in the Federal Register of September 17, 2002, (67 FR 58515). Authority to remove these regulations comes from section 702 of Public Law 108-293.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	
NPRM Comment Period End	07/00/07	
Final Action	12/00/07	
Final Action Effective	01/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ms. Dolores Mercier, Project Manager, Office of Design and Engineering Standards, Systems Engineering Division CG-3PSE-3, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593

Phone: 202 372-1381

RIN: 1625-AB12

1138. • REVISION OF LNG FACILITY APPLICATION REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1225 to 1226, 33 USC 1231; 46 USC 70102 to 70103; 50 USC 191; Department of Homeland Security Delegation No. 0170.1

DHS—USCG

Proposed Rule Stage

CFR Citation: 33 CFR 127.007**Legal Deadline:** None

Abstract: This project would revise the requirements in 33 CFR part 127 for a waterfront facility that handles liquefied natural gas (LNG). It would harmonize Coast Guard regulations with those already established by the Federal Energy Regulatory Commission (FERC), as well as the established

industry practice of the implementation of NVIC 05-05.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: CDR John Cushing, Project Manager, CG-3PSO-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 372-1410
Email: john.m.cushing@uscg.mil

RIN: 1625-AB13

Department of Homeland Security (DHS)

Final Rule Stage

U.S. Coast Guard (USCG)

1139. LIMITED SERVICE DOMESTIC VOYAGE LOAD LINES FOR RIVER BARGES ON LAKE MICHIGAN (USCG-1998-4623)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 51

CFR Citation: 46 CFR 45

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	11/02/98	63 FR 58679
NPRM Comment Period Extended	12/28/98	63 FR 71411
Comment Period End	01/04/99	
NPRM Comment Period End	03/04/99	
Interim Final Rule	04/23/02	67 FR 19685
Interim Final Rule Effective	05/23/02	

Action	Date	FR Cite
Collection of Information Sections Effective	06/20/02	
Interim Final Rule—Announcement of Effective Date of COI Sections	06/20/02	67 FR 41847
Interim Final Rule Comment Period End	10/23/02	
Final Rule	08/00/07	

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, Office of Design and Engineering Standards, Naval Architecture Division CG-3PSE-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 372-1370

RIN: 1625-AA17

1140. OUTER CONTINENTAL SHELF ACTIVITIES (USCG-1998-3868)

Priority: Other Significant

Legal Authority: 43 USC 1333(d)(1); 43 USC 1348(c); 43 USC 1356; PL 109-347, sec. 109

CFR Citation: 33 CFR 140 to 147

Legal Deadline: None

Abstract: This project would revise the regulations on Outer Continental Shelf (OCS) activities to: 1) Add new requirements for fixed OCS facilities for lifesaving, fire protection, training, hazardous materials used as stores, and accommodation spaces; 2) require foreign vessels engaged in OCS activities to comply with requirements similar to those imposed on U.S. vessels similarly engaged; 3) allow all mobile inland drilling units to operate on the OCS out to a defined boundary line if they meet requirements for lifesaving, firefighting, and operations similar to those for fixed OCS facilities; and 4) add a Congressionally mandated component on notices of arrivals of foreign vessels on the OCS. 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. 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	
Interim Final Rule	11/00/07	
Interim Final Rule Comment Period End	02/00/08	
Final Rule	12/00/08	

DHS—USCG

Final Rule Stage

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Transferred from RIN 2115-AF39

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: James Magill, Project Manager, CG-3PSO-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 372-1414

RIN: 1625-AA18

1141. VESSEL AND FACILITY RESPONSE PLANS FOR OIL: 2003 REMOVAL EQUIPMENT REQUIREMENTS AND ALTERNATIVE TECHNOLOGY REVISIONS (USCG-2001-8661)

Priority: Other Significant

Legal Authority: 33 USC 1321

CFR Citation: 33 CFR 153 to 155

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	10/11/02	67 FR 63331
NPRM Comment Period Extended	11/19/02	67 FR 69697
NPRM Comment Period End	01/09/03	
Extended NPRM Comment Period End	04/08/03	
Final Rule	11/00/07	

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: LCDR Rob Smith, Project Manager, CG-3PCV-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW, Room 2100, Washington, DC 20593-0001

Phone: 202 372-1226

RIN: 1625-AA26

1142. 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 maritime safety and protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	08/27/02	67 FR 54981

Action	Date	FR Cite
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NPRM Comment 10/28/02

Period End

Final Rule 07/00/07

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Tribal

Additional Information: 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, CG-3PWN, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 372-1566

RIN: 1625-AA48

1143. PROTECTION FOR WHISTLE BLOWERS IN THE COAST GUARD (USCG-2002-13016)

Priority: Other Significant

Legal Authority: 10 USC 1034

CFR Citation: 33 CFR 53

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Rule	03/00/08	

DHS—USCG

Final Rule Stage

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AG49**Agency Contact:** LT Bryan Pape, Project Manager, CG-0944, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 372-3757**RIN:** 1625-AA50**1144. REVIEW AND UPDATE OF STANDARDS FOR MARINE EQUIPMENT (USCG-2003-16630)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 3306; 46 USC 4102; 46 USC 4302**CFR Citation:** 46 CFR 32; 46 CFR 50; 46 CFR 52; 46 CFR 53 to 54; 46 CFR 56; 46 CFR 58 to 59; 46 CFR 61 to 63; 46 CFR 76; 46 CFR 92; 46 CFR 110 to 111; 46 CFR 113; 46 CFR 162; 46 CFR 170; 46 CFR 175; 46 CFR 182 to 183**Legal Deadline:** None**Abstract:** This project would incorporate national and international standards for certain marine equipment and marine electrical equipment into title 46 of the Code of Federal Regulations (CFR). These standards would replace long-outdated ones, or update standards that were superseded fairly recently. The Coast Guard has actively participated in the development of national and international standards of safety for marine equipment through the International Maritime Organization, the International Organization for Standardization, and the American Society for Testing and Materials, as well as through other standards-setting bodies under the American National Standards Institute. We would incorporate these standards into the appropriate parts of title 46.**Timetable:**

Action	Date	FR Cite
NPRM	06/30/04	69 FR 39742
NPRM Comment Period End	09/28/04	
Final Rule	08/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** LCDR Dave McClellan, Project Manager, CG-3PSE-3, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593

Phone: 202 372-1377

Email: dgmcclellan@comdt.uscg.mil

RIN: 1625-AA83**1145. POLLUTION PREVENTION EQUIPMENT (USCG-2004-18939)****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 33 USC 1903; 46 USC 3703; DHS Delegation No. 0170.1**CFR Citation:** 33 CFR 151; 33 CFR 155; 33 CFR 157; 46 CFR 162**Legal Deadline:** None**Abstract:** This rulemaking would revise the Coast Guard's pollution prevention equipment (PPE) regulations to reflect and implement International Convention for the Prevention of Pollution from Ships (MARPOL) Annex I, Regulations for the Prevention of Pollution guidelines and specifications that Member States are invited to make applicable on or after January 1, 2005. The new standards will require equipment designed to reduce the amount of oil discharged from ships and eliminate the need for ozone-depleting solvents to test this equipment for approval. Additionally, this rulemaking proposes the removal of the bilge monitor standard to better align the 46 CFR subpart 162.050 regulations with the IMO PPE guidelines. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.**Timetable:**

Action	Date	FR Cite
NPRM	11/03/05	70 FR 67066
NPRM Comment Period End	02/01/06	
Interim Rule	07/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** State**Agency Contact:** LT William Nabach, Project Manager, Office of Design &

Engineering Standards, CG-3PSE-3, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593

Phone: 202 372-1367

Email: william.a.nabach@uscg.mil

RIN: 1625-AA90**1146. 2006 RATES FOR PILOTAGE ON THE GREAT LAKES****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 9303(f); Department of Homeland Security Delegation No 0170.1(92)**CFR Citation:** 46 CFR 401**Legal Deadline:** None**Abstract:** The Coast Guard is proposing to update the rates for pilotage on the Great Lakes. Based on our review we propose to adjust the pilotage rates for the 2006 shipping season to generate sufficient revenue to cover allowable expenses, target pilot compensation, and returns on investment.**Timetable:**

Action	Date	FR Cite
NPRM	07/13/06	71 FR 39629
NPRM Comment Period End	08/14/06	
Interim Final Rule	02/23/07	72 FR 8115
Interim Final Rule Effective	03/26/07	
Interim Final Rule Comment Period End	04/24/07	
Final Rule	08/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Paul Wasserman, Project Manager, G-PWM-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593

Phone: 202 372-1535

Email: paul.m.wasserman@uscg.mil

RIN: 1625-AB05**1147. COAST GUARD SECTOR, MARINE INSPECTION ZONE, AND CAPTAIN OF THE PORT STRUCTURE; TECHNICAL AMENDMENT****Priority:** Info./Admin./Other**Legal Authority:** 14 USC 633; PL 107-296, 116 Stat 2135; Department of Homeland Security Delegation No 0170.1

DHS—USCG

Final Rule Stage

CFR Citation: 33 CFR 3

Legal Deadline: None

Abstract: This rule makes non-substantive changes in title 33, part 3, of the Code of Federal Regulations. It amends informational regulations that describe the internal organization of the Coast Guard, by conforming those regulations to the Coast Guard's recent sector realignment, and restates the

boundaries of Coast Guard Marine Inspection Zones and Captain of the Port Areas. This rule will have no substantive effect on the regulated public.

Timetable:

Action	Date	FR Cite
Final Rule	06/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: LCDR Todd Styrwold, Project Manager, CG-513, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 372-2678

RIN: 1625-AB07

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

Long-Term Actions

1148. SAFETY ZONE REGULATIONS

Priority: Routine and Frequent

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

CFR Citation: 33 CFR 165

Legal Deadline: None

Abstract: The Coast Guard uses these routine and frequent regulations to establish control of access to areas to ensure the safety of events, vessels, or individuals. Many of these zones are of short duration, ranging from a few hours to a few days, and all are geographically limited in area. Safety zones, defined in 33 CFR 165.20, are established for events such as fireworks displays, high-speed races, bridge repairs, dredging, or salvage operations, or the transit of dangerous cargoes such as explosives or liquefied petroleum gas. Safety zones are promulgated by Captains of the Port or District Commanders. These routine and frequent rulemakings support the Coast Guard's strategic goals of marine safety, maritime mobility, and protection of natural resources. Safety zones under the Outer Continental Shelf Lands Act are also included in these routine and frequent regulations. The total actions expected is 300 annually.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	12/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Routine and frequent rulemakings issued under this

RIN will each have an individual docket number.

Agency Contact: George Detweiler, Project Manager, CG-3PWN, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 372-1566

RIN: 1625-AA00

1149. SPECIAL ANCHORAGE AREAS/ANCHORAGE GROUNDS REGULATIONS

Priority: Routine and Frequent

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

CFR Citation: 33 CFR 110

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	12/00/08	

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, CG-3PWN, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 372-1564

RIN: 1625-AA01

1150. DISCHARGE-REMOVAL EQUIPMENT FOR VESSELS CARRYING OIL (CGD 90-068)

Priority: Other Significant

Legal Authority: 33 USC 1321

CFR Citation: 33 CFR 155

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

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

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project is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	08/30/91	56 FR 43534
ANPRM Comment Period End	10/16/91	
NPRM	09/29/92	57 FR 44912
NPRM Comment Period Extended	10/26/92	57 FR 48489
NPRM Comment Period End	10/29/92	
NPRM Comment Period Extended	11/16/92	
Interim Final Rule	12/22/93	58 FR 67988
Interim Final Rule Effective	01/21/94	
Correction	01/26/94	59 FR 3749
Interim Final Rule Comment Period End	02/22/94	

Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AD66

Agency Contact: David A. DuPont, Project Manager, CG-3PSR-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Room 1400, Washington, DC 20593-0001

Phone: 202 372-1497

RIN: 1625-AA02

1151. CLAIMS PROCEDURES UNDER THE OIL POLLUTION ACT OF 1990 (USCG-2004-17697)

Priority: Other Significant

Legal Authority: 33 USC 2713 to 2714

CFR Citation: 33 CFR 136

Legal Deadline: None

Abstract: This rulemaking implements section 1013 (Claims Procedures) and section 1014 (Designation of Source and Advertisement) of the Oil Pollution Act of 1990. An interim rule was published in 1992, and provides the basic requirements for the filing of claims for uncompensated removal costs or damages resulting from the discharge of oil, for the designation of the sources of the discharge, and for the advertisement of where claims are to be filed. The interim rule also includes the processing of natural resource damage (NRD) claims. The

NRD claims, however, were not processed until September 25, 1997, when the Department of Justice issued an opinion that the Oil Spill Liability Trust Fund (OSLTF) is available without further appropriation to pay trustee NRD claims under the general claims provisions of the Oil Pollution Act (OPA) of 1990, 33 U.S.C. 2712(a)(4). Release of this more comprehensive notice of proposed rulemaking has been delayed while the Coast Guard gained experience on NRD claims, as well as other OPA damages. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

Timetable:

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

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: Transferred from RIN 2115-AD90

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

RIN: 1625-AA03

1152. STATE ACCESS TO THE OIL SPILL LIABILITY TRUST FUND (USCG-2004-19123)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 2712

CFR Citation: 33 CFR 133

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

Abstract: Pursuant to the Oil Pollution Act of 1990 (OPA 90), this action specifies how the authority to obligate the pollution trust fund for oil spill response and clean-up efforts and to enter into agreements with the States will be exercised. The Coast Guard is evaluating the performance of the interim rule. This rulemaking supports

the Coast Guard's strategic goal of protection of natural resources.

Timetable:

Action	Date	FR Cite
Interim Rule	11/13/92	57 FR 53968
Interim Final Rule Comment Period End	02/11/93	
Supplementary NPRM	04/00/08	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: The rulemaking priority was downgraded from Other Significant to Substantive, Nonsignificant in the November 14, 1994, agenda. However, due to administrative error, the document erroneously reflected Other Significant in subsequent agenda entries.

Transferred from RIN 2115-AE19

This rulemaking was formerly docket number CGD92-014.

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

Phone: 202 493-6863

RIN: 1625-AA06

1153. REGATTA AND MARINE PARADE REGULATIONS

Priority: Routine and Frequent

Legal Authority: 33 USC 1233

CFR Citation: 33 CFR 100

Legal Deadline: None

Abstract: These routine and frequent, special local regulations ensure the safety of participants and spectators during regattas and marine parades. The regulations or rules specify such controls as separate participant and spectator areas, separation schemes for watercraft in the area of the event, and temporary restrictions on waterways to accommodate the event. These rules are short-term in nature, usually applying to a single event not exceeding 8 hours in duration, and usually encompass only a small portion of a navigable waterway. These rules are promulgated by District Commanders in response to a request from an event-sponsoring organization. These routine and frequent rulemakings support the Coast

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Guard's strategic goals of maritime safety and maritime mobility of commercial and recreational vessel traffic. The total actions expected is about 70 annually.

Timetable:

Action	Date	FR Cite
Action Will Continue Through	12/00/08	

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: Jeff Ludwig, Project Manager, CG-3PCB, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 372-1061

RIN: 1625-AA08

1154. DRAWBRIDGE REGULATIONS

Priority: Routine and Frequent

Legal Authority: 33 USC 499

CFR Citation: 33 CFR 117

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	12/00/08	

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: Ms. Alesia Steinberger, Project Manager, CG-3PWB-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 372-1515

RIN: 1625-AA09

1155. ESCORT VESSELS IN CERTAIN U.S. WATERS (CGD 91-202A)

Priority: Other Significant

Legal Authority: PL 101-380, sec 4116(c) (codified as 46 USC 373 note)

CFR Citation: 33 CFR 168

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Federalism: Undetermined

Additional Information: This rulemaking is a companion to RIN 1625-AA05, which concerns Prince William Sound and Puget Sound.

Transferred from RIN 2115-AE56

Agency Contact: LCDR Vivianne Louie, Project Manager, CG-3-PSE-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW, Room 1304, Washington, DC 20593
Phone: 202 372-1358
Email: vivianne.w.louie@uscg.mil

Related RIN: Related to 2115-AE10

RIN: 1625-AA10

1156. REGULATED NAVIGATION AREAS

Priority: Routine and Frequent

Legal Authority: 33 USC 1231; 33 USC 1226; 46 USC 701; 50 USC 191; 50 USC 195

CFR Citation: 33 CFR 165

Legal Deadline: None

Abstract: These routine and frequent regulations establish operating requirements for vessels within specified geographic areas to ensure safety on the navigable waters where some special or unusual circumstance 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 is 11 annually.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	12/00/08	

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.

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Transferred from RIN 2115-AE84

Agency Contact: Ed LaRue, Project Manager, CG-3PWN, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593

Phone: 202 372-1564

RIN: 1625-AA11

1157. MARINE TRANSPORTATION-RELATED FACILITY RESPONSE PLANS FOR HAZARDOUS SUBSTANCES (USCG-1999-5705)

Priority: Other Significant

Legal Authority: 33 USC 1321(j); PL 101-380

CFR Citation: 33 CFR 154

Legal Deadline: None

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

Timetable:

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

Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Transferred from RIN 2115-AE87

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: LCDR Rob Smith, Project Manager, CG-3PCV-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW, Room 2100, Washington, DC 20593-0001

Phone: 202 372-1226

Related RIN: Related to 1625-AA13

RIN: 1625-AA12

1158. TANK VESSEL RESPONSE PLANS FOR HAZARDOUS SUBSTANCES (USCG-1998-4354)

Priority: Other Significant

Legal Authority: 33 USC 1231; 33 USC 1321(j); PL 101-380

CFR Citation: 33 CFR 155

Legal Deadline: None

Abstract: This project would implement provisions of the Oil Pollution Act of 1990 that require an owner or operator of a tank vessel carrying bulk hazardous substances to develop and operate in accordance with an approved response plan. The regulations would apply to vessels operating on the navigable waters or within the Exclusive Economic Zone (EEZ) of the United States that carry bulk hazardous substances. A separate rulemaking, under RIN 1625-AA12, would address hazardous substances response plan requirements for marine transportation-related facilities. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources by reducing the amount of chemicals entering the environment, as well as reducing the consequences of pollution incidents. This project is considered significant because of substantial public and industry interest.

Timetable:

Action	Date	FR Cite
ANPRM	05/03/96	61 FR 20084
Notice of Public Hearings	07/03/96	61 FR 34775
ANPRM Comment Period End	09/03/96	
NPRM	03/22/99	64 FR 13734
Notice of Public Hearing	06/15/99	64 FR 31994
NPRM Comment Period Extended	06/15/99	
NPRM Comment Period End	06/21/99	
NPRM Extended Comment Period End	08/30/99	

Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Old Docket Number CGD 94-032.

