



# Federal Register

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**Monday,  
October 31, 2005**

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**Part IX**

**Department of  
Homeland Security**

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**Semiannual Regulatory Agenda**

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

**DEPARTMENT OF HOMELAND SECURITY**

**Office of the Secretary**

**6 CFR Chs. I and II**

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

**Unified Agenda of Federal Regulatory and Deregulatory Actions**

**AGENCY:** Office of the Secretary, DHS.

**ACTION:** Semiannual regulatory agenda.

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

**FOR FURTHER INFORMATION CONTACT:**

*General*

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

*Specific*

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

**SUPPLEMENTARY INFORMATION:** This notice is given pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980) and Executive Order (E.O.) 12866, "Regulatory Planning and Review" (September 30, 1993), which require the publication of a semiannual agenda of regulations by the Department. The regulatory agenda is a semiannual summary of all current and projected rulemakings, as well as actions completed since the publication of the last regulatory agenda for the Department. This is DHS' sixth semiannual regulatory agenda since the Department's inception in January 2003. DHS' last semiannual regulatory agenda was published on May 16, 2005, at 70 FR 26892.

DHS currently is comprised of five directorates: Border and Transportation Security; Emergency Preparedness and Response; Science and Technology; Information Analysis and Infrastructure Protection; and Management.<sup>1</sup> Several other critical agencies were transferred to the Department or were created under the Homeland Security Act of 2002, including the U.S. Coast Guard (Coast Guard), the U.S. Secret Service, the Transportation Security Administration (TSA), and the Federal Emergency Management Administration (FEMA). In addition, the former Immigration and Naturalization Service (INS) of the Department of Justice and the former U.S. Customs Service of the Department of the Treasury were transferred to DHS and reorganized to become the U.S. Citizenship and Immigration Services (USCIS), the Bureau of Immigration and Customs Enforcement (ICE), and the Bureau of Customs and Border Protection (CBP). Many of the agencies

transferred to DHS had existing and active regulatory agendas. Those legacy regulatory agendas have been transferred to DHS and now are identified in the DHS regulatory agenda. Accordingly, some of the regulatory actions identified in this agenda may reference actions initiated by a predecessor Department or agency.

DHS joined the Environmental Protection Agency Federal Partner Online Electronic Docket System (EDOCKET) in September 2004. In September 2005, EDOCKET will be replaced by the Federal Docket Management System (FDMS) located at . All Coast Guard and TSA electronic dockets continue to be accessed at dms.dot.gov. Since Coast Guard and TSA were originally on the Department of Transportation's (DOT) electronic Docketing Management System, those agencies will remain on that system until DHS fully migrates to FDMS during fiscal year 2006.

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

**Dated:** September 23, 2005.

**Mary Kate Whalen,**

*Deputy Associate General Counsel for Regulations.*

<sup>1</sup> On July 13, 2005, the Secretary of Homeland Security announced a proposed reorganization of the Department. Pursuant to the reorganization, the directorates listed above may be subject to change during fiscal year 2006, and any changes will be updated in the Spring Unified Agenda for 2006.

**Office of the Secretary—Proposed Rule Stage**

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1234            | Supplemental Standards of Conduct for Employees of the Department of Homeland Security .....  | 1601-AA17                    |
| 1235            | Uniform Administrative Requirements for Grants and Cooperative Agreements; Administration of Grants and Agreements With Institutions of Higher Ed., Hospitals, and Other Nonprofit Orgs. .... | 1601-AA18                    |
| 1236            | Identifying, Safeguarding, and Sharing Sensitive Homeland Security Information .....  | 1601-AA25                    |
| 1237            | Homeland Security Acquisition Regulation (HSAR): Conformance to the Federal Acquisition Circulars (FACs) .....  | 1601-AA28                    |
| 1238            | Assistance to Firefighters Grant Program .....  | 1601-AA30                    |

## DHS

## Office of the Secretary—Final Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1239            | Classified National Security Information .....   | 1601-AA02                    |
| 1240            | Enforcement of Nondiscrimination on the Basis of Disability in Department of Homeland Security Programs or Activities .....                                    | 1601-AA03                    |
| 1241            | Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance .....   | 1601-AA04                    |
| 1242            | Regulations Regarding Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance ..... | 1601-AA05                    |
| 1243            | Authority of the Secretary of the Department of Homeland Security; Delegations of Authority; Immigration Laws ....   | 1601-AA06                    |
| 1244            | Program Fraud Civil Remedies .....   | 1601-AA11                    |
| 1245            | Regulations Imposing Restrictions Upon Lobbying .....  | 1601-AA12                    |
| 1246            | National Environmental Policy Act Procedures .....   | 1601-AA13                    |
| 1247            | Procedures for Handling Critical Infrastructure Information ( <b>Reg Plan Seq No. 56</b> ) .....   | 1601-AA14                    |
| 1248            | Regulations Implementing the Support Antiterrorism by Fostering Effective Technologies Act of 2002 (the SAFE-TY Act) ( <b>Reg Plan Seq No. 57</b> ) .....      | 1601-AA15                    |
| 1249            | Homeland Security Acquisition Regulation (HSAR) .....  | 1601-AA16                    |
| 1250            | Protection of Human Subjects ( <b>Reg Plan Seq No. 58</b> ) .....  | 1601-AA29                    |

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

## Office of the Secretary—Long-Term Actions

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1251            | Freedom of Information Act and Privacy Act Procedures .....  | 1601-AA00                    |
| 1252            | Production or Disclosure of Official Information in Connection With Legal Proceedings .....                            | 1601-AA01                    |
| 1253            | Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace ..... | 1601-AA10                    |
| 1254            | Procedures Relating to Awards Under the Equal Access to Justice Act .....  | 1601-AA22                    |
| 1255            | Collection of Nontax Debts Owed to the Department of Homeland Security .....   | 1601-AA23                    |
| 1256            | Right to Financial Privacy .....   | 1601-AA24                    |
| 1257            | Department of Homeland Security Labor Relations Board .....  | 1601-AA27                    |

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

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1258            | Revised Grounds of Inadmissibility; Exceptions and Waivers for Immigrants and Nonimmigrants .....  | 1615-AA00                    |
| 1259            | International Matchmaking Organizations .....  | 1615-AA11                    |
| 1260            | Immigrant and Nonimmigrant; Religious Workers .....  | 1615-AA16                    |
| 1261            | Special Immigrant Status for Certain NATO Civilian Employees .....   | 1615-AA21                    |
| 1262            | Inadmissibility To Enter the United States for Former U.S. Citizens Who Renounced Citizenship To Avoid Taxation .....  | 1615-AA32                    |
| 1263            | Intercountry Adoptions .....   | 1615-AA43                    |
| 1264            | Waiver of Fees .....   | 1615-AA48                    |
| 1265            | Adjustment of Status Under Section 245(k) .....  | 1615-AA54                    |
| 1266            | 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                    |
| 1267            | Construction Work and the B Nonimmigrant Visa Classification .....   | 1615-AA58                    |
| 1268            | Consent To Reapply for Admission After Removal .....   | 1615-AA61                    |
| 1269            | Waivers of the Two-Year Foreign Residence Requirement for Certain Exchange Visitors .....  | 1615-AA62                    |
| 1270            | Medical Grounds of Inadmissibility and Waivers .....   | 1615-AA66                    |
| 1271            | Waiver of Criminal Grounds of Inadmissibility for Immigrants .....   | 1615-AA94                    |
| 1272            | Establishment of Fee for Processing Genealogical Research Requests .....   | 1615-AB19                    |
| 1273            | Petitions for Employment Creation Aliens .....   | 1615-AB20                    |
| 1274            | Administrative Appeals Office: Procedural Reforms To Improve Efficiency .....  | 1615-AB29                    |
| 1275            | After-Sales Service and After-Lease Service for B-1 Temporary Visitors for Business .....  | 1615-AB33                    |

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

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1276            | Employment Based Immigrants—Elimination of Beneficiary Substitution on Approved Labor Certifications and Validity Period of Approved Labor Certifications ..... | 1615-AB34                    |
| 1277            | Authorization for the Collection of Biometric Data .....  | 1615-AB36                    |
| 1278            | Adjustment of the Immigration Benefit Application Fee Schedule .....  | 1615-AB37                    |
| 1279            | Experience Requirements for Essential Support Aliens in the O and P Nonimmigrant Classifications .....  | 1615-AB39                    |
| 1280            | Foreign Residence Requirement Imposed on Certain Participants in the Irish Peace Process Cultural and Training Program .....                                    | 1615-AB43                    |

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

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1281            | Adjustment of Status to That of Person Admitted for Permanent Residence: Conditional Residents and Fiance(e)s  | 1615-AA02                    |
| 1282            | Petition To Classify Alien as Immediate Relative of a U.S. Citizen or as a Preference Immigrant; Self-Petitioning for Certain Battered or Abused Alien Spouses and Children .....  | 1615-AA03                    |
| 1283            | Definition of the Term "Lawfully Present" for Purposes of Eligibility for Public Benefits .....  | 1615-AA05                    |
| 1284            | Affidavit of Support on Behalf of Immigrants .....   | 1615-AA06                    |
| 1285            | Fingerprinting Applicants and Petitioners for Immigration Benefits; Establishing a Fee for Fingerprinting by the Department of Homeland Security .....                             | 1615-AA14                    |
| 1286            | Regulations Concerning the Convention Against Torture .....  | 1615-AA19                    |
| 1287            | Inadmissibility and Deportability on Public Charge Grounds .....   | 1615-AA22                    |
| 1288            | Application for Refugee Status; Acceptable Sponsorship Agreement Guaranty of Transportation .....  | 1615-AA24                    |
| 1289            | Battered and Abused Conditional Residents; Termination of Marriage by Conditional Residents .....  | 1615-AA29                    |
| 1290            | Revoking Grants of Naturalization .....  | 1615-AA30                    |
| 1291            | Registration and Fingerprinting of Aliens in the United States: Control of Employment of Aliens .....  | 1615-AA33                    |
| 1292            | National Interest Waivers for Second Preference Employment-Based Immigrant Physicians Serving in Medically Underserved Areas or at Department of Veterans Affairs Facilities ..... | 1615-AA34                    |
| 1293            | Petitioning Requirements for the H-1C Nonimmigrant Classification Under Public Law 106-95 .....  | 1615-AA35                    |
| 1294            | Adjustment of Status to That of Person Admitted for Permanent Residence; Temporary Removal of Certain Restrictions of Eligibility .....  | 1615-AA40                    |
| 1295            | Asylum and Withholding Definitions .....   | 1615-AA41                    |
| 1296            | 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                    |
| 1297            | Academic Honorarium for B Nonimmigrant Aliens .....  | 1615-AA44                    |
| 1298            | Children Born Outside the United States; Applications for Certificate of Citizenship .....   | 1615-AA45                    |
| 1299            | Allowing for the Filing of Form I-140 Visa Petition Concurrently With a Form I-485 Application in Certain Circumstances .....  | 1615-AA46                    |
| 1300            | Special Immigrant Visa for Fourth Preference Employment-Based Broadcasters .....   | 1615-AA47                    |
| 1301            | 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                    |
| 1302            | Nonimmigrant Classes; Spouses and Children of Lawful Permanent Residents; V Classification .....   | 1615-AA53                    |
| 1303            | K Nonimmigrant Classification; Legal Immigration Family Equity Act (LIFE) .....  | 1615-AA56                    |
| 1304            | Adjustment of Status for Certain Syrian Nationals Granted Asylum in the United States .....  | 1615-AA57                    |
| 1305            | New Classification for Victims of Severe Forms of Trafficking in Persons Eligible for the T Nonimmigrant Status .....  | 1615-AA59                    |
| 1306            | Adjustment of Status for Victims of Trafficking .....  | 1615-AA60                    |
| 1307            | Removal of Limitations on the Validity Period for Employment Authorization Documents .....   | 1615-AA63                    |
| 1308            | New Classification for Victims of Certain Criminal Activity; Eligibility for the U Nonimmigrant Status .....   | 1615-AA67                    |
| 1309            | Documentary Requirements for Certain Temporary Residents .....   | 1615-AA69                    |
| 1310            | Requiring Change of Status From B to F-1 or M-1 Nonimmigrant Prior To Pursuing a Course of Study .....   | 1615-AA73                    |
| 1311            | Restructuring the Nonimmigrant Regulations .....   | 1615-AA74                    |
| 1312            | Waivers for Nonimmigrants Under Section 212(d)(3)(A) of the Immigration and Nationality Act .....  | 1615-AA75                    |
| 1313            | Clarification of Regulations Relating to Aliens That Are Employment Authorized Incident to Status .....  | 1615-AA78                    |
| 1314            | Procedures for Conducting Examinations and Waiving the Oath of Allegiance for Naturalization Applicants With Disabilities .....  | 1615-AA81                    |
| 1315            | Withholding of Adjudication .....  | 1615-AA86                    |
| 1316            | Implementation of Amendments Affecting Petitions for Employment Creation Aliens .....  | 1615-AA90                    |
| 1317            | Implementation of the Age Out Protections Afforded Under the Child Status Protection Act .....   | 1615-AA95                    |

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

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1318            | Eliminating the Numerical Cap on Mexican TN Nonimmigrants .....  | 1615-AA96                    |
| 1319            | Filing of Proposals for Designation as a Regional Center Approved To Participate in the Immigrant Investor Pilot Program .....                                       | 1615-AB00                    |
| 1320            | Application for Naturalization by Alternative Application if Citizen Parent Has Died .....   | 1615-AB08                    |
| 1321            | Requiring Completion of Security Checks Before Issuance of Evidence of Alien Registration .....  | 1615-AB12                    |
| 1322            | Removal of Standardized Request for Evidence Processing Timeframe .....  | 1615-AB13                    |
| 1323            | 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                    |
| 1324            | Petitioning Requirements for the O and P Nonimmigrant Classifications .....  | 1615-AB17                    |
| 1325            | Change or Extension of Nonimmigrant Status Under the Chile and Singapore Free Trade Agreements .....   | 1615-AB22                    |
| 1326            | Petitions for Employment Based Immigrants .....  | 1615-AB27                    |
| 1327            | Extension of the Deadline for Certain Health Care Workers Required To Obtain Certificates .....  | 1615-AB28                    |
| 1328            | Adding a Filing Fee for Re-Registration and Extension of Temporary Protected Status .....  | 1615-AB31                    |
| 1329            | Allocation of H-1B Visas Created by the H-1B Visa Reform Act of 2004 .....   | 1615-AB32                    |
| 1330            | Interpretation at Asylum Interviews .....  | 1615-AB35                    |
| 1331            | 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                    |
| 1332            | Revision of Procedures for Premium Processing Service for Employment-Based Petitions and Applications .....  | 1615-AB40                    |
| 1333            | Standards for Rejection of Petitions or Applications Lacking Improperly Completed Forms and Required Initial Evidence .....  | 1615-AB41                    |
| 1334            | Irish Peace Process Cultural and Training Program .....  | 1615-AB42                    |

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

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1335            | Reduction of the Number of Acceptable Documents and Other Changes to Employment Verification Requirements .....   | 1615-AA01                    |
| 1336            | Adjustment of Status, Continued Validity of Nonimmigrant Status, and Unexpired Employment Authorization for Applicants Maintaining Nonimmigrant H or L Status ..... | 1615-AA12                    |
| 1337            | Suspension of Deportation and Special Rule Cancellation of Removal for Certain Nationals of Guatemala, El Salvador, and Former Soviet Bloc Countries .....          | 1615-AA17                    |
| 1338            | Establishing Premium Processing Service for Employment-Based Petitions and Applications .....   | 1615-AA49                    |
| 1339            | Adjustment of Status for Certain Nationals of Nicaragua, Cuba, and Haiti .....  | 1615-AA51                    |
| 1340            | Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H-2B) .....  | 1615-AA82                    |
| 1341            | Electronic Signature on Applications and Petitions for Immigration and Naturalization Benefits .....  | 1615-AA83                    |
| 1342            | Authorizing Suspension of Employment Authorization Requirements on the Basis of Severe Economic Hardship for F-1 Students and Emergent Circumstances .....          | 1615-AB44                    |

## U.S. Citizenship and Immigration Services—Completed Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1343            | Temporary Protected Status Notices and Regulations .....  | 1615-AA04                    |
| 1344            | Special Immigrant Juvenile Petitions .....  | 1615-AA15                    |
| 1345            | Dismissal of Asylum Application for Unexcused Failure To Appear and Affect on Eligibility for Employment Authorization .....                    | 1615-AA18                    |
| 1346            | Implementation of the Numerical Limit on Asylum Grants and Refugee Admissions Based on Resistance to Coercive Population Control Measures ..... | 1615-AA37                    |
| 1347            | Illegal Entries, Unlawful Presence, and Automatic Voiding of Nonimmigrant Visas .....   | 1615-AA64                    |
| 1348            | Medical Examination Requirements and Designation of Civil Surgeons .....  | 1615-AA65                    |
| 1349            | Adjustment of the Appeal and Motion Fee To Recover Full Costs .....   | 1615-AA88                    |
| 1350            | Changes to Employment Authorization Eligibility for Certain Applicants and to Standards for Determining a Frivolous Asylum Application .....    | 1615-AA89                    |
| 1351            | Criminal Grounds of Inadmissibility, Exceptions and Waivers for Immigrants and Nonimmigrants, Refugees and Asylees .....                        | 1615-AB15                    |

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## U.S. Citizenship and Immigration Services—Completed Actions (Continued)

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1352            | Eligibility Pilot Program (Precertification of Certain I-129 and I-140 Petitioners) ..... | 1615-AB25                    |

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

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1353            | Claims Procedures Under the Oil Pollution Act of 1990 (USCG-2004-17697) .....  | 1625-AA03                    |
| 1354            | Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978 (CGD 95-062) .....                        | 1625-AA16                    |
| 1355            | Wearing of Personal Flotation Devices by Persons Operating or Riding on Personal Watercraft or Being Towed Behind Recreational Vessels (USCG-2002-11421) .....                                       | 1625-AA40                    |
| 1356            | 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                    |
| 1357            | Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard (USCG 1998-3472) .....  | 1625-AA59                    |
| 1358            | Administrative Changes To Numbering of Vessels and Reporting of Casualties (USCG-2003-14963) .....   | 1625-AA70                    |
| 1359            | Commercial Fishing Industry Vessels (USCG-2003-16158) .....  | 1625-AA77                    |
| 1360            | Dry Cargo Residue Discharges in the Great Lakes (USCG-2004-19621) .....  | 1625-AA89                    |
| 1361            | Pollution Prevention Equipment (USCG-2004-18939) .....   | 1625-AA90                    |
| 1362            | Alternate Compliance Program: Vessel Inspection Alternatives .....   | 1625-AA92                    |
| 1363            | Vessel Documentation: Lease Financing for Vessels Engaged in the Coastwise Trade .....   | 1625-AA95                    |
| 1364            | Waiver for Marking Sunken Vessels With Light at Night (USCG-2005-20488) .....  | 1625-AA97                    |
| 1365            | Oil Spill Liability Trust Fund Consumer Price Index (CPI) Adjustment of Vessel Limits of Liability .....   | 1625-AA98                    |

