



Federal Register

**Monday,
December 22, 2003**

Part XIV

Department of State

Semiannual Regulatory Agenda

DEPARTMENT OF STATE (STATE)

DEPARTMENT OF STATE

22 CFR Ch. I

[Public Notice 4476]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Department of State.

ACTION: Semiannual regulatory agenda.

SUMMARY: Consistent with the Regulatory Flexibility Act of 1980, 5 U.S.C. 602, and OMB guidance to the Department of State pursuant to Executive Order 12866, the fall 2003 regulatory agenda of the Department of State is set forth below. The purpose of this publication is to provide information to the public on the Department's regulatory plans.

FOR FURTHER INFORMATION CONTACT: Jo Brooks, Attorney Adviser for Legislation and General Management, Office of the Legal Adviser, Department of State, Room 3422, 2201 C Street NW., Washington, DC 20520, telephone (202) 647-2318.

Dated: October 1, 2003.

Grant S. Green, Jr.,

Under Secretary of State for Management.

Department of State—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
2133	Hague Intercountry Adoption Convention Implementation	1400—AA88
2134	Revision to Department of State Acquisition Regulation (DOSAR)	1400—AB06
2135	Cultural Exchange Program, Summer Work/Travel	1400—AB10
2136	Hague Intercountry Adoption Preservation of Convention Records	1400—AB69
2137	Documentation of Immigrants Under the Immigration and Nationality Act—Electronic Petition for Diversity Immigrant Status	1400—AB84
2138	Availability of Information to the Public	1400—AB85
2139	Child Status Protection Act Beneficiaries	1400—AB87
2140	Documentation of Immigrant and Nonimmigrant Visas—Fingerprint Requirements	1400—AB88

Department of State—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
2141	Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs and Activities Receiving Federal Financial Assistance	1400—AB17
2142	Student Exchange Visitor Information System (SEVIS) Rule	1400—AB45
2143	Elimination of Crew List Visas	1400—AB49
2144	Uncertified Foreign Health Care Workers	1400—AB68

Department of State—Completed Actions

Sequence Number	Title	Regulation Identification Number
2145	Amendment to the ITAR: Mandatory Electronic Filing of Shipper Export Declarations Using the U.S. Customs Automated Export System	1400—AB72
2146	International Traffic in Arms Regulations: Partial Lifting of Embargo Against Rwanda	1400—AB82
2147	Revisions to Grants Management Common Rules on Debarment, Suspension, and Drug Free Workplace Requirements	1400—AB83

Department of State (STATE)

Proposed Rule Stage

2133. HAGUE INTERCOUNTRY ADOPTION CONVENTION IMPLEMENTATION

Priority: Other Significant

Legal Authority: 42 USC 14901 to 14954

CFR Citation: 22 CFR 96

Legal Deadline: None

Abstract: Regulations will implement accreditation aspects of the Hague Convention for the Protection of Children and Cooperation in Respect of

Intercountry Adoption and its implementing legislation.

Timetable:

Action	Date	FR Cite
NPRM	09/15/03	68 FR 54064

STATE

Proposed Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	11/14/03	
Final Action	06/00/04	

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

Agency Contact: Anna Mary Coburn, Office of Policy Review and Interagency Liaison, Bureau of Consular Affairs, Department of State, 2201 C Street NW, Washington, DC 20520
Phone: 202 312—9726
Fax: 202 312—9744

RIN: 1400—AA88**2134. REVISION TO DEPARTMENT OF STATE ACQUISITION REGULATION (DOSAR)****Priority:** Info./Admin./Other**Legal Authority:** PL 93—400; PL 96—83**CFR Citation:** 48 CFR 6**Legal Deadline:** None

Abstract: This revision to the DOSAR will make minor changes to conform the DOSAR to continuing changes in the Federal Acquisition Regulation (FAR).