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

Transferred from RIN 2115-AE88

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: LCDR Rob Smith, Project Manager, CG-3PCV-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW, Room 2100, Washington, DC 20593-0001

Phone: 202 372-1226

Related RIN: Related to 1625-AA12

RIN: 1625-AA13

1159. 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 of more than 100 gross tons

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operating on the navigable waters of the United States be numbered. This rulemaking would establish a numbering system for these barges. The numbering of undocumented barges will allow identification of owners of barges found abandoned and help prevent future marine pollution. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

Timetable:

Action	Date	FR Cite
Request for Comments	10/18/94	59 FR 52646
Comment Period End	01/17/95	
ANPRM	07/06/98	63 FR 36384
ANPRM Comment Period End	11/03/98	
NPRM	01/11/01	66 FR 2385
NPRM Comment Period End	04/11/01	
NPRM Reopening of Comment Period	08/12/04	69 FR 49844
NPRM Comment Period End	11/10/04	
Next Action	Undetermined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 1625-AA14

1160. 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

Action	Date	FR Cite
Public Meeting 7/9/02, 7/17/02, 7/25/02	06/12/02	67 FR 40254
Public Meeting 9/26/02	08/07/02	67 FR 51159
NPRM Comment Period Extended	08/07/02	
NPRM Comment Period End	10/18/02	
Final Rule – Partial Suspension	01/23/04	69 FR 3236
Notice of Availability & Request for Comment	01/03/06	71 FR 125
Final Rule – Partial Suspension	02/09/07	72 FR 6168
Next Action	Undetermined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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

Transferred from RIN 2115-AF60

URL For More Information:
dms.dot.gov

URL For Public Comments:
dms.dot.gov

Agency Contact: LCDR Reed Kohberger, Project Manager, CG-3PSR, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 372-1471

RIN: 1625-AA19

1161. COMMERCIAL DIVING OPERATIONS (USCG-1998-3786)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1509; 43 USC 1333; 46 USC 3306; 46 USC 3703; 46 USC 6101

CFR Citation: 46 CFR 197

Legal Deadline: None

Abstract: This project involves reviewing and updating the commercial diving regulations, which were first adopted in 1977. A review of the commercial diving regulations is needed to determine what parts should be updated or changed based on the

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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	
NPRM	06/00/08	

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: LCDR Kenneth Bryan, Project Manager, CG-3PSO-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593
Phone: 202 372-1439

RIN: 1625-AA21**1162. IMPROVEMENTS TO MARITIME SAFETY IN PUGET SOUND-AREA WATERS (USCG-1998-4501)****Priority:** Other Significant**Legal Authority:** 33 USC 1223 to 1224**CFR Citation:** 33 CFR ch. 1**Legal Deadline:** None

Abstract: This rulemaking would promulgate measures to improve maritime safety in Puget Sound-Area waters including Puget Sound, the Strait of Juan de Fuca, passages around and through the San Juan Islands, and the Olympic Coast National Marine Sanctuary. Based on a determination by the Secretary of Transportation regarding the status of maritime safety in the Puget Sound area, the Coast Guard has initiated a comprehensive cost-benefit analysis to study the feasibility of implementing new safety

measures, including extended tug escort requirements and a dedicated response vessel. Public input will help focus this cost-benefit analysis and develop any future proposed rules, if deemed necessary. This rulemaking supports the Coast Guard Prevention Program's goal to reduce the amount of oil discharged into the marine environment and the Coast Guard's strategic goal of protection of natural resources. This is a significant action due to substantial public interest.

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: LCDR Vivianne Louie, Project Manager, CG-3-PSE-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW, Room 1304, Washington, DC 20593
Phone: 202 372-1358
Email: vivianne.w.louie@uscg.mil

RIN: 1625-AA22**1163. 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:** Transferred from RIN 2115-AF97**URL For More Information:**

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: Mr. David H. Dolloff, Project Manager, CG-3PSO-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 372-1415

RIN: 1625-AA25**1164. STANDARDS FOR LIVING ORGANISMS IN SHIPS' BALLAST WATER DISCHARGED IN U.S. WATERS (USCG-2001-10486)****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 16 USC 4711**CFR Citation:** 33 CFR 151**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
ANPRM	03/04/02	67 FR 9632
ANPRM Comment Period End	06/03/02	
NPRM	09/00/08	

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

DHS—USCG

Long-Term Actions

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: Bivan R. Patnaik, Project Manager, CG-3PSO-4, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 372-1435
Email: bivan.r.patnaik@uscg.mil

RIN: 1625-AA32

1165. WEARING OF PERSONAL FLOTATION DEVICES BY PERSONS OPERATING OR RIDING ON PERSONAL WATERCRAFT, WATER SKIING, OR ENGAGING IN OTHER FORMS OF TOWING PERSONS BEHIND RECREATIONAL VESSELS (USCG-2002-11421)

Priority: Other Significant**Legal Authority:** 46 USC 4302**CFR Citation:** 33 CFR 175**Legal Deadline:** None

Abstract: This rule would enable the Coast Guard to enforce existing State statutes or regulations that require persons operating or riding on a personal watercraft, water skiing, or engaging in other forms of towing persons behind recreational vessels to wear a personal flotation device. The rule would also establish regulations within States that do not have such requirements. This rule would allow the Coast Guard to enhance compliance with existing States' requirements and may decrease drownings.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AG32**URL For More Information:**

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: Jeff Ludwig, Project Manager, CG-3PCB, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593

Phone: 202 372-1061

RIN: 1625-AA40

1166. VESSEL TRAFFIC SERVICE LOWER MISSISSIPPI RIVER (USCG-1998-4399)

Priority: Substantive, Nonsignificant**Legal Authority:** 33 USC 1223(a)**CFR Citation:** 33 CFR 26; 33 CFR 161; 33 CFR 165**Legal Deadline:** None

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

Timetable:

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

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

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

Transferred from RIN 2115-AF75

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: LT Keith J. Pierre, Project Manager, CG-3PWN, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Room 1407, Washington, DC 20593
Phone: 202 372-1554

RIN: 1625-AA58

1167. VALIDATION OF MERCHANT MARINERS' VITAL INFORMATION AND ISSUANCE OF COAST GUARD MERCHANT MARINER'S DOCUMENTS (MMDS) (USCG-2003-14500)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 46 USC 21; 46 USC 73; 46 USC 75; 46 USC 77**CFR Citation:** 46 CFR 12**Legal Deadline:** None

Abstract: This rulemaking describes enhancements to the application procedures for the "Merchant Mariners' Documents" required for ocean-going and Great Lakes vessels of over 100 gross tons. This includes showing up physically at a Regional Exam Center at least once during each application and furnishing proof of identity, fingerprinting, and a background check. This appearance requirement is intended to be an interim measure until the appearance requirement in the Transportation Worker Identification Credential rulemaking is fully implemented.

Timetable:

Action	Date	FR Cite
Notice of Meeting	02/20/03	68 FR 8326
Notice of Policy	04/08/03	68 FR 17064
Interim Final Rule	01/06/04	69 FR 526
Correction to Interim Rule	02/11/04	69 FR 6575
Interim Final Rule Comment Period End	04/05/04	
Final Rule	To Be	Determined

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

DHS—USCG

Long-Term Actions

Agency Contact: Mr. Gerald P. Miante, Project Manager, CG-3PSO-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 372-1407

Related RIN: Related to 1625-AA85, Related to 1625-AA41, Related to 1625-AB02

RIN: 1625-AA81

1168. VALIDATION OF MERCHANT MARINERS' VITAL INFORMATION AND ISSUANCE OF COAST GUARD MERCHANT MARINER'S LICENSES AND CERTIFICATES OF REGISTRY (USCG-2004-17455)

Priority: Other Significant

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

CFR Citation: 46 CFR 10

Legal Deadline: None

Abstract: This rule would impose certain security-related requirements in order to obtain a license or certificate of registry. Applicants would be required to appear in person at least once during the application process, to provide two acceptable forms of identification, and be fingerprinted by Coast Guard personnel. This appearance requirement is intended to be an interim measure until the appearance requirement in the Transportation Worker Identification Credential rulemaking is fully implemented.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/13/06	71 FR 2154
Interim Final Rule Effective	01/13/06	
Interim Final Rule Comment Period End	04/13/06	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mr. Gerald P. Miante, Project Manager, CG-3PSO-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 372-1407

Related RIN: Related to 1625-AA81, Related to 1625-AB02

RIN: 1625-AA85

1169. SECURITY ZONE REGULATIONS

Priority: Routine and Frequent

Legal Authority: 33 USC 1226; 33 USC 1231; 50 USC 191; 33 CFR 6

CFR Citation: 33 CFR 165

Legal Deadline: None

Abstract: The Coast Guard uses these routine and frequent regulations to establish control of access to areas to ensure the security of vessels, waterfront facilities, or individuals. Many of these zones are of short duration, a few hours to a few days, and all are geographically limited in area. Security zones are established for Presidential or Vice Presidential visits, high profile events such as the Olympics, controversial events such as transport of spent nuclear fuel, and in response to the threat of terrorist attacks. Some security zones are implemented only at heightened security levels and only for the duration of the heightened alert. Security zones are promulgated by Captains of the Port or District Commanders. These routine and frequent rulemakings support the Coast Guard's strategic goals of marine security, mobility, protection of natural resources, and national defense. The total actions expected is 200 annually.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	12/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Agency Contact: CDR Tina Burke, Project Manager, CG-3PCP, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 372-1105

RIN: 1625-AA87

1170. DRY CARGO RESIDUE DISCHARGES IN THE GREAT LAKES (USCG-2004-19621)

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-293

CFR Citation: 33 CFR 151

Legal Deadline: None

Abstract: This rulemaking implements congressional directives. Public Law 108-293 directs the Coast Guard to continue implementation of an existing enforcement policy that regulates incidental dry cargo residue on the Great Lakes, until September 30, 2008, or until the promulgation of new regulations that would replace the existing policy. The statute also directs the Coast Guard to undertake any environmental assessment that would be necessary to support new regulations; this assessment is in progress.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Supplementary information about this rulemaking may be found in the docket for this rulemaking. The docket may be accessed via the URL listed below.

URL For More Information: www.dms.dot.gov

Agency Contact: LCDR Mary Sohlberg, Project Manager, CG-3PSO-4, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 372-1429
Email: mary.j.sohlberg@uscg.mil

RIN: 1625-AA89

1171. WAIVER FOR MARKING SUNKEN VESSELS WITH LIGHT AT NIGHT (USCG-2005-20488)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 409

CFR Citation: 33 CFR 64

Legal Deadline: None

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

DHS—USCG

Long-Term Actions

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

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

Agency Contact: LT Christian Munoz, Project Manager, Office of Navigation Systems, Visual Navigation Division CG-3PWN-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593

Phone: 202 372-1548

RIN: 1625-AA97

1172. CONSOLIDATION OF MERCHANT MARINER QUALIFICATION CREDENTIALS (USCG-2006-24371)
Priority: Substantive, Nonsignificant

Legal Authority: 14 USC 633; 31 USC 9701; 46 USC 2101; 46 USC 2103; 46 USC 2110; 46 USC ch 71; 46 USC 7502; 46 USC 7505; 46 USC 7701; 46 USC 8906; EO 10173

CFR Citation: 33 CFR 1; 33 CFR 14; 33 CFR 20; 33 CFR 70; 33 CFR 95; 33 CFR 101; 33 CFR 110; 33 CFR 125; 46 CFR 1; 46 CFR 4; 46 CFR 5; 46 CFR 10 to 15

Legal Deadline: None

Abstract: The Coast Guard proposes to streamline the existing merchant mariner qualification credentialing process to minimize redundant requirements and simplify the credentialing program. This proposed rule works in tandem with the joint Final Rule published by the Coast Guard and the Transportation Security Administration entitled "Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's

License," RIN 1652-AA41. It proposes to combine the individual Merchant Mariner Document, License, Certificate of Registry, and STCW endorsement into a single certificate termed the Merchant Mariner Credential (MMC) which will be endorsed to reflect a mariner's level of qualification. The Coast Guard also proposes to streamline the application process for the MMC by removing the requirement that all mariners appear at least once at one of 17 Regional Exam Centers. Instead, the information previously submitted by the applicant at the REC would be obtained in the TWIC enrollment process and shared with the Coast Guard by the Transportation Security Administration.

Timetable:

Action	Date	FR Cite
NPRM	05/22/06	71 FR 29462
NPRM Comment Period End	07/06/06	
Supplemental NPRM Final Rule	01/25/07	72 FR 3605 To Be Determined

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

Additional Information: This rulemaking is directly related to the Transportation Security Administration rulemaking entitled "Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License" 1652-AA41.

Agency Contact: William Chubb, Project Manager, National Maritime Center, Department of Homeland Security, U.S. Coast Guard, 4200 Wilson Boulevard, Suite 630, Arlington, VA 22203-1804
Phone: 202 493-1023
Email: william.sj.chubb@uscg.mil

Related RIN: Related to 1652-AA41

RIN: 1625-AB02

1173. INSPECTION OF TOWING VESSELS (USCG-2006-24412)
Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 46 USC 3301, 3305, 3306, and 3103; 46 USC 3703 [DHS Delegation No 0170.1]

CFR Citation: 33 CFR 156, 157, 163 and 164; 46 CFR 135 to 146

Legal Deadline: None

Abstract: This rulemaking would add Coast Guard regulations to implement a program of inspection for towing vessels. It would prescribe standards for design, construction, subdivision and stability, alteration and repair of superstructures, hulls, fittings, equipment, appliances, propulsion machinery, auxiliary machinery, boilers, unfired pressure vessels, piping, electrical installations, accommodations, lifesaving equipment and its use, firefighting equipment and its use, precautionary measures to guard against fire, inspections and tests related to the above list, and use of vessel stores and other supplies of a dangerous nature.

Timetable:

Action	Date	FR Cite
NPRM	03/00/09	

Regulatory Flexibility Analysis**Required:** No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State

Agency Contact: Dave Dolloff, Project Manager, CG-3PSO-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 372-1415

RIN: 1625-AB06

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

Completed Actions

1174. 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 closures of up to 180 days, and eliminate any unnecessary distinction between commercial and recreational vessels in

DHS—USCG

Completed Actions

subpart B. It will also make changes throughout part 117 to remove redundancies, make amendments and technical corrections, and remove special bridge regulations that are no longer functional. Corrections and clarification of these requirements will help to streamline the drawbridge regulatory process and should shorten and simplify part 117 for the reader. This rulemaking supports the Coast Guard's strategic goal of maritime mobility.

Timetable:

Action	Date	FR Cite
NPRM	04/17/03	68 FR 18922
NPRM Comment Period End	06/02/03	
SNPRM	05/17/06	71 FR 28629
SNPRM Comment Period End	07/17/06	
Final Rule	12/04/06	71 FR 70305

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, CG-3PWB-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

Phone: 202 372-1512

RIN: 1625-AA36

1175. CONSOLIDATION OF CRUISE SHIP REGULATIONS

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

Legal Authority: 33 USC 1226, 1231; 46 USC ch 701; 50 USC 191 and 192; EO 12656; 3 CFR 1988 Comp, p 585; 33 CFR 1.05-1, 6.04-11, 6.14, 6.16; DHS Delegation No 0170.1

CFR Citation: 33 CFR 101, 104, 105, 120, 128

Legal Deadline: None

Abstract: The Coast Guard has withdrawn this rulemaking project in order to review the scope of the project. The Coast Guard may reinstate the rulemaking in the future.

This proposed rule would consolidate the maritime security regulations currently found in 33 CFR parts 120 and 128 for cruise ships and the terminals that serve them and move them into parts 101, 104, and 105 dealing with maritime security. This rule would also establish standards for passenger and baggage screening, screening equipment, and qualifications and training for screeners at U.S. terminals. Lastly, this rule would address a list of dangerous substances and devices for cruise ship screening. This project would support the Coast Guard's strategic goals of maritime safety, maritime security, and maritime mobility.

Timetable:

Action	Date	FR Cite
Withdrawn	02/28/07	

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: LTJG Carrie Shaffer, Project Manager, CG-3PCP-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 372-1138

RIN: 1625-AB08

1176. ● SAFETY ZONES; U.S. COAST GUARD WATER TRAINING AREAS, GREAT LAKES

Priority: Other Significant

Legal Authority: 33 USC 1226, 1231; 46 USC ch 701; 50 USC 191, 195; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, 160.5;

PL 107-295, 116 stat. 2064; Department of Homeland Security Delegation No. 0170.1

CFR Citation: 33 CFR 165.928

Legal Deadline: None

Abstract: The Coast Guard proposes to establish safety zones at selected locations in the Great Lakes to restrict vessels from portions of the lakes during live fire gun exercises that will be conducted by Coast Guard cutters and small boats. These safety zones are necessary to conduct training essential to carrying out Coast Guard missions relating to military operations and national security and to protect the public from the hazards associated with the firing of weapons. We have to realistically train in the environment in which we operate.

Based on comments on the NPRM and feedback at nine public meetings, the Coast Guard has decided to withdraw this rulemaking. A new proposal may be submitted after reviewing options suggested by the comments and outreach efforts with major stakeholders.

Timetable:

Action	Date	FR Cite
NPRM	08/01/06	71 FR 43402
NPRM Comment Period Reopened	09/12/06	71 FR 53629
NPRM Comment Period End	11/13/06	
Withdrawn	01/05/07	72 FR 520

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

dms.dot.gov

Agency Contact: CDR Gustav Wulfkuhle, Chief, Enforcement Branch, 9th Coast Guard District, Department of Homeland Security, U.S. Coast Guard, Celebrezze Federal Building, 1240 East 9th Street, Cleveland, OH 44199
Phone: 216 902-6091

RIN: 1625-AB11

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

Proposed Rule Stage

**1177. 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 to 1624; 19 USC 1644 to 1644a

CFR Citation: 19 CFR 122

Legal Deadline: None

Abstract: Amendment to part 122 of the Customs and Border Protection Regulations to require that the owners or operators of commercial aircraft that operate as scheduled airlines and enter the United States from foreign areas who intend to land at landing rights or user fee airports, request from U.S. Customs and Border Protection permission to land in writing at least 30 days before the first flight date and secure customs approval to land before the first flight begins. Amendment would also make the advance notice of arrival requirement applicable to all aircraft. The advance notice of arrival would be required to be given by the aircraft commander directly to the appropriate customs location at least one hour before the aircraft crosses any border or coastline of the United States. Amendment would also modify the application process for the Overflight Program and provide for centralized processing of requests for an overflight exemption.

Timetable:

Action	Date	FR Cite
NPRM	08/00/07	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AD10

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

Glen E. Vereb, Chief, Entry Procedures and Carriers Branch, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229

Phone: 202 572-8730

RIN: 1651-AA41

**1178. 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 to 1593a; 19 USC 1624

CFR Citation: 19 CFR 162

Legal Deadline: None

Abstract: Amendment to part 162 of the Customs and Border Protection Regulations pertaining to prior disclosure and to the procedure for demanding payment of duties, taxes, fees, or revenue for violations of 19 U.S.C. sections 1592 or 1593a when a penalty claim is not issued. Amendments are designed to encourage participation in the prior disclosure program and to enhance the effectiveness of the duty/revenue demand process.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

**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, U.S. Customs and Border Protection, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 572-8742

RIN: 1651-AA42

**1179. CARGO INFORMATION
(MANIFEST) DISCREPANCY
REPORTING REQUIREMENTS AND
PENALTY GUIDELINES**

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1431; 19 USC 1433 to 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 to 123; 19 CFR 146; 19 CFR 158

Legal Deadline: None

Abstract: Amendment to parts 4, 18, 113, 122, 123, 146, and 158 of the Customs and Border Protection regulations concerning cargo information (manifest) discrepancy reporting requirements for all modes of commercial transportation (air, sea, rail, and truck). Amendment sets forth corresponding guidelines for the assessment of penalties or claims for liquidated damages for manifesting violations. Amendment would require that any discrepancy from previously filed cargo information be reported to CBP by the responsible party immediately upon discovery and that such reports, with limited exceptions be submitted to CBP in an electronic format. Amendment would eliminate Customs Form 5931 and require that cargo declaration information be kept for a period of five years after conveyance arrival. Also provides (as Appendices to the regulations) guidelines for the assessment of penalties for failing to reporting discrepancies.