## U.S. Coast Guard—Final Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1366            | Reporting Marine Casualties (USCG-2000-6927) .....   | 1625-AA04                    |
| 1367            | Limited Service Domestic Voyage Load Lines for River Barges on Lake Michigan (USCG-1998-4623) .....  | 1625-AA17                    |
| 1368            | Deepwater Ports (USCG-1998-3884) .....   | 1625-AA20                    |
| 1369            | Vessel and Facility Response Plans for Oil: 2003 Removal Equipment Requirements and Alternative Technology Revisions (USCG-2001-8661) .....  | 1625-AA26                    |
| 1370            | Marine Casualties and Investigations; Chemical Testing Following Serious Marine Incidents (USCG-2001-8773) <b>(Reg Plan Seq No. 59)</b> .....  | 1625-AA27                    |
| 1371            | Drawbridge Operations Regulations; Revisions (USCG-2001-10881) .....   | 1625-AA36                    |
| 1372            | Protection for Whistleblowers in the Coast Guard (USCG-2002-13016) .....   | 1625-AA50                    |
| 1373            | Review and Update of Standards for Marine Equipment (USCG-2003-16630) .....  | 1625-AA83                    |
| 1374            | Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Licenses and Certificates of Registry (USCG-2004-17455) <b>(Reg Plan Seq No. 60)</b> ..... | 1625-AA85                    |
| 1375            | Notification of Arrival in U.S. Ports; Certain Dangerous Cargoes; Electronic Submission (USCG-2004-19963) .....  | 1625-AA93                    |
| 1376            | Vessel Requirements for Notices of Arrival and Departure, and Carriage of Automatic Identification System (USCG-2005-21869) <b>(Reg Plan Seq No. 61)</b> .....                               | 1625-AA99                    |

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

## U.S. Coast Guard—Long-Term Actions

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1377            | Safety Zone Regulations .....  | 1625-AA00                    |
| 1378            | Special Anchorage Areas/Anchorage Grounds Regulations .....                | 1625-AA01                    |
| 1379            | Discharge-Removal Equipment for Vessels Carrying Oil (CGD 90-068) .....    | 1625-AA02                    |
| 1380            | State Access to the Oil Spill Liability Trust Fund (USCG-2004-19123) ..... | 1625-AA06                    |

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

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1381            | Regatta and Marine Parade Regulations .....  | 1625-AA08                    |
| 1382            | Drawbridge Regulations .....   | 1625-AA09                    |
| 1383            | Escort Vessels in Certain U.S. Waters (CGD 91-202a) .....  | 1625-AA10                    |
| 1384            | Regulated Navigation Areas .....   | 1625-AA11                    |
| 1385            | Marine Transportation-Related Facility Response Plans for Hazardous Substances (USCG-1999-5705) .....                                      | 1625-AA12                    |
| 1386            | Tank Vessel Response Plans for Hazardous Substances (USCG-1998-4354) .....   | 1625-AA13                    |
| 1387            | Numbering of Undocumented Barges (USCG-1998-3798) .....  | 1625-AA14                    |
| 1388            | Outer Continental Shelf Activities (USCG-1998-3868) .....  | 1625-AA18                    |
| 1389            | Salvage and Marine Firefighting Requirements; Vessel Response Plans for Oil (USCG-1998-3417) .....   | 1625-AA19                    |
| 1390            | Commercial Diving Operations (USCG-1998-3786) .....  | 1625-AA21                    |
| 1391            | Improvements to Maritime Safety in Puget Sound-Area Waters (USCG-1998-4501) .....  | 1625-AA22                    |
| 1392            | Cargo Securing on Vessels Operating in U.S. Waters (USCG-2000-7080) .....  | 1625-AA25                    |
| 1393            | Federal Requirements for Propeller Injury Avoidance Measures (USCG 2001-10163) .....   | 1625-AA31                    |
| 1394            | Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters (USCG-2001-10486) .....                                   | 1625-AA32                    |
| 1395            | Rates for Pilotage on the Great Lakes (USCG-2002-11288) .....  | 1625-AA38                    |
| 1396            | Notifications of Arrival and Departure in Ports or Places in the United States (USCG-2001-11865) .....                                     | 1625-AA41                    |
| 1397            | Vessel Traffic Service Lower Mississippi River (USCG-1998-4399) .....  | 1625-AA58                    |
| 1398            | Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Documents (MMDs) (USCG-2003-14500) ..... | 1625-AA81                    |
| 1399            | Security Zone Regulations .....  | 1625-AA87                    |
| 1400            | Navigation Equipment; SOLAS Chapter V Amendments (USCG-2004-19588) .....   | 1625-AA91                    |
| 1401            | Notification of Arrival in U.S. Ports; Certain Dangerous Cargoes; Electronic Submission (USCG-2003-16688) .....                            | 1625-AA96                    |
| 1402            | Long Range Identification and Tracking of Vessels .....  | 1625-AB00                    |

## U.S. Coast Guard—Completed Actions

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1403            | Escort Vessels for Certain Tankers (CGD 91-202) .....  | 1625-AA05                    |
| 1404            | Anchorage Ground; Safety Zone; Speed Limit; Tongass Narrows and Ketchikan, Alaska (CGD17-99-002) .....                                     | 1625-AA23                    |
| 1405            | Electronic Chart Display and Information System (ECDIS) (USCG-2001-8826) .....   | 1625-AA29                    |
| 1406            | Marine Events: Permit Procedures (USCG-2001-10713) .....   | 1625-AA35                    |
| 1407            | Escort Vessels for Certain Tankers—Crash Stop Criteria (USCG-2003-14734) .....   | 1625-AA65                    |
| 1408            | Tank Level or Pressure Monitoring Devices on Single-Hull Tank Ships and Single-Hull Tank Barges Carrying Oil or Oil Residue As Cargo ..... | 1625-AA94                    |

## Directorate of Border and Transportation Security—Proposed Rule Stage

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1409            | United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT); Authority To Collect Biometric Data From Additional Travelers ..... | 1650-AA00                    |

## Directorate of Border and Transportation Security—Final Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1410            | US VISIT: Enrollment of Additional Categories of Aliens in US-VISIT After Notice ..... | 1650-AA06                    |

## DHS

## Directorate of Border and Transportation Security—Long-Term Actions

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1411            | Implementation of the United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT); Biometric Requirements for Exit at Air and Sea Ports ..... | 1650-AA04                    |

## Directorate of Border and Transportation Security—Completed Actions

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1412            | United States Visitor and Immigration Status Indicator Technology Program (US-VISIT); Automatic Identification of Certain Nonimmigrants Exiting the United States at Select Land Border Ports of Entry ..... | 1650-AA01                    |

## Bureau of Customs and Border Protection—Prerule Stage

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1413            | Documents Required for Travel Within the Western Hemisphere ..... | 1651-AA66                    |

## Bureau of Customs and Border Protection—Proposed Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1414            | Advance Notice Requirements for Aircraft Landings and Arrivals; Revisions to the Private Aircraft Overflight Program .....   | 1651-AA41                    |
| 1415            | Prior Disclosure and Lost Duty or Revenue Demands When Penalty Claim Not Issued .....  | 1651-AA42                    |
| 1416            | Cargo Information (Manifest) Discrepancy Reporting Requirements and Penalty Guidelines .....   | 1651-AA45                    |
| 1417            | Air Transit Program .....  | 1651-AA50                    |
| 1418            | Changes to the Administrative Process for Petitions for Relief Regarding Seizures and Forfeitures Resulting From Violations of Immigration and Naturalization Laws .....                 | 1651-AA58                    |
| 1419            | Container Seals .....  | 1651-AA61                    |
| 1420            | 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 ..... | 1651-AA62                    |
| 1421            | Use of Sampling Methods in CBP Audits and Offsetting of Overpayments and Over-Declarations in 19 U.S.C. 1592 Penalty Cases .....   | 1651-AA64                    |
| 1422            | Consolidation of Collections for Reimbursable Services .....   | 1651-AA65                    |

## Bureau of Customs and Border Protection—Final Rule Stage

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1423            | Elimination of Immigration and Naturalization Service-Issued Mexican and Canadian Border Crossing Cards .....   | 1651-AA08                    |
| 1424            | Extension of 25-Mile Limit at Select Arizona Ports-of-Entry .....   | 1651-AA11                    |
| 1425            | Access to Customs Security Areas at Airports .....  | 1651-AA38                    |
| 1426            | Passenger Name Record Information Required for Passengers on Flights in Foreign Air Transportation To or From the United States .....                     | 1651-AA40                    |
| 1427            | Confidentiality of Commercial Information .....   | 1651-AA47                    |
| 1428            | Letters and Documents; Advance Electronic Presentation of Cargo Data .....  | 1651-AA55                    |
| 1429            | Remittance of Immigration User Fee .....  | 1651-AA57                    |
| 1430            | Extension of Time Limit on Admission of Certain Mexican Nationals .....   | 1651-AA60                    |
| 1431            | Abbreviation or Waiver of Training for State or Local Law Enforcement Officers Authorized To Enforce Immigration Law During a Mass Influx of Aliens ..... | 1651-AA67                    |



## DHS

## Bureau of Customs and Border Protection—Long-Term Actions

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1432            | Visa Waiver Program .....  | 1651-AA00                    |
| 1433            | Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings .....                                | 1651-AA04                    |
| 1434            | Establishment of Preinspected Automated Lane (PAL) Program .....   | 1651-AA06                    |
| 1435            | Amendment of the Regulatory Definition of Arriving Alien .....   | 1651-AA07                    |
| 1436            | Removal of Visa and Passport Waiver for Certain Permanent Residents of Canada and Bermuda .....  | 1651-AA23                    |
| 1437            | Nonimmigrant Visa Exemption for Nationals of the British Virgin Islands Entering the United States Through St. Thomas, U.S. Virgin Islands ..... | 1651-AA29                    |
| 1438            | Procedures Governing the Border Release Advanced Screening and Selectivity (BRASS) Program .....   | 1651-AA35                    |

## Bureau of Customs and Border Protection—Completed Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1439            | Conditional Release Period and Customs Bond Obligations for Food, Drugs, Devices, and Cosmetics ..... | 1651-AA39                    |
| 1440            | Western Hemisphere Travel Document Requirements .....   | 1651-AA63                    |

## Transportation Security Administration—Proposed Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1441            | Aircraft Repair Station Security .....   | 1652-AA38                    |
| 1442            | Foreign Air Carriers .....   | 1652-AA40                    |
| 1443            | Transportation Worker Identification Credential (TWIC) Maritime .....          | 1652-AA41                    |
| 1444            | Modification of the Aviation Security Infrastructure Fee (ASIF) .....          | 1652-AA43                    |
| 1445            | Due Process for FAA Certificate Holders and for Other Threat Assessments ..... | 1652-AA44                    |
| 1446            | Registered Traveler (RT) .....   | 1652-AA47                    |

## Transportation Security Administration—Final Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1447            | Imposition and Collection of Passenger Civil Aviation Security Service Fees .....  | 1652-AA00                    |
| 1448            | Aviation Security Infrastructure Fees (ASIF) .....   | 1652-AA01                    |
| 1449            | Air Cargo Security Requirements .....  | 1652-AA23                    |
| 1450            | Privacy Act of 1974: Implementation of Exemptions; Intelligence, Enforcement, Internal Investigation, and Background Investigation Records ..... | 1652-AA34                    |
| 1451            | Flight Training for Aliens and Other Designated Individuals; Security Awareness Training for Flight School Employees .....                       | 1652-AA35                    |
| 1452            | Secure Flight Program .....  | 1652-AA45                    |
| 1453            | Technical Amendment: Administrative Organizational Changes .....   | 1652-AA46                    |
| 1454            | Privacy Act of 1974: Implementation of Exemptions; Secure Flight Records .....   | 1652-AA48                    |

## Transportation Security Administration—Long-Term Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1455            | Civil Aviation Security Rules .....                                 | 1652-AA02                    |
| 1456            | Security Programs for Aircraft Weighing 12,500 Pounds or More ..... | 1652-AA03                    |
| 1457            | Private Charter Security Rules .....                                | 1652-AA04                    |
| 1458            | Background Checks for Airport Workers .....                         | 1652-AA06                    |
| 1459            | Protection of Sensitive Security Information .....                  | 1652-AA08                    |

## DHS

## Transportation Security Administration—Long-Term Actions (Continued)

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1460            | Security Compliance Program for Aircraft Operators .....  | 1652-AA09                    |
| 1461            | Security Compliance Program for Airports .....  | 1652-AA10                    |
| 1462            | Criminal History Records Checks .....   | 1652-AA11                    |
| 1463            | Transportation of Explosives From Canada to the United States Via Commercial Motor Vehicle and Railroad Carrier .....                 | 1652-AA16                    |
| 1464            | Security Threat Assessment for Individuals Applying for a Hazardous Materials Endorsement for a Commercial Drivers License .....      | 1652-AA17                    |
| 1465            | Surface Transportation Security Directives .....  | 1652-AA26                    |
| 1466            | Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC, Metropolitan Area Flight Restricted Zone ..... | 1652-AA39                    |
| 1467            | Ronald Reagan Washington National Airport: Enhanced Security Procedures for Certain Operations .....                                  | 1652-AA49                    |

## Transportation Security Administration—Completed Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1468            | Privacy Act of 1974: Implementation of Exemptions; Registered Traveler Operations Files ..... | 1652-AA36                    |

## Bureau of Immigration and Customs Enforcement—Proposed Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1469            | Procedures for Detainee Hunger Strikes .....   | 1653-AA12                    |
| 1470            | Interest Payments on Cancelled Cash Bonds .....  | 1653-AA20                    |
| 1471            | SEVIS Reporting Requirements of Academic Institutions at the Start of Each Term or Session .....                                 | 1653-AA28                    |
| 1472            | Removal of Companies Holding a Certificate From the Secretary of the Treasury as an Acceptable Surety on Immigration Bonds ..... | 1653-AA38                    |
| 1473            | Transfer of Flight Training Programs Under the Department of State Oversight to the Department of Homeland Security .....        | 1653-AA43                    |
| 1474            | Strengthening Control Over Immigration Surety Bonds .....  | 1653-AA45                    |
| 1475            | Centralized Filing of Bond Appeals .....   | 1653-AA48                    |

## Bureau of Immigration and Customs Enforcement—Final Rule Stage

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1476            | Requiring Aliens Ordered Removed From the United States To Surrender to the Department of Homeland Security for Removal .....               | 1653-AA05                    |
| 1477            | Early Release for Removal of Criminal Aliens in State Custody for Nonviolent Offenses .....   | 1653-AA06                    |
| 1478            | Power of Secretary of the Department of Homeland Security To Terminate Deportation Proceedings and Initiate Removal Proceedings .....       | 1653-AA08                    |
| 1479            | Protection and Assistance for Victims of Trafficking .....  | 1653-AA09                    |
| 1480            | Detention of Aliens Subject to Final Orders of Removal .....  | 1653-AA13                    |
| 1481            | Custody Procedures .....  | 1653-AA14                    |
| 1482            | Powers and Authorities of Officers and Employees .....  | 1653-AA27                    |
| 1483            | Changes in Registration Policies and Monitoring of Certain Nonimmigrants .....  | 1653-AA29                    |
| 1484            | Extending the Period of Duration of Status for Certain F and J Nonimmigrant Aliens .....  | 1653-AA30                    |
| 1485            | Requiring Certification of All Service-Approved Schools for Enrollment in the Student and Exchange Visitor Information System (SEVIS) ..... | 1653-AA31                    |
| 1486            | Denial and Withdrawal for Approval of Schools for Attendance by Nonimmigrant Students .....   | 1653-AA33                    |
| 1487            | Change in Business Practices; Acceptance of Payments of Fees By Credit Card and Other Electronic Means Where Possible .....                 | 1653-AA36                    |
| 1488            | Implementation of the Border Commuter Student Act of 2002 .....   | 1653-AA37                    |

## DHS

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

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1489            | Civil Monetary Penalties Inflation Adjustment .....   | 1653-AA39                    |
| 1490            | Establishing Procedures for Recertification of Schools Approved by the Student and Exchange Visitor Program (SEVP) to Enroll F or M Nonimmigrant Students .....                             | 1653-AA42                    |
| 1491            | Establish Compliance Criteria and Comprehensive Fee for Recertification of Schools Approved by the Student and Exchange Visitor Program (SEVP) To Enroll F or M Nonimmigrant Students ..... | 1653-AA44                    |
| 1492            | Duties of Officers; Administrative Control of Removal Orders .....  | 1653-AA46                    |
| 1493            | Electronic Signature and Storage of Form I-9, Employment Eligibility Verification .....   | 1653-AA47                    |

## Bureau of Immigration and Customs Enforcement—Completed Actions

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1494            | Employer Sanctions Modifications .....   | 1653-AA01                    |
| 1495            | Agreement Promising Nondeportation or Other Immigration Benefits .....   | 1653-AA02                    |
| 1496            | Address Notification To Be Filed With Designated Applications .....  | 1653-AA15                    |
| 1497            | Abbreviation or Waiver of Training for State or Local Law Enforcement Officers Authorized To Enforce Immigration Law During a Mass Influx of Aliens .....  | 1653-AA18                    |
| 1498            | Reduced Course Load for Certain F and M Nonimmigrant Students at Border Communities .....  | 1653-AA32                    |
| 1499            | Authorizing Suspension of Employment Authorization Requirements on the Basis of Severe Economic Hardship for F-1 Students and Emergent Circumstances ..... | 1653-AA34                    |
| 1500            | Requirements for Admission, Extension, and Maintenance of Nonimmigrant Status; Effect of Visa Revocation .....   | 1653-AA40                    |

## Directorate of Emergency Preparedness and Response/FEMA—Proposed Rule Stage

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1501            | Disaster Assistance; Fire Management Assistance Grant Program .....   | 1660-AA26                    |
| 1502            | 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                    |

## Directorate of Emergency Preparedness and Response/FEMA—Final Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1503            | National Flood Insurance Program; Appeal of Decisions Relating to Flood Insurance Coverage ..... | 1660-AA41                    |
| 1504            | Special Community Disaster Loans Program .....   | 1660-AA44                    |