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	

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

Agency Contact: Gladys G. Gines, Procurement Analyst, Office of the Procurement Executive, Department of State, SA—6, Room 603, Washington, DC 20522—0602
Phone: 703 516—1691
Fax: 703 875—6155
Email: ginesgg@state.gov

RIN: 1400—AB06**2135. CULTURAL EXCHANGE PROGRAM, SUMMER WORK/TRAVEL****Priority:** Substantive, Nonsignificant

Legal Authority: 8 USC 1101(2)(15)(J), 1182, 1184, 1258; 22 USC 1431 to 1442, 1475e, 2451 to 2460; Foreign Affairs Reform and Restructuring Act, PL

105—277, 112 Stat 2681 et seq; Reorganization Plan No 2 of 1977, 3 CFR, 1977 Comp, p 200; EO 12048 of March 27, 1978, 3 CFR, 1978 Comp, p 168

CFR Citation: 22 CFR 62.32**Legal Deadline:** None

Abstract: The Department is adopting specific regulations governing participation in summer work/travel programs conducted by Department—designated sponsors pursuant to Public Law 105—277. These regulations supersede program guidelines promulgated by the USIA and published at 61 FR 13760 (March 28, 1996).

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 3116—AA16.

Agency Contact: Stanley S. Colvin, Acting Director, Office of Exchange Coordination and Designation, Department of State, Bureau of Educational and Cultural Affairs, 301 4th Street SW, Washington, DC 20547
Phone: 202 401—9810
Fax: 202 401—9809
Email: scolvin@pd.state.gov

RIN: 1400—AB10**2136. • HAGUE INTERCOUNTRY ADOPTION PRESERVATION OF CONVENTION RECORDS**

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

Legal Authority: 42 USC 14901 to 14954**CFR Citation:** 22 CFR 98**Legal Deadline:** None

Abstract: Regulation to implement preservation of records requirements under the Intercountry Adoption Act of 2000.

Timetable:

Action	Date	FR Cite
NPRM	09/15/03	68 FR 54119
NPRM Comment Period End	11/14/03	
Final Action	06/00/04	

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

Agency Contact: Anna Mary Coburn, Office of Policy Review and Interagency Liaison, Bureau of Consular Affairs, Department of State, 2201 C Street NW, Washington, DC 20520
Phone: 202 312—9726
Fax: 202 312—9744

RIN: 1400—AB69**2137. • DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT—ELECTRONIC PETITION FOR DIVERSITY IMMIGRANT STATUS**

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

Legal Authority: Not Yet Determined**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: In this rule, the Department proposes to change the manner in which aliens may petition for the opportunity to participate in the Diversity Visa Program from a standard mail—in system to an entirely electronic system that will utilize a specifically designated Internet website.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

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

Agency Contact: Ronald L. Acker, Lead Visa Specialist, Department of State, 2401 E Street NW, Washington, DC 20522
Phone: 202 663—1202
Fax: 202 663—3898
Email: ackerrl@state.gov

RIN: 1400—AB84**2138. • AVAILABILITY OF INFORMATION TO THE PUBLIC****Priority:** Other Significant

Legal Authority: 22 USC 552.552a; EO 12858, as amended; 68 FR 15313; EO 12600; 55 FR 9318; Ethics in Government Act of 1978, PL 95—521, as amended

STATE

Proposed Rule Stage

CFR Citation: 22 CFR 171**Legal Deadline:** None**Abstract:** A proposed revision of the regulation that governs access by the public to information that is under the control of the Department in order to reflect changes in the provisions of the basic laws and Executive orders pertaining to access to information.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Margaret Peppe, Chief, Programs and Plans Division of the Office of Information Programs and Services, Department of State, SA—2, Room 6073, Washington, DC 20522
Phone: 202 261—8327
Fax: 202 663—2717**RIN:** 1400—AB85**2139. • CHILD STATUS PROTECTION ACT BENEFICIARIES****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 8 USC 1104**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** The rule implements the Child Status Protection Act of 2002.

The Act helps protect certain immigrant visa applicants from being denied immigration benefits due to their reaching the age of 21 and because of delays in legacy INS petition approval and adjustment processing. If an alien is eligible for relief after reaching age 21, his/her age is frozen throughout the pendency of his/her case. The rule sets forth the special formulas for calculating an alien's age for immigrant visa processing purposes.