Timetable:

Action	Date	FR Cite
NPRM	07/00/07	

**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, U.S. Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344-3127

Jeremy Baskin, Attorney-Advisor, Penalties Branch, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 572-8753

RIN: 1651-AA45

**1180. CHANGES TO THE
ADMINISTRATIVE PROCESS FOR
PETITIONS FOR RELIEF REGARDING
SEIZURES AND FORFEITURES
RESULTING FROM VIOLATIONS OF
IMMIGRATION AND NATURALIZATION
LAWS**

Priority: Substantive, Nonsignificant

Legal Authority: 6 USC 101; 8 USC 1103; 8 USC 1324(b); 19 USC 66;

DHS—USCBP

Proposed Rule Stage

CFR Citation: 8 CFR 274 ; 19 CFR 162**Legal Deadline:** None

Abstract: Amendment of the former Immigration and Naturalization Service Regulations to bring them into confluence with the Customs and Border Protection (CBP) preforfeiture petition process as provided in the CBP Regulations. The Homeland Security Act of 2002 gives CBP the authority to coordinate and unify the administrative petition process CBP uses for seizures and forfeitures based on violations of immigration laws with that process used by CBP for violations of customs laws. Amendment is also made to the CBP Regulations to state that seizures effected by Immigration and Customs Enforcement under the customs and navigation laws will continue to be processed under the CBP Regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Jeremy Baskin, Attorney-Advisor, Penalties Branch, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 572-8753

RIN: 1651-AA58

1181. USE OF SAMPLING METHODS IN CBP AUDITS AND OFFSETTING OF OVERPAYMENTS AND OVER-DECLARATIONS IN 19 U.S.C. 1592 PENALTY CASES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1484; 19 USC 1508 to 1510; 19 USC 1624

CFR Citation: 19 CFR 163

Legal Deadline: None

Abstract: Amendment to provide for the use of sampling methods by CBP auditors and for offsetting of overpayments and over-declarations when an audit involves a calculation of lost revenue or monetary penalty under 19 U.S.C. 1592.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Mark Hanson, Auditor, Regulatory Audit Division, Department of Homeland Security, U.S. Customs and Border Protection, Office of International Trade, Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 22029
Phone: 202 863-6035

RIN: 1651-AA64

1182. CONSOLIDATION OF COLLECTIONS FOR REIMBURSABLE SERVICES

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

Legal Authority: 5 USC 301; 19 USC 58a to 58c; 19 USC 66; 19 USC 1202; 19 USC 1505; 19 USC 1520; 19 USC 261; 19 USC 267; 6 USC 1;

CFR Citation: 19 CFR 24

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	08/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Bruce Ingalls, Chief, Debt Management Branch, Department of Homeland Security, U.S. Customs and Border Protection, Financial Management Service Center, 6650 Telecom Drive, Indianapolis, IN 46278
Phone: 317 298-1307

RIN: 1651-AA65

1183. LAND BORDER CARRIER INITIATIVE PROGRAM

Priority: Substantive, Nonsignificant

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

CFR Citation: 19 CFR 123; 19 CFR 142

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	05/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 1651-AA68

1184. • DOCUMENTS REQUIRED FOR TRAVELERS ENTERING THE UNITED STATES AT SEA AND LAND PORTS-OF-ENTRY FROM WITHIN THE WESTERN HEMISPHERE

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: Undetermined

Legal Authority: PL 108-458; PL 109-295

CFR Citation: 8 CFR 212; 8 CFR 235

DHS—USCBP

Proposed Rule Stage

Legal Deadline: Final, Statutory, June 1, 2009.

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

Timetable:

Action	Date	FR Cite
NPRM	04/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Pat Sobol, Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations
Phone: 202 344-1381
Email: pat.sobol@dhs.gov

Related RIN: Related to 1651-AA66

RIN: 1651-AA69

1185. • ADVANCE TRADE DATA ELEMENTS

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: PL 109-347, Section 203; 5 USC 301; 19 USC 66, 1431, 1433, 1434, 1624, 2071 note; 46 USC 60105

CFR Citation: 19 CFR 4

Legal Deadline: None

Abstract: Amendment of the DHS regulations to provide that Customs and Border Protection (CBP) must receive, by way of a CBP-approved electronic data interchange system, additional information from carriers and importers pertaining to cargo before the cargo is

brought into the United States by vessel. The 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 pursuant to the laws enforced and administered by CBP. The amendment is specifically intended to implement the provisions of section 203 of the Security and Accountability for Every Port Act of 2006.

Timetable:

Action	Date	FR Cite
NPRM	06/00/07	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Richard DiNucci, Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations
Phone: 202 344-2513
Email: richard.dinucci@dhs.gov

RIN: 1651-AA70

Department of Homeland Security (DHS)

U.S. Customs and Border Protection (USCBP)

Final Rule Stage

1186. ELIMINATION OF IMMIGRATION AND NATURALIZATION SERVICE-ISSUED MEXICAN AND CANADIAN BORDER CROSSING CARDS

Priority: Other Significant

Legal Authority: 5 USC 552 to 552a; 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1201; 8 USC 1225 to 1228; 8 USC 1252; 8 USC 1304; 8 USC 1356

CFR Citation: 8 CFR 103; 8 CFR 212; 8 CFR 214; 8 CFR 235; 8 CFR 247; 8 CFR 264; 8 CFR 286; 8 CFR 299

Legal Deadline: Final, Statutory, October 1, 2002.

Abstract: This rule amends the DHS regulations to eliminate the use of Form I-175, Application for Nonresident Alien Canadian Border Crossing Card, and Form I-190, Application for Nonresident Alien Mexican Border Crossing Card. It also terminates the production of Form I-185, Nonresident Alien Canadian Border Crossing Card, and Form I-586, Nonresident Alien Mexican Border Crossing Card. In

addition, this rule prohibits the use of Form I-186 (previous version of Mexican Border Crossing Card), Form I-185 and Form I-586 Border Crossing Cards (BCCs) after September 30, 2002, for required use of a card containing a machine-readable biometric identifier for entry (such as the fingerprint or handprint of the alien). Under the provisions of this rulemaking, an alien 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	09/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1931-98

Transferred from RIN 1115-AF24

Agency Contact: Linda Loveless, Inspector, Immigration Policy and Programs, Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344-2493

RIN: 1651-AA08

1187. 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 to 1183; 8 USC 1201;

CFR Citation: 8 CFR 235

Legal Deadline: None

Abstract: This rule amends the DHS regulations to extend the distance

DHS—USCBP

Final Rule Stage

Mexican nationals with border crossing cards may travel into the United States without obtaining additional immigration documentation at selected ports-of-entry (POEs) along the United States and Mexico border. The selected POEs are located in the State of Arizona at Sasabe, Nogales, Mariposa, Douglas, and Naco. Once visitors to Arizona meet the inspection requirements of legal entry to the United States, they will be able to travel within the 75-mile border region of Arizona. This rule is intended to promote commerce in the southern Arizona border area while still ensuring that sufficient safeguards are in place to prevent illegal entry to the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/08/99	64 FR 68616
Interim Final Rule Comment Period End	02/07/00	
Final Action	09/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2026-99

Transferred from RIN 1115-AF60

Agency Contact: Diane Hinckley, Program Officer, Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344-1401

RIN: 1651-AA11

1188. 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 to 1459; 19 USC 1590; 19 USC 1594; 19 USC 1623 to 1624; 19 USC 1644; 19 USC 1644a

CFR Citation: 19 CFR 122

Legal Deadline: None

Abstract: Amendments to part 122 of the Customs and Border Protection regulations regarding the standards for employee access to customs security areas at airports that accommodate international air commerce.

Amendments involve the addition of a biennial access approval reapplication requirement; an expansion of the grounds for denial of an application for access; the addition of a requirement that each employee granted access must report certain changes in the employee's circumstances; the inclusion of several new employer responsibilities; an expansion of the grounds for revocation or suspension of access and for proposed revocation or suspension of access; and a limitation of the opportunity to have a hearing in a revocation or suspension action to only cases in which there is a genuine issue regarding a material fact. These changes are needed to enhance the security areas at all airports.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/29/02	67 FR 48977
Interim Final Rule Effective	07/29/02	
Interim Final Rule Comment Period End	09/27/02	
Final Action	08/00/07	

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, U.S. Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344-2594

RIN: 1651-AA38

1189. 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 1431; 19 USC 1433; 19 USC 1436; 19 USC 1448; 19 USC 1459; 19 USC 1590; 19 USC 1594; 19 USC 1623 to 1624; 19 USC 1644 to 1644a; 49 USC 44909(c)

CFR Citation: 19 CFR 122

Legal Deadline: None

Abstract: Amendment to part 122 of the Customs and Border Protection regulations implements a provision of

the Aviation and Transportation Security Act, which requires that air carriers make Passenger Name Record (PNR) information available to CBP upon request. The availability of PNR information is necessary for purposes of ensuring aviation safety and protecting national security.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/25/02	67 FR 42710
Interim Final Rule Effective	06/25/02	
Interim Final Rule Comment Period End	08/26/02	
Final Action	06/00/07	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AD06

Agency Contact: Lashonda Jones, Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344-1005

RIN: 1651-AA40

1190. LETTERS AND DOCUMENTS; ADVANCED ELECTRONIC PRESENTATION OF CARGO DATA

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

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

CFR Citation: 19 CFR 122

Legal Deadline: Final, Statutory, October 1, 2003, sec 343(a) of the Trade Act of 2002.

Abstract: Pursuant to section 343(a) of the Trade Act of 2002, as amended by the Maritime Transportation Security Act of 2002, CBP requires that it receive electronically information pertaining to cargo before the cargo is either brought into or sent from the United States by any mode of commercial transportation. This rule concerns letters and documents that are being transported by air transportation. The rule exempts from full manifesting requirements flat documents and letters not exceeding 16 ounces.

DHS—USCBP

Final Rule Stage

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/07	

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

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

Related RIN: Split from 1651-AA49**RIN:** 1651-AA55**1191. REMITTANCE OF IMMIGRATION USER FEE****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1103; 8 USC 1356**CFR Citation:** 8 CFR 286**Legal Deadline:** None

Abstract: Amendment to change address to which remittances of immigration user fees are sent.

Timetable:

Action	Date	FR Cite
Final Action	09/00/07	

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

Agency Contact: Robert Reiley, Financial Officer, Financial Management Division, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344-1504

RIN: 1651-AA57**1192. PASSENGER MANIFEST FOR COMMERCIAL AIRCRAFT ARRIVING IN AND DEPARTING FROM THE UNITED STATES; PASSENGERS AND CREW MANIFESTS FOR COMMERCIAL VESSELS DEPARTING FROM THE UNITED STATES****Priority:** Economically Significant. Major under 5 USC 801.**Unfunded Mandates:** This action may affect the private sector under PL 104-4.

Legal Authority: 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1431; 19 USC 1433 to 1434; 19 USC 1436; 19 USC 1448; 19 USC 1459; 19 USC 1590; 19 USC 1594; 19 USC 1623 to 1624; 19 USC 1644 to 1644a; 19 USC 2071 note; 46 USC app 3; 46 USC 91;

CFR Citation: 19 CFR 4; 19 CFR 122**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	07/14/06	71 FR 40035
NPRM Comment Period End	08/14/06	
NPRM Comment Period Extended	08/02/06	71 FR 43681
NPRM Comment Period End	10/12/06	
Final Action	04/00/07	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**URL For More Information:** www.regulations.gov**URL For Public Comments:** www.regulations.gov

Agency Contact: Charles Perez, Program Manager, Office of Field Operations, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229

Phone: 202 344-1983

Related RIN: Related to 1651-AA37**RIN:** 1651-AA62**1193. ABBREVIATION OR WAIVER OF TRAINING FOR STATE OR LOCAL LAW ENFORCEMENT OFFICERS AUTHORIZED TO ENFORCE IMMIGRATION LAW DURING A MASS INFLUX OF ALIENS****Priority:** Other Significant**Legal Authority:** PL 98-473; 8 USC 1101; PL 102-410**CFR Citation:** 28 CFR 65**Legal Deadline:** None

Abstract: This rule would amend DHS regulations to authorize the Secretary to waive normally required training requirements in the event that the number of State or local law enforcement officers available to respond in an expeditious manner to urgent and quickly developing events during a declared mass influx of aliens is insufficient to protect public safety, public health, and national security.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/03	68 FR 8820
Interim Final Rule Effective	02/26/03	
Interim Final Rule Comment Period End	04/28/03	
Final Action	09/00/07	

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

Agency Contact: Kevin McAleenan, Director, Office of Anti-Terrorism, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Washington, DC 20229
Phone: 202 344-1307

RIN: 1651-AA67

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

Long-Term Actions

1194. VISA WAIVER PROGRAM

Priority: Other Significant

Legal Authority: 8 CFR 2; 8 USC 1187; 8 USC 1103; 8 USC 1356

CFR Citation: 8 CFR 217

Legal Deadline: None

Abstract: On October 30, 2000, Public Law 106-396, made the Visa Waiver Pilot Program (VWPP) a permanent program. The Visa Waiver Program (VWP), allows nationals of designated countries to apply for admission to the United States at land border ports, air and sea ports, and to enter the United States for business or pleasure for up to 90 days without first obtaining a nonimmigrant visa.

INS Rule No. 1799 finalizes all those VWP countries that were added through the publication of interim regulations. This rule will also incorporate those statutory changes made to section 217 of the Immigration and Nationality Act by the Illegal Immigration Reform and Responsibility Immigration Act.

Timetable:

Action	Date	FR Cite
NPRM-INS No. 1406-91 Comment Period End 5/22/91	05/07/91	56 FR 21101
Final Rule-INS No. 1406-91 Eff. 7/18/91*	07/18/91	56 FR 32952
Interim Final Rule-INS No. 1447 Eff. 10/1/91; Comment Period End 10/15/91	09/13/91	56 FR 46716
Interim Final Rule-1622-93; Eff. 7/29/93; Comment Period 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

Action	Date	FR Cite
Interim Final Rule-INS 2002-99 With Comments (Portugal, Singapore, and Uruguay)	08/03/99	64 FR 42006
Interim Final Rule-INS 2188-02 (Removing Argentina)	02/21/02	67 FR 7943
Interim Final Rule Next Action Undetermined	03/07/03	68 FR 10954

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: Transferred from RIN 1115-AB93

Agency Contact: Linda Loveless, Inspector, Immigration Policy and Programs, Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
 Phone: 202 344-2493

Related RIN: Merged with 1115-AG25

RIN: 1651-AA00

1195. INSPECTION AND EXPEDITED REMOVAL OF ALIENS; DETENTION AND REMOVAL OF ALIENS; CONDUCT OF REMOVAL PROCEEDINGS

Priority: Other Significant

Legal Authority: 5 USC 301; 5 USC 552 to 552a; 8 USC 1101 to 1103; 8 USC 1154; 8 USC 1181 to 1186a; 8 USC 1187

CFR Citation: 8 CFR 1; 8 CFR 3; 8 CFR 103; 8 CFR 204; 8 CFR 207; 8 CFR 209; 8 CFR 211 to 214; 8 CFR 216 to 217; 8 CFR 221 to 223

Legal Deadline: Other, Statutory, March 1, 1997, The statute requires the Attorney General to promulgate implementing regulations by March 1, 1997.

This rule was automatically transferred from the former INS to CBP after the creation of DHS. The general authority to promulgate immigration regulations, with certain exceptions, now lies in the Secretary of Homeland Security as per the transfer of authority from the Attorney General in the Homeland Security Act.

Abstract: Many of the provisions of the Illegal Immigration Reform and

Immigrant Responsibility Act of 1996 (IIRIRA) became effective April 1, 1997. Some provisions of the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) that were not superseded by IIRIRA became effective November 1, 1996. On March 6, 1997, INS and The Executive Office of Immigration Review (EOIR) published an interim final rule revising the asylum process; providing a mechanism for the determination and review of certain applicants who demonstrate a credible fear of persecution if returned to their own country; defining the inspection and admission process including new expedited removal procedures for aliens attempting to enter the United States through fraud or misrepresentation by apprehension, detention, and removal of aliens; addressing conduct of removal proceedings; and revising many other sections of the regulations to conform with the new laws. On December 6, 2000, INS and EOIR published the rule "Asylum Procedures" (INS No. 1865-97; RIN 1115-AE93), which finalized the asylum portions of this interim rule. DHS intends to publish a final rule to finalize the portions of this rulemaking relating to inspection and expedited removal of aliens, detention and deportation and removal of aliens, and the conduct of removal proceedings.