## Directorate of Emergency Preparedness and Response/FEMA—Long-Term Actions

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1505            | Flood Mitigation Assistance Program .....  | 1660-AA00                    |
| 1506            | Criminal and Civil Penalties Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ..... | 1660-AA01                    |
| 1507            | Disaster Assistance; Hazard Mitigation Grant Program .....   | 1660-AA02                    |
| 1508            | Debt Collection .....  | 1660-AA05                    |
| 1509            | National Urban Search and Rescue Response System .....   | 1660-AA07                    |
| 1510            | National Flood Insurance Program (NFIP); Insurance Coverage and Rates .....                                  | 1660-AA09                    |
| 1511            | Hazard Mitigation Planning and Hazard Mitigation Grant Program .....   | 1660-AA17                    |
| 1512            | Disaster Assistance; Federal Assistance to Individuals and Households .....                                  | 1660-AA18                    |
| 1513            | Management Costs .....   | 1660-AA21                    |
| 1514            | National Flood Insurance Program (NFIP); Group Flood Insurance Policy (GFIP) .....                           | 1660-AA22                    |

DHS

Directorate of Emergency Preparedness and Response/FEMA—Long-Term Actions (Continued)

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1515            | Disaster Assistance; Crisis Counseling Regular Program; Amendment to Regulation .....   | 1660-AA23                    |
| 1516            | National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers .....   | 1660-AA28                    |
| 1517            | National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Extension of Term of Arrangement .....                                       | 1660-AA29                    |
| 1518            | Disaster Assistance; Public Assistance Insurance Requirements .....   | 1660-AA32                    |
| 1519            | Estimating Eligible Cost .....  | 1660-AA33                    |
| 1520            | Assistance Program Under the 9/11 Heroes Stamp Act of 2001 .....  | 1660-AA34                    |
| 1521            | National Flood Insurance Program (NFIP); State Renewal of Group Flood Insurance Policy .....  | 1660-AA35                    |
| 1522            | Pilot Program for the Mitigation of Severe Repetitive Loss Properties .....   | 1660-AA36                    |
| 1523            | Flood Mitigation Assistance Program and Mitigation Planning .....   | 1660-AA37                    |
| 1524            | Grants for Repetitive Insurance Claim Properties .....  | 1660-AA38                    |
| 1525            | Disaster Assistance; Hazard Mitigation Grant Program .....  | 1660-AA39                    |
| 1526            | Predisaster Mitigation Program .....  | 1660-AA40                    |
| 1527            | Conduct at the Mt. Weather Emergency Operations Center, the Olney Federal Support Center, the National Emergency Training Center, and the Noble Training Center ..... | 1660-AA42                    |
| 1528            | Hazard Mitigation Planning and Hazard Mitigation Grant Program Funding .....  | 1660-AA43                    |

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

Proposed Rule Stage

**1234. SUPPLEMENTAL STANDARDS OF CONDUCT FOR EMPLOYEES OF THE DEPARTMENT OF HOMELAND SECURITY**

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

**Legal Authority:** 5 CFR 2635.105

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 01/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Robert E. Coyle, Designated Agency Ethics Official,

Department of Homeland Security, Washington, DC 20528  
Phone: 202 692-4248  
Fax: 202 772-9728

**RIN:** 1601-AA17

**1235. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS; ADMINISTRATION OF GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER ED., HOSPITALS, AND OTHER NONPROFIT ORGS.**

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

**Legal Authority:** 31 USC 503; 31 USC 1111; 41 USC 405; Reorganization Plan No. 2 of 1970; EO 11541

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Department of Homeland Security (DHS) is issuing regulations that will establish uniform administrative procedures for Federal grants and cooperative agreements and subawards to State, local, and Indian tribal governments and for Federal grants and agreements with institutions of higher education, hospitals and other nonprofit organizations. DHS is also issuing regulations setting for audit requirements of State and local

governments and nonprofit organizations.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 02/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local, State

**Agency Contact:** Van Pace, Chief Procurement Officer, Department of Homeland Security, Washington, DC 20528  
Phone: 202 205-3608  
Email: van.pace@dhs.gov

**RIN:** 1601-AA18

**1236. IDENTIFYING, SAFEGUARDING, AND SHARING SENSITIVE HOMELAND SECURITY INFORMATION**

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

**Unfunded Mandates:** Undetermined

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

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This proposed regulation will establish procedures for sharing, identifying and safeguarding, processing and handling, Homeland

## DHS—OS

## Proposed Rule Stage

Security Information between agencies and appropriate State, tribal, local and private sector personnel.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 01/00/06 |         |
| NPRM Comment<br>Period End | 03/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Federal, Local, State

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

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

Phone: 202 282-9415

Fax: 202 282-8828

Email: grace.l.mastalli@dhs.gov

**RIN:** 1601-AA25

**1237. • HOMELAND SECURITY ACQUISITION REGULATION (HSAR): CONFORMANCE TO THE FEDERAL ACQUISITION CIRCULARS (FACS)**

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

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

**CFR Citation:** 48 CFR

**Legal Deadline:** None

**Abstract:** The Department of Homeland Security is proposing to issue changes

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

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 09/00/06 |         |
| NPRM Comment<br>Period End | 11/00/06 |         |
| Final Action               | 05/00/07 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Kathy Strouss, Department of Homeland Security, Office of the Chief of Procurement, Washington, DC 20528

Phone: 202 205-0141

**RIN:** 1601-AA28

**1238. • 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 program that makes grants directly to fire departments and nonaffiliated emergency medical services (EMS) organizations of a State for the purpose of enhancing their ability to protect the health and safety of the public as well as that of firefighting personnel facing fire and fire-related hazards.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 01/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Governmental Jurisdictions, Organizations

**Government Levels Affected:** Local, Tribal

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

Phone: 202 786-9791

Fax: 202 786-9938

Email: tom.harrington@dhs.gov

**RIN:** 1601-AA30

## Department of Homeland Security (DHS)

## Final Rule Stage

## Office of the Secretary (OS)

**1239. CLASSIFIED NATIONAL SECURITY INFORMATION**

**Priority:** Other Significant

**Legal Authority:** PL 107-296, 116 Stat 2135; 5 USC 301; EO 12958; EO 13142; 3 CFR ch 1

**CFR Citation:** 6 CFR 7.1

**Legal Deadline:** None

**Abstract:** This final rule will implement Executive Order 12958, "Classified National Security Information," as amended, by establishing elements of the Department of Homeland Security's classified national security information regulations, specifically the Secretary of

Homeland Security's designation of a Senior Agency Official to direct and administer the classified information program at the Department of Homeland Security.

**Timetable:**

| Action                                      | Date     | FR Cite    |
|---|----------|------------|
| Interim Final Rule                          | 01/27/03 | 68 FR 4073 |
| Interim Final Rule<br>Effective             | 01/27/03 |            |
| Interim Final Rule<br>Comment Period<br>End | 02/26/03 |            |
| Final Action                                | 12/00/05 |            |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** John J. Young, Department of Homeland Security, Office of Security, Washington, DC 20528

Phone: 202 358-1438

Fax: 202 772-9741

Email: john.young@dhs.gov

**RIN:** 1601-AA02

DHS—OS

Final Rule Stage

#### 1240. 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<br>Effective             | 04/07/03 |             |
| Interim Final Rule<br>Comment Period<br>End | 04/07/03 |             |
| Interim Final Rule<br>Effective             | 04/07/03 |             |
| Interim Final Rule                          | 04/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Tim Keefer, Department of Homeland Security, Civil Rights and Civil Liberties, Washington, DC 20528  
Phone: 202 205–4529  
Fax: 202 772–9738  
Email: timothy.keefer@dhs.gov

**RIN:** 1601–AA03

#### 1241. 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<br>Effective             | 03/06/03 |             |
| Interim Final Rule<br>Comment Period<br>End | 04/07/03 |             |
| Final Action                                | 05/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Tim Keefer, Department of Homeland Security, Civil Rights and Civil Liberties, Washington, DC 20528  
Phone: 202 205–4529  
Fax: 202 772–9738  
Email: timothy.keefer@dhs.gov

**RIN:** 1601–AA04

#### 1242. 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<br>Effective             | 03/06/03 |             |
| Interim Final Rule<br>Comment Period<br>End | 04/07/03 |             |
| Final Action                                | 05/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Tim Keefer, Department of Homeland Security, Civil Rights and Civil Liberties, Washington, DC 20528  
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Email: timothy.keefer@dhs.gov

**RIN:** 1601–AA05

#### 1243. AUTHORITY OF THE SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY; DELEGATIONS OF AUTHORITY; IMMIGRATION LAWS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107–296, 116 Stat 2135; 5 USC 301; 8 USC 1101; 8 USC 1103

**CFR Citation:** 8 CFR 1.1; 8 CFR 2.1; 8 CFR 103.1; 8 CFR 239.1

**Legal Deadline:** None

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

##### Timetable:

| Action                                      | Date     | FR Cite     |
|---|----------|-------------|
| Interim Final Rule                          | 03/06/03 | 68 FR 10922 |
| Interim Final Rule<br>Effective             | 03/06/03 |             |
| Interim Final Rule<br>Comment Period<br>End | 04/07/03 |             |
| Final Action                                | 05/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

DHS—OS

Final Rule Stage

**Agency Contact:** Daniel Brown, Deputy Associate General Counsel, Department of Homeland Security, Office of the General Counsel, Washington, DC 20528

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Email: daniel.brown@dhs.gov

**RIN:** 1601-AA06

#### 1244. PROGRAM FRAUD CIVIL REMEDIES

**Priority:** Other Significant

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

**CFR Citation:** 6 CFR 19.1

**Legal Deadline:** None

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

#### Timetable:

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 10/12/05 | 70 FR 59209 |
| Interim Final Rule Effective          | 10/12/05 |             |
| Interim Final Rule Comment Period End | 11/14/05 |             |

#### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** Federal

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**RIN:** 1601-AA11

#### 1245. REGULATIONS IMPOSING RESTRICTIONS UPON LOBBYING

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 6 CFR 9.1

**Legal Deadline:** None

**Abstract:** This interim final rule establishes those procedures necessary to fulfill departmental obligations to impose restrictions upon lobbying.

Except to the extent a Department component has adopted separate guidance under 31 USC 1352, the provisions of this subpart shall apply to each component of the Department of Homeland Security (DHS).

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

#### Timetable:

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 03/06/03 | 68 FR 10912 |
| Interim Final Rule Effective          | 03/06/03 |             |
| Interim Final Rule Comment Period End | 04/07/03 |             |
| Final Action                          | 01/00/06 |             |

#### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** Federal

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**RIN:** 1601-AA12

#### 1246. NATIONAL ENVIRONMENTAL POLICY ACT PROCEDURES

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** Not Yet Determined

**Legal Deadline:** Final, Statutory, August 1, 2003.

**Abstract:** The purpose of this action is to establish the procedures that the Department of Homeland Security shall use to comply with section 102(2) of the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4332(2)); the Council on Environmental Quality's (CEQ) regulations for implementing the procedural provisions of NEPA (40 CFR parts 1500 to 1508); Executive Order 12114, "Environmental Effects Abroad of

Major Federal Actions," dated January 4, 1979; and Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," dated February 11, 1994. This publication is to be used in conjunction with the CEQ regulations.

#### Timetable:

| Action                 | Date     | FR Cite     |
|------------------------|----------|-------------|
| Case Opened            | 06/14/04 | 69 FR 33043 |
| Comment Period End     | 07/14/04 |             |
| Final Action           | 12/00/05 |             |
| Final Action Effective | 01/00/06 |             |

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** David Reese, Director, Office of Safety and Environment, Department of Homeland Security, Washington, DC 20528  
Phone: 202 692-4224  
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**RIN:** 1601-AA13

#### 1247. PROCEDURES FOR HANDLING CRITICAL INFRASTRUCTURE INFORMATION

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

**RIN:** 1601-AA14

#### 1248. REGULATIONS IMPLEMENTING THE SUPPORT ANTITERRORISM BY FOSTERING EFFECTIVE TECHNOLOGIES ACT OF 2002 (THE SAFETY ACT)

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

**RIN:** 1601-AA15

#### 1249. HOMELAND SECURITY ACQUISITION REGULATION (HSAR)

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 41 USC 418b(a); 41 USC 418(b)

**CFR Citation:** 48 CFR ch 30

**Legal Deadline:** None

**Abstract:** This final rule revises the Homeland Security Acquisition

DHS—OS

Final Rule Stage

Regulation published in the December 4, 2003, Federal Register (69 FR 67868) as an interim rule. It addresses public comments received as a result of the December 4, 2003, interim rule.

**Timetable:**

| Action                       | Date     | FR Cite     |
|------------------------------|----------|-------------|
| Interim Final Rule           | 12/04/03 | 68 FR 67868 |
| Interim Final Rule Effective | 12/04/03 |             |

| Action                                | Date     | FR Cite |
|---------------------------------------|----------|---------|
| Interim Final Rule Comment Period End | 01/05/04 |         |
| Final Action                          | 12/00/05 |         |
| Final Action Effective                | 01/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Kathy Strouss, Department of Homeland Security,

Office of the Chief of Procurement, Washington, DC 20528  
Phone: 202 205-0141

**RIN:** 1601-AA16

**1250. • PROTECTION OF HUMAN SUBJECTS**

**Regulatory Plan:** This entry is Seq. No. 58 in part II of this issue of the **Federal Register**.

**RIN:** 1601-AA29

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

**Long-Term Actions**

**1251. FREEDOM OF INFORMATION ACT AND PRIVACY ACT PROCEDURES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-296, 116 Stat 2135; 5 USC 301; 5 USC 552; 5 USC 552a

**CFR Citation:** 6 CFR 5

**Legal Deadline:** None

**Abstract:** This action establishes procedures for the Department's Office of the Secretary, necessary to implement the Freedom of Information Act (5 USC 552) (FOIA) and the Privacy Act (5 USC 552a) (Privacy Act). The provisions of this subpart shall apply to each component of the Department. FOIA provides for the full disclosure of agency records and information to the public unless that information is exempt under clearly delineated statutory language. The Privacy Act serves to safeguard public interest in informational privacy by delineating the duties and responsibilities of Federal agencies that collect, store, and disseminate personal information about individuals. The procedures established here assist the Department in satisfying its responsibility to the public to disclose departmental information while simultaneously safeguarding individual privacy.

**Timetable:**

| Action                                | Date             | FR Cite    |
|---------------------------------------|------------------|------------|
| Interim Final Rule                    | 01/27/03         | 68 FR 4056 |
| Interim Final Rule Effective          | 01/27/03         |            |
| Interim Final Rule Comment Period End | 02/26/03         |            |
| Final Action                          | To Be Determined |            |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Elizabeth Withnell, Chief Counsel to the Privacy Office, Department of Homeland Security, Washington, DC 20528  
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**RIN:** 1601-AA00

**1252. PRODUCTION OR DISCLOSURE OF OFFICIAL INFORMATION IN CONNECTION WITH LEGAL PROCEEDINGS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-296, 116 Stat 2135; 5 USC 301; 5 USC 552; 5 USC 552(a)

**CFR Citation:** 6 CFR 5.1

**Legal Deadline:** None

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

**Timetable:**

| Action                       | Date     | FR Cite    |
|------------------------------|----------|------------|
| Interim Final Rule           | 01/27/03 | 68 FR 4070 |
| Interim Final Rule Effective | 01/27/03 |            |

| Action                                | Date             | FR Cite |
|---------------------------------------|------------------|---------|
| Interim Final Rule Comment Period End | 02/26/03         |         |
| Interim Final Rule                    | To Be Determined |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Michael Russell, Acting Deputy Associate General Counsel, Department of Homeland Security, Office of the General Counsel, Washington, DC 20528  
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**RIN:** 1601-AA01

**1253. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-296, 116 Stat 2135; 5 USC 301; PL 100-690; 41 USC 701

**CFR Citation:** 6 CFR 27.1

**Legal Deadline:** None

**Abstract:** This action establishes new procedures under Executive Order 12549, signed February 18, 1986, and Executive Order 12689, signed August 16, 1989. This regulation is similar to rules of other Federal agencies as part of a uniform system of nonprocurement debarment and suspension. The rules are intended to prevent waste, fraud, and abuse in Federal nonprocurement transactions.



## DHS—OS

## Long-Term Actions

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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**RIN:** 1601-AA10

#### 1254. PROCEDURES RELATING TO AWARDS UNDER THE EQUAL ACCESS TO JUSTICE ACT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-296, 116 Stat 2135; 5 USC 301; 5 USC 504(c)(1)

**CFR Citation:** 6 CFR 13.1

**Legal Deadline:** None

**Abstract:** This action implements the provisions of the Equal Access to Justice Act, which provides for the award of attorney fees and other expenses to eligible individuals, and entities who are parties to certain administrative proceedings before agencies of the Federal Government, including the Department of Homeland Security (DHS). The purpose of these rules is to establish procedures for the submission and consideration of applications for awards before DHS.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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**RIN:** 1601-AA22

#### 1255. COLLECTION OF NONTAX DEBTS OWED TO THE DEPARTMENT OF HOMELAND SECURITY

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

**Legal Authority:** PL 107-296; 116 Stat 2135; 5 USC 301; 5 USC 5514; 26 USC

6402; 31 USC 3701; 31 USC 3711; 31 USC 3716 to 3718; 31 USC 3720A; 31 USC 3720B; 31 USC 3720D; ...

**CFR Citation:** 6 CFR 23.1

**Legal Deadline:** None

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

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

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

Nothing in this regulation precludes the use of collection remedies not contained in this regulation. For example, DHS entities may collect unused travel advances through setoff of an employee's pay under 5 USC 5705. DHS entities and other Federal agencies may simultaneously use multiple collection remedies to collect a debt, except as prohibited by law.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 1601-AA23

#### 1256. RIGHT TO FINANCIAL PRIVACY

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

**Legal Authority:** PL 107-296; 116 Stat 2135; 5 USC 3012; 12 USC 3401 et seq., Right to Financial Privacy Act of 1978; ...