Timetable:

Action	Date	FR Cite
NPRM	01/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Ronald L. Acker, Lead Visa Specialist, Department of State, 2401 E Street NW, Washington, DC 20522

Phone: 202 663—1202

Fax: 202 663—3898

Email: ackerrl@state.gov

RIN: 1400—AB87**2140. • DOCUMENTATION OF IMMIGRANT AND NONIMMIGRANT VISAS—FINGERPRINT REQUIREMENTS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 8 USC 1104**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** The rule announces the Department's intention to fingerprint certain immigrant and nonimmigrant visa applicants effective upon completion. Pursuant to section 303 of the Enhanced Border Security and Visa Entry Reform Act, on and after October 26, 2004, the Secretary of State will issue to aliens only machine—readable, tamper—resistant visas and travel and entry documents that use biometric identifiers. Fingerprints will be taken for the purpose of establishing a pilot program for meeting the biometric requirement. 22 CFR 41.105 authorizes consular officers to fingerprint visa applicants if the officer considers that necessary for the purposes of investigation or identification.**Timetable:**

Action	Date	FR Cite
NPRM	01/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**RIN:** 1400—AB88

Department of State (STATE)

Final Rule Stage

2141. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, HANDICAP, AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 794; 42 USC 2000d to 2000d—7; 42 USC 6101 to 6107; EO 12250**CFR Citation:** 22 CFR 141 to 143**Legal Deadline:** None**Abstract:** The Department of State participated with 21 other Federal agencies to amend regulations implementing title VI of the Civil

Rights Act of 1964 (title VI), section 504 of the Rehabilitation Act of 1972 (section 504), and the Age Discrimination Act of 1975 (Age Discrimination Act). Together, these statutes prohibit discrimination on the basis of race, color, national origin, disability, and age in programs or activities that receive Federal financial assistance. In 1988, the Civil Rights Restoration Act (CRRA) added definitions of "program or activity" and "program" to title VI, section 504, and the Age Discrimination Act. The added definitions were designed to clarify the broad scope of coverage of recipients' programs or activities under these statutes.

Timetable:

Action	Date	FR Cite
NPRM	12/06/00	65 FR 76460
NPRM Comment Period End	01/05/01	
Final Action	12/00/03	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Antoinette St. Clair, Compliance Programs, Department of State, S/EEOCR, Room 4216, 2201 C Street NW, Washington, DC 20520
Phone: 202 647—9295
Fax: 202 647—4969

STATE

Final Rule Stage

Email: stclairaf@state.gov

RIN: 1400-AB17

2142. STUDENT EXCHANGE VISITOR INFORMATION SYSTEM (SEVIS) RULE

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 8 USC 1101(a)(15)(j), 1182, 1184, 1258; 22 USC 1431 to 1442, 1475e, 2451 to 2460; Foreign Affairs Reform and Restructuring Act, PL 105-277, 112 Stat 2681 et seq; Reorganization Plan No 2 of 1977, 3 CFR 1977 Comp, p 200; EO 12048 of March 27, 1978, 3 CFR, 1978 Comp, p 168

CFR Citation: 22 CFR 62.15

Legal Deadline: None

Abstract: The Department is amending the Exchange Visitor Program regulations to facilitate the requirements established by section 641 of Public Law 104-208 (as amended) for the INS Student and Exchange Visitor Program (SEVP).

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/12/02	67 FR 76307
Interim Final Rule Comment Period End	01/13/03	
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Federalism: Undetermined

Agency Contact: Stanley S. Colvin, Acting Director, Office of Exchange Coordination and Designation, Department of State, Bureau of Educational and Cultural Affairs, 301 4th Street SW, Washington, DC 20547
Phone: 202 401-9810
Fax: 202 401-9809
Email: scolvin@pd.state.gov.

RIN: 1400-AB45

2143. ELIMINATION OF CREW LIST VISAS

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101(a)(15)(D); 8 USC 1201(f)

CFR Citation: 22 CFR 41.42

Legal Deadline: None

Abstract: Rule proposes to eliminate crew list visas.