Timetable:

Action	Date	FR Cite
Final Action-INS No. 1669-94	03/22/96	61 FR 11717
NPRM-INS No. 1788-96 Comment Period End 2/3/97	01/03/97	62 FR 444
Interim Final Rule-INS No. 1788-96 Comment Period End 7/15/97	03/06/97	62 FR 10312
Interim Final Rule Correction (Effective 04/01/97)	04/01/97	62 FR 15362
Interim Final Rule-INS No. 1788-96 Correction	04/09/97	62 FR 17048
Final Rule-INS No. 1920-98	07/22/98	63 FR 39217
Final Action-INS No. 1788-96	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1115-AE47

DHS—USCBP

Long-Term Actions

Agency Contact: Linda Loveless, Inspector, Department of Homeland Security, U.S. Customs and Border Protection, Immigration Policy and Programs, 1300 Pennsylvania Avenue NW., Washington, DC 20528
Phone: 202 344-2493
Email: linda.loveless@dhs.gov
RIN: 1651-AA04

1196. ESTABLISHMENT OF PREINSPECTED AUTOMATED LANE (PAL) PROGRAM

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1225 to 1226; 8 USC 1251 to 1252; 8 USC 1357; 8 CFR 2

CFR Citation: 8 CFR 287; 8 CFR 299

Legal Deadline: None

Abstract: This rule amends the DHS regulations by establishing a Preinspected Automated Lane (PAL) Program for the use of eligible persons and vehicles at immigration checkpoints within the United States. This rule will facilitate the passage of people and vehicles through DHS checkpoints while safeguarding the integrity of law enforcement objectives at the checkpoints.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/18/97	62 FR 19024
Interim Final Rule	06/17/97	
Comment Period		
End		
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1115-AE80

Agency Contact: John P. Wagner, Assistant Chief, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344-2118

RIN: 1651-AA06

1197. AMENDMENT OF THE REGULATORY DEFINITION OF ARRIVING ALIEN

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 CFR 2

CFR Citation: 8 CFR 1

Legal Deadline: None

Abstract: This rule amends the DHS regulations by changing the regulatory definition of an arriving alien. Under section 235(b)(1)(A)(i) of the Immigration and Nationality Act, which was effective on April 1, 1997, certain arriving aliens are subject to expedited removal procedures. The existing regulatory definition of arriving aliens includes parolees. As a matter of policy, the Department has decided that it is appropriate to exempt from the new expedited removal procedures aliens who were paroled into the United States before April 1997. This rule clarifies that these aliens, as well as certain other aliens who were paroled into the United States pursuant to advance parole, will not be subjected to expedited removal upon termination at parole. The rule also makes several changes in the ordering of 1.1(q) to use language that is clearer and more consistent with the wording of the statute.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/20/98	63 FR 19382
Interim Final Rule	06/19/98	
Comment Period		
End		
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1115-AE87

Agency Contact: Linda Loveless, Inspector, Immigration Policy and Programs, Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344-2493

RIN: 1651-AA07

1198. REMOVAL OF VISA AND PASSPORT WAIVER FOR CERTAIN PERMANENT RESIDENTS OF CANADA AND BERMUDA

Priority: Other Significant

Legal Authority: 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225 to 1227;

CFR Citation: 8 CFR 2; 8 CFR 212; 8 CFR 231; 8 CFR 235; 8 CFR 286

Legal Deadline: None

Abstract: Currently, certain permanent residents of Canada and Bermuda are permitted to enter the United States without a passport or visa. Many of these former British Commonwealth countries have high rates of fraud and abuse, and the documents presented by these permanent residents, for entry to the United States, do not meet current document security standards. This rule amends the USCIS regulations by providing that a passport and visa will be required for permanent residents of Canada and Bermuda having a common nationality with Canadian Nationals or with British subjects in Bermuda. These permanent residents of Canada and Bermuda will be required to present a passport and visa to enter the United States. This rule also amends several other sections of the regulations that provide exceptions for these individuals based on the prior passport and visa exemption. DHS is taking this action in conjunction with the Department of State. This rule is intended to increase security and safeguard the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/03	68 FR 5189
Interim Final Rule	03/17/03	
Effective		
Interim Final Rule	04/01/03	
Comment Period		
End		
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1115-AG68

Agency Contact: Linda Loveless, Inspector, Immigration Policy and Programs, Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344-2493

RIN: 1651-AA23

DHS—USCBP

Long-Term Actions

1199. 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 to 1102; 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: This rule amends the Department of Homeland Security's regulations to allow nonimmigrant visitors for business or pleasure who are nationals of the British Virgin Islands to apply for admission to the United States without a visa at the ports-of-entry of St. Thomas, U.S. Virgin Islands. Since visas are no longer issued from the British Virgin Islands by the Department of State, all persons needing a nonimmigrant visa have to either travel or mail their applications to Barbados, the nearest visa-issuing location. The Department's action will facilitate travel to the United States for nationals of the British Virgin Islands while still ensuring that the proper application provisions of the INA are met.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/18/99	64 FR 7989
Interim Final Rule Comment Period End	04/18/99	

Next Action Undetermined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State**Additional Information:** Transferred from RIN 1115-AF28

Agency Contact: Linda Loveless, Inspector, Immigration Policy and Programs, Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344-2493

RIN: 1651-AA29**1200. PROCEDURES GOVERNING THE BORDER RELEASE ADVANCED SCREENING AND SELECTIVITY (BRASS) PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 19 USC 66; 19 USC 1448; 19 USC 1484; 19 USC 1624**CFR Citation:** 19 CFR 24; 19 CFR 123; 19 CFR 132; 19 CFR 142**Legal Deadline:** None

Abstract: Amendment to part 142 of the Customs and Border Protection Regulations to provide for the Border Release Advanced Screening and Selectivity (BRASS) Program, an improved automated and electronic system that will replace the Line Release method of processing certain repetitive and high volume shipments of merchandise into the United States.

Timetable:

Action	Date	FR Cite
NPRM	02/01/02	67 FR 4930
NPRM Comment Period End	04/02/02	

Next Action Undetermined

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1515-AC92

Agency Contact: Enrique S. Tamayo, Operations Officer, Trade Programs, Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344-3112

RIN: 1651-AA35**1201. AIR TRANSIT PROGRAM****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1223; 8 USC 1225 to 1227;**CFR Citation:** 8 CFR 212; 8 CFR 214; 8 CFR 231; 8 CFR 233**Legal Deadline:** None

Abstract: The Immediate and Continuous Transit program, also known as the Transit Without Visa (TWOV) program and the International-to-International (ITI) program allowed an alien to be transported in-transit through the United States to another foreign country without first obtaining

a nonimmigrant visa from the Department of State overseas, provided the carrier had entered into an Immediate and Continuous Transit Agreement on Form I-426, pursuant to section 233(c) of the Immigration and Nationality Act. Both the TWOV and ITI programs were suspended due to security concerns in an interim rule published in August 2003. The Department of Homeland Security in this rule would be terminating these programs and establishing a new program allowing in-transit travelers that will incorporate necessary security measures.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	08/02/03	
Interim Final Rule	08/07/03	68 FR 46926
Interim Final Rule Comment Period End	09/22/03	

Next Action Undetermined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1515-AD36

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RIN: 1651-AA50**1202. EXTENSION OF TIME LIMIT ON ADMISSION OF CERTAIN MEXICAN NATIONALS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1183; 8 USC 1185;**CFR Citation:** 8 CFR 235**Legal Deadline:** None

Abstract: The rule extends the period of time certain Mexican nationals may remain in the United States without obtaining additional immigration documentation. The rule extends the time limit to which border crossing card holders may remain in the United States for up to 30 days without being issued a Form I-94. The rule is intended to promote commerce along

DHS—USCBP

Long-Term Actions

the border while ensuring that sufficient safeguards are in place to prevent illegal entry into the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/13/04	69 FR 50051

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1651-AA60

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

Completed Actions

1203. CONTAINER SEALS

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: Undetermined

Legal Authority: 19 USC 66; 19 USC 1624; 46 USC 70116; 46 USC 70119; 46 USC 70177

CFR Citation: 19 CFR 4; 19 CFR 113

Legal Deadline: None

Abstract: Amendment to require that loaded containers be appropriately

secured by use of an International Organization for Standardization (ISO)-compliant seal prior to being transported by vessel to the United States.

Timetable:

Action	Date	FR Cite
Withdrawn	02/16/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1651-AA61

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

Proposed Rule Stage

1204. SECURE FLIGHT PROGRAM

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

Unfunded Mandates: Undetermined

Legal Authority: 49 USC 114; 49 USC 40113; 49 USC 44901 to 44903

CFR Citation: 49 CFR 1560

Legal Deadline: Final, Statutory, September 2005, sec. 4012 of the Intelligence Reform and Terrorism Prevention Act of 2004 requires TSA to begin implementation of the advanced passenger prescreening system w/n 180 days of the completion of testing.

Sec. 4012 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) (Pub. L. 108-458; 12/17/2004) requires that not later than January 1, 2005, TSA commence testing of an advanced passenger prescreening system; and that not later than 180 days after completion of testing, TSA begin to assume the performance of the passenger prescreening function.

Abstract: The Transportation Security Administration (TSA) is issuing a rule to implement the requirement in

section 4012 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) (Pub. L. 108-458; 12/17/2004) that TSA assume from aircraft operators the performance of the passenger screening function of comparing passenger information to appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government.

Timetable:

Action	Date	FR Cite
Notice-Information Collection; Emergency Processing	09/24/04	69 FR 57342
Notice-Final Order for Secure Flight Test Phase; Response to Public Comments	11/15/04	69 FR 65619
NPRM	05/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

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Related RIN: Related to 1652-AA48

RIN: 1652-AA45

DHS—TSA

Proposed Rule Stage

1205. PRIVACY ACT OF 1974; SYSTEM OF RECORDS; IMPLEMENTATION OF EXEMPTIONS; SECURE FLIGHT RECORDS

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

Legal Authority: 49 USC 114(l)(1); 49 USC 552a(k)

CFR Citation: 49 CFR 1507

Legal Deadline: None

Abstract: The Transportation Security Administration (TSA) is issuing a rulemaking to exempt portions of its system of records (SOR) for the Secure Flight Program from several provisions of the Privacy Act of 1974. TSA will also publish a notice establishing the new system of records for the Secure Flight records.

TSA is developing the Secure Flight Program to implement section 4012 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) (Pub. L. 108-458; 12/17/2004), which requires

TSA to assume from aircraft operators the function of comparing passenger information to appropriate records in the consolidated and integrated terrorist watch list maintained by the Federal Government.

Timetable:

Action	Date	FR Cite
Notice—Establish Privacy Act System of Records (SOR); Secure Flight Records	05/00/07	
NPRM—Privacy Act SOR; Implementation of Exemptions: Secure Flight Records	05/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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Related RIN: Related to 1652-AA45

RIN: 1652-AA48

Department of Homeland Security (DHS)

Final Rule Stage

Transportation Security Administration (TSA)

1206. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL (TWIC) IMPLEMENTATION IN THE MARITIME SECTOR; HAZARDOUS MATERIALS ENDORSEMENT FOR A COMMERCIAL DRIVER'S LICENSE

Priority: Economically Significant. Major under 5 USC 801.

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

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

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

Legal Deadline: None

Abstract: The Transportation Security Administration (TSA), in a joint rulemaking with the U.S. Coast Guard, will take final action on the May 22, 2006, Notice of Proposed Rulemaking (NPRM), which proposed standards for conducting security threat assessments and issuing biometric credentials to transportation workers who require unescorted access to secure areas of vessels and facilities. In addition, TSA

will finalize standards for determining the comparability of threat assessments conducted in other TSA programs and by other agencies. Comments received on the NPRM will be responded to in the final rule.

The Aviation and Transportation Security Act (ATSA) (Pub. L. 107-071; 11/19/2001; 115 Stat. 609) directs the TSA to improve access control in secure areas. The Maritime Transportation Security Act of 2002 (MTSA) (Pub. L. 107-295; 11/25/2002; 116 Stat. 2073) requires that workers with unescorted access to secured areas of vessels and facilities must be subject to a security threat assessment and hold a biometric credential needed to access secured areas.

Timetable:

Action	Date	FR Cite
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

Action	Date	FR Cite
Notice—Information Collection; Prototype 30 Day New Collection	07/27/04	69 FR 44675
Notice—Information Collection; National Survey 30 Day New Collection	07/27/04	69 FR 44675
NPRM	05/22/06	71 FR 29396
NPRM; Comment Period End	07/06/06	
Notice—Public Meetings	05/26/06	71 FR 30352
Notice—Response to Letters from Congress	08/21/06	71 FR 48527
Final Rule; Request for Comments	01/25/07	72 FR 3492
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
Final Rule; OFR Editorial Correction to TSA Correction 2	03/30/07	72 FR 15195

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Final Rule Stage

Action	Date	FR Cite
Final Rule; TWIC Replacement Card Fees	05/00/07	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal, Local, State

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

Additional Information: Joint rulemaking with Department of Homeland Security, United States Coast Guard (Docket No. Coast Guard-2006-24196)

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Related RIN: Merged with 1652-AA27, Related to 1652-AA47, Related to 1625-AB02

RIN: 1652-AA41

1207. RAIL TRANSPORTATION SECURITY

Priority: Other Significant

Legal Authority: 46 USC 70102 to 70106; 46 USC 70117; 49 USC 114; 49 USC 40113; 49 USC 44901 to 44907; 49 USC 44913 to 44914 ; 49 USC 44916 to 44918; 49 USC 44935 to 44936; 49 USC 44942; 49 USC 46105

CFR Citation: 49 CFR 1520; 49 CFR 1580

Legal Deadline: None

Abstract: The Transportation Security Administration (TSA) will be issuing requirements in this rulemaking action to enhance the security of our Nation's

rail transportation system. Regulated entities would include freight railroad carriers; intercity, commuter, and short-haul passenger train service providers; rail transit systems; and rail operations at certain, fixed-site facilities that ship or receive specified categories and quantities of hazardous materials by rail.

This rulemaking will codify the scope of TSA's existing inspection program and require regulated parties to allow TSA and Department of Homeland Security (DHS) officials to enter, inspect, and test property, facilities, and records relevant to rail security. This action will also require that regulated parties designate rail security coordinators and report significant security concerns to DHS.

TSA further will require that freight rail carriers and certain facilities handling hazardous materials be equipped to report location and shipping information to TSA upon request and to implement chain of custody requirements to ensure a positive and secure exchange of specified hazardous materials. In this action, TSA will also clarify and extend the sensitive security information (SSI) protections to cover certain information associated with rail transportation.

This action will allow TSA to enhance rail security by coordinating its activities with other Federal agencies, which would also avoid duplicative inspections and minimize the compliance burden on the regulated parties. This rule is intended to augment existing rail transportation laws and regulations that the Department of Transportation (DOT) administers.

Timetable:

Action	Date	FR Cite
Notice of Proposed Rulemaking (NPRM)	12/21/06	71 FR 76852
Notice—Public Meeting; Request for Comments	01/19/07	72 FR 2488
NPRM; Comment Period End	02/20/07	
NPRM; Initial Regulatory Flexibility Analysis (IRFA)	02/15/07	72 FR 7376
NPRM; IRFA; Comment Period End	02/20/07	
Final Rule	09/00/07	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Local, State

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

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RIN: 1652-AA51

1208. AIR CARGO SECURITY REQUIREMENTS; COMPLIANCE DATES; AMENDMENT

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 114; 49 USC 5103; 49 USC 40113; 49 USC 44901 to 44905; 49 USC 44913 to 44914; 49 USC 44916 to 44917; 49 USC 44932; 49 USC 44935 to 44936; 49 USC 46105

CFR Citation: 49 CFR 1544.228; 49 CFR 1546.213; 49 CFR 1548.11; 49 CFR 1548.15 to 1548.16

Legal Deadline: None

Abstract: The Transportation Security Administration (TSA) is further extending the compliance dates for Air Cargo Security requirements. Since extension of the security threat assessment (STA) deadlines in October 2006, TSA has encountered technical problems that will delay TSA's ability to process the large number of STA applications for air cargo employees, agents and indirect air carrier (IAC) proprietors, general partners, officers, directors, and certain owners of the entity (IAC proprietors). While TSA is working diligently on these problems, we are unable to determine at this time when these technical problems will be

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resolved. Accordingly, TSA is extending the compliance deadlines for STAs for employees of aircraft operators, foreign air carriers, and IACs under sections 1544.228, 1546.213, 1548.15, and for IAC proprietors, general partners, officers, directors, and certain owners of the entity under 1548.16 from March 15, 2007, to a requirement that the operators submit names and other identifying information to TSA by May 15, 2007. Also, the STAs for agents under sections 1544.228, 1546.213, and 1548.15 is extended from June 15, 2007, to a requirement that the operators submit names and other identifying information to TSA by July 15, 2007. The date that all covered individuals must have successfully completed the STAs is extended to a date that TSA will specify in a future rule in the Federal Register.

In the Interim Final Rule (IFR), request for comments (published October 25, 2006), TSA amended the Air Cargo Security Requirements final rule published May 26, 2006 (71 FR 30478), corrected June 2, 2006 (71 FR 31964) and June 8, 2006 (71 FR 33254), and effective October 23, 2006, by extending the compliance dates. TSA concluded that the regulated community would be unable to meet some deadlines in the Air Cargo final rule because of the large number of employees and agents subject to the

requirements. This action extended the compliance dates for STAs for employees of aircraft operators, foreign air carriers, and IACs under sections 1544.228, 1546.213, 1548.15, and IAC proprietors, general partners, officers, directors and certain owners of the entity under section 1548.16 to March 15, 2007. TSA also extended the compliance date for STAs for agents of these entities to June 15, 2007.

Timetable:

Action	Date	FR Cite
Interim Final Rule; Request for Comments; Compliance Dates; Amdt 1	10/25/06	71 FR 62546
Interim Final Rule Effective	10/23/06	
Interim Final Rule; Comment Period End	12/26/06	
Interim Final Rule; Request for Comments; Compliance Dates; Amdt 2	03/20/07	72 FR 13023
Interim Final Rule; Request for Comments; Amdt 2 Effective	03/20/07	
Interim Final Rule; Request for Comments Amdt 2 Comment Period End	05/21/07	

Action	Date	FR Cite
Interim Final Rule; Request for Comments; Compliance Dates; Amdt 3	To Be Determined	

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

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Related RIN: Related to 1652-AA23**RIN:** 1652-AA52

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

Long-Term Actions

1209. IMPOSITION AND COLLECTION OF PASSENGER CIVIL AVIATION SECURITY SERVICE FEES

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

Legal Authority: 49 USC 44940

CFR Citation: 49 CFR 1510

Legal Deadline: Final, Statutory, January 19, 2002, sec. 118 directs TSA to impose uniform security service fees on certain aviation passengers within 60 days of enactment of ATSA, or as soon as possible thereafter. Sec. 118 of the Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; 11/19/2001), codified at 49 USC 44940, requires that within 60 days of ATSA's enactment, or as soon as possible thereafter, TSA impose uniform security service fees on

passengers of domestic and foreign air carriers in air transportation; publish notice of these fees in the **Federal Register**; and exempt the agency (TSA) from procedural rulemaking requirements of 5 USC 553 and the user fees requirements from 31 USC.

Abstract: The Transportation Security Administration (TSA) will take final action on the December 31, 2001, interim final rule (IFR) by completing an economic analysis and responding to comments received.

That IFR established passenger civil aviation security service fees, known as the "September 11th Security Fee" in the amount of \$2.50 per enplanement on passengers of domestic and foreign carriers in air transportation, foreign air transportation, and intrastate air transportation originating in the United

States, up to \$5.00 per one-way trip and \$10.00 per round trip. The fees are required under 49 U.S.C. 44940 to pay TSA for the costs of providing Federal civil aviation security services.

Timetable:

Action	Date	FR Cite
Interim Final Rule; Request for Comments	12/31/01	66 FR 67698
Interim Final Rule Effective	12/31/01	
Notice-Information Collection; Emergency Processing	01/31/02	67 FR 4866
Notice-Information Collection; Approval	02/19/02	67 FR 7582
Interim Final Rule Comment Period End	03/01/02	

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Action	Date	FR Cite
Interim Final Rule Comment Period Reopened	03/28/02	67 FR 14879
Interim Final Rule Reopened Comment Period End	04/30/02	
Notice—Information Collection; 30 Day Renewal	07/10/02	67 FR 45784
Notice—Information Collection; 60 Day Renewal	05/06/05	70 FR 24108
Notice—Information Collection; 30 Day Renewal	07/27/05	70 FR 43441
Next Action Undetermined		

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2110-AA01

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Related RIN: Related to 1652-AA01, Related to 1652-AA43**RIN:** 1652-AA00**1210. AVIATION SECURITY INFRASTRUCTURE FEES (ASIF)****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 49 USC 114; 49 USC 40113; 49 USC 44901; 49 USC 44940**CFR Citation:** 49 CFR 1511**Legal Deadline:** None**Abstract:** The Transportation Security Administration (TSA) will take final action on the February 20, 2002, interim final rule (IFR) by completing an economic analysis and responding to comments received.

The IFR established the Aviation Security Infrastructure Fee (ASIF) imposed on air carriers and foreign air carriers in air transportation, foreign air transportation, and intrastate air transportation to help defray TSA's costs of providing U.S. civil aviation security services.

The Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; 11/19/2001), codified at 49 U.S.C. 44940, requires TSA to impose a uniform fee, the "September 11th Security Fee," on certain aviation passengers at no more than \$2.50 per enplanement originating in the United States, up to \$5.00 per one-way trip and \$10.00 per round trip.

To the extent that TSA estimates that the September 11th Security Fee will not cover TSA's estimated annual costs for providing specified security services, ATSA authorizes TSA to impose a second fee, the ASIF, on carriers based on the costs they incurred for screening passengers and property in calendar year 2000. Beginning in fiscal year 2005, TSA may change the way the ASIF is apportioned among air carriers according to a carrier's market share or other appropriate measure, in lieu of the carrier's actual screening costs in calendar year 2000. See 49 U.S.C. 44940(2)(B)(iii). Reapportionment of the ASIF will not be the subject of this rulemaking and may be the subject of a separate rulemaking.