**CFR Citation:** 6 CFR 25.1

**Legal Deadline:** None

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

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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**RIN:** 1601-AA24

#### 1257. • DEPARTMENT OF HOMELAND SECURITY LABOR RELATIONS BOARD

**Priority:** Other Significant

**Legal Authority:** 5 USC 301; 5 USC 9701

**CFR Citation:** 6 CFR 23

**Legal Deadline:** None

## DHS—OS

## Long-Term Actions

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

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Lynn Heirakuji, Director of Operations, Homeland

Security Labor Relations Board,  
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**RIN:** 1601-AA27

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

**Proposed Rule Stage**

**1258. REVISED GROUNDS OF INADMISSIBILITY; EXCEPTIONS AND WAIVERS FOR IMMIGRANTS AND NONIMMIGRANTS**

**Priority:** Other Significant. Major under 5 USC 801.

**Legal Authority:** 5 USC 552; 8 USC 1158 to 1160; 8 USC 1182 to 1184; 5 USC 552a; 8 USC 1101 to 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1157

**CFR Citation:** 8 CFR 103; 8 CFR 207; 8 CFR 208; 8 CFR 210; 8 CFR 212; 8 CFR 240; 8 CFR 241; 8 CFR 245; 8 CFR 245a; 8 CFR 249; 8 CFR 274a; 8 CFR 299; ...

**Legal Deadline:** None

**Abstract:** This rulemaking covers several grounds of inadmissibility applicable to those aliens seeking admission to the United States temporarily or permanently—criminal, security, labor certification, licensure requirements for foreign medical graduates and health care workers, failure to attend a removal proceeding, fraud, improperly issued immigrant visa, permanent ineligibility for U.S. citizenship, and miscellaneous grounds. It implements several pieces of legislation. The most significant is the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), signed on September 30, 1996, which substantially revised most grounds of inadmissibility under section 212 of the Act and the waivers available to both immigrants and nonimmigrants.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 02/00/06 |         |
| NPRM Comment<br>Period End | 04/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Additional Information:** CIS No. 1413-92

Transferred from RIN 1115-AB45

**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 514-4754  
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**RIN:** 1615-AA00

**1259. INTERNATIONAL MATCHMAKING ORGANIZATIONS**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1375; PL 104-208

**CFR Citation:** 8 CFR 207; 28 CFR 68

**Legal Deadline:** None

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

**Timetable:**

| Action                      | Date     | FR Cite     |
|-----------------------------|----------|-------------|
| ANPRM (CIS No. 1838-97)     | 07/16/97 | 62 FR 38041 |
| ANPRM Comment<br>Period End | 09/15/97 |             |
| NPRM (CIS No. 1838-97)      | 06/00/06 |             |

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** CIS No. 1838-97

Transferred from RIN 1115-AE77

**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
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**RIN:** 1615-AA11

**1260. IMMIGRANT AND NONIMMIGRANT; RELIGIOUS WORKERS**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 CFR 2

**CFR Citation:** 8 CFR 204

**Legal Deadline:** None

**Abstract:** On June 8, 1995, at 60 FR 29751, the Department of Justice published a final rule that provided that all persons, other than ministers immigrating to the United States as religious workers must immigrate or adjust status to permanent residence before October 1, 1997. By statute, this special immigrant category for religious workers expired on October 1, 2000. Congress extended the category again for an additional three years, until October 1, 2003. DHS is promulgating this regulation to implement the extension of this category and modify qualifying employment experience requirements for those persons affected by this provision of immigration regulations. In order to maintain consistency in the adjudication of

## DHS—USCIS

## Proposed Rule Stage

nonimmigrant and special immigrant religious worker classifications, the nonimmigrant religious workers classification will, where appropriate, reflect the special immigration religious worker changes.

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM (CIS No. 1436-94)  | 02/00/06 |         |
| NPRM Comment Period End | 04/00/06 |         |

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

Transferred from RIN 1115-AF12

**Agency Contact:** Efran Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 353-8177  
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**RIN:** 1615-AA16**1261. SPECIAL IMMIGRANT STATUS FOR CERTAIN NATO CIVILIAN EMPLOYEES****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154**CFR Citation:** 8 CFR 204; 8 CFR 214; 8 CFR 245; 8 CFR 274**Legal Deadline:** None

**Abstract:** This rule amends Department regulations by establishing procedures for certain North Atlantic Treaty Organization (NATO) civilian employees and their family members to receive special immigrant status in the United States and become lawful permanent residents of this country. This rule also offers nonimmigrant status to any parent or child of a NATO civilian employee who has been granted special immigrant status. This rule is intended to ensure the qualifying NATO employees and their family members are aware of their opportunity to acquire special immigrant status and adjustment of

status or otherwise obtain corresponding nonimmigrant status.

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 01/00/06 |         |
| NPRM Comment Period End | 03/00/06 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 1984-99

Transferred from RIN 1115-AF44

**Agency Contact:** Efran Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
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**RIN:** 1615-AA21**1262. INADMISSIBILITY TO ENTER THE UNITED STATES FOR FORMER U.S. CITIZENS WHO RENOUNCED CITIZENSHIP TO AVOID TAXATION****Priority:** Other Significant**Legal Authority:** 8 USC 1182(a)(10); PL 104-208**CFR Citation:** 8 CFR 212**Legal Deadline:** None

**Abstract:** This rule amends Department regulations by establishing procedures to be followed by DHS personnel and Department of State personnel in determining whether or not an expatriate alien is inadmissible to the United States under Section 212(a)(10)(E) of the Immigration and Nationality Act. This ground of inadmissibility relates to former U.S. citizens who renounced U.S. citizenship on or after September 30, 1996, and the Secretary has determined that such renunciation was done for the purpose of avoiding taxation by the United States.

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 12/00/05 |         |
| NPRM Comment Period End | 02/00/06 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2039-99

Transferred from RIN 1115-AF69

**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 514-4754  
Email: pearl.chang@dhs.gov

**RIN:** 1615-AA32**1263. INTERCOUNTRY ADOPTIONS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641; 8 CFR 2**CFR Citation:** 8 CFR 204**Legal Deadline:** None

**Abstract:** The Department proposes to amend its regulations regarding the immigration of children of foreign states adopted by United States citizens. The proposed rule would establish a new definition of child to include children adopted from countries that have implemented the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. The proposed rule would also change evidentiary requirements for the immigration of adopted children to state that a certificate of adoption or custody issued by the Secretary of State of the United States is conclusive evidence of the relationship between an adoptive parent and the adoptive child. These changes are necessary to conform the regulations to the Intercountry Adoption Act of 2000 (IAA) (Pub. L. 106-279). The proposed rule would also make other technical changes.

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 03/00/06 |         |
| NPRM Comment Period End | 05/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 2098-00.

Transferred from RIN 1115-AF96

**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
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**RIN:** 1615-AA43

**1264. WAIVER OF FEES**

**Priority:** Other Significant

**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252; 8 USC 1252(b); 8 USC 1252(note); 8 USC 1304; 8 USC 1356

**CFR Citation:** 8 CFR 103; 8 CFR 244

**Legal Deadline:** None

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

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 07/00/06 |         |
| NPRM Comment<br>Period End | 09/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 2091-00

Transferred from RIN 1115-AG02

**Agency Contact:** Efran Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
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**RIN:** 1615-AA48

**1265. ADJUSTMENT OF STATUS UNDER SECTION 245(K)**

**Priority:** Other Significant

**Legal Authority:** PL 105-119

**CFR Citation:** 9 CFR 245

**Legal Deadline:** None

**Abstract:** This rule proposes amending Department regulations for persons using Section 245(k) of the Immigration and Nationality Act to adjust status to that of lawful permanent resident (LPR). Section 245(k) of the Act allows an alien with an approved employment-based petition to adjust status to LPR despite violations of status if those violations have lasted no longer than 180 days since the alien's last entry. This rule proposes eligibility criteria and adjustment procedures for persons wishing to use this section of the Act to become an LPR without leaving the United States.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 04/00/06 |         |
| NPRM Comment<br>Period End | 06/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 2120-01

Transferred from RIN 1115-AG10

**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 514-4754  
Email: pearl.chang@dhs.gov

**RIN:** 1615-AA54

**1266. IMPLEMENTATION OF THE AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT OF 1998 (ACWIA), THE AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000 (AC21), AND OTHER RELATED BILLS**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1255; ...

**CFR Citation:** 8 CFR 103; 8 CFR 202; 8 CFR 212; 8 CFR 214; 8 CFR 245; ...

**Legal Deadline:** None

**Abstract:** The American Competitiveness in the 21st Century Act, Public Law 106-313, was enacted on October 17, 2000, along with two bills, the Visa Waiver Permanent Program Act, Public Law 106-311, and a bill to increase the fee for certain H-1B petitions. An earlier piece of legislation, the American Competitiveness and Workforce Improvement Act (ACWIA), Public Law 105-277, was enacted to place certain conditions on the employment of H-1B workers. Together, these bills make significant changes to the H-1B classification. Public Law 106-313 increased the numerical H-1B cap to 195,000 for fiscal year 2000-2002 and the percentage of the fees that DHS receives to 4 percent. It exempts certain aliens from the numerical cap, provides for the "portability" of employment authorization, and in certain circumstances extensions of stay for certain aliens who have permanent residence applications pending. Public Law 105-277 imposes penalties for employers violating certain representations and prohibits retaliation against H-1B workers who disclose these violations. Finally, on November 2, 2002, the President approved enactment of Public Law 107-273, The Twenty First Century Department of Justice Appropriations Act (21st Century DOJ Appropriations Act), which codified a provision that amends section 106(a) of AC21. This regulation clarifies several interpretive questions raised by the bills and ensures that the Department practice is consistent with these laws.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 09/00/06 |         |

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## Proposed Rule Stage

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM Comment<br>Period End | 11/00/06 |         |

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

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

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

Transferred from RIN 1115-AG11

**Agency Contact:** Efran Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 353-8177  
Email: efran.hernandez@dhs.gov

**RIN:** 1615-AA55**1267. CONSTRUCTION WORK AND THE B NONIMMIGRANT VISA CLASSIFICATION****Priority:** Other Significant**Legal Authority:** Not Yet Determined**CFR Citation:** 8 CFR 214**Legal Deadline:** None

**Abstract:** The Department of Justice previously solicited comments from the public on the issue of aliens admitted to the United States as B nonimmigrant visitors whose intent is to engage in construction work during the alien's stay. In particular, the Department sought to explore the feasibility of defining the term construction as it relates to B nonimmigrant visitors. A standard definition of construction may assist both the public and Federal Government in determining if an alien admitted as a B nonimmigrant visitor may engage in construction during his or her period of authorized stay. DHS is revising the proposed bill for additional public comment.

**Timetable:**

| Action                      | Date     | FR Cite     |
|-----------------------------|----------|-------------|
| ANPRM                       | 09/19/01 | 66 FR 48223 |
| ANPRM Comment<br>Period End | 11/19/01 |             |
| NPRM                        | 04/00/06 |             |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2126-01

Transferred from RIN 1115-AG15

**Agency Contact:** Efran Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 353-8177  
Email: efran.hernandez@dhs.gov

**RIN:** 1615-AA58**1268. 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                       | 02/00/06 |         |
| NPRM Comment<br>Period End | 04/00/06 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2147-01

Transferred from RIN 1115-AG28

**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 514-4754  
Email: pearl.chang@dhs.gov

**RIN:** 1615-AA61**1269. WAIVERS OF THE TWO-YEAR FOREIGN RESIDENCE REQUIREMENT FOR CERTAIN EXCHANGE VISITORS****Priority:** Other Significant**Legal Authority:** 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; ...**CFR Citation:** 8 CFR 212; 8 CFR 299**Legal Deadline:** None

**Abstract:** This rule proposes to amend Department regulations relating to the two-year foreign residence requirement under section 212(e) of the Immigration

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and Nationality Act (Act). The proposed changes would conform to the requirements of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), and the Department of Justice Appropriations Act, 2000. The proposed rulemaking would affect aliens who enter the United States as J-1 or J-2 nonimmigrant exchange visitors and who are subject to the requirement of section 212(e) of the Act, which stipulates that they must return to their home country for a period of two years before they are eligible to change to a different nonimmigrant classification or apply for lawful permanent residence in the United States.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 06/00/06 |         |
| NPRM Comment<br>Period End | 08/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 2158-01

Transferred from RIN 1115-AG31

**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 514-4754  
Email: pearl.chang@dhs.gov

**RIN:** 1615-AA62

**1270. MEDICAL GROUNDS OF INADMISSIBILITY AND WAIVERS**

**Priority:** Other Significant

**Legal Authority:** 5 USC 552; 8 USC 1101 to 1103; 8 USC 1157; ...

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

**Legal Deadline:** None

**Abstract:** This proposed rule describes the medical grounds of inadmissibility under section 212(a)(1) of the Immigration and Nationality Act. It also describes which medical grounds of inadmissibility can be waived and the requirements for those waivers (including conditions for compliance).

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 03/00/06 |         |
| NPRM Comment<br>Period End | 05/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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

Transferred from RIN 1115-AG38

**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 514-4754  
Email: pearl.chang@dhs.gov

**RIN:** 1615-AA66

**1271. WAIVER OF CRIMINAL GROUNDS OF INADMISSIBILITY FOR IMMIGRANTS**

**Priority:** Other Significant

**Legal Authority:** 5 USC 552; 5 USC 552(a); 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1304; 8 USC 1356; 31 USC 9701; EO 12356; ...

**CFR Citation:** 8 CFR 103; 8 CFR 210; 8 CFR 212; 8 CFR 299

**Legal Deadline:** None

**Abstract:** The Department is in the process of reorganizing section 212 of title 8 of the Federal regulations. This regulation will create subsection C of 8 CFR 212, which covers criminal grounds of inadmissibility listed in section 212(a)(2) of the Immigration and Nationality Act (INA). The Illegal Immigration Reform and Immigrant Responsibility Act (Pub. L. 104-208) revised section 212(a)(2) of the INA, and subsequent laws revised it further. This regulation will implement those sections of law. Previously, this regulation was part of a larger 212 regulation (CIS No. 1413-97, RIN 1615-AA00), but due to the desire for clarity and the need to have different DHS components concentrate on different areas of inadmissibility, these criminal sections have been reported in a separate regulation.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 04/00/06 |         |
| NPRM Comment<br>Period End | 06/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 2249-02

Transferred from RIN 1115-AG90

**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 514-4754  
Email: pearl.chang@dhs.gov

**RIN:** 1615-AA94

**1272. 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                       | 12/00/05 |         |
| NPRM Comment<br>Period End | 02/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

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**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 2074-00

Transferred from RIN 1680-AA01

**Agency Contact:** Ronald Whitelaw, Branch Chief, Office of Records Management, Department of Homeland Security, U.S. Citizenship and Immigration Services, 4th Floor Ullico Build, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 305-8274  
Fax: 202 616-4282

**RIN:** 1615-AB19

### 1273. PETITIONS FOR EMPLOYMENT CREATION ALIENS

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

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

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

**Legal Deadline:** NPRM, Statutory, January 30, 2004, To reflect changes in the law and to improve the EB-5 investor program.

**Abstract:** Promulgation of this rule is necessary to reflect changes made by the 21st Century Department of Justice Appropriations Authorization Act of 2001 and to revise a number of issues concerning employment creation immigrant petitions which have arisen since enactment of the Immigration Act of 1990.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 04/00/06 |         |
| NPRM Comment<br>Period End | 06/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS 2303-03

**Agency Contact:** Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 353-8177

Email: efran.hernandez@dhs.gov

**RIN:** 1615-AB20

### 1274. ADMINISTRATIVE APPEALS OFFICE: PROCEDURAL REFORMS TO IMPROVE EFFICIENCY

**Priority:** Other Significant

**Legal Authority:** 5 USC 301; 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1304; ...

**CFR Citation:** 8 CFR 103; 8 CFR 204; 8 CFR 205; 8 CFR 210; 8 CFR 214; 8 CFR 245a; 8 CFR 320; ...

**Legal Deadline:** None

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

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 02/00/06 |         |
| NPRM Comment<br>Period End | 04/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS 2311-04

**Agency Contact:** Maura Dadrack, Adjudications Officer, Administrative Appeals Office, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3040, 3rd Floor, 20 Massachusetts Avenue NW., Washington, DC 20528  
Phone: 202 272-1250  
Fax: 202 272-1262

**RIN:** 1615-AB29

### 1275. AFTER-SALES SERVICE AND AFTER-LEASE SERVICE FOR B-1 TEMPORARY VISITORS FOR BUSINESS

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

**Legal Authority:** 8 USC 1101 to 1103; 8 USC 1182; ...

**CFR Citation:** 8 CFR 214.2

**Legal Deadline:** None

**Abstract:** The temporary visitor for business (B-1) classification offers a simple and efficient means to expeditiously and conveniently facilitate the movement to and from the United States of valid business visitors whose primary purpose is to participate in activities that are incidental to international trade or commerce. In today's evolving global economy, both sales contracts and lease contracts are increasingly becoming equally standard in export transactions. In light of this fact, DHS is proposing to amend its regulations to allow nonimmigrant aliens admitted to the United States as B-1 temporary visitors for business to provide after-sales service or after-lease service on commercial or industrial equipment or machinery pursuant to a contract of sale or a contract of lease. This proposed regulatory amendment seeks both to keep pace with the evolving global business industry and to further facilitate the movement of legitimate business visitors to and from the United States.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 04/00/06 |         |
| NPRM Comment<br>Period End | 06/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 353-8177  
Email: efran.hernandez@dhs.gov

**RIN:** 1615-AB33

### 1276. 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; ...

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**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 proposing to eliminate the current practice of allowing the substitution of alien beneficiaries on permanent labor certifications. In addition, DHS is proposing to reduce further the likelihood of the submission of mala fide Form I-140, Immigration Petition for Alien Worker, which are employment-based petitions that are supported by fraudulent or stale labor certification applications for the permanent employment of aliens in the United States by proposing a 45-day period for employers to file approved permanent labor certifications in support of Form I-140 petitions with DHS after the issuance of an approved labor certification by DOL.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 11/00/05 |         |
| NPRM Comment<br>Period End | 01/00/06 |         |

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

**Agency Contact:** Efran Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 353-8177  
Email: efran.hernandez@dhs.gov

**RIN:** 1615-AB34**1277. ● AUTHORIZATION FOR THE COLLECTION OF BIOMETRIC DATA****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 (Department), has for some time collected photographs, signature specimens and fingerprints of applicants for various immigration benefits. Such information, commonly referred to as biometric information, has usually been collected and stored manually. Technological improvements have now made it possible to reliably and efficiently collect, store, retrieve and compare such data electronically. This regulation will update regulatory language to reflect the use of these technological advances by the Department.

This regulation also calls for the replacement of those permanent residence cards still in circulation which have no expiration date, and which were issued to persons whose biometric data, other than fingerprints, may not be of record.