Timetable:

Action	Date	FR Cite
NPRM	12/13/02	67 FR 76711
NPRM Comment Period End	02/11/03	
Final Action	01/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ronald L. Acker, Lead Visa Specialist, Department of State, 2401 E Street NW, Washington, DC 20522
Phone: 202 663-1202

Fax: 202 663-3898

Email: ackerrl@state.gov

RIN: 1400-AB49

2144. UNCERTIFIED FOREIGN HEALTH CARE WORKERS

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1104

CFR Citation: 22 CFR 40.53

Legal Deadline: None

Abstract: This regulation outlines requirements for foreign health care workers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/17/02	67 FR 77158
Interim Final Rule Effective	12/17/02	
Interim Final Rule Comment Period End	02/18/03	
Final Action	01/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ronald L. Acker, Lead Visa Specialist, Department of State, 2401 E Street NW, Washington, DC 20522
Phone: 202 663-1202
Fax: 202 663-3898
Email: ackerrl@state.gov

RIN: 1400-AB68

Department of State (STATE)

Completed Actions

2145. • AMENDMENT TO THE ITAR: MANDATORY ELECTRONIC FILING OF SHIPPER EXPORT DECLARATIONS USING THE U.S. CUSTOMS AUTOMATED EXPORT SYSTEM

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

Legal Authority: 22 USC 2778

CFR Citation: 22 CFR 123

Legal Deadline: None

Abstract: Part 123 of the ITAR will be amended to clarify the procedures and timelines for electronic filing of

Shipper's Export Declarations with Census and Customs.

Timetable:

Action	Date	FR Cite
Final Action	10/27/03	68 FR 61098

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Mary F. Sweeney, Munitions Control Analyst, Department of State, 12th Floor, 2401 E Street NW, Washington, DC 20522
Phone: 202 663-2865
Fax: 202 261-8199

Email: sweeneymf@state.gov

RIN: 1400-AB72

2146. • INTERNATIONAL TRAFFIC IN ARMS REGULATIONS: PARTIAL LIFTING OF EMBARGO AGAINST RWANDA

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

Legal Authority: 22 USC 2778

CFR Citation: 22 CFR 126

Legal Deadline: None

STATE

Completed Actions

Abstract: The International Traffic in Arms Regulations clarified that the policy of denial will remain in place for any new license applications, requests for approval, exports or imports of defense articles or defense services destined for or originating in Rwanda other than by the Government of Rwanda.

Timetable:

Action	Date	FR Cite
Final Action	07/30/03	68 FR 44613

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Mary Sweeney, Munitions Control Analyst, Department of State, 12th Floor, 2401 E Street NW, Washington, DC 20522
Phone: 202 663—2865
Fax: 202 261—8199

Email: sweeneymf@state.gov

RIN: 1400—AB82

2147. • REVISIONS TO GRANTS MANAGEMENT COMMON RULES ON DEBARMENT, SUSPENSION, AND DRUG FREE WORKPLACE REQUIREMENTS

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

Legal Authority: PL 103—355, sec 2455, 108 Stat 3327; EO 12549, 3 CFR, 1986 Comp, p 189; EO 12689, 3 CFR, 1989 Comp, p 235; 41 USC 701 et seq

CFR Citation: 22 CFR 133; 22 CFR 134

Legal Deadline: None

Abstract: This regulation updates and brings nonprocurement debarment and suspension procedures in line with the debarment and suspension procedures used for procurement. RIN 1400—AB33 was completed in error in 2002.

Timetable:

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3265
NPRM Comment Period End	03/25/02	
Final Action	11/26/03	68 FR 66533

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State

Agency Contact: Gladys G. Gines, Procurement Analyst, Office of the Procurement Executive, Department of State, SA—6, Room 603, Washington, DC 20522

Phone: 703 516—1691

Fax: 703 875—6155

Email: ginesgg@state.gov

RIN: 1400—AB83

[FR Doc. 03—27067 Filed 12—19—03; 8:45 am]

BILLING CODE 4710—10—S