Timetable:

Action	Date	FR Cite
Interim Final Rule; Request for Comments	02/20/02	67 FR 7926
Interim Final Rule Effective	02/18/02	
Interim Final Rule; Correction	02/25/02	67 FR 8579

Action	Date	FR Cite
Notice—Information Collection; Approval	02/28/02	67 FR 9355
Interim Final Rule; Comment Period End	03/18/02	
Interim Final Rule; Comment Period Extended	03/20/02	67 FR 12954
Interim Final Rule; Extension of Comment Period End	04/02/02	
Notice—Guidance Appendix A	05/01/02	67 FR 21582
Notice—Information Collection; 60 Day New Collection	01/27/04	69 FR 3938
Notice—Information Collection; 30 Day New Collection	05/18/04	69 FR 28141
Next Action Undetermined		

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2110-AA02

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

DHS—TSA

Long-Term Actions

1211. CIVIL AVIATION SECURITY RULES

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

Legal Authority: 49 USC 40101 et seq (PL 107-71)

CFR Citation: 14 CFR 91; 14 CFR 107 to 109; 14 CFR 121; 14 CFR 129; 14 CFR 135; 14 CFR 139; 14 CFR 191; 49 CFR 1500 to 1550

Legal Deadline: Final, Statutory, February 19, 2002, ATSA requires TSA to transfer aviation security responsibilities from FAA to TSA within 3 months of enactment of ATSA.

The Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; 11/19/2001), mandated that not later than 3 months after the date of enactment of this Act, TSA assume civil aviation security functions and responsibilities under chapter 449 of 49 U.S.C., in accordance with a schedule to be developed by the Secretary of Transportation, in consultation with air carriers, foreign air carriers, and the Administrator of the Federal Aviation Administration.

Abstract: On December 28, 2001 (66 FR 67117), the U.S. Department of Transportation (DOT) pursuant to the Aviation and Transportation Security Act (Pub. L. 107-71; 11/19/2001), published a final rule amending 49 U.S.C. part 1, to reflect the new DOT operating administration (TSA) and its general responsibilities.

On February 22, 2002, the Transportation Security Administration (TSA) published a final rule, with a request for comments, transferring the Federal Aviation Administration's (FAA) rules (14 CFR) governing civil aviation security to TSA (49 CFR). That rulemaking also amended those rules to enhance security as required by ATSA, codified at 49 U.S.C. 44940. ATSA requires that by November 19, 2002, the responsibility for inspecting persons and property carried by aircraft operators and foreign air carriers be transferred to TSA and that TSA make a number of improvements to aviation security screening in the United States; including that screening of individuals and property be conducted by TSA employees and companies under contract with TSA; enhanced qualifications and training of screeners; and that Federal law enforcement

officers be present at screening locations.

It was intended to improve the quality of screening conducted by aircraft operators and foreign air carriers; to improve the qualifications of individuals performing screening, and thereby to improve the level of security in air transportation. The rule helped ensure a smooth transition of aviation security from the FAA to TSA, and avoided disruptions in air transportation due to any shortage of qualified screeners. TSA has conducted a number of other rulemakings that have addressed issues raised in many of the 2002 rule comments.

Timetable:

Action	Date	FR Cite
Final Rule	12/28/01	66 FR 67117
Final Rule Effective	12/28/01	
Final Rule; Request for Comments	02/22/02	67 FR 8340
Final Rule Effective	02/17/02	
Final Rule Comment Period End	03/25/02	

Next Action Undetermined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: Transferred from RIN 2110-AA03

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RIN: 1652-AA02

1212. SECURITY PROGRAMS FOR AIRCRAFT WEIGHING 12,500 POUNDS OR MORE

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

Legal Authority: 49 USC 114; 49 USC 5103; 49 USC 40119; 49 USC 44901 to 44907; 49 USC 44913; 49 USC 44914; 49 USC 44916 to 44918; 49 USC 44935; 49 USC 44936; 49 USC 44942; 49 USC 46105

CFR Citation: 49 CFR 1540; 49 CFR 1544

Legal Deadline: Final, Statutory, February 19, 2002, sec. 132(a) of ATSA requires TSA implement an aviation security program for certain air carriers within 90 days of enactment of ATSA. Sec. 132(a) of the Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; 11/19/2001), codified at 49 U.S.C. 44940, requires that within 90 days of ATSA's enactment, TSA implement an aviation security program for charter air carriers (as defined in sec. 40102(a)(13) of title 49, United States Code) with a maximum certificated takeoff weight of 12,500 pounds or more.

Abstract: On February 22, 2002, the Transportation Security Administration (TSA) published the final rule, known as the "Twelve-Five Rule," which requires operators of aircraft with a maximum certificated takeoff weight of 12,500 pounds or more to implement a TSA-approved security program, known as the "Twelve-Five Security Program." The rule also requires that certain aircraft operators conduct criminal history records checks on their flight crew members, and restrict access to the flight deck. These measures were necessary to comply with congressional mandates and to enhance security in air transportation.

Security programs constitute sensitive security information (SSI), which are disclosed only to persons with a need to know, in accordance with 49 CFR part 1520. Therefore, the proposed Twelve-Five Security Program was distributed for comment only to the operators subject to the rule and

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comments received which contained SSI were responded to, but not made public. TSA received comments on the proposed security program and amended the program, where appropriate, to accommodate the comments received. TSA provided the final security program to affected entities, and completed a training program for the operators to use to ensure that they operate in accordance with the final security program. In addition, TSA developed a fingerprint collection process that enables all affected operators to complete the fingerprint-based criminal history records checks of their flight crew members, as required by the Twelve-Five Rule. Affected operators were required to be in compliance with the rule by April 1, 2003.

Timetable:

Action	Date	FR Cite
Final Rule; Request for Comments	02/22/02	67 FR 8205
Final Rule Comment Period End	04/23/02	
Final Rule Effective	06/24/02	
Notice—Extend Compliance Date to 12/01/2002	08/28/02	67 FR 55308
Notice—Extend Compliance Date; Comment Period End	09/30/02	
Notice—Extend Compliance Date to 02/01/2003	11/08/02	67 FR 68227
Notice—Extend Compliance Date to 04/01/2003	02/05/03	68 FR 5974
Notice—Information Collection; 60 Day Renewal	11/26/03	68 FR 66473
Notice—Information Collection; 30 Day Renewal	02/11/04	69 FR 6683

Next Action Undetermined

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2110-AA04

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Related RIN: Related to 1652-AA04

RIN: 1652-AA03

1213. PRIVATE CHARTER SECURITY RULES

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

Legal Authority: 49 USC 114; 49 USC 5102; 49 USC 40119; 49 USC 44901 to 44907; 49 USC 44913; 49 USC 44914; 49 USC 44916 to 44918; 49 USC 44935; 49 USC 44936; 49 USC 44942; 49 USC 46105

CFR Citation: 49 CFR 1540; 49 CFR 1544

Legal Deadline: Final, Statutory, February 19, 2002, sec. 132(a) of ATSA requires TSA to implement an aviation security program for certain air carriers within 90 days after enactment of ATSA.

Section 132(a) of the Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; 11/19/2001), codified at 49 U.S.C. 44940, requires that within 90 days of ATSA's enactment, TSA implement an aviation security program for charter air carriers (as defined in sec. 40102(a)(13) of title 49, United States Code) with a maximum certificated takeoff weight of 12,500 pounds or more.

Abstract: The Transportation Security Administration (TSA) published the

final rule, known as the "Private Charter Rule," on December 31, 2002, which amends the requirements applying to private charter passenger aircraft by increasing the level of security required in private charter operations. TSA adopted an international security standard, in which private charter operations in aircraft with a maximum certificated takeoff weight (MTOW) greater than 45,500 kg (100,309.3 pounds), or with a passenger seating configuration of 61 or more, are required to ensure that passengers and their accessible property are screened prior to boarding.

In response to section 132(a) of the Aviation and Transportation Security Act (ATSA) requirement that TSA implement an aviation security program for charter air carriers, TSA published a final rule on February 22, 2002, known as the "Twelve-Five Rule." The rule required operators of aircraft with a maximum certificated takeoff weight of 12,500 pounds or more to implement a TSA-approved security program, known as the "Twelve-Five Security Program."

In June 2002, TSA issued another final rule request for comments, which required private charter operators using aircraft with a maximum certificated takeoff weight of 95,000 pounds or more, to ensure that passengers and their carry-on baggage are screened prior to boarding. However, in response to the comments received from this rule and after further analysis, TSA determined that this threshold did not adequately capture the appropriate group of aircraft, so TSA published a further amendment in December 2002, adopting the international security standard above for private charter operations. As a result of this current amendment, additional aircraft are now covered by the rule that were not previously subject to it. TSA established a new compliance date for operators of these aircraft, in order to provide them sufficient time to develop procedures required by this rule and the security program. Also, in response to comments received, TSA is permitting the use of non-TSA screeners in certain circumstances.

Security programs constitute sensitive security information (SSI), which can be disclosed only to persons with a need to know, in accordance with 49 CFR part 1520. Therefore, the proposed private charter security program was

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distributed for comment only to the operators subject to the rule. TSA received comments on the proposed security program and amended the program, where appropriate, to accommodate the comments received. TSA provided the final security program to affected entities, and completed a training program for the operators to use to ensure that they operate in accordance with the security program. Affected operators were required to be in compliance with the rule by April 1, 2003.

Timetable:

Action	Date	FR Cite
Final Rule; Request for Comments	02/22/02	67 FR 8205
Final Rule Comment Period End	04/23/02	
Final Rule Effective	06/24/02	
Final Rule; Request for Comments	06/19/02	67 FR 41635
Final Rule Comment Period End	07/19/02	
Final Rule Effective	08/19/02	
Notice—Extend Compliance Date to 12/01/2002	08/28/02	67 FR 55309
Notice—Extend Compliance Date; Comment Period End	09/30/02	
Final Rule	12/31/02	67 FR 79881
Final Rule Effective	02/01/03	
Notice—Extend Compliance Date to 04/01/2003	02/05/03	68 FR 5975
Notice—Information Collection; 60 Day Renewal	11/26/03	68 FR 66473
Notice—Information Collection; 30 Day Renewal	02/11/04	69 FR 6683

Next Action Undetermined

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2110-AA05

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Related RIN: Related to 1652-AA03

RIN: 1652-AA04

1214. PROTECTION OF SENSITIVE SECURITY INFORMATION (SSI)

Priority: Other Significant

Legal Authority: 49 USC 114; 49 USC 5103; 49 USC 40119; 49 USC 44901 to 44907; 49 USC 44913; 49 USC 44914; 49 USC 44916 to 44918; 49 USC 44935; 49 USC 44936; 49 USC 44942; 49 USC 46105

CFR Citation: 49 CFR 15; 49 CFR 1520

Legal Deadline: None

Abstract: The Transportation Security Administration (TSA) will take final action on the May 18, 2004, interim final rule (IFR) by responding to comments received.

In the IFR, published jointly with the Office of the Secretary of Transportation (OST) in May 2004, TSA revised its sensitive security information (SSI) regulations to expand the 2002 regulatory framework

governing information generally related to aviation security to cover information related to security in maritime transportation, consistent with the security framework required by the U.S. Coast Guard's regulations implementing the Maritime Transportation Security Act (MTSA). This expansion was the main theme of the IFR. However, the IFR also continued TSA's 2002 regulations coverage for vulnerability assessments and, with some changes, certain other SSI for all modes.

TSA and OST issued a technical amendment to the IFR in January 2005 to address provisions of the regulations that inadvertently restricted sharing of SSI. Specifically, the amendment removed the limiting words "aviation or maritime" from 49 CFR 15.11 and 49 CFR 1520.11 in order to clearly permit the sharing of vulnerability assessments and other documents properly designated as SSI with covered persons who meet the need to know requirements regardless of mode of transportation.

Timetable:

Action	Date	FR Cite
Interim Final Rule; Request for Comments	05/18/04	69 FR 28066
Interim Final Rule Effective	06/17/04	
Interim Final Rule; Comment Period End	07/19/04	
Interim Final Rule; Technical Amendment	01/07/05	70 FR 1379
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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

Transferred from RIN 2110-AA10

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

RIN: 1652-AA08

1215. CRIMINAL HISTORY RECORDS CHECKS (CHRC)

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

Unfunded Mandates: Undetermined

Legal Authority: 49 USC 114; 49 USC 40113; 49 USC 44936

CFR Citation: 49 CFR 1540; 49 CFR 1542; 49 CFR 1544

Legal Deadline: None

Abstract: This rule, published by the Federal Aviation Administration (FAA) on December 6, 2001, required each airport operator and aircraft operator that had adopted a security program under 14 CFR parts 107 or 108 to conduct fingerprint-based criminal history record checks (CHRC) for individuals, if they had not already undergone CHRCs. The rule applied to those who either have, or apply for unescorted access authority to the Security Identification Display Area (SIDA) of an airport; authority to authorize others to have unescorted access; and screening functions. The FAA determined the rule was needed because the then current employment investigation method was not adequate and to ensure that individuals in these positions did 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. TSA plans to amend parts 1542 and 1544 to make technical changes and improve organization and clarity.

Timetable:

Action	Date	FR Cite
Final Rule; Request for Comments	12/06/01	66 FR 63474
Final Rule Effective	12/06/01	
Final Rule; Comment Period End	01/07/02	
Final Rule; Comment Period Reopened	01/25/02	67 FR 3810
Final Rule; Reopened Comment Period End	03/11/02	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: Transferred from RIN 2110-AA11

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

RIN: 1652-AA11

1216. TRANSPORTATION OF EXPLOSIVES FROM CANADA TO THE UNITED STATES VIA COMMERCIAL MOTOR VEHICLE AND RAILROAD CARRIER

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

Legal Authority: 49 USC 114; 49 USC 5103; 49 USC 5103a; 49 USC 40113; 49 USC 46105

CFR Citation: 49 CFR 1570; 49 CFR 1572

Legal Deadline: None

Abstract: This Interim Final Rule (IFR), published by the Transportation Security Administration (TSA) on February 6, 2003, addressed security issues regarding transportation of explosives by commercial motor vehicles and railroads. It established requirements applicable to all motor carriers, motor private carriers, and railroad carriers not using U.S. citizens or lawful permanent aliens as drivers or railroad crews licensed in Canada to transport explosives to the United States.

In August 2006, TSA issued an IFR superseding this February 2003 IFR as it relates to motor carriers (See RIN No. 1652-AA50). This was further amended by the Transportation Worker Identification Credential (TWIC) final rule, issued January 25, 2007 (RIN No. 1652-AA41). In the future, TSA plans to issue a rulemaking action for the rail sector.

Timetable:

Action	Date	FR Cite
Interim Final Rule; Request for Comments	02/06/03	68 FR 6083
Interim Final Rule Effective	02/03/03	
Interim Final Rule; Comment Period End	03/10/03	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Additional Information: Transferred from RIN 2110-AA18

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Related RIN: Related to 1652-AA41, Related to 1652-AA50

RIN: 1652-AA16

1217. SECURITY THREAT ASSESSMENT FOR INDIVIDUALS APPLYING FOR A HAZARDOUS MATERIALS ENDORSEMENT FOR A COMMERCIAL DRIVER'S LICENSE

Priority: Other Significant

Legal Authority: 49 USC 114; 49 USC 5103a; 49 USC 40113; 49 USC 46105

CFR Citation: 49 CFR 1572

Legal Deadline: None

Abstract: The Transportation Security Administration (TSA) will take final action on the November 24, 2004, interim final rule by responding to comments.

This action, initiated with a rule published on May 5, 2003, implements requirements in the Safe Explosives Act and the USA Patriot Act, relating to security threat assessments of commercial truck drivers who are authorized to transport hazardous materials.

This rule amends the May 5th rule by providing additional guidance to the States and industry on the process for collecting fingerprints and information from commercial drivers who apply to obtain or renew a hazardous materials endorsement. In addition, the rule requires the States to formally decide whether they will collect this information or whether TSA will complete the collection. TSA has added definitions and made organizational and substantive changes to the current standards codified at 49 CFR part 1572.

The rule moves the start date of the fingerprint-based checks for transfer and renewal applicants to May 31, 2005. TSA made these changes in response to comments received from the affected parties and to clarify further the implementation of this program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/05/03	68 FR 23852
Interim Final Rule Effective	05/05/03	
Interim Final Rule; Comment Period End	07/07/03	
Interim Final Rule; Amendment	11/07/03	68 FR 63033
Interim Final Rule; Amendment Effective	11/03/03	
Final Rule	04/06/04	69 FR 17969
Final Rule Effective	04/06/04	
Interim Final Rule	11/24/04	69 FR 68720
Interim Final Rule Effective	11/24/04	
Interim Final Rule; Comment Period End	12/27/04	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal, State

Additional Information: Transferred from RIN 2110-AA19

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Related RIN: Related to 1652-AA33

RIN: 1652-AA17

1218. FLIGHT TRAINING FOR ALIENS AND OTHER DESIGNATED INDIVIDUALS; SECURITY AWARENESS TRAINING FOR FLIGHT SCHOOL EMPLOYEES

Priority: Other Significant

Legal Authority: 49 USC 114; 49 USC 44939; 49 USC 46105

CFR Citation: 49 CFR 1552

Legal Deadline: Final, Statutory, February 10, 2004, sec. 612 of Vision 100 requires TSA to issue an interim final rule within 60 days of enactment of Vision 100.

Requires Transportation Security Administration (TSA) to promulgate an interim final rule (IFR) implementing the requirements of Sec. 612 of Vision 100—Century of Aviation Reauthorization Act (Pub. L. 108-176, December 12, 2003; 117 Stat. 2490), including the fee provisions, not later than 60 days after the enactment of the Act.

Abstract: The Transportation Security Administration (TSA) will take final action on the September 20, 2004, interim final rule (IFR) by completing a regulatory analysis, amending the rule to incorporate the exemptions and interpretations, and responding to comments received.

The IFR was published on September 20, 2004 (69 FR 56324). After comments were received, new exemptions and interpretations were issued. The IFR created a new part 1552, Flight Schools, in title 49 of the Code of Federal Regulations (CFR). This IFR applies to flight schools and to individuals who apply to obtain flight training.

The IFR is requiring flight schools to notify TSA when aliens and other individuals designated by TSA apply for flight training. TSA has established standards relating to the security threat assessment process that TSA will conduct to determine whether such

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individuals are a threat to aviation or national security, and thus prohibited from receiving flight training. In addition, TSA has established a fee to cover a portion of the costs of the security threat assessments that TSA will perform under this rule. Finally, TSA has established standards relating to security awareness training for certain flight school employees.

These requirements will help ensure that individuals who intend to use aircraft to perform terrorist attacks in the United States do not obtain flight training that would enable them to do so. These requirements also will improve security at flight schools.

Timetable:

Action	Date	FR Cite
Interim Final Rule; Request for Comments	09/20/04	69 FR 56324
Interim Final Rule Effective	09/20/04	
Interim Final Rule; Comment Period End	10/20/04	
Notice—Information Collection; 60 Day Renewal	11/26/04	69 FR 68952
Notice—Information Collection; 30 Day Renewal	03/30/05	70 FR 16298

Next Action Undetermined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

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RIN: 1652–AA35

1219. AIRCRAFT REPAIR STATION SECURITY

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

Legal Authority: 49 USC 114; 49 USC 44924

CFR Citation: 49 CFR 1554

Legal Deadline: Final, Statutory, August 8, 2004, sec. 611 of Vision 100 requires TSA to issue a final rule within 240 days from date of enactment of Vision 100.