A new edition of the Application to Replace Permanent Resident Card, Form I-90 is being added to the prescribed forms list to replace the current version. The Form I-90 is a major vehicle for the facilitation of new biometric capture.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 04/00/06 |         |
| NPRM Comment<br>Period End | 06/00/06 |         |

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

**Agency Contact:** Christopher M. Quimby, Chief, Operations Support Branch, Office of Program and Regulations Development, Department of Homeland Security, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 616-7708  
Email: christopher.quimby@dhs.gov

**RIN:** 1615-AB36**1278. ● ADJUSTMENT OF THE IMMIGRATION BENEFIT APPLICATION FEE SCHEDULE****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 5 USC 301; 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; ...**CFR Citation:** 8 CFR 103**Legal Deadline:** None

**Abstract:** This notice announces increases in fees to keep up with inflation — both prospectively for the FY 2006 and FY 2007 biennial period, but also accounts for the difference between the enacted and projected levels incorporated in the current fees. 8 CFR 103.7(b)(3) allows for inflationary fee increases by Federal Register notice. This increase will begin on October 1, 2005. The fee increase averages \$10, but varies \$5 - \$20 relative to the amount of the application/petition fee.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 12/00/05 |         |
| NPRM Comment<br>Period End | 02/00/06 |         |

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

**Agency Contact:** Paul Schlesinger, Director, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 5307, Office of Budget, 20 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 272-1920  
Email: paul.l.schlesinger@dhs.gov

**RIN:** 1615-AB37**1279. ● EXPERIENCE REQUIREMENTS FOR ESSENTIAL SUPPORT ALIENS IN THE O AND P NONIMMIGRANT CLASSIFICATIONS****Priority:** Other Significant**Legal Authority:** 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; 8 USC 1185; 8 USC 1186a; 8 USC 1187; 8 USC 1221; ...**CFR Citation:** 8 CFR 214**Legal Deadline:** None

**Abstract:** This rule proposes to amend the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) regulations to require that aliens seeking O or P nonimmigrant classification as essential support personnel for principal O-1, P-1, P-2 and P-3 nonimmigrants have a minimum of 6 months of experience serving in a critical capacity in support of the principal O-1, P-1, P-2, or P-3



## DHS—USCIS

## Proposed Rule Stage

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

**Timetable:**

| Action                                      | Date     | FR Cite |
|---|----------|---------|
| NPRM  | 12/00/05 |         |
| NPRM Comment<br>Period End                  | 02/00/06 |         |
| Interim Final Rule                          | 07/00/06 |         |
| Interim Final Rule<br>Comment Period<br>End | 09/00/06 |         |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS 2327-04

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

Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 353-8177  
Email: efran.hernandez@dhs.gov

**RIN:** 1615-AB39

**1280. • FOREIGN RESIDENCE REQUIREMENT IMPOSED ON CERTAIN PARTICIPANTS IN THE IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** PL 108-449; PL 107-234

**CFR Citation:** 8 CFR 103, 212, 245, 248 and 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. Written comments must be submitted on or before October 31, 2005.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 11/00/05 |         |
| NPRM Comment<br>Period End | 01/00/06 |         |

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

**Agency Contact:** Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 353-8177  
Email: efran.hernandez@dhs.gov

**RIN:** 1615-AB43

## Department of Homeland Security (DHS)

## Final Rule Stage

## U.S. Citizenship and Immigration Services (USCIS)

**1281. 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 fianc(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 fianc(e).

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 08/20/96 | 61 FR 43028 |
| NPRM Comment<br>Period End | 10/21/96 |             |
| Final Action               | 06/00/06 |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** CIS No. 1353-91

Transferred from RIN 1115-AC70

**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 514-4754  
Email: pearl.chang@dhs.gov

**RIN:** 1615-AA02

## DHS—USCIS

## Final Rule Stage

**1282. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR AS A PREFERENCE IMMIGRANT; SELF-PETITIONING FOR CERTAIN BATTERED OR ABUSED ALIEN SPOUSES AND CHILDREN****Priority:** Other Significant**Legal Authority:** 8 USC 1101; PL 103-322; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255**CFR Citation:** 8 CFR 204**Legal Deadline:** None

**Abstract:** The Department of Justice published an interim rule on this subject in 1996 at 61 FR 13061. DHS is now finalizing that action. This DHS final rule will allow battered and abused spouses and children of U.S. citizens and lawful permanent residents to petition for immigrant classification. The consent of the abuser would not be required. The final rule uses the term abused to mean either battered or subjected to extreme cruelty.

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 03/26/96 | 61 FR 13061 |
| Interim Final Rule Effective          | 03/26/96 |             |
| Interim Final Rule Comment Period End | 05/28/96 |             |
| Final Action                          | 05/00/06 |             |

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

Transferred from RIN 1115-AE04

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**RIN:** 1615-AA03**1283. DEFINITION OF THE TERM "LAWFULLY PRESENT" FOR PURPOSES OF ELIGIBILITY FOR PUBLIC BENEFITS****Priority:** Other Significant**Legal Authority:** 5 USC 552; 31 USC 9701; EO 12356; 47 FR 14874 to 15557; 3 CFR 1982 comp; 8 CFR 2; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252B; 8 USC 1304; 8 USC 1356**CFR Citation:** 8 CFR 103**Legal Deadline:** None

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

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

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 09/06/96 | 61 FR 47039 |
| Interim Final Rule Comment Period End | 11/05/96 |             |
| Final Action                          | 08/00/06 |             |

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

Transferred from RIN 1115-AE51

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**RIN:** 1615-AA05**1284. AFFIDAVIT OF SUPPORT ON BEHALF OF IMMIGRANTS****Priority:** Other Significant**Legal Authority:** 8 USC 1183a; PL 104-208; PL 104-193; 8 CFR 2**CFR Citation:** 8 CFR 213a; 8 CFR 299**Legal Deadline:** None

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

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule (CIS No. 1807-96)  | 10/20/97 | 62 FR 52346 |
| Interim Final Rule Comment Period End | 02/07/98 |             |
| Final Action                          | 10/00/05 |             |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 1807-96; PL 104-208, title IV; and PL 104-193, title IV

Transferred from RIN 1115-AE58

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## DHS—USCIS

## Final Rule Stage

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**1285. 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                          | 05/00/06 |             |

**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

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RIN: 1615-AA14

**1286. REGULATIONS CONCERNING THE CONVENTION AGAINST TORTURE**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282

**CFR Citation:** 8 CFR 3; 8 CFR 208; 8 CFR 235; 8 CFR 238; 8 CFR 240; 8 CFR 241

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

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

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 02/19/99 | 64 FR 8478  |
| Interim Final Rule Corrections        | 03/22/99 | 64 FR 13881 |
| Interim Final Rule Effective          | 03/22/99 |             |
| Interim Final Rule Comment Period End | 04/20/99 |             |
| Final Action                          | 12/00/05 |             |
| Final Action Effective                | 01/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 1976-99

Transferred from RIN 1115-AF39

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Phone: 202 272-1400

RIN: 1615-AA19

**1287. INADMISSIBILITY AND DEPORTABILITY ON PUBLIC CHARGE GROUNDS**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1183; ...

**CFR Citation:** 8 CFR 212; 8 CFR 237

**Legal Deadline:** None

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

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 05/26/99 | 64 FR 28676 |
| NPRM Comment Period End | 07/26/99 |             |
| Final Action            | 12/00/05 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** CIS No. 1989-99

Transferred from RIN 1115-AF45

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RIN: 1615-AA22

## DHS—USCIS

## Final Rule Stage

**1288. APPLICATION FOR REFUGEE STATUS; ACCEPTABLE SPONSORSHIP AGREEMENT GUARANTY OF TRANSPORTATION****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1157; 8 USC 1158; ...**CFR Citation:** 8 CFR 207**Legal Deadline:** None

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

**Timetable:**

| Action                                      | Date     | FR Cite     |
|---|----------|-------------|
| Interim Final Rule                          | 05/21/99 | 64 FR 27660 |
| Interim Final Rule<br>Comment Period<br>End | 07/20/99 |             |
| Final Action                                | 05/00/06 |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 1999-99

Transferred from RIN 1115-AF49

**Agency Contact:** Kathleen Thompson, Staff Officer, Office of International Affairs, Department of Homeland Security, U.S. Citizenship and

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**RIN:** 1615-AA24**1289. 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 two years duration. The interim rule published on May 16, 1991, established procedures to allow a conditional resident who married in good faith but whose marriage was terminated by the United States citizen or lawful permanent resident spouse to seek a waiver of the joint filing requirement. The interim rule published on May 16, 1991, also was necessary to provide a method by which a battered conditional resident, or a conditional resident parent of an abused conditional resident child, may apply for removal of the conditional basis of resident status without filing a joint petition. This 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       | 03/00/06 |             |

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

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

Transferred from RIN 1115-AF59

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**RIN:** 1615-AA29**1290. 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<br>Comment Period<br>End | 05/30/00 |             |
| Final Action                                | 07/00/06 |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No.1858-97

Transferred from RIN 1115-AF63

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**RIN:** 1615-AA30

## DHS—USCIS

## Final Rule Stage

**1291. REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES: CONTROL OF EMPLOYMENT OF ALIENS****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1201; 8 USC 1201a; 8 USC 1301; 8 USC 1305**CFR Citation:** 8 CFR 264; 8 CFR 274a**Legal Deadline:** None

**Abstract:** This rule amends Department regulations governing applications for renewal of 10-year Permanent Resident Cards upon their expiration. This rule adds documents to the acceptable list of registration requirements and clarifies the requirements for lawful permanent residents to file Form I-90, Application to Replace Alien Registration Card, if they are also applying for naturalization. This rule also provides additional methods to verify employment eligibility for those in the process of renewing their expired or expiring Form I-551, Permanent Resident Card. These changes are necessary to facilitate the 10-year Form I-551 renewal process. This rule also clarifies the fingerprinting requirements for lawful permanent residents who reach the age of 14 years.

**Timetable:**

| Action                                      | Date     | FR Cite |
|---|----------|---------|
| Interim Final Rule                          | 09/00/06 |         |
| Interim Final Rule<br>Comment Period<br>End | 11/00/06 |         |

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

Transferred from RIN 1115-AF71

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**RIN:** 1615-AA33**1292. NATIONAL INTEREST WAIVERS FOR SECOND PREFERENCE EMPLOYMENT-BASED IMMIGRANT PHYSICIANS SERVING IN MEDICALLY UNDERSERVED AREAS OR AT DEPARTMENT OF VETERANS AFFAIRS FACILITIES****Priority:** Other Significant**Legal Authority:** PL 106-113; 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641**CFR Citation:** 8 CFR 204; 8 CFR 245**Legal Deadline:** None

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

**Timetable:**

| Action                                      | Date     | FR Cite     |
|---|----------|-------------|
| Interim Final Rule                          | 09/06/00 | 65 FR 53889 |
| Correction to Interim<br>Final Rule         | 09/27/00 | 65 FR 57943 |
| Interim Final Rule<br>Effective             | 10/06/00 |             |
| Correction to Interim<br>Final Rule         | 10/20/00 | 65 FR 63118 |
| Interim Final Rule<br>Comment Period<br>End | 11/06/00 |             |
| Final Action                                | 04/00/06 |             |

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

Transferred from RIN 1115-AF75

**Agency Contact:** Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529

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**RIN:** 1615-AA34**1293. 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<br>Comment Period<br>End | 08/10/01 |             |
| Final Action                                | 04/00/06 |             |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2050-00

Transferred from RIN 1115-AF76

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**RIN:** 1615-AA35

**1294. ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE; TEMPORARY REMOVAL OF CERTAIN RESTRICTIONS OF ELIGIBILITY**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 03/26/01 | 66 FR 16383 |
| Interim Final Rule Effective          | 03/26/01 |             |
| Interim Final Rule Comment Period End | 05/25/01 |             |
| Final Action                          | 06/00/06 |             |

**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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**RIN:** 1615-AA40

**1295. ASYLUM AND WITHHOLDING DEFINITIONS**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 208

**Legal Deadline:** None

**Abstract:** This rule proposes to amend regulations that govern establishing asylum eligibility by providing guidance on certain issues that have arisen in the context of asylum adjudications. The amendments focus on portions of the regulations that deal with the definitions of membership in a particular social group, State action requirements, and determinations about whether persecution is inflicted on account of a protected tort. 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 Homeland Security believes this issue required further examination after the Board of Immigration Appeals decision, Matter of R-A.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 2092-00

Transferred from RIN 1115-AF92

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**RIN:** 1615-AA41

**1296. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR PREFERENCE IMMIGRANT; ADJUSTMENT OF STATUS TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 204; 8 CFR 245

**Legal Deadline:** None

**Abstract:** This final rule amends regulations of the Department of Homeland Security to provide an exception from the general prohibition against approval of immigration benefits based upon a marriage entered into during removal proceedings. The rule creates a good faith exception to the prohibition. This final rule completes the regulatory implementation of the Immigration Act of 1990.

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 06/20/91 | 56 FR 28311 |
| Interim Final Rule Comment Period End | 07/20/91 |             |
| Final Action                          | 09/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** See CIS No. 1419-91

Transferred from RIN 1115-AF94

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## DHS—USCIS

## Final Rule Stage

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**RIN:** 1615-AA42

### 1297. ACADEMIC HONORARIUM FOR B NONIMMIGRANT ALIENS

**Priority:** Other Significant

**Legal Authority:** PL 105-277; 8 USC 1182; 8 USC 1184

**CFR Citation:** 8 CFR 214

**Legal Deadline:** None

**Abstract:** DHS is proposing to amend its regulations relating to the acceptance of academic honoraria by nonimmigrant aliens admitted to the United States as a B visa visitor status. This is necessary to implement changes to section 212 of the Immigration and Nationality Act made by the American Competitiveness and Workforce Improvement Act of 1998. The amendment outlines the proposed procedures necessary for a nonimmigrant alien visiting the United States in valid B visa status to accept honoraria in connection with usual academic activities.

#### Timetable:

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 05/30/02 | 67 FR 37727 |
| NPRM Comment Period End | 07/29/02 |             |
| Final Action            | 04/00/06 |             |

**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

### 1298. CHILDREN BORN OUTSIDE THE UNITED STATES; APPLICATIONS FOR CERTIFICATE OF CITIZENSHIP

**Priority:** Other Significant

**Legal Authority:** PL 106-395

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

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

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

#### Timetable:

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 06/13/01 | 66 FR 32138 |
| Interim Final Rule Effective          | 06/13/01 |             |
| Interim Final Rule Comment Period End | 08/13/01 |             |
| Final Action                          | 09/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 2101-00

Transferred from RIN 1115-AF98

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**RIN:** 1615-AA45

### 1299. ALLOWING FOR THE FILING OF FORM I-140 VISA PETITION CONCURRENTLY WITH A FORM I-485 APPLICATION IN CERTAIN CIRCUMSTANCES

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 204; 8 CFR 245

**Legal Deadline:** None

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

#### Timetable:

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 07/31/02 | 67 FR 49561 |
| Interim Final Rule Effective          | 07/31/02 |             |
| Interim Final Rule Comment Period End | 09/30/02 |             |
| Final Action                          | 03/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 2104-00

Transferred from RIN 1115-AG00

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

## DHS—USCIS

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RIN: 1615-AA46

### 1300. SPECIAL IMMIGRANT VISA FOR FOURTH PREFERENCE EMPLOYMENT-BASED BROADCASTERS

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 204

**Legal Deadline:** None

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

#### Timetable:

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 10/11/01 | 66 FR 51819 |
| Interim Final Rule Effective          | 11/13/01 |             |
| Interim Final Rule Comment Period End | 12/10/01 |             |
| Final Action                          | 12/00/05 |             |

#### 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:** Efran Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529

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RIN: 1615-AA47

### 1301. ADJUSTMENT TO LAWFUL RESIDENT STATUS OF CERTAIN CLASS ACTION PARTICIPANTS WHO ENTERED BEFORE JANUARY 1, 1982, UNDER THE LEGAL IMMIGRATION AND FAMILY EQUITY ACT (LIFE ACT)

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1255a; 8 USC 1225a note

**CFR Citation:** 8 CFR 245a

**Legal Deadline:** None

**Abstract:** This interim final rule (CIS No. 2115-01) implements section 1104 of the Legal Immigration Family Equity Act (LIFE) and LIFE Act Amendments pertaining to adjustment of status of certain class action participants (specifically, Catholic Social Services v. Meese (CSS), 509 U.S. 43 (1993), League of United Latin American Citizens v. INS (LULAC), 509 U.S. 43 (1993), and Zambrano v. INS, 509 U.S. 918 (1993) class applicants) who entered before January 1, 1982, to that of a person admitted for lawful residence. This rule establishes procedures for a one-year application period to allow CSS, LULAC, and Zambrano class applicants to apply for adjustment of status to that of lawful permanent residence.

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

LIFE Act Amendments are able to do so in a timely manner.

#### Timetable:

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

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 2115-01

CIS No. 2145-01

Transferred from RIN 1115-AG06

**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
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RIN: 1615-AA52

### 1302. NONIMMIGRANT CLASSES; SPOUSES AND CHILDREN OF LAWFUL PERMANENT RESIDENTS; V CLASSIFICATION

**Priority:** Other Significant

**Legal Authority:** 8 USC 1102; PL 106-553

**CFR Citation:** 8 CFR 103; 8 CFR 204; 8 CFR 205; 8 CFR 212; 8 CFR 214; 8 CFR 245; 8 CFR 248; 8 CFR 299

**Legal Deadline:** None

**Abstract:** Section 1102 of the LIFE Act of 2000 amends the Immigration and Nationality Act to create a new nonimmigrant classification V for the spouses and children of lawful permanent residents awaiting the availability of an immigrant visa number in the appropriate preference



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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                          | 03/00/06 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 2117-01

Transferred from RIN 1115-AG08

**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
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**RIN:** 1615-AA53

### 1303. 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                          | 06/00/06 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** LIFE creates another separate nonimmigrant classification V and also amends the INA for other purposes. Each of these will be addressed in a separate rule. CIS No. 2127-01.

Transferred from RIN 1115-AG12

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**RIN:** 1615-AA56

### 1304. ADJUSTMENT OF STATUS FOR CERTAIN SYRIAN NATIONALS GRANTED ASYLUM IN THE UNITED STATES

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1255; 8 CFR 2

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** On October 27, 2000, the President signed into law Public Law 106-378, Adjustment of Status of Certain Syrian Nationals, which provides for the adjustment of status

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

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 05/17/01 | 66 FR 27445 |
| Interim Final Rule Effective          | 05/17/01 |             |
| Interim Final Rule Comment Period End | 07/17/01 |             |
| Final Action                          | 05/00/06 |             |

**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

### 1305. 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                          | 03/00/06 |            |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, State

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

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

**1306. ADJUSTMENT OF STATUS FOR VICTIMS OF TRAFFICKING**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

**Timetable:**

| Action                                | Date     | FR Cite |
|---------------------------------------|----------|---------|
| Interim Final Rule                    | 03/00/06 |         |
| Interim Final Rule Comment Period End | 05/00/06 |         |

**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

**1307. 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 five 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                          | 05/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 2152-01

Transferred from RIN 1115-AG32

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**RIN:** 1615-AA63

**1308. 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; ...

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

**Legal Deadline:** None

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

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

**Timetable:**

| Action                                      | Date     | FR Cite |
|---|----------|---------|
| Interim Final Rule                          | 05/00/06 |         |
| Interim Final Rule<br>Comment Period<br>End | 07/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal, Local, State

**Additional Information:** Transferred from RIN 1115-AG39

**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
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**RIN:** 1615-AA67

### 1309. DOCUMENTARY REQUIREMENTS FOR CERTAIN TEMPORARY RESIDENTS

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1203; 8 USC 1225; 8 USC 1257; 8 CFR 2

**CFR Citation:** 8 CFR 211

**Legal Deadline:** None

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

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| Final Action | 04/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 2177-01

Transferred from RIN 1115-AG44

**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
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**RIN:** 1615-AA69

### 1310. REQUIRING CHANGE OF STATUS FROM B TO F-1 OR M-1 NONIMMIGRANT PRIOR TO PURSUING A COURSE OF STUDY

**Priority:** Other Significant. Major under 5 USC 801.

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1258; 8 CFR 2

**CFR Citation:** 8 CFR 214; 8 CFR 248

**Legal Deadline:** None

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

taking classes until the Department has approved the alien's request to change nonimmigrant status to that of F or M student

**Timetable:**

| Action                                      | Date     | FR Cite     |
|---|----------|-------------|
| Interim Final Rule                          | 04/12/02 | 67 FR 18061 |
| Interim Final Rule<br>Comment Period<br>End | 06/11/02 |             |
| Final Action                                | 06/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 2195-02

Transferred from RIN 1115-AG60

**Agency Contact:** Efran Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
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**RIN:** 1615-AA73

### 1311. RESTRUCTURING THE NONIMMIGRANT REGULATIONS

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 214; 8 CFR 252

**Legal Deadline:** None

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

**Timetable:**

| Action                                      | Date     | FR Cite |
|---|----------|---------|
| Interim Final Rule                          | 09/00/06 |         |
| Interim Final Rule<br>Comment Period<br>End | 11/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Additional Information:** CIS No. 2218-02

Transferred from RIN 1115-AG62

**Agency Contact:** Efran Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
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**RIN:** 1615-AA74

**1312. WAIVERS FOR NONIMMIGRANTS UNDER SECTION 212(D)(3)(A) OF THE IMMIGRATION AND NATIONALITY ACT**

**Priority:** Other Significant  
**Legal Authority:** 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184  
**CFR Citation:** 8 CFR 212  
**Legal Deadline:** None

**Abstract:** This rule amends regulations pertaining to the process by which waiver requests are referred to DHS by the Department of State for certain nonimmigrants. This rule affects individuals located outside of the United States who are applying for temporary visas. Promulgation of this rulemaking ensures that DHS' rules are consistent with long-standing agency practices.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 2200-02

Transferred from RIN 1115-AG63

**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529

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**RIN:** 1615-AA75

**1313. CLARIFICATION OF REGULATIONS RELATING TO ALIENS THAT ARE EMPLOYMENT AUTHORIZED INCIDENT TO STATUS**

**Priority:** Other Significant  
**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1201a; 8 USC 1301 to 1305; 8 USC 1324a

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

**Legal Deadline:** None

**Abstract:** This interim rule: 1) Clarifies the regulations relating to aliens who are "employment authorized incident to status;" 2) implements regulations to Public Laws 107-124 and 107-125, which provide for employment authorization for certain spouses of E and L nonimmigrants; and 3) makes a series of technical changes to the 8 CFR to update and clarify language relating to employment authorization and employment authorization documents.

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 03/00/06 |         |
| Interim Final Rule | 05/00/06 |         |
| Comment Period     |          |         |
| End                |          |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 2204-02

Transferred from RIN 1115-AG74

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**RIN:** 1615-AA78

**1314. 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 |
|--------------------|----------|---------|
| Interim Final Rule | 05/00/06 |         |
| Interim Final Rule | 07/00/06 |         |
| Comment Period     |          |         |
| End                |          |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 2191-02

Transferred from RIN 1115-AG77

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**RIN:** 1615-AA81

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**1315. WITHHOLDING OF ADJUDICATION****Priority:** Other Significant**Legal Authority:** 8 USC 552; 8 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1304; 8 USC 1356; 8 USC 1421; 8 USC 1443; 8 USC 1447; ...**CFR Citation:** 8 CFR 103; 8 CFR 208; 8 CFR 310; 8 CFR 335; 8 CFR 336**Legal Deadline:** None**Abstract:** This regulation expands the situations where a director can withhold the adjudication of an application or petition. The director may withhold adjudication at 6-month increments while there is an ongoing investigation relating to that application or petition. Any regulatory deadlines will be tolled while adjudication is withheld. The director will give notice of withholding to the petitioner or applicant if it will not prejudice the investigation. The Department is now conducting security checks on all applicants and petitions, so this rule is necessary to ensure that immigration benefits are not granted while there is an ongoing investigation.**Timetable:**

| Action                                      | Date     | FR Cite |
|---|----------|---------|
| Interim Final Rule                          | 12/00/05 |         |
| Interim Final Rule<br>Comment Period<br>End | 02/00/06 |         |

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

Transferred from RIN 1115-AG86

**Agency Contact:** Louis D. Crocetti, Director, Office of Fraud Detection and National Security, Office of Operations, Department of Homeland Security, U.S. Citizenship and Immigration Services, 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 353-2168  
Fax: 202 353-2933**RIN:** 1615-AA86**1316. IMPLEMENTATION OF AMENDMENTS AFFECTING PETITIONS FOR EMPLOYMENT CREATION ALIENS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; ...**CFR Citation:** 8 CFR 204; 8 CFR 216; 8 CFR 245; 8 CFR 299**Legal Deadline:** Final, Statutory, March 2, 2003.**Abstract:** This rule proposes amendments to the regulations of the Department of Homeland Security to implement changes made by the 21st Century Department of Justice Appropriations Authorization of 2001. This legislation made various changes to the EB-5 Alien immigrant classification. This rule is being issued as an interim rule to comply with the statutory requirement that implementing regulations be issued by the Department within 120 days of enactment, and to ensure that the Department's regulations are consistent with the new legislation.**Timetable:**

| Action                                      | Date     | FR Cite |
|---|----------|---------|
| Interim Final Rule                          | 04/00/06 |         |
| Interim Final Rule<br>Comment Period<br>End | 06/00/06 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2253-03; Regulatory actions announced in 1115-AF27 are merged with this rulemaking.

Transferred from RIN 1115-AG93

**Agency Contact:** Efran Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 353-8177  
Email: efran.hernandez@dhs.gov**RIN:** 1615-AA90**1317. IMPLEMENTATION OF THE AGE OUT PROTECTIONS AFFORDED UNDER THE CHILD STATUS PROTECTION ACT****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; ...**CFR Citation:** 8 CFR 204; 8 CFR 205**Legal Deadline:** None**Abstract:** The Department will promulgate an interim final rule that amends regulations contained in title 8 of the Code of Federal Regulations to implement certain provisions of the Child Status Protection Act (Pub. L. 107-288). The rule will ensure that the age-out protections afforded to certain alien beneficiaries in the Child Status Protection Act are codified.**Timetable:**

| Action                                      | Date     | FR Cite |
|---|----------|---------|
| Interim Final Rule                          | 03/00/06 |         |
| Interim Final Rule<br>Comment Period<br>End | 05/00/06 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1115-AH01**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 514-4754  
Email: pearl.chang@dhs.gov**RIN:** 1615-AA95**1318. ELIMINATING THE NUMERICAL CAP ON MEXICAN TN NONIMMIGRANTS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; ...**CFR Citation:** 8 CFR 214**Legal Deadline:** None**Abstract:** This rule eliminates the 5,500 annual limit on the number of Mexican professional admissions under the North American Free Trade Agreement

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(NAFTA). It also eliminates the associated requirement of a petition on Form I-129 and the certified labor condition application. Rather than submit a petition to DHS, aliens seeking TN classification will apply for a TN visa from the State Department. This rule brings the treatment of Mexican TNs under NAFTA closer to that of Canadian TNs.

**Timetable:**

| Action             | Date     | FR Cite     |
|--------------------|----------|-------------|
| Interim Final Rule | 03/10/04 | 69 FR 11287 |
| Interim Final Rule | 05/10/04 |             |
| Comment Period     |          |             |
| End                |          |             |
| Final Action       | 04/00/06 |             |

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

Transferred from RIN 1115-AH02

**Agency Contact:** Efran Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 353-8177  
Email: efran.hernandez@dhs.gov

**RIN:** 1615-AA96**1319. FILING OF PROPOSALS FOR DESIGNATION AS A REGIONAL CENTER APPROVED TO PARTICIPATE IN THE IMMIGRANT INVESTOR PILOT PROGRAM****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1154; 8 USC 1182; 8 USC 1186a**CFR Citation:** 8 CFR 204**Legal Deadline:** None

**Abstract:** The regulation changes the location for the filing and adjudication of proposals to participate in the Immigrant Investor Pilot Program from Headquarters, Office of Adjudication, to the Texas and California DHS Centers. This change is necessary to ensure the uniform and effective adjudication of these complex proposals related to economic development, export trade, and job creation.

**Timetable:**

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

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

Transferred from RIN 1115-AF27

**Agency Contact:** Efran Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 353-8177  
Email: efran.hernandez@dhs.gov

**RIN:** 1615-AB00**1320. APPLICATION FOR NATURALIZATION BY ALTERNATIVE APPLICATION IF CITIZEN PARENT HAS DIED****Priority:** Other Significant**Legal Authority:** PL 107-273; 21st Century Department of Justice Appropriations Authorization Act**CFR Citation:** 8 CFR 103; 8 CFR 299; 8 CFR 320; 8 CFR 322; 8 CFR 499**Legal Deadline:** None

**Abstract:** One of the changes made by Public Law 107-273 is the addition of the U.S. citizen grandparents and U.S. citizen of legal guardians as eligible to apply for citizenship on behalf of a child born and residing outside the United States pursuant to the Immigration and Nationality Act, section 322. This rule amends DHS regulations to authorize an alternative applicant to file an application for citizenship on behalf of a foreign-born child if the U.S. citizen parent has died.

**Timetable:**

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

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

**Agency Contact:** Pamela T. Wallace, Staff Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 980, Field Operations, 20 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 272-1017

**RIN:** 1615-AB08**1321. REQUIRING COMPLETION OF SECURITY CHECKS BEFORE ISSUANCE OF EVIDENCE OF ALIEN REGISTRATION****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1201; 8 USC 1303 to 1305; 8 CFR 2**CFR Citation:** 8 CFR 264**Legal Deadline:** None

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

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 10/00/05 |         |
| Interim Final Rule | 12/00/05 |         |
| Comment Period     |          |         |
| End                |          |         |

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

**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, (ULLICO), Office of Program and Regulations Development, 111 Massachusetts Avenue NW., Washington, DC 20529

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Phone: 202 514-4754

RIN: 1615-AB12

**1322. 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 |

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM Comment Period End | 01/31/05 |         |
| Final Action            | 02/00/06 |         |

**Regulatory Flexibility Analysis Required: No**

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2287-03

**Agency Contact:** Christopher M. Quimby, Chief, Operations Support Branch, Office of Program and Regulations Development, Department of Homeland Security, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 616-7708  
Email: christopher.quimby@dhs.gov

RIN: 1615-AB13

**1323. 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 filling under the SSIA to September 30, 2006, and raised the numerical limit on these visas from 750 to 950. It also required DHS to consult with the Department of State and other agencies regarding previous experiences with the program and their recommendations for making the program more effective. This rule improves administration of the program by requiring each applicant to submit a statement signed by the State Department's Bureau of Nonproliferation (Bureau) regarding his or her qualifications. Because the Bureau has been in close contact with this group of scientists and with the organizations that have employed them for a number of years, the Bureau is

in a better position than DHS to assess the individual applicant's qualifications. Accordingly, this signed statement will be submitted for the evidence of qualifications previously required under the program.

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 04/25/05 | 70 FR 21129 |
| Interim Final Rule Effective          | 05/25/05 |             |
| Interim Final Rule Comment Period End | 06/24/05 |             |
| Final Action                          | 03/00/06 |             |

**Regulatory Flexibility Analysis Required: No**

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2277-03

**Agency Contact:** Efran Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 353-8177  
Email: efran.hernandez@dhs.gov

RIN: 1615-AB14

**1324. PETITIONING REQUIREMENTS FOR THE O AND P NONIMMIGRANT CLASSIFICATIONS**

Priority: Other Significant

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

CFR Citation: 8 CFR 214

Legal Deadline: None

**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 six months to one year, DHS hopes to provide relief and assurance to petitioners that, if approvable, such petitions will be approved prior to the

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

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 04/28/05 | 70 FR 21983 |
| NPRM Comment<br>Period End | 07/27/05 |             |
| Final Action               | 04/00/06 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** Current filing times combined with processing times often result in an O or P petition being adjudicated at the same time or later than the date of the petitioner's stated need for the alien. This creates a hardship for employers who are seeking to hire the alien based on a scheduled performance, competition, or event, and who may have booked a venue and sold advance tickets. If the petition is not approved by the time of the petitioner's stated need, the petitioner may be required to cancel a scheduled event or performance, may lose funds advanced for booking a venue, and may also be liable for the costs associated with ticket refunds. Since an O or P employer may plan for the competition, event, or performance more than one year in advance, DHS has determined that extending the filing time will provide relief to many such employers.

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

**Agency Contact:** Efren Hernandez, Chief, Business and Trade Branch,

Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 353-8177  
Email: efran.hernandez@dhs.gov

**RIN:** 1615-AB17

**1325. CHANGE OR EXTENSION OF NONIMMIGRANT STATUS UNDER THE CHILE AND SINGAPORE FREE TRADE AGREEMENTS**

**Priority:** Other Significant

**Legal Authority:** PL 108-77; PL 108-78; 8 USC 1101; 8 USC 1102; . . .

**CFR Citation:** 8 CFR 214; 8 CFR 248

**Legal Deadline:** None

**Abstract:** The Free Trade Agreements with Chile and Singapore, Public Laws 108-77 and 108-98, respectively, allow for the temporary entry of business persons from these countries in order to provide professional services for U.S. employers. While the agreements vest the Departments of Labor and State with determining initial eligibility for issuance of a free trade nonimmigrant visa, the Department of Homeland Security's U.S. Citizenship and Immigration Services oversees cases where a citizen of Chile or Singapore requests a change of nonimmigrant status to that of free trade nonimmigrant as well as requests for extensions of free trade nonimmigrant status. The interim rule outlines the procedures for such change of extension requests.

**Timetable:**

| Action                                      | Date     | FR Cite |
|---|----------|---------|
| Interim Final Rule                          | 05/00/06 |         |
| Interim Final Rule<br>Comment Period<br>End | 07/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS 2310-03

**Agency Contact:** Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529

Phone: 202 353-8177  
Email: efran.hernandez@dhs.gov

**RIN:** 1615-AB22

**1326. PETITIONS FOR EMPLOYMENT BASED IMMIGRANTS**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 204.5

**Legal Deadline:** None

**Abstract:** The rule amends 8 CFR 204.5(g)(2) eliminating specific reference to ability to pay and replacing it with the statutory requirement that petitioner establish its bona fides as a U.S. employer through specifically cited initial evidence. This rule provides clarification and focus that reflects the statutory requirement that the petitioning employer establish its bona fides as a U.S. employer and the viability of the proffered job.

**Timetable:**

| Action                                      | Date     | FR Cite |
|---|----------|---------|
| Interim Final Rule                          | 12/00/05 |         |
| Interim Final Rule<br>Comment Period<br>End | 02/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 353-8177  
Email: efran.hernandez@dhs.gov

**RIN:** 1615-AB27

**1327. 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



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**Abstract:** This rule amends Department of Homeland Security regulations to extend the deadline by which certain health care workers from Canada and Mexico must obtain health care worker certifications. This rule applies only to affected health care workers, who, before September 23, 2003, were previously employed as TN nonimmigrant health care workers (Canadian or Mexican citizens), and held a valid license from a U.S. jurisdiction. This interim rule does not change the licensing requirements for employment purposes. Publication of this rule ensures that the U.S. health care system is not adversely affected by the expiration of the transition period for certain health care workers to present the required certification.

**Timetable:**

| Action                                      | Date     | FR Cite     |
|---|----------|-------------|
| Interim Final Rule                          | 07/22/04 | 69 FR 43729 |
| Interim Final Rule<br>Comment Period<br>End | 09/20/04 |             |
| Final Action                                | 06/00/06 |             |

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

**Agency Contact:** Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 353-8177  
Email: efran.hernandez@dhs.gov

**RIN:** 1615-AB28

### 1328. ADDING A FILING FEE FOR RE-REGISTRATION AND EXTENSION OF TEMPORARY PROTECTED STATUS

**Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1254**CFR Citation:** 8 CFR 103; 8 CFR 244**Legal Deadline:** None

**Abstract:** This interim rule amends Department of Homeland Security regulations to require each Temporary Protected Status (TPS) initial registrant and re-registrant to submit to U.S. Citizenship and Immigration Services (USCIS) at an Application Support

Center (ASC): 1) Her/his biometrics; 2) a \$175 filing fee or fee waiver request with Form I-765, Application for Employment Authorization, when requesting an Employment Authorization Document (EAD); and 3) a \$70 biometric services fee. For TPS registrants and re-registrants who are under 14 years of age, this rule only imposes these requirements where an EAD is requested. This interim rule also clarifies current regulations governing registration and imposes a new requirement that each TPS re-registrant submit a \$50 filing fee or a fee waiver request with Form I-821, Application for Temporary Protected Status. The changes made by this interim rule to the current regulations are necessary to improve DHS' ability to identify fraud and security threats while improving the efficiency of the adjudicative process. In addition, collection of these filing fees will help enable USCIS to recover the costs incurred by adjudicating these forms, capturing biometric information, and producing the EAD.