Sec. 611(b)(1) of Vision 100—Century of Aviation Reauthorization Act (Pub. L. 108-176; 12/12/2003; 117 Stat. 2490), codified at 49 U.S.C. 44924, requires TSA to issue “final regulations to ensure the security of foreign and domestic aircraft repair stations” within 240 days from date of enactment of Vision 100.

Abstract: The Transportation Security Administration (TSA) is proposing to add a new 49 CFR part 1554 regulation to improve the security of domestic and foreign aircraft repair stations, as required by the section 611 of Vision 100—Century of Aviation Reauthorization Act.

The proposed regulations establish general requirements for security programs to be adopted and implemented by repair stations certificated by the Federal Aviation Administration (FAA). Some flexibility would be provided to repair stations to reflect the fact that repair stations are diverse and that the specific measures needed to comply with the security requirements may vary depending on

an assessment of the security vulnerability at a particular repair station location.

The proposed regulations also authorize TSA to conduct security audits, assessments, tests, and inspections of repair stations. The proposed regulations provide procedures to notify repair stations of any deficiencies in their security programs, and to notify those repair stations that present an immediate risk to security. Finally, the proposal includes a process whereby a repair station may seek review of a determination by TSA that the station has not adequately addressed security deficiencies or that the station poses an immediate risk to security.

Regulations were to be promulgated by August 8, 2004. A Report to Congress was sent August 24, 2004, explaining the delay. TSA is revising the proposal, which will require further modification of the regulatory evaluation.

Timetable:

Action	Date	FR Cite
Notice—Public Meeting; Request for Comments	02/24/04	69 FR 8357
Report to Congress	08/24/04	
Notice of Proposed Rulemaking (NPRM)	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1652-AA38

1220. MARYLAND THREE AIRPORTS: ENHANCED SECURITY PROCEDURES FOR OPERATIONS AT CERTAIN AIRPORTS IN THE WASHINGTON, DC, METROPOLITAN AREA FLIGHT RESTRICTED ZONE

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

Legal Authority: 49 USC 114; 49 USC 40113

CFR Citation: 49 CFR 1562

Legal Deadline: None

Abstract: This Interim Final Rule (IFR), published by the Transportation Security Administration (TSA) on February 10, 2005, creates a new part 1562, subpart A, for General Aviation, in title 49 of the Code of Federal Regulations (CFR). The IFR transfers responsibility for ground security requirements and procedures at three Maryland airports: College Park Airport (CGS), Potomac Airfield (VKX), and Washington Executive/Hyde Field (W32) that are located within the Washington, DC, Metropolitan Area Flight Restricted Zone (FRZ); and for individuals operating aircraft to and from these airports, from the Federal Aviation Administration (FAA) to TSA. These airports are referred to as the "Maryland Three Airports."

These requirements and procedures were previously issued by the FAA, in coordination with TSA, in Special Federal Aviation Regulation (SFAR) 94. TSA is assuming responsibility for these requirements and procedures because TSA and FAA agree that they are best handled under TSA's authority over transportation security. These requirements and procedures will continue to enhance the security of the critical infrastructure and Federal Government assets in the Washington, DC, Metropolitan Area.

Timetable:

Action	Date	FR Cite
Interim Final Rule; Request for Comments	02/10/05	70 FR 7150
Interim Final Rule Effective	02/13/05	
Interim Final Rule; Comment Period End	04/11/05	
Notice—Information Collection; 60 Day Renewal	06/07/05	70 FR 33188
Notice—Information Collection; 30 Day Renewal	09/26/05	70 FR 56179
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1652-AA39

1221. MODIFICATION OF THE AVIATION SECURITY INFRASTRUCTURE FEE (ASIF) (MARKET SHARE)

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

Unfunded Mandates: Undetermined

Legal Authority: 49 USC 44901; 49 USC 44940

CFR Citation: 49 CFR 1511

Legal Deadline: None

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

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

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

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

Timetable:

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

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Action	Date	FR Cite
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Notice—Imposition of ASIF; Extended Comment Period End	02/05/04	
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Next Action Undetermined

Regulatory Flexibility Analysis

Required: Yes

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

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

RIN: 1652-AA43

1222. RONALD REAGAN WASHINGTON NATIONAL AIRPORT: ENHANCED SECURITY PROCEDURES FOR CERTAIN OPERATIONS

Priority: Other Significant

Legal Authority: 46 USC 70102 to 70106; 46 USC 70117; 49 USC 114; 49 USC 5103; 49 USC 40113 to 40114; 49 USC 44901 to 44907; 49 USC 44913 to 44914; 49 USC 44916 to 44918; 49 USC 44935 to 44936; 49 USC 44942; 49 USC 46105

CFR Citation: 49 CFR 1520; 49 CFR 1540; 49 CFR 1562

Legal Deadline: None

Abstract: This Interim Final Rule (IFR), published by the Transportation Security Administration (TSA) on July 19, 2005, creates a new part 1562, subpart B, for General Aviation, in title 49 of the Code of Federal Regulations (CFR).

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

Timetable:

Action	Date	FR Cite
Interim Final Rule; Request for Comments	07/19/05	70 FR 41586
Interim Final Rule Effective	08/18/05	
Interim Final Rule; Comment Period End	09/19/05	
Notice—Information Collection; Approval & 60 Day Renewal	08/26/05	70 FR 50391
Notice—Information Collection; 30 Day Renewal	10/26/05	70 FR 61831
Next Action Undetermined		

Regulatory Flexibility Analysis

Required: No

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

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Related RIN: Related to 1652-AA08**RIN:** 1652-AA49

1223. DRIVERS LICENSED IN CANADA OR MEXICO TRANSPORTING HAZARDOUS MATERIALS WITHIN THE UNITED STATES

Priority: Other Significant**Legal Authority:** 49 USC 5103a(h)**CFR Citation:** 49 CFR 1572.201**Legal Deadline:** None

Abstract: This Interim Final Rule (IFR), published by the Transportation Security Administration (TSA) on August 7, 2006, announced that a commercial motor vehicle driver licensed in Canada or Mexico who holds a Free and Secure Trade (FAST) program card may use that card as an acceptable credential to transport placarded amounts of hazardous

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materials or any quantity of a material listed as a select agent or toxin in 42 CFR part 73 within the United States. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) requires that, as of August 10, 2006, commercial motor vehicle drivers licensed in Canada or Mexico who transport hazardous materials in the United States must undergo a background check similar to the one required of U.S.-licensed operators with a hazardous materials endorsement (HME) on a commercial drivers license (CDL). This rule announced TSA's determination that the background check required to obtain a credential under the FAST program meets the background check requirements of SAFETEA-LU. This interim rule also removed TSA's pre-existing 49 CFR 1572.201 procedures for commercial drivers licensed in Canada who transport explosives into the United States (See RIN No. 1652-AA16).

Timetable:

Action	Date	FR Cite
Interim Final Rule, Part VI	08/07/06	71 FR 44874
Interim Final Rule Effective	08/10/06	
Interim Final Rule; Comment Period End	10/06/06	
Next Action Undetermined		

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

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Related RIN: Related to 1652-AA16**RIN:** 1652-AA50

Department of Homeland Security (DHS)

Completed Actions

Transportation Security Administration (TSA)

1224. BACKGROUND CHECKS FOR AIRPORT WORKERS**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 49 USC 40101 et seq; PL 107-71**CFR Citation:** 49 CFR 1542; 49 CFR 1544**Legal Deadline:** None

Abstract: The Transportation Security Administration (TSA) is withdrawing this action. TSA anticipates a substantial review of procedures in the future and will pursue rulemaking at that time.

The Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; 11/19/2001), codified at 49 U.S.C. section 44936(a)(1)(B)(iii) directs TSA to publish a regulation requiring a background check for individuals who regularly have escorted access to secure areas.

Timetable:

Action	Date	FR Cite
Withdrawn	02/26/07	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Additional Information:** Transferred from RIN 2110-AA08

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RIN: 1652-AA06**1225. FOREIGN AIR CARRIERS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined

Legal Authority: 49 USC 114; 49 USC 5103; 49 USC 40113; 49 USC 44901 to 44905; 49 USC 44907; 49 USC 44914; 49 USC 44916 to 44917; 49 USC 44935 to 44936; 49 USC 44942; 49 USC 46105

CFR Citation: 49 CFR 1546**Legal Deadline:** None

Abstract: The Transportation Security Administration (TSA) is withdrawing this action to amend the current aviation security rules applicable to foreign air carriers in 49 CFR part 1546 to make them more consistent with the rules applicable to domestic air carriers. TSA anticipates a substantial

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review of procedures in the future and will pursue rulemaking at that time.

This action would have extended the current regulations to foreign air carrier private charters and those using aircraft with a maximum certificated takeoff weight of 12,500 pounds or more in their operations. The action would also have added new security requirements to foreign air carriers, including requiring the use of security coordinators, the prohibition of loaded firearms in checked baggage, and restricted access to the flight deck.

Timetable:

Action	Date	FR Cite
Withdrawn	02/16/07	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

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RIN: 1652-AA40

1226. DUE PROCESS FOR FAA CERTIFICATE HOLDERS AND FOR OTHER THREAT ASSESSMENTS

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

Legal Authority: 49 USC 114; 49 USC 5103; 49 USC 40113; 49 USC 44901 to 44907; 49 USC 44913; 49 USC 44914; 49 USC 44916; 49 USC 44935; 49 USC 44936; 49 USC 44942; 49 USC 46105; 49 USC 46111

CFR Citation: 49 CFR 1540

Legal Deadline: None

Abstract: The Transportation Security Administration (TSA) is withdrawing this action, which would have provided administrative appeal procedures for U.S. citizens who hold or are applying for a certificate, rating, or authorization issued by the Federal Aviation Administration (FAA) to challenge a determination by TSA that the individual poses a threat to transportation, aviation, or national security. TSA has implemented procedures to comply with statutory requirements to provide certificate holders the opportunity to receive a hearing on the record before an administrative law judge. TSA is reviewing procedures now and expects to pursue further rulemaking action in the future.

The procedures implement the new requirements of Vision 100—Century of Aviation Reauthorization Act (Pub. L. 108-176; 12/12/2003; 117 Stat. 2490) and provide U.S. citizens that hold an FAA certificate, rating, or authorization the opportunity to request a hearing on the record before an administrative law judge as well as final review by a panel of the Transportation Security Oversight Board. This action also provides aliens lawfully admitted for permanent residence in the United States that hold or apply for a FAA certificate, rating, or authorization and that are determined by TSA to be a risk to transportation, aviation, or national security the opportunity to seek review of such a determination.

Timetable:

Action	Date	FR Cite
Withdrawn	02/16/07	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Linda L. Kent, Attorney, Regulations Division,

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

RIN: 1652-AA44

1227. REGISTERED TRAVELER (RT)

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

Unfunded Mandates: Undetermined

Legal Authority: PL 107-071, sec 109

CFR Citation: 49 CFR 1540; 49 CFR 1572

Legal Deadline: None

Abstract: The Transportation Security Administration (TSA) is withdrawing this action, which would have established a permanent, national Registered Traveler (RT) program. TSA will, however, continue to actively develop the RT program and anticipates a future rulemaking action in this area.

The RT program is expected to afford expedited security screening for passengers who have voluntarily submitted background information and biometric data, such as fingerprints or an iris scan, and have successfully undergone a security threat assessment. Registered Travelers will be required to pay a fee (established by notice) to defray TSA's costs for background checks. Major components of the RT program will be implemented by the private sector in accordance with TSA-issued standards. TSA will conduct the security threat assessments on individuals who wish to become RT members. TSA plans to issue a notice establishing fees for the RT program and an NPRM proposing the program's process and eligibility requirements.

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Several statutory provisions express congressional intent that the RT program be implemented and funded by user fees: section 109 of the Aviation and Transportation Security Act (ATSA), (Pub. L. 107-71; 11/19/2001; 115 Stat. 597); and section 520 of the Department of Homeland Security Appropriations Act, 2004, (Pub. L. 108-90; 10/01/2003; 117 Stat. 1137).

Timetable:

Action	Date	FR Cite
Notice—Information Collection; Pilot Program 60 Day New Collection	03/18/04	69 FR 12865
Notice—Information Collection; Pilot Program 30 Day New Emergency Request	05/26/04	69 FR 29968
Notice—Information Collection; Pilot Program 60 Day Renewal	09/21/04	69 FR 56451
Notice—Information Collection; Pilot Program 30 Day Renewal	12/21/04	69 FR 76475
Notice—Information Collection; Pilot Program 60 Day New Collection	12/16/05	70 FR 74837

Action	Date	FR Cite
Notice—Information Collection; Pilot Program 30 Day New Emergency Request	05/31/06	71 FR 30948
Notice—Information Collection; Pilot Program 60 Day Renewal	07/18/06	71 FR 40731
Notice—Information Collection; Pilot Program 30 Day Renewal	11/03/06	71 FR 64732
Notice—Registered Traveler Interoperability Pilot Fees	11/24/06	71 FR 67889
Withdrawn	02/16/07	

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

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Related RIN: Related to 1652-AA36, Related to 1652-AA41

RIN: 1652-AA47

Department of Homeland Security (DHS)

Proposed Rule Stage

U.S. Immigration and Customs Enforcement (USICE)

1228. INTEREST PAYMENTS ON CANCELLED CASH BONDS

Priority: Other Significant

Legal Authority: 8 USC 1103; 31 USC 1322; 31 USC 9308

CFR Citation: 8 CFR 293

Legal Deadline: None

Abstract: When DHS receives a cash bond, it is deposited into an account where interest is accumulated from the date the bond is posted, to the date that the bond is paid out. If a cancelled cash bond is unclaimed after a year, the principal and any accumulated interest are transferred to the U.S. Department of the Treasury, account entitled "Payments of Unclaimed Moneys of Individuals Whose Whereabouts are Unknown." This regulation concerns the computation of interest on cash bonds. It does not mention the Treasury Department requirement concerning the disposition

of funds from unclaimed cash bonds. Since some cash bonds obligors have questioned the curtailment of interest a year after the bond is cancelled, we believe that this regulation should include language that clarifies the Department's requirement to comply with Treasury's regulation.

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	
NPRM Comment Period End	11/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2258-03

Transferred from RIN 1115-AG97

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RIN: 1653-AA20

1229. ESTABLISHING PROCEDURES FOR RECERTIFICATION OF SCHOOLS APPROVED BY THE STUDENT AND EXCHANGE VISITOR PROGRAM (SEVP) TO ENROLL F OR M NONIMMIGRANT STUDENTS

Priority: Other Significant

Legal Authority: PL 107-173, sec 502; 8 USC 1356(m); PL 107-56

CFR Citation: 8 CFR 103; 8 CFR 214

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

The Uniting and Strengthening America by Providing Appropriate Controls

DHS—USICE

Proposed Rule Stage

Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), Public Law 107-56, mandated that SEVIS be completely implemented before January 1, 2003. Both Directive No. 2 and the Border Security Act require DHS to conduct periodic reviews of all schools within two years of the initial approval of their SEVP certification, and every two years thereafter. DHS acknowledges this mandate and recognizes.

Abstract: This interim final rule amends DHS regulations governing recertification of schools approved by the Student and Exchange Visitor Program (SEVP) for attendance by F or M nonimmigrant students. It establishes petition procedures, supporting documentation requirements, and sets the fee payment for recertification, adds a provision to allow a school to voluntarily withdraw from its certification, and clarifies procedures for school operation regarding nonimmigrant students during the review process and following withdrawal of certification.

On October 30, 2001, the President issued Homeland Security Directive No. 2, requiring periodic reviews of all institutions certified to receive nonimmigrant students. The Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act), Public Law 107-173, enacted May 14, 2002, also requires a periodic review of approved schools every two years. This rule is being promulgated consistent with these mandates.

Timetable:

Action	Date	FR Cite
NPRM	01/00/08	
NPRM Comment Period End	03/00/08	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: ICE No. 2329-04

Agency Contact: Susan Geary, Director, Student and Exchange Visitor Program, Department of Homeland Security, U.S. Immigration and Customs Enforcement, Chester Arthur Building, 425 I Street NW., Suite 6034, Washington, DC 20536-0000
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RIN: 1653-AA42

1230. STRENGTHENING CONTROL OVER IMMIGRATION SURETY BONDS

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

Legal Authority: 8 USC 1103; 8 USC 1356; 31 USC 9701; 31 USC 9305; PL 104-208

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: The Department continues to experience problems collecting the funds for breached surety bonds. Several surety companies and/or their bonding agents continue to circumvent administrative remedies to address immigration surety bond claims sent out by the Department and have evaded the judicial review process.

This rule proposes to strengthen the Department's control over the collection of immigration surety bonds by improving current DHS procedures and by providing the Department with stronger enforcement measures. Specifically, this rule will require surety companies and bonding agents to exhaust administrative remedies by using the Department's appeal procedures, as a prerequisite to challenging the Department's actions under the Administrative Procedures Act, before seeking judicial review of DHS actions. Also, this rule limits the exposure of the Department in cases where bonding agents have acted improperly or where authorities have been denied by their corporate principals; and encourages surety companies and bonding agents to respond early if there are any issues or disputes with the Department's claim. Further, the rule formalizes DHS' reporting requirements to the Department of Treasury and provides notification to the Treasury of high dollar volume of unpaid debt over 90 days old. Lastly, the rule adds an enforcement measure to suspend acceptance of surety bonds from bonding agents and or surety companies that have large unpaid balances or who do not otherwise respond to DHS invoices. This rule is necessary to ensure that the Department receives funds owed by the surety companies.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Prior RIN 1653-AA16 was withdrawn in Spring 2004 Agenda

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RIN: 1653-AA45

1231. REMOVAL OF OBSOLETE PROCEDURES AND REQUIREMENTS FOR F AND M NONIMMIGRANT STUDENTS FOR SCHOOLS AUTHORIZED TO ENROLL F AND M NONIMMIGRANT STUDENTS

Priority: Other Significant

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

CFR Citation: 8 CFR 103; 8 CFR 214

Legal Deadline: None

Abstract: On October 30, 2001, the President issued Homeland Security Directive No. 2, requiring periodic reviews of all institutions certified to accept nonimmigrant students. The Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act), enacted May 12, 2004, also requires a periodic review of approved schools every two years. This proposed rule amends DHS regulations governing certification and recertification of schools approved by the Student and Exchange Visitor Program (SEVP) for attendance by F or M nonimmigrant students. The rule deletes obsolete, pre-SEVIS policies and procedures in various regulations. The continued presence of this outdated verbiage contributes to confusion, inefficiency, and misunderstanding by students and academic institutions.

Timetable:

Action	Date	FR Cite
NPRM	09/00/07	
NPRM Comment Period End	11/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

DHS—USICE

Proposed Rule Stage

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

RIN: 1653-AA51

1232. • 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

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

Unfunded Mandates: This action may affect State, local or tribal governments.