**Timetable:**

| Action                                      | Date     | FR Cite |
|---|----------|---------|
| Interim Final Rule                          | 12/00/05 |         |
| Interim Final Rule<br>Comment Period<br>End | 02/00/06 |         |

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

**Agency Contact:** Colleen Cook, Adjudications Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 307-0502  
Email: collen.cook@dhs.gov

**RIN:** 1615-AB31

### 1329. 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<br>Comment Period<br>End | 07/05/05 |             |
| Final Action                                | 06/00/06 |             |

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

**Agency Contact:** Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 353-8177  
Email: efran.hernandez@dhs.gov

**RIN:** 1615-AB32

### 1330. • 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

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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 | 12/00/05 |         |
| Interim Final Rule | 02/00/06 |         |
| Comment Period     |          |         |
| End                |          |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Joanna Ruppel, Deputy Director, Asylum Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 3rd Floor, 20 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 272-1625  
Fax: 202 272-1687  
Email: joanna.ruppel@dhs.gov

**RIN:** 1615-AB35

**1331. ● 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 proposed rule is necessary to remove the Immigration and Naturalization Services (Service) regulations that were established while the agency was under the Department of Justice. These regulations are obsolete with the establishment of the Department of Homeland Security. Currently, USCIS is following the regulations set forth in 6 CFR Part 5.

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 01/00/06 |         |
| Interim Final Rule | 03/00/06 |         |
| Comment Period     |          |         |
| End                |          |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** 1615-

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

**RIN:** 1615-AB38

**1332. ● REVISION OF PROCEDURES FOR PREMIUM PROCESSING SERVICE FOR EMPLOYMENT-BASED PETITIONS AND APPLICATIONS**

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

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

**CFR Citation:** 8 CFR 103

**Legal Deadline:** None

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

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 02/00/06 |         |
| Interim Final Rule | 04/00/06 |         |
| Comment Period     |          |         |
| End                |          |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS 2350-05

**Agency Contact:** Kristina Carty-Pratt, Adjudications Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, 111 Massachusetts Ave., NW

Phone: 202 352-8177

**RIN:** 1615-AB40

**1333. ● STANDARDS FOR REJECTION OF PETITIONS OR APPLICATIONS LACKING IMPROPERLY COMPLETED FORMS AND REQUIRED INITIAL EVIDENCE**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** Not Yet Determined

**CFR Citation:** 103

**Legal Deadline:** None

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

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 11/00/05 |         |
| Interim Final Rule | 01/00/06 |         |
| Comment Period     |          |         |
| End                |          |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Efran Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 353-8177  
Email: efran.hernandez@dhs.gov

**RIN:** 1615-AB41

**1334. ● IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM**

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

**Unfunded Mandates:** Undetermined

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

DHS—USCIS

Final Rule Stage

**CFR Citation:** 212; 214; 248; 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 | 11/00/05 |         |

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 01/00/06 |         |
| 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, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
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**RIN:** 1615-AB42

Department of Homeland Security (DHS)

Long-Term Actions

U.S. Citizenship and Immigration Services (USCIS)

**1335. REDUCTION OF THE NUMBER OF ACCEPTABLE DOCUMENTS AND OTHER CHANGES TO EMPLOYMENT VERIFICATION REQUIREMENTS**

**Priority:** Other Significant. Major under 5 USC 801.

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

**CFR Citation:** 8 CFR 274a

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

**Abstract:** On September 30, 1996, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) was enacted. Section 412(a) of IIRIRA requires a reduction in the number of documents that may be accepted in the employment verification process. Section 412(d) clarifies the applicability of section 274A to the Federal Government. Section 610 of the Regulatory Flexibility Act requires agencies to review rules that have a significant economic impact on a substantial number of small entities every 10 years. The Department is conducting this review in conjunction with IIRIRA implementation. The Department of Justice published a proposed rulemaking on February 12, 1998, to implement sections 212(a) and (d) of

IIRIRA and propose other changes to the employment verification process identified through that review. A revised Form I-9, Employment Eligibility Verification, was included with the proposed rulemaking.

The comment period closed on April 3, 1998. The Department of Homeland Security continues to analyze the comments and take into consideration issues raised by the Alien Registration Form (I-551) program. It should be noted that this action supersedes the previously published regulatory action titled "Reduction in the Number of Documents Accepted for Employment Verification." In order to avoid confusion, this regulatory action is being referenced under the current RIN, which captures all prior actions related to employment verification.

**Timetable:**

| Action  | Date     | FR Cite     |
|---|----------|-------------|
| NPRM (No. 1399                                | 11/23/93 | 58 FR 61846 |
| Comment Period End 12/23/93)                  |          |             |
| NPRM (No. 1399S                               | 06/22/95 | 60 FR 32472 |
| Comment Period End 07/24/95)                  |          |             |
| Notice (No. 1713                              | 11/30/95 | 60 FR 61630 |
| Applications Due 01/29/96)                    |          |             |
| Appl. Extension Through 3/8/96;               | 02/06/96 | 61 FR 4378  |
| Notice Pilot Demonstration Program (No. 1713) |          |             |
| Final Rule (No. 1399E)                        | 09/04/96 | 61 FR 46534 |

| Action                        | Date             | FR Cite     |
|-------------------------------|------------------|-------------|
| Interim Final Rule (No. 1818) | 09/30/97         | 62 FR 51001 |
| NPRM (No. 1890-97             | 02/02/98         | 63 FR 5287  |
| Comment Period End 04/03/98)  |                  |             |
| Final Rule                    | To Be Determined |             |

**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

## DHS—USCIS

## Long-Term Actions

is canceled as a result of IIRIRA requirements.

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

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

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

Transferred from RIN 1115-AB73

**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 514-4754  
Email: pearl.chang@dhs.gov

**RIN:** 1615-AA01

### 1336. 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 | 08/02/99         |             |
| 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. 1881-97

Transferred from RIN 1115-AE96

**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 514-4754  
Email: pearl.chang@dhs.gov

**RIN:** 1615-AA12

### 1337. SUSPENSION OF DEPORTATION AND SPECIAL RULE CANCELLATION OF REMOVAL FOR CERTAIN NATIONALS OF GUATEMALA, EL SALVADOR, AND FORMER SOVIET BLOC COUNTRIES

**Priority:** Other Significant

**Legal Authority:** 5 USC 552; 8 USC 1225 to 1227; 8 USC 1251; 8 USC 1252 note; 8 USC 1252a; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1186a; 8 USC 1224

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

...

**Legal Deadline:** None

**Abstract:** This rule implements section 203 of the Nicaraguan Adjustment and Central American Relief Act (NACARA), enacted as title II of Public Law No. 105-100, 111 Stat. 2160, 2193 (1997) (as amended by Technical Corrections to the Nicaraguan Adjustment and Central American Relief Act (NACARA), Public Law 105-139, Stat. 2644 (1997)). Section 203 of NACARA provides that certain Guatemalans, Salvadorans, and nationals of former Soviet Bloc countries are eligible to apply for

cancellation of removal under the standards for suspension of deportation similar to those that existed prior to enactment of Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). The rule establishes the authority of DHS asylum officers to adjudicate certain applications under section 203 of NACARA, provides application and adjudication procedures, identifies factors and standards relevant to eligibility, and establishes a rebuttable presumption of extreme hardship for certain NACARA beneficiaries.

#### Timetable:

| Action                                    | Date     | FR Cite     |
|---|----------|-------------|
| NPRM (CIS No. 1915-98)                    | 11/24/98 | 63 FR 64895 |
| NPRM Comment Period End (CIS No. 1915-98) | 01/25/99 |             |
| Interim Rule (CIS No. 1915-98)            | 05/21/99 | 64 FR 27856 |
| Interim Rule Comment Period End           | 07/20/99 |             |
| Final Action                              | 12/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** CIS No. 1915-98

Transferred from RIN 1115-AF14

**Agency Contact:** Joanna Ruppel, Deputy Director, Asylum Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 3rd Floor, 20 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 272-1625  
Fax: 202 272-1687  
Email: joanna.ruppel@dhs.gov

**RIN:** 1615-AA17

### 1338. ESTABLISHING PREMIUM PROCESSING SERVICE FOR EMPLOYMENT-BASED PETITIONS AND APPLICATIONS

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1103

**CFR Citation:** 8 CFR 103; 8 CFR 299

**Legal Deadline:** None

**Abstract:** This rule changes DHS regulations to establish premium processing service for certain employment-based petitions and applications. If an individual pays a fee

## DHS—USCIS

## Long-Term Actions

for premium processing service, DHS will process the petition or application in 15 days. Premium Processing Service will give American businesses an option to pay for more rapid processing of petitions and applications to meet their needs for foreign workers.

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 06/01/01 | 66 FR 29682 |
| Interim Final Rule Effective          | 06/01/01 |             |
| Interim Final Rule Comment Period End | 07/31/01 |             |
| Final Action                          | 10/00/06 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 2108-01

Transferred from RIN 1115-AG03

**Agency Contact:** Cindy Keiss, Staff Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, 10th Floor, 20 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 272-1508

**RIN:** 1615-AA49

**1339. 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 (I&NA) 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 I&NA may be waived for NACARA/HRIFA adjustment applicants. Section 241(a)(5)

of the I&NA 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 I&NA, including any waivers of grounds of inadmissibility necessary for the grant of adjustment of status. Sections 212(a)(9)(A) and 212(a)(9)(C) of the I&NA are grounds of inadmissibility relating to aliens previously removed and aliens who are unlawfully present in the United States after previous immigration violations, respectively. Section 1505 of the amendments to the LIFE Act also states that an alien who has become eligible for benefits under NACARA/HRIFA as a result of the enactment of the LIFE Act may file a motion to reopen his or her removal proceedings in order to apply for adjustment or to apply for cancellation of removal or suspension of deportation.

**Timetable:**

| Action                                | Date             | FR Cite     |
|---------------------------------------|------------------|-------------|
| Interim Final Rule                    | 05/31/01         | 66 FR 29449 |
| Interim Final Rule Comment Period End | 05/31/01         |             |
| Final Action                          | 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

**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 514-4754  
Email: pearl.chang@dhs.gov

**RIN:** 1615-AA51

**1340. PETITIONS FOR ALIENS TO PERFORM TEMPORARY NONAGRICULTURAL SERVICES OR LABOR (H-2B)**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 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

**Agency Contact:** Efran Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 353-8177  
Email: efran.hernandez@dhs.gov

**RIN:** 1615-AA82

DHS—USCIS

Long-Term Actions

**1341. 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         |             |
| Final Action                 | To Be Determined |             |

**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:** Kellie LeClair, Staff Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 980, 20 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 272-1018

**RIN:** 1615-AA83

**1342. AUTHORIZING SUSPENSION OF EMPLOYMENT AUTHORIZATION REQUIREMENTS ON THE BASIS OF SEVERE ECONOMIC HARDSHIP FOR F-1 STUDENTS AND EMERGENT CIRCUMSTANCES**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 214

**Legal Deadline:** None

**Abstract:** This rule amended DHS regulations applying to on-campus employment, off-campus employment authorization, and duration of status for nonimmigrant F-1 students. The rule permits the Secretary to suspend some or all of the requirements for on-campus or off-campus employment where emergent circumstances exist as provided through notice in the Federal Register. The rule also amends the regulations to provide that an F-1 student who carries less than a full course of study as a result of this

special employment authorization will be deemed to be maintaining status for the duration of the authorization, as long as the student carries a minimum course load of 6 credit hours if the student is an undergraduate, or 3 credit hours if the student is in graduate school.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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

Transferred from RIN 1615-AA99

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

**Related RIN:** Previously reported as 1115-AF15

**RIN:** 1615-AB44

Department of Homeland Security (DHS)

Completed Actions

U.S. Citizenship and Immigration Services (USCIS)

**1343. TEMPORARY PROTECTED STATUS NOTICES AND REGULATIONS**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** Under section 244 of the Immigration and Nationality Act (INA),

8 U.S.C. section 1254a, the Department of Homeland Security (DHS), after consultation with appropriate agencies of the government, is authorized to designate a foreign state (or part thereof) for temporary protected status (TPS). DHS then may grant TPS to eligible nationals of that foreign state (or aliens having no nationality who last habitually resided in that state). Under TPS, aliens subject to such status shall be permitted to remain in the United States. DHS currently grants temporary protected status to seven countries.

At least 60 days before the end of the TPS designation, or any extension thereof, DHS is required to review the conditions in a foreign state designated under the TPS program to determine whether the conditions for TPS continue to be met and, if so, the length of an extension of TPS. The determination by DHS to grant, extend or terminate TPS is announced by a notice in the Federal Register.

## DHS—USCIS

## Completed Actions

## Timetable:

| Action  | Date     | FR Cite     |  |          |             |  |          |             |
|---|----------|-------------|--|----------|-------------|--|----------|-------------|
| TPS Final Rule (CIS No. 1612) Removal of Obsolete Sections Covering TPS for Salvadorans | 09/10/96 | 61 FR 47667 | TPS Notice (CIS No. 1959–98) Extension of Designation of Sudan                                       | 11/03/98 | 63 FR 59337 | TPS Notice (CIS No. 2043–00) Extension and Termination of Designation of Guinea-Bissau Under TPS     | 03/20/00 | 65 FR 15016 |
| TPS Notice (CIS No. 1832–97) Extension and Redesignation of Liberia                     | 04/07/97 | 62 FR 16608 | Final Action, Temporary Protected Status, Exception to Registration Deadlines                        | 11/16/98 | 63 FR 63593 | TPS Notice (CIS No. 2044–00) Designation of Angola Under TPS   | 03/29/00 | 65 FR 16634 |
| TPS Notice (CIS No. 1853–97) Extension and Termination of Rwanda Eff. 06/07/97          | 06/19/97 | 62 FR 33442 | TPS Notice (CIS No. 1964–98) TPS Designation of Honduras   | 01/05/99 | 64 FR 524   | TPS Notice (CIS No. 2064–00) Extension of Nicaragua Designation                                      | 05/11/00 | 65 FR 30440 |
| TPS Notice (CIS No. 1862–97) Extension of Bosnia-Herzegovina                            | 08/01/97 | 62 FR 41420 | TPS Notice (CIS No. 1965–98) TPS Designation of Nicaragua  | 01/05/99 | 64 FR 526   | TPS Notice (CIS No. 2065–00) Extension of Designation Honduras                                       | 05/11/00 | 65 FR 30438 |
| TPS Notice (CIS No. 1863–97) Extension of Somalia                                       | 08/01/97 | 62 FR 41421 | TPS Notice (CIS No. 1960–98) TPS Designation of Guinea-Bissau  | 03/11/99 | 64 FR 12181 | TPS Notice (CIS No. 2066–00) Termination of the Kosovo...  | 05/23/00 | 65 FR 33356 |
| TPS Notice (CIS No. 1878–97) TPS Designation of Montserrat                              | 08/28/97 | 62 FR 45685 | TPS Notice (CIS No. 1986–99) TPS Extension and Redesignation of the Province of Kosovo               | 06/08/99 | 64 FR 30542 | TPS Notice (CIS No. 2064R–00) Extension of Re-Registration for Nicaraguans                           | 06/09/00 | 65 FR 36729 |
| TPS Notice (CIS No. 1775–96) TPS Designation of Burundi                                 | 11/04/97 | 62 FR 59735 | TPS Notice (CIS No. 1953–99) Termination of TPS Designation of Liberia                               | 07/30/99 | 64 FR 41463 | TPS Notice (CIS No. 2065R–00) Extension of Re-Registration for Hondurans                             | 06/09/00 | 65 FR 36719 |
| TPS Notice (CIS No. 1780–97) TPS Designation of Sudan                                   | 11/04/97 | 62 FR 59737 | TPS Notice (CIS No. 2009–99) Extension of the TPS Registration Period for Hondurans and Nicaraguans  | 08/06/99 | 64 FR 42991 | TPS Notice (CIS No. 2079–00) Termination of Bosnia-Herzegovina                                       | 08/30/00 | 65 FR 52789 |
| TPS Notice (CIS No. 1877–97) TPS Designation of Sierra Leone                            | 11/04/97 | 62 FR 59736 | TPS Notice (CIS No. 2006–99) Extension of TPS Designation of Bosnia-Herzegovina                      | 08/11/99 | 64 FR 43720 | TPS Notice (CIS No. 2087–00) Extension of Designation of Montserrat Under Temporary Protected Status | 10/02/00 | 65 FR 58806 |
| TPS Notice (CIS No. 1910–98) Termination of Designation of Liberia                      | 03/31/98 | 63 FR 15437 | TPS Notice (CIS No. 2010–99) Extension of TPS Designation of Montserrat                              | 09/02/99 | 64 FR 48190 | TPS Notice (CIS No. 2094–00) Extension of Designation of Sudan                                       | 11/09/00 | 65 FR 67407 |
| TPS Notice (CIS No. 1929–98) TPS Designation of Province                                | 06/09/98 | 63 FR 31527 | TPS Notice (CIS No. 2015–99) Extension of TPS Designation of Somalia                                 | 09/13/99 | 64 FR 49511 | TPS Notice (CIS No. 2095–00) Extension of Designation of Sierra Leone                                | 11/09/00 | 65 FR 67405 |
| TPS Notice (CIS No. 1945–98) Extension of Designation of Somalia                        | 09/28/98 | 63 FR 51602 | TPS Notice (CIS No. 2022–99) Extension and Redesignation of Burundi Under Temporary Protected Status | 11/09/99 | 64 FR 61123 | TPS Notice (CIS No. 2096–00) Extension of Designation of Burundi                                     | 11/09/00 | 65 FR 67404 |
| TPS Notice (CIS No. 1953–98) Redesignation of Liberia                                   | 09/29/98 | 63 FR 51958 | TPS Notice (CIS No. 2023–99) Extension and Redesignation of Sudan Under the Temporary Protected Stat | 11/09/99 | 64 FR 61128 | Correction TPS Notice (CIS No.2090–00) Extension of Designation of Somalia                           | 12/08/00 | 65 FR 69789 |
| TPS Notice (CIS No. 1957–98) TPS Extension of Designation of Burundi                    | 11/03/98 | 63 FR 59334 | TPS Notice (CIS No. 2024–99) Extension and Redesignation of Sierra Leone Under Temporary Protected S | 11/09/99 | 64 FR 61125 | TPS Notice (CIS No. 2125–01) Designation of El Salvador  | 03/09/01 | 66 FR 14214 |
| TPS Notice (CIS No. 1958–98) TPS Extension of Designation of Sierra Leone               | 11/03/98 | 63 FR 59336 |  |          |             | TPS Notice (CIS No. 2114–01) Extension and Redesignation of Angola                                   | 04/05/01 | 66 FR 18111 |