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

CFR Citation: 8 CFR 103, 214 and 299

Legal Deadline: None

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

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

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

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Related RIN: Related to 1653-AA23, Related to 1115-AG71

RIN: 1653-AA54

Department of Homeland Security (DHS)

Final Rule Stage

U.S. Immigration and Customs Enforcement (USICE)

1233. REQUIRING ALIENS ORDERED REMOVED FROM THE UNITED STATES TO SURRENDER TO THE DEPARTMENT OF HOMELAND SECURITY FOR REMOVAL

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1231; 8 USC 1253

CFR Citation: 8 CFR 240.13 to 240.19

Legal Deadline: None

Abstract: This rule requires aliens subject to a final order of removal to surrender to the Department. This rule also establishes procedures for surrender and bars persons violating these procedures from obtaining discretionary immigration benefits.

Timetable:

Action	Date	FR Cite
NPRM	09/04/98	63 FR 47205
NPRM Comment Period End	11/03/98	
Supplemental NPRM	05/09/02	67 FR 31157
Supplemental NPRM Comment Period End	06/10/02	
Interim Final Rule	10/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1115-AE82

Agency Contact: Monti Zimmerman, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 425 I Street NW., Rm 6260, Washington, DC 20536
Phone: 202 616-8345
Email: monti.zimmerman@dhs.gov

RIN: 1653-AA05

1234. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING

Priority: Other Significant

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1104; 8 USC 1252; 22 USC 7101; 22 USC 7105;

CFR Citation: 28 CFR 1100

Legal Deadline: Other, Statutory, April 28, 2001, Statutory deadline for promulgation of regulations.

Abstract: This rule amends 28 CFR and sets forth implementing guidance for section 107(c) of the Victims of Trafficking and Violence Protection Act of 2000. The Secretary, the Attorney General, and the Secretary of State are promulgating these regulations for federal law enforcement and Department of State (DOS) officials regarding the protection of victims of

severe forms of trafficking who are in custody, the access of such victims to information about their rights and translation services, and the training of appropriate DHS and DOS personnel in identifying and protecting such victims. The rule also addresses the authority of Federal law enforcement officials to permit the continued presence in the United States of certain victims of severe forms of trafficking who are potential witnesses in order to aid prosecutions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/24/01	66 FR 38514
Interim Final Rule Comment Period End	10/22/01	
Final Action	12/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2133-01

Transferred from RIN 1115-AG20

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

DHS—USICE

Final Rule Stage

Phone: 202 616-8737

RIN: 1653-AA09

1235. DETENTION OF ALIENS SUBJECT TO FINAL ORDERS OF REMOVAL**Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1231; 8 USC 1253;**CFR Citation:** 8 CFR 241**Legal Deadline:** None

Abstract: This rule addresses comments received upon publication of the interim rule on November 14, 2001. The rule was to be published as a proposed rule as significant structural changes were made to custody review procedures governing the detention of aliens who are the subject of an administratively final order of removal, exclusion, or deportation. The rule was initially revised in light of the U.S. Supreme Court decision of *Zadvydas v. Davis*. With a new decision by the Supreme Court, *Clark v. Martinez*, the rule requires further substantive revisions to conform to the ruling in *Martinez*. In this case, the Supreme Court has refined its interpretation of INA 241(a)(6) and further limited detention of certain aliens subject to administratively final orders of removal, exclusion or deportation where the alien's removal is not significantly likely in the reasonably foreseeable future.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/14/01	66 FR 56967
Interim Final Rule Comment Period End	01/14/02	
Final Action	01/00/08	

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, U.S. Immigration and Customs Enforcement, 425 I Street NW., Washington, DC 20536

Phone: 202 514-2895

RIN: 1653-AA13

1236. CUSTODY PROCEDURES**Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251;**CFR Citation:** 8 CFR 287**Legal Deadline:** None

Abstract: This rule amends Department regulations on the period of time after an alien's arrest within which the Department must make a determination whether the alien will be continued in custody or released on bond or recognizance and whether to issue a notice to appear and warrant of arrest. This rule provides that unless voluntary departure has been granted, DHS must make such determinations within 48 hours of arrest, except in the event of emergency or other extraordinary circumstance in which case the Department must make such determinations within an additional reasonable period of time.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	09/17/01	66 FR 48334
Interim Final Rule Published	09/20/01	66 FR 48334
Interim Final Rule Comment Period End	11/19/01	
Final Action	12/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No 2171-01

Transferred from RIN 1115-AG40

Agency Contact: Jack Penca, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 425 I Street NW., Suite 6100, Washington, DC 20536
Phone: 202 514-2895

RIN: 1653-AA14

1237. REQUIRING CERTIFICATION OF ALL SERVICE-APPROVED SCHOOLS FOR ENROLLMENT IN THE STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM (SEVIS)**Priority:** Other Significant**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC

1304; 8 USC 1356; 31 USC 1907; EO 12356

CFR Citation: 8 CFR 103; 8 CFR 214**Legal Deadline:** None

Abstract: This rule continues the implementation of the process by which schools may be approved to obtain access to the Student and Exchange Visitor Information System (SEVIS). On October 30, 2001, the President issued Homeland Security Directive No. 2 requiring DHS to conduct periodic reviews of all institutions certified to receive nonimmigrant students. The Enhanced Border Security and Visa Entry Reform Act of 2002, Public Law 107-173 enacted May 14, 2002, also requires a periodic review of school approvals.

This rule governs the review and certification process that DHS uses to approve schools to enroll foreign students. While DHS had in place an existing process for certifying and decertifying schools, DHS requires all previously approved schools to apply for certification in accordance with these new mandates cited above, prior to being allowed to enroll in SEVIS.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/25/02	67 FR 60107
Interim Final Rule Effective	09/25/02	
Interim Final Rule Comment Period End	11/25/02	
Final Action	01/00/08	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2217-02

Transferred from RIN 1615-AA77

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

Related RIN: Previously reported as 1115-AG71

RIN: 1653-AA31

DHS—USICE

Final Rule Stage

1238. SAFE-HARBOR PROCEDURES FOR EMPLOYERS WHO RECEIVE A NO-MATCH LETTER**Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1314a**CFR Citation:** 8 CRF 274a**Legal Deadline:** None

Abstract: The Bureau of Immigration and Customs Enforcement hereby amends the regulations relating to the unlawful hiring or continued employment of unauthorized aliens. The rule adds two more examples of situations that may lead to a finding that an employer has constructive knowledge that an employee is an unauthorized alien. These additional two examples involve an employer's failing to take reasonable steps in response to one or the other of two events: (1) The employer receives written notice from the Social Security Administration (SSA) that the name and social security account number submitted for an employee do not

match SSA records; or (2) the employer receives written notice from the Department of Homeland Security (DHS) that the immigration-status or employment-authorization documentation presented or referenced by the employee in completing Form I-9, Employment Eligibility Verification, was not assigned to the employee according to DHS records. The rule also describes steps that DHS considers to be a reasonable response, and clarifies that whether DHS will find that an employer had constructive knowledge that an employee was an unauthorized alien will depend on the totality of relevant circumstances. The rule describes "Safe Harbor" procedures an employer can follow in response to such a letter to be certain that DHS will not use the letter as part of an allegation that the employer had constructive knowledge that the employee referred to in the letter was an alien not authorized to work in the United States. The purpose of this rule is to clarify an employer's obligations

and options when it receives a no-match letter, either from SSA or DHS.

Timetable:

Action	Date	FR Cite
Proposed Rule	06/14/06	71 FR 34281
Comment Period End	08/14/06	
Final Rule	04/00/07	
Final Rule Effective	05/00/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:**

www.regulations.gov

URL For Public Comments:

www.regulations.gov

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

Phone: 202 514-2844

RIN: 1653-AA50

Department of Homeland Security (DHS)

Long-Term Actions

U.S. Immigration and Customs Enforcement (USICE)

1239. EARLY RELEASE FOR REMOVAL OF CRIMINAL ALIENS IN STATE CUSTODY FOR NONVIOLENT OFFENSES**Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1251; 8 USC 1253; 8 USC 1255; 8 USC 1330; 8 CFR 2**CFR Citation:** 8 CFR 241**Legal Deadline:** None

Abstract: The final rule will establish an administrative process whereby criminal aliens in State custody convicted of nonviolent offenses may be removed prior to completion of their sentence of imprisonment. The rule will implement the authority contemplated by Congress to enhance the ability of the United States to remove criminal aliens.

Timetable:

Action	Date	FR Cite
NPRM-INS No. 1848-97	07/12/99	64 FR 37461
NPRM Comment Period End	09/10/99	

Action	Date	FR Cite
Final Action-INS No. 1848-97	To Be Determined	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** State, Federal**Additional Information:** INS No.1848-97

Transferred from RIN 1115-AE83

Agency Contact: Dave Peter, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 801 I Street NW., Washington, DC 20536

Phone: 202 514-6778

RIN: 1653-AA06**1240. 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—USICE

Long-Term Actions

Action	Date	FR Cite
NPRM Comment Period End	01/29/01	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2083-00

Transferred from RIN 1115-AF87

Agency Contact: James Knapp, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 425 I Street NW., Rm 6260, Washington, DC 20536
Phone: 202 514-8138

RIN: 1653-AA08**1241. PROCEDURES FOR DETAINEE HUNGER STRIKES****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1251; 8 USC 1253;**CFR Citation:** 8 CFR 241**Legal Deadline:** None

Abstract: This rule proposes standards and procedures for responding to hunger strikes by individuals detained by the Department. All proposed medical treatments in this regulation conform to accepted medical practice. Also, this rule would supersede the Department's Detention Standard on Hunger Strikes.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

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: Walter LeRoy, Chief, Detention Standards Compliance Unit, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 801 I Street NW., Washington, DC 20536
Phone: 202 732-2885

RIN: 1653-AA12**1242. CHANGES IN REGISTRATION POLICIES AND MONITORING OF CERTAIN NONIMMIGRANTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1184; 8 USC 1185; 8 USC 1302; 8 USC 1303; 8 USC 1305**CFR Citation:** 8 CFR 264**Legal Deadline:** None

Abstract: This rule amends DHS regulations for the registration and monitoring of certain nonimmigrant aliens. This rule amends existing regulations by suspending the 30-day and annual re-registration requirements for aliens who are subject to the National Security Entry-Exit Registration System (NSEERS) registration. Instead of requiring all aliens subject to NSEERS to appear for 30-day and/or annual registration interviews, DHS will utilize a more tailored system in which it will notify individual aliens of future registration requirements. This rule also eliminates the requirement for those nonimmigrant aliens subject to special registration who are also enrolled in the Student and Exchange Visitor Information System (SEVIS) to separately notify DHS of changes in educational institutions and addresses. Additionally, this rule clarifies how nonimmigrant aliens may apply for relief from special registration requirements and clarifies that certain alien crewmen are not subject to the departure requirements. Finally, certain conforming amendments have been made to existing regulations to reflect that the former Immigration and Naturalization Service has been abolished and its functions transferred from the Department of Justice to DHS, under the Homeland Security Act of 2002 (HSA), Public Law 107-296.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/02/03	68 FR 67578
Interim Final Rule Comment Period End	02/02/04	
Final Action	To Be Determined	

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

Agency Contact: Bart J. Cahill, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 425 I Street NW., Washington, DC 20536

Phone: 202 353-3514

Fax: 202 305-7013

Email: bartholomew.cahill@dhs.gov

RIN: 1653-AA29**1243. EXTENDING THE PERIOD OF DURATION OF STATUS FOR CERTAIN F AND J NONIMMIGRANT ALIENS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186;**CFR Citation:** 8 CFR 214**Legal Deadline:** None

Abstract: This interim rule amended DHS regulations to provide that the Secretary may publish a notice to extend the duration of status, under specified conditions, of certain F-1 and J-1 nonimmigrant aliens who may be affected adversely because the numerical limit (cap) on H-1B nonimmigrant aliens has been reached prior to the end of a given fiscal year. This rule was a necessary stopgap measure because of a large number of F-1 and J-1 nonimmigrant aliens seeking a change of nonimmigrant status to that of H-1B after completion of their studies or their program. However, many of these aliens were unable to change their nonimmigrant status for the remainder of a given fiscal year because of the cap on H-1B petitions. This rule allows such aliens to avoid a lapse in their status because of a circumstance that is not under their control.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/15/99	64 FR 32146
Interim Final Rule Comment Period End	08/16/99	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 1992-99

Transferred from RIN 1615-AA27

Agency Contact: Susan Geary, Director, Student and Exchange Visitor

DHS—USICE

Long-Term Actions

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

Related RIN: Previously reported as 1115-AF54

RIN: 1653-AA30

1244. SCHOOL APPEALS PROCESS REGARDING ADJUDICATIONS BY THE STUDENT AND EXCHANGE VISITOR PROGRAM TO DENY OR WITHDRAW DEPARTMENT OF HOMELAND SECURITY CERTIFICATION

Priority: Other Significant

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

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: DHS amends its regulations to clarify its procedures for denial of applications by schools for approval to enroll nonimmigrant students. DHS also streamlines and aligns the withdrawal process with the denial and appeal process. Finally, DHS assumes the authority to suspend a school's approval to issue Forms I-20, Certificate of Eligibility for Nonimmigrant Status for Academic and Language Students, during denial or withdrawal proceedings.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2239-02

Transferred from RIN 1615-AA85

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

RIN: 1653-AA33

1245. IMPLEMENTATION OF THE BORDER COMMUTER STUDENT ACT OF 2002

Priority: Other Significant

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

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This rule implements recent legislation creating new visa classifications applicable to part-time students who commute across the border. Previously, DHS created an option for F-1 and M-1 nonimmigrant students to enroll in a reduced course load if the nonimmigrant maintained residence in their home country of Mexico or Canada and commuted to schools within 75 miles of the border. These special F-1 and M-1 nonimmigrants were required to pursue a full course of study albeit at part-time enrollment. This rule has been drafted to effect congressional legislation that created new visa classifications, F-3 and M-3, for border commuter student nonimmigrants. The F-3 and M-3 visa categories replace the option of reduced course load for border commuter students within the F-1 and M-1 visa categories. When this rule is made effective, any student from Canada or Mexico wishing to enroll in a reduced course load for purposes of commuting must obtain an F-3 or an M-3 visa accordingly. The F-3 and M-3 visa holders will be tracked in the Student and Exchange Visitor Information System (SEVIS) administered by DHS and the Student and Exchange Visitor Program (SEVP), a component of Bureau of Immigration and Customs Enforcement.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2290-03

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

Phone: 202 305-2346

RIN: 1653-AA37

1246. TRANSFER OF FLIGHT TRAINING PROGRAMS UNDER THE DEPARTMENT OF STATE OVERSIGHT TO THE DEPARTMENT OF HOMELAND SECURITY

Priority: Other Significant

Legal Authority: Not Yet Determined

CFR Citation: 8 CFR 214; 22 CFR 62

Legal Deadline: None

Abstract: Department of State (DOS) has 10 flight training programs that are validated to enroll exchange visitors. This number is so small that it is administratively inefficient and resource-intensive to manage. DHS has between 100 to 200 flight training programs, which are certified by the Student and Exchange Visitor Program (SEVP). DOS has requested that its 10 programs be incorporated into DHS. As a group that is of special interest for national security, it is important that DHS provide efficient and effective oversight of flight training programs. The DOS programs concern J visa; the DHS programs are in F and M visa categories. Rules between SEVP and DOS programs differ significantly and need to be modified accordingly.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

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

RIN: 1653-AA43

1247. CLARIFICATION OF CRITERIA FOR CERTIFICATION, OVERSIGHT, AND RECERTIFICATION OF SCHOOLS BY THE STUDENT AND EXCHANGE VISITOR PROGRAM (SEVP) TO ENROLL F OR M NONIMMIGRANT STUDENTS

Priority: Other Significant. Major under 5 USC 801.

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

DHS—USICE

Long-Term Actions

CFR Citation: 8 CFR 103; 8 CFR 214.3; 8 CFR 214.4

Legal Deadline: None

Abstract: On October 30, 2001, the President issued Homeland Security Directive No. 2, requiring periodic reviews of all institutions certified to accept nonimmigrant students. The Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act), enacted May 12, 2004, also requires a periodic review of approved schools every two years.

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

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Related RIN: Related to 1653-AA42

RIN: 1653-AA44

1248. ELECTRONIC SIGNATURE AND STORAGE OF FORM I-9, EMPLOYMENT ELIGIBILITY VERIFICATION

Priority: Other Significant

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

CFR Citation: 8 CFR 274a

Legal Deadline: None

Abstract: This interim rule amends Department of Homeland Security (DHS) regulations to provide that employers and recruiters or referrers for a fee required to complete and retain Forms I-9, Employment Eligibility Verification, may sign and retain these forms electronically. This rule implements statutory changes to the Form I-9 retention requirement that President George W. Bush signed into law on October 30, 2004. In implementing these changes, this rule sets standards for electronic signatures and the electronic retention of the Form I-9.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/15/06	71 FR 34510
Interim Final Rule Effective	06/15/06	
Interim Final Rule Comment Period End	08/14/06	
Next Action	Undetermined	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: ICE 2345-05

URL For More Information: www.regulations.gov

URL For Public Comments:

www.regulations.gov

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

1249. CUSTODY AND BOND ELIGIBILITY OF ALIENS DESIGNATED FOR EXPEDITED REMOVAL

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 235; 8 CFR 1003; 8 CFR 1235

Legal Deadline: None

Abstract: This proposed rule would revise the jurisdiction of immigration judges, to provide that aliens in removal proceedings who have been detained for expedited removal are not eligible for bond or bond redetermination before an immigration judge.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: James Knapp, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 425 I Street NW., Rm 6260, Washington, DC 20536
Phone: 202 514-8138

RIN: 1653-AA52

Department of Homeland Security (DHS)

Completed Actions

U.S. Immigration and Customs Enforcement (USICE)

1250. NOTIFICATION FOR ALIENS DETAINED PRIOR TO A FINAL ORDER (ICE 2355-05)

Priority: Other Significant

Legal Authority: 5 USC 301; 5 USC 552; 5 USC 552a; 8 USC 1103 ; 8 USC 1182; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1231; 8 USC 1362; 18 USC 4002; 18 USC 4013c4

CFR Citation: 8 CFR 236

Legal Deadline: None

Abstract: This final rule amends the Department of Homeland Security regulations governing the detention of aliens prior to an order of removal. The rule adds Algeria, Tunisia, and Zimbabwe to the list of countries that have existing treaties with the United States requiring immediate

communication with consular or diplomatic officers of these countries whenever their nationals are detained in the United States. In addition, the rule removes Albania and South Korea from the list of countries having such a treaty and removes Hong Kong from the list of British dependencies. The rule also adds a statement that mandatory notification does not apply

DHS—USICE

Completed Actions

to any Polish national who has been admitted for permanent residence in the United States, and a statement that mandatory notification does not apply to any person carrying a "Republic of China" passport issued by Taiwan. Finally, the rule changes "Antigua" on the list to "Antigua and Barbuda," the official name of that country, and adds language to the footnote to "USSR" which clarifies that mandatory consular notification applies to a national of any

of its successor states who is still traveling on a USSR passport.

Timetable:

Action	Date	FR Cite
Final Action	01/17/07	72 FR 1923

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information:

www.regulations.gov

Agency Contact: Ms Tammy Cyr, Acting Unit Chief, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 801 I Street NW., Suite 800, Washington, DC 20536
Phone: 202 732-7288
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RIN: 1653-AA53

Department of Homeland Security (DHS)

Final Rule Stage

Federal Emergency Management Agency (FEMA)

1251. FLOOD MITIGATION ASSISTANCE PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4104c; 42 USC 4104d

CFR Citation: 44 CFR 78

Legal Deadline: None

Abstract: The final rule will implement sections 553 and 554 of the National Flood Insurance Act of 1968, as amended, to provide grants under the National Flood Mitigation Fund to States and communities for planning assistance and for mitigation projects that reduce the risk of flood damages to structures covered under contracts for flood insurance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/20/97	62 FR 13346
Final Rule	06/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State, Tribal

Additional Information: Transferred from RIN 3067-AC45

Agency Contact: Cecelia Rosenberg, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW., Room 908, Washington, DC 20472
Phone: 202 646-3321
Fax: 202 646-2719
Email: cecelia.rosenberg@dhs.gov

RIN: 1660-AA00

1252. HAZARD MITIGATION PLANNING AND HAZARD MITIGATION GRANT PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 5121

CFR Citation: 44 CFR 201; 44 CFR 204; 44 CFR 206

Legal Deadline: None

Abstract: The Federal Emergency Management Agency plans to adopt as final, without change, interim rules that establish requirements for Hazard Mitigation Planning and the Hazard Mitigation Grant Program pursuant to section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

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 Effective	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 Effective	10/28/03	68 FR 61368
Interim Final Rule Effective	10/28/03	
Correcting Amendment	11/10/03	68 FR 63738
Correcting Amendment Effective	11/10/03	
Interim Final Rule Comment Period End	12/29/03	
Interim Final Rule Effective	09/13/04	69 FR 55094
Interim Final Rule Effective	09/13/04	

Action	Date	FR Cite
Interim Final Rule Comment Period End	11/12/04	
Final Rule	06/00/07	

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 Directorate, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472
Phone: 202 646-3358
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RIN: 1660-AA17

1253. 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.

DHS—FEMA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	08/30/02	67 FR 56130
NPRM Comment Period End	09/30/02	
Interim Final Rule	06/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

Additional Information: Transferred from RIN 3067-AD29

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

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RIN: 1660-AA21

1254. FLOOD MITIGATION GRANTS AND HAZARD MITIGATION PLANNING

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4102a

CFR Citation: 44 CFR 59; 44 CFR 61; 44 CFR 78; 44 CFR 79; 44 CFR 80; 44 CFR 201; 44 CFR 206

Legal Deadline: None

Abstract: This rule would implement section 1361A of The National Flood Insurance Act of 1968, as amended, (the Act), which authorizes FEMA to implement a Pilot Program that would provide financial assistance to States and communities for activities to mitigate the risk of damage from future flooding to severe repetitive loss properties. The Pilot Program represents a concentrated effort to mitigate those insured properties that have suffered the greatest amount of damage in terms of claims against the National Flood Insurance Fund. Severe repetitive loss properties are defined in section 1361A(b)(1) of the Act as Single Family Properties consisting of one to four family residences that are covered under a contract for flood insurance made available under the Act which have had four or more claims with each claim exceeding \$5,000 and with the cumulative payments exceeding \$20,000, or which have had at least two claim payments that cumulatively exceed the value of the property. The

rule will identify program requirements including eligibility and matching requirements, as well as procedures for grant application, evaluation, award, and appeals. It will also implement provisions of the law that set forth implications for property owners who decline a mitigation offer under the Pilot Program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

Agency Contact: Cecelia Rosenberg, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW., Room 908, Washington, DC 20472

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Email: cecelia.rosenberg@dhs.gov

RIN: 1660-AA36

1255. PUBLIC ASSISTANCE ELIGIBILITY

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 5121-5206

CFR Citation: 44 CFR 206

Legal Deadline: None

Abstract: This interim rule will allow FEMA to reimburse State, Tribal and local governments within an area designated under a Presidential emergency or major disaster declaration for sheltering and evacuation costs incurred outside of the designated area. Under this rule, FEMA may also directly provide sheltering and evacuation assistance outside of the designated area.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/14/06	71 FR 40025
Interim Final Rule Effective	07/14/06	
Interim Final Rule Comment Period End	09/12/06	
Final Action	09/00/07	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

URL For More Information:

www.regulations.gov

URL For Public Comments:

www.regulations.gov

Agency Contact: James A. Walke, Disaster Assistance Directorate, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472

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Email: james.walke@dhs.gov

RIN: 1660-AA45

1256. • NATIONAL FLOOD INSURANCE PROGRAM (NFIP); ASSISTANCE TO PRIVATE SECTOR PROPERTY INSURERS; COMPENSATION FOR FIRA IMPLEMENTATION

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 4011

CFR Citation: 44 CFR 62

Legal Deadline: None

Abstract: FEMA is changing the current Financial Assistance/Subsidy Arrangement (the Arrangement) to provide compensation to companies that are signatory to the Arrangement for expenses incurred in implementing the provisions of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act (FIRA) of 2004. In recognition of these additional expenses, the Write-Your-Own expense allowance will be increased.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/07	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

Agency Contact: Edward L. Connor, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472

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RIN: 1660-AA48

**Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)**

Long-Term Actions

**1257. CRIMINAL AND CIVIL
PENALTIES UNDER THE ROBERT T.
STAFFORD DISASTER RELIEF AND
EMERGENCY ASSISTANCE ACT**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 5157(d); PL 101-410; 28 USC 2461; PL 104-134, sec 31001(s)

CFR Citation: 44 CFR 206

Legal Deadline: None

Abstract: This rule would increase the maximum civil penalty under the Robert T. Stafford Disaster Relief and Emergency Assistance Act from \$5,000 to \$5,500.

Timetable:

Action	Date	FR Cite
NPRM	02/10/97	62 FR 5957
NPRM Comment Period End	04/11/97	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 3067-AC61

Agency Contact: Jordan Fried, Office of Chief Counsel, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472
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RIN: 1660-AA01

**1258. 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: Cecelia Rosenberg, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW., Room 908, Washington, DC 20472
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RIN: 1660-AA02

**1259. NATIONAL URBAN SEARCH
AND RESCUE RESPONSE SYSTEM**

Priority: Other Significant

Legal Authority: 42 USC 5121 et seq

CFR Citation: 44 CFR 208

Legal Deadline: None

Abstract: The Department of Homeland Security published a proposed Maximum Pay Rate Table (Table) in conjunction with its interim rule for the National Urban Search and Rescue Response (US&R) System, which was also published in the same edition of the Federal Register. The interim rule standardizes the financing, administration, and operation of the US&R System, and standardizes the relationships between DHS and "Sponsoring Agencies" of the US&R System—those State or local government agencies that agree to organize and administer a US&R Task Force. The notice seeks comment on the proposed Table, which establishes the maximum rates that DHS will pay for US&R Task Force physicians, engineers, and canine handlers as "Affiliated Personnel" or for backfill positions for activated US&R System Members employed by or otherwise associated with a for-profit "Participating Agency."

Timetable:

Action	Date	FR Cite
NPRM	12/18/02	67 FR 77627
NPRM Comment Period End	02/03/03	

Action	Date	FR Cite
Interim Final Rule	02/24/05	70 FR 9182
Interim Final Rule Effective	02/24/05	
Interim Final Rule Comment Period End	04/11/05	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: Transferred from RIN 3067-AC93

Agency Contact: Michael Tamillow, Disaster Operations Directorate, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472
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RIN: 1660-AA07

**1260. 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 Directorate, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472

DHS—FEMA

Long-Term Actions

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 RIN: 1660-AA09

1261. DISASTER ASSISTANCE; FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS

Priority: Economically Significant.
 Major under 5 USC 801.

Legal Authority: 42 USC 5174

CFR Citation: 44 CFR 206

Legal Deadline: Final, Statutory,
 October 15, 2002.

Abstract: This rule implements section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and changes the title of the provision from "Temporary Housing Assistance" to "Federal Assistance to Individuals and Households."

Timetable:

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3412
NPRM Comment Period End	03/11/02	
Interim Final Rule	09/30/02	67 FR 61446
Corrections	10/09/02	67 FR 62896
Corrections Effective	10/09/02	
Interim Final Rule Effective	10/15/02	
Interim Final Rule Comment Period End	04/15/03	
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal,
 State

Additional Information: Transferred
 from RIN 3067-AD25

Agency Contact: Berl Jones, Disaster Assistance Directorate, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472
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RIN: 1660-AA18

1262. NATIONAL FLOOD INSURANCE PROGRAM (NFIP); GROUP FLOOD INSURANCE POLICY (GFIP)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4001 et seq

CFR Citation: 44 CFR 61

Legal Deadline: None

Abstract: This interim final rule amends the Group Flood Insurance Policy, as a result of the consolidation of sections 408 and 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by section 206 of the Disaster Mitigation Act of 2000.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/02	67 FR 61460
Interim Final Rule Effective	09/30/02	
Interim Final Rule Comment Period End	04/15/03	
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State

Additional Information: Transferred
 from RIN 3067-AD31

Agency Contact: Edward L. Connor, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472
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RIN: 1660-AA22

1263. DISASTER ASSISTANCE; CRISIS COUNSELING REGULAR PROGRAM; AMENDMENT TO REGULATION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 5121 to 5206

CFR Citation: 44 CFR 206

Legal Deadline: None

Abstract: This interim final rule makes a substantive change that in limited circumstances allows the Assistant Associate Director to extend the deadline for the Crisis Counseling Regular Program.

Timetable:

Action	Date	FR Cite
Applicability Date	09/11/01	
Interim Final Rule	03/03/03	68 FR 9899
Interim Final Rule Effective	03/03/03	
Interim Final Rule Comment Period End	05/02/03	
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local,
 State

Additional Information: Transferred
 from RIN 3067-AD32

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RIN: 1660-AA23

1264. NATIONAL FLOOD INSURANCE PROGRAM (NFIP); ASSISTANCE TO PRIVATE SECTOR PROPERTY INSURERS

Priority: Other Significant

Legal Authority: 42 USC 4001 et seq

CFR Citation: 44 CFR 62

Legal Deadline: None

Abstract: This interim final rule amends the Financial Assistance/Subsidy Arrangement (the Arrangement) between FEMA and the private sector insurers that sell and service flood insurance regarding the rules pertaining to when FEMA is responsible for litigation costs and when the insurers are responsible. It also clarifies issues of jurisdiction and choice of law when the insurers are sued and makes some other changes to the Arrangement.

Timetable:

Action	Date	FR Cite
NPRM	10/14/03	68 FR 59146
NPRM Comment Period End	11/13/03	
Interim Final Rule	07/30/04	69 FR 45607
Interim Final Rule Comment Period End	09/28/04	
Interim Final Rule Effective	10/01/04	
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Edward L. Connor, Mitigation Directorate, Department of Homeland Security, Federal Emergency

DHS—FEMA

Long-Term Actions

Management Agency, 500 C Street SW., Washington, DC 20472
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RIN: 1660-AA28

1265. NATIONAL FLOOD INSURANCE PROGRAM (NFIP); ASSISTANCE TO PRIVATE SECTOR PROPERTY INSURERS; EXTENSION OF TERM OF ARRANGEMENT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4001 et seq

CFR Citation: 42 CFR 62

Legal Deadline: None

Abstract: FEMA changed the Financial Assistance/Subsidy Arrangement (the Arrangement) to extend its term of October 1, 2002, through September 30, 2003, to a term of October 1, 2002, through December 31, 2003. The second interim final rule extended the Arrangement from October 1, 2002, through May 1, 2004. The third interim final rule extends the Arrangement to a term of October 1, 2002, through September 30, 2004. The Arrangement defines the duties and responsibilities of insurers that sell and service insurance under the Write Your Own Program. It also identifies the responsibilities of the Government to provide financial and technical assistance to these insurers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/05/03	68 FR 52700
Interim Final Rule Effective	10/01/03	
Interim Final Rule Comment Period End	10/06/03	
Interim Final Rule	12/31/03	68 FR 75453
Interim Final Rule Effective	01/01/04	
Interim Final Rule Comment Period End	03/01/04	
Interim Final Rule	04/30/04	69 FR 23657
Interim Final Rule Effective	05/02/04	
Interim Final Rule Comment Period End	06/29/04	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Edward L. Connor, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472
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RIN: 1660-AA29

1266. NATIONAL FLOOD INSURANCE PROGRAM; STANDARD FLOOD INSURANCE POLICY; EXPANSION OF INCREASED COST OF COMPLIANCE (ICC) COVERAGE AND PROSPECTIVE PAYMENT OF FLOOD INSURANCE PREMIUMS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4011(b)(4); 42 USC 4015(f)

CFR Citation: 44 CFR 61

Legal Deadline: None

Abstract: This interim final rule would amend the National Flood Insurance Program regulations to incorporate the statutory changes in the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Pub. L. 108-264) enacted on June 30, 2004. Specifically, this rule would address sections 105 (Amendments to Additional Coverage for Compliance with Land Use and Control Measures) and 209 (Prospective Payment of Flood Insurance Premiums). Section 105 authorizes the extension of Increased Cost of Compliance coverage, which currently applies when a community is enforcing its substantial damage or cumulative substantial damage ordinance, to also include those properties for which an offer of mitigation assistance is made under a variety of FEMA-funded mitigation programs. Section 209 directs that if a policyholder is determined to be paying a lower premium than is required due to an error in the flood plain determination, the higher premium may only be charged prospectively.

Timetable:

Action	Date	FR Cite
Interim Final Rule	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Agency Contact: Thomas Hayes, Mitigation Directorate, Department of

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RIN: 1660-AA30

1267. DISASTER ASSISTANCE; PUBLIC ASSISTANCE INSURANCE REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 5121 to 5206

CFR Citation: 44 CFR 206

Legal Deadline: None

Abstract: These proposed regulations are intended to replace the current regulations for public assistance insurance requirements (44 CFR part 206, subpart I). The proposed regulations detail the insurance requirements that applicants must meet to be eligible for FEMA assistance for their damaged facilities following a Presidentially-declared major disaster. Many of the changes in these proposed regulations are not new, but are intended to provide clarification concerning how FEMA handles insurance issues in the Public Assistance program. The proposed rule only addresses post-disaster insurance requirements. It does not create any predisaster insurance requirements.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Federal, Local, State, Tribal

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RIN: 1660-AA32

1268. ESTIMATING ELIGIBLE COST

Priority: Economically Significant.

Major under 5 USC 801.

Legal Authority: 42 USC 5172(e)(3)(C)

CFR Citation: 44 CFR 206

DHS—FEMA

Long-Term Actions

Legal Deadline: None

Abstract: This rule would revise 44 CFR part 206, subpart H, to reflect changes in the way FEMA estimates the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices and in awarding Federal large project grants based on the application of floor and ceiling thresholds. This rule reflects the changes needed to put the new statutorily-mandated cost estimating procedures into effect.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Undetermined

Agency Contact: James Duffer, Disaster Assistance Directorate, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472
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RIN: 1660-AA33

1269. ASSISTANCE PROGRAM UNDER THE 9/11 HEROES STAMP ACT OF 2001

Priority: Other Significant

Legal Authority: PL 107-67

CFR Citation: 44 CFR 153

Legal Deadline: None

Abstract: The 9/11 Heroes Stamp Act of 2001 directed the United States Postal Service to issue a semipostal stamp and distribute the proceeds through FEMA to the families of emergency relief personnel killed or permanently disabled while serving in the line of duty in connection with the terrorist attacks of September 11, 2001. This interim final rule establishes the mechanism through which FEMA will distribute these funds.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/26/05	70 FR 43214
Interim Final Rule Effective	08/25/05	

Action	Date	FR Cite
Interim Final Rule	08/25/05	
Comment Period End		
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For More Information: www.regulations.gov

URL For Public Comments: www.regulations.gov

Agency Contact: Jotham Allen, Office of Chief Counsel, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472
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RIN: 1660-AA34

1270. SPECIAL COMMUNITY DISASTER LOANS PROGRAM

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 42 USC 5121-5606

CFR Citation: 44 CFR 206

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: James A. Walke, Disaster Assistance Directorate, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472
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RIN: 1660-AA44

1271. • DISASTER ASSISTANCE; PUBLIC ASSISTANCE REPETITIVE DAMAGE

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

Legal Authority: 42 USC 5172

CFR Citation: 44 CFR 206.226

Legal Deadline: None

Abstract: FEMA is publishing a proposed rule to implement subsection 205(b) of the Disaster Mitigation Act of 2000. That provision repealed the existing version of subsection 406(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and replaced it with a new version.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: James A. Walke, Disaster Assistance Directorate, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472
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RIN: 1660-AA47

1272. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT PROGRAM

Priority: Other Significant

Legal Authority: 29 USC 2229(a)

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This proposed action provides interested parties an

DHS—FEMA

Long-Term Actions

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

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, Tribal

Agency Contact: Brian Cowan, Director, Assistance to Firefighters Program Office, Department of Homeland Security, Office of the Secretary, 245 Murray Lane, Building 410, SW., Washington, DC 20528-7000
Phone: 202 786-9790
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Email: firegrants@dhs.gov

Related RIN: Previously reported as 1601-AA32

RIN: 1660-AA49

1273. ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM

Priority: Economically Significant. Major under 5 USC 801.

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

CFR Citation: 44 CFR 152

Legal Deadline: None

Abstract: To update existing guidance on 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 for fire departments for fire prevention and firefighter safety research activities.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, Tribal

Agency Contact: Brian Cowan, Director, Assistance to Firefighters Program Office, Department of Homeland Security, Office of the Secretary, 245 Murray Lane, Building 410, SW., Washington, DC 20528-7000
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Related RIN: Previously reported as 1601-AA30

RIN: 1660-AA50

Department of Homeland Security (DHS)

Completed Actions

Federal Emergency Management Agency (FEMA)

1274. 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. 1601-AA23 completely removed 44 CFR Part 11 Subpart C. Therefore, 1660-AA05 is no longer necessary.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/08/98	63 FR 1063
Removed	01/30/07	72 FR 4189

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: Transferred from RIN 3067-AC77; The removal of 44 CFR Part 11 Subpart C was published in interim final rule, 1601-AA23.

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RIN: 1660-AA05

1275. NATIONAL FLOOD INSURANCE PROGRAM (NFIP); STATE RENEWAL OF GROUP FLOOD INSURANCE POLICY

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

Legal Authority: 42 USC 5178

CFR Citation: 44 CFR 61

Legal Deadline: None

Abstract: FEMA is proposing to amend the Group Flood Insurance Policy (GFIP) to allow the States to continue the coverage for all eligible individuals insured under the initial GFIP policy after it has expired, provided that the States pay the entire premium.

DHS—FEMA

Completed Actions

Timetable:

Action	Date	FR Cite
Withdrawn	02/12/07	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined

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RIN: 1660-AA35

**1276. FEDERAL EMERGENCY
MANAGEMENT AGENCY (FEMA)
ACQUISITION REGULATION SYSTEM;
REMOVAL OF CHAPTER 44**

Priority: Substantive, Nonsignificant**Legal Authority:** 6 USC 313(1); 6 USC 341 (a)(2); 6 USC 551 (d)(2)**CFR Citation:** 48 CFR Chapter 44**Legal Deadline:** None

Abstract: This direct final rule removes the Federal Emergency Management Agency Acquisition Regulation in its entirety. This removal is a result of the establishment of the Department of Homeland Security and its subsequent Homeland Security Acquisition Regulation supplement to the Federal Acquisition Regulation.

Timetable:

Action	Date	FR Cite
Direct Final Rule	03/02/07	72 FR 9445

Action	Date	FR Cite
Comment Period End	04/02/07	
Final Action Effective	05/01/07	

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

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RIN: 1660-AA46

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