## DHS—USCIS

## Completed Actions

|   |          |             |   |          |             |
|---|----------|-------------|---|----------|-------------|
| TPS Notice (CIS No. 2135-01) Extension of Designation of Honduras under TPS                         | 05/08/01 | 66 FR 23269 | TPS Notice (CIS No. 2215-02) Extension of Designation of Somalia                                  | 07/26/02 | 67 FR 48950 |
| TPS Notice (CIS No. 2136-01) Extension of Designation of Nicaragua under TPS                        | 05/08/01 | 66 FR 23271 | TPS Notice (CIS No. 2226-02) Extension of the Designation of Sudan under TPS                      | 08/30/02 | 67 FR 55877 |
| TPS Notice (CIS No. 2148-01) Auto. Ext. of Work Authorization for Hondurans & Nicaraguans Under TPS | 07/03/01 | 66 FR 35270 | TPS Notice (CIS No. 2225-02) Extension of Designation of Burundi under TPS                        | 08/30/02 | 67 FR 55875 |
| TPS Notice (CIS No. 2146-01) Extension of the Designation of Montserrat under TPS                   | 08/03/01 | 66 FR 40834 | TPS Notice (CIS No. 2235-02) Designation of Liberia under TPS                                     | 10/01/02 | 67 FR 61664 |
| TPS Notice (CIS No. 2162-01) Extension of Designation of Burundi under TPS                          | 08/31/01 | 66 FR 46027 | TPS Notice (CIS No. 2237-02) Extension of TPS for Sierra Leone                                    | 10/31/02 | 67 FR 66423 |
| TPS Notice (CIS No. 2163-01) Extension of the Designation of Sierra Leone under TPS                 | 08/31/01 | 66 FR 46029 | TPS Notice (CIS No. 2229-02) Termination of Designation of Angola under TPS                       | 01/27/03 | 68 FR 3896  |
| TPS Notice (CIS No. 2164-01) Extension of Designation of Sudan under TPS                            | 08/31/01 | 66 FR 46031 | TPS Notice (CIS No. 2314-04) Termination of the Designation of Montserrat                         | 07/06/04 | 69 FR 40642 |
| TPS Notice (CIS No. 2151-01) Extension of Redesignation of Somalia under TPS                        | 09/04/01 | 66 FR 46288 | TPS Notice (CIS No. 2319-04) Extension of the Designation of Somalia                              | 08/06/04 | 69 FR 47937 |
| TPS Notice (CIS No. 2114-01) Extension of the Designation of Angola under TPS                       | 02/01/02 | 67 FR 4997  | TPS Notice (CIS No. 2324-04) Termination and Redesignation of Liberia                             | 08/25/04 | 69 FR 52297 |
| TPS Notice (CIS No. 2196-02) Extension of Designation of Nicaragua under TPS                        | 05/03/02 | 67 FR 22450 | TPS Notice (CIS No. 2325-04) Extension of the Designation of TPS for Burundi                      | 10/07/04 | 69 FR 60165 |
| TPS Notice (CIS No. 2197-02) Extension of the Designation Honduras under TPS                        | 05/03/02 | 67 FR 22451 | TPS Notice (CIS No. 2322-04) Extension and Redesignation of TPS for Sudan                         | 10/07/04 | 69 FR 60168 |
| TPS Notice (CIS No. 2212-02) Extension of Designation of El Salvador under TPS                      | 07/11/02 | 67 FR 46000 | TPS Notice (CIS No. 2331-04) Extension of the Designation of TPS for Honduras; ...                | 11/03/04 | 69 FR 64084 |
| TPS Notice (CIS No. 2209-02) Extension of Designation of Montserrat                                 | 07/17/02 | 67 FR 47002 | TPS Notice (CIS No. 2332-04) Extension of the Designation of TPS for Nicaragua; ...               | 11/03/04 | 69 FR 64088 |
| TPS Notice (CIS No. 2209-02) Extension of Designation of Montserrat under TPS                       | 07/17/02 | 67 FR 47002 | TPS Notice (CIS No. 2337-04) Extension of the Designation of TPS for El Salvador                  | 01/07/05 | 70 FR 1451  |
|   |          |             | TPS Notice, Automatic Ext. of Employment Authorization for Honduran and Nicaraguan TPS applicants | 07/07/05 | 70 FR 39325 |

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** The Secretary may designate other countries for TPS.

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

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

Transferred from RIN 1115-AE26

**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 514-4754  
Email: pearl.chang@dhs.gov

**RIN:** 1615-AA04**1344. SPECIAL IMMIGRANT JUVENILE PETITIONS****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 CFR 2**CFR Citation:** 8 CFR 204**Legal Deadline:** None

**Abstract:** The Department proposes to amend its regulations to add eligibility and consent requirements for approvals of special immigrant juvenile petitions, Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant. The proposed rule would require petitioners for special immigrant juvenile classification to demonstrate that a dependency order relating to the juvenile beneficiary (juvenile) was granted on account of abuse, neglect, or abandonment and establish that a court has determined that the juvenile should not be returned to the home country. The proposed rule would also provide that a dependency order may not serve as a precondition to the approval of the petition unless the Secretary gives his express consent. These changes are necessary to conform the regulations to the statutory eligibility changes made by the Departments of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act of 1998.



## DHS—USCIS

## Completed Actions

**Timetable:**

| Action    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 09/20/05 |         |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 1948-98

Transferred from RIN 1115-AF11

**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 514-4754  
Email: pearl.chang@dhs.gov

RIN: 1615-AA15

**1345. DISMISSAL OF ASYLUM APPLICATION FOR UNEXCUSED FAILURE TO APPEAR AND AFFECT ON ELIGIBILITY FOR EMPLOYMENT AUTHORIZATION**

Priority: Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; 8 CFR 2; 8 USC 1101; 8 USC 1329a

CFR Citation: 8 CFR 208; 8 CFR 274a

Legal Deadline: None

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

**Timetable:**

| Action    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 07/13/05 |         |

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2011-99

Transferred from RIN 1115-AF38

**Agency Contact:** Joanna Ruppel, Deputy Director, Asylum Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 3rd Floor, 20 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 272-1625  
Fax: 202 272-1687  
Email: joanna.ruppel@dhs.gov

RIN: 1615-AA18

**1346. IMPLEMENTATION OF THE NUMERICAL LIMIT ON ASYLUM GRANTS AND REFUGEE ADMISSIONS BASED ON RESISTANCE TO COERCIVE POPULATION CONTROL MEASURES**

Priority: Other Significant

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

CFR Citation: 8 CFR 208; 8 CFR 274a

Legal Deadline: None

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

**Timetable:**

| Action    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 07/13/05 |         |

**Regulatory Flexibility Analysis**  
Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2067-00

Transferred from RIN 1115-AF84

**Agency Contact:** Joanna Ruppel, Deputy Director, Asylum Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 3rd Floor, 20 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 272-1625  
Fax: 202 272-1687  
Email: joanna.ruppel@dhs.gov

RIN: 1615-AA37

**1347. ILLEGAL ENTRIES, UNLAWFUL PRESENCE, AND AUTOMATIC VOIDING OF NONIMMIGRANT VISAS**

Priority: Other Significant

**Legal Authority:** 5 USC 552; 8 USC 1101 to 1103; 8 USC 1182; ...

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

Legal Deadline: None

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

**Timetable:**

| Action    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 09/20/05 |         |

DHS—USCIS

Completed Actions

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** Split from CIS No. 1413

Transferred from RIN 1115-AG36

**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 514-4754  
Email: pearl.chang@dhs.gov

**RIN:** 1615-AA64

**1348. MEDICAL EXAMINATION REQUIREMENTS AND DESIGNATION OF CIVIL SURGEONS**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

**Timetable:**

| Action    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 09/20/05 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** Split from CIS No. 1413

Transferred from RIN 1115-AG37

**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 514-4754  
Email: pearl.chang@dhs.gov

**RIN:** 1615-AA65

**1349. ADJUSTMENT OF THE APPEAL AND MOTION FEE TO RECOVER FULL COSTS**

**Priority:** Other Significant

**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1304; 8 USC 1356; 31 USC 9701; EO 12356; ...

**CFR Citation:** 8 CFR 103

**Legal Deadline:** None

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

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 11/30/04 | 69 FR 69546 |
| NPRM Comment Period End | 12/30/04 |             |
| Other/Final Rule        | 08/29/05 | 70 FR 50954 |
| Final Action Effective  | 09/28/05 |             |
| Final Action            | 09/28/05 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 2245-02

Transferred from RIN 1115-AG89

**Agency Contact:** Paul Schlesinger, Director, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 5307, Office of Budget, 20 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 272-1920

Email: paul.l.schlesinger@dhs.gov

**RIN:** 1615-AA88

**1350. CHANGES TO EMPLOYMENT AUTHORIZATION ELIGIBILITY FOR CERTAIN APPLICANTS AND TO STANDARDS FOR DETERMINING A FRIVOLOUS ASYLUM APPLICATION**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; ...

**CFR Citation:** 8 CFR 208; 8 CFR 274a

**Legal Deadline:** None

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

**Timetable:**

| Action    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 07/13/05 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 2251-02

Transferred from RIN 1115-AG91

**Agency Contact:** Joanna Ruppel, Deputy Director, Asylum Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, 3rd Floor, 20 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 272-1625  
Fax: 202 272-1687  
Email: joanna.ruppel@dhs.gov

**RIN:** 1615-AA89

## DHS—USCIS

## Completed Actions

**1351. CRIMINAL GROUNDS OF INADMISSIBILITY, EXCEPTIONS AND WAIVERS FOR IMMIGRANTS AND NONIMMIGRANTS, REFUGEES AND ASYLEES**

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

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

**CFR Citation:** 8 CFR 103; 8 CFR 210; 8 CFR 212; 8 CFR 299

**Legal Deadline:** None

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

areas of inadmissibility, these criminal sections have been broken out into a separate regulation.

**Timetable:**

| Action    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 09/20/05 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 2276-03

**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Room 3214, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 514–4754  
Email: pearl.chang@dhs.gov

**RIN:** 1615–AB15

**1352. ELIGIBILITY PILOT PROGRAM (PRECERTIFICATION OF CERTAIN I-129 AND I-140 PETITIONERS)**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 204; 8 CFR 214; 8 CFR 299

**Legal Deadline:** None

**Abstract:** This rule amends DHS regulations by establishing a new

Employer Precertification Pilot Program (Pilot Program or EPPP), and provides the eligibility requirements and procedures for participating in this Pilot Program. This Pilot Program is being established to enable the U.S. Citizenship and Immigration Services (USCIS) to streamline the adjudication process for those approved qualifying employers who submit Form I-129, Petition for a Nonimmigrant Worker and Form I-140, Immigrant Petition for Alien Workers, to USCIS. The Pilot Program is intended to reduce backlogs and increase efficiencies in adjudicating of certain employment-related nonimmigrant and immigrant visa petitions.

**Timetable:**

| Action    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 09/20/05 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Efran Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529  
Phone: 202 353–8177  
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**RIN:** 1615–AB25

**Department of Homeland Security (DHS)  
U.S. Coast Guard (USCG)****Proposed Rule Stage****1353. CLAIMS PROCEDURES UNDER THE OIL POLLUTION ACT OF 1990 (USCG–2004–17697)**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 33 CFR 136

**Legal Deadline:** None

**Abstract:** This rulemaking implements section 1013 (Claims Procedures) and section 1014 (Designation of Source and Advertisement) of the Oil Pollution Act of 1990. An interim rule was published in 1992 and provides the basic requirements for the filing of claims for uncompensated removal

costs or damages resulting from the discharge of oil, for the designation of the sources of the discharge, and for the advertisement of where claims are to be filed. The interim rule also includes the processing of natural resource damage (NRD) claims. The 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<br>Period End | 12/10/92 |             |
| NPRM                               | 04/00/06 |             |

**Regulatory Flexibility Analysis Required:** Yes

## DHS—USCG

## Proposed Rule Stage

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Federal, Local, State, Tribal

**Additional Information:** Transferred from RIN 2115-AD90

**Agency Contact:** Carolyn R. Boltin, Project Manager, National Pollution Fund Center, Department of Homeland Security, U.S. Coast Guard, 4200 Wilson Boulevard, Arlington, VA 22203  
Phone: 202 493-6864

**RIN:** 1625-AA03

**1354. IMPLEMENTATION OF THE 1995 AMENDMENTS TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION, AND WATCHKEEPING (STCW) FOR SEAFARERS, 1978 (CGD 95-062)**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

**Timetable:**

| Action            | Date     | FR Cite     |
|-------------------|----------|-------------|
| Notice of Meeting | 08/02/95 | 60 FR 39306 |

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Old Docket Number CGD 95-062.

Transferred from RIN 2115-AF26

**Agency Contact:** Mark Gould, Project Manager, G-MSO-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-6890

**RIN:** 1625-AA16

**1355. WEARING OF PERSONAL FLOTATION DEVICES BY PERSONS OPERATING OR RIDING ON PERSONAL WATERCRAFT OR BEING TOWED 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 require every person to wear a personal flotation device (PFD)—also called a lifejacket—while operating or riding on personal watercraft (PWC) or being towed behind a recreational vessel. On waters subject to the jurisdiction of the United States within any State or territory, the rule would not preempt any requirement established for such persons as specified by the State. The rule would set a Federal requirement on waters subject to the jurisdiction of the United States within any State or territory without such requirements. The new requirement would reduce the number of persons who drown while participating in these activities. This project supports the Coast Guard's strategic goal of maritime safety.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 02/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AG32

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

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

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

**RIN:** 1625-AA40

**1356. TRAFFIC SEPARATION SCHEMES: IN THE STRAIT OF JUAN DE FUCA AND ITS APPROACHES; IN PUGET SOUND AND ITS APPROACHES; IN HARO STRAIT, BOUNDARY PASS, AND IN THE STRAIT OF GEORGIA (USCG-2002-12702)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1223

**CFR Citation:** 33 CFR 167

**Legal Deadline:** None

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

## DHS—USCG

## Proposed Rule Stage

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 08/27/02 | 67 FR 54981 |
| NPRM Comment<br>Period End | 10/28/02 |             |
| Supplemental NPRM          | 02/00/06 |             |

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

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

Transferred from RIN 2115-AG45

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

**RIN:** 1625-AA48**1357. RULES OF PRACTICE, PROCEDURE, AND EVIDENCE FOR ADMINISTRATIVE PROCEEDINGS OF THE COAST GUARD (USCG 1998-3472)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 7701; 46 USC 7702; 33 USC 1321; 42 USC 9609**CFR Citation:** 33 CFR 20; 46 CFR 5**Legal Deadline:** None

**Abstract:** The Coast Guard maintains two separate sets of procedural rules: The administrative adjudication rules against merchant mariners' licenses, certificates of registry, and documents; and those for the adjudication of class II civil penalties. The rules for suspension and revocation, contained in part 5 of title 46 of the Code of Federal Regulations (CFR), date from 1948, and are based on criminal procedure. The rules for class II civil penalties, contained in part 20 of title 33 of the CFR, date from 1994, and are based on the Model Rules of Administrative Procedure and on other modern rules for civil procedure. Neither set implements the authority of the Oil Pollution Act of 1990 (OPA 90), which provides for the temporary

suspension of a license, certificate of registry, or document for up to 45 days without a hearing, in certain circumstances, and a hearing within 30 days of any such suspension. This rulemaking would consolidate all procedural rules for administrative adjudications for class II civil penalties, and allow the Coast Guard to promulgate regulations implementing the OPA 90 authority. This project supports the strategic goal of the Coast Guard to promote marine safety. It would also align our rules with the Coast Guard and Maritime Transportation Act of 2004.

**Timetable:**

| Action   | Date     | FR Cite     |
|--|----------|-------------|
| NPRM   | 04/06/98 | 63 FR 16731 |
| NPRM Comment<br>Period End                       | 05/06/98 |             |
| NPRM Comment<br>Period Reopened                  | 05/20/98 | 63 FR 27700 |
| NPRM Comment<br>Period End                       | 06/19/98 |             |
| Interim Final Rule<br>Effective                  | 05/24/99 | 64 FR 28054 |
| Interim Final Rule<br>Correction                 | 06/23/99 |             |
| Interim Final Rule<br>Correction                 | 06/28/99 | 64 FR 34540 |
| Interim Final Rule<br>Comment Period<br>End      | 07/23/99 |             |
| Interim Final Rule<br>Comment Period<br>Reopened | 10/05/99 | 64 FR 53970 |
| Interim Final Rule<br>Comment Period<br>End      | 04/03/00 |             |
| Supplemental NPRM                                | 03/00/06 |             |
| Final Rule                                       | 09/00/06 |             |

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

**Additional Information:** This rulemaking revises in part the previous docket of CGD 94-101, which was terminated on December 20, 1995.

Transferred from RIN 2115-AF59

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** George Jordan, Project Manager, G-CJ, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-2940

**RIN:** 1625-AA59**1358. ADMINISTRATIVE CHANGES TO NUMBERING OF VESSELS AND REPORTING OF CASUALTIES (USCG-2003-14963)****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 9701; 46 USC 2110; 46 USC 4302; 46 USC 4310; 46 USC 6101; 46 USC 6102; 46 USC 12301; 46 USC 12302; 46 USC 12502; PL 100-710; DHS Security Delegation No. 0170.1**CFR Citation:** 33 CFR 173; 33 CFR 174; 33 CFR 181**Legal Deadline:** None

**Abstract:** This rulemaking would amend the Coast Guard's rules on States' numbering of undocumented vessels and on the reporting of accidents. It would harmonize terminology governing the Standard Numbering System, the Vessel Identification System, and the Casualty or Accident Report to help us collect better data, process them more efficiently, and use them more effectively to prevent boating accidents. This project supports the Coast Guard's strategic goals of maritime safety and maritime security.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 11/00/05 |         |

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

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

**RIN:** 1625-AA70**1359. 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 4502; 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 add new and clarify existing rules for

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commercial fishing vessels in 46 CFR part 28. It would also establish rules on stability and watertight integrity for fishing vessels under 79 feet in length and institute regulations for the carriage of immersion suits in seasonally cold waters. To improve crew preparedness in case of an emergency, this project would also add requirements such as mandatory logging of already required drills, providing evidence of training, and ensuring that personnel required to be trained are current in their training. The project would amend 46 CFR part 28 to clarify and improve the consistency of the regulatory language so to aid in vessels compliance with the existing rules. This rulemaking supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 07/00/06 |         |

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Federal, Tribal

**Agency Contact:** Mr. Mike Rosecrans, Project Manager, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593  
Phone: 202 267-0505

**RIN:** 1625-AA77

**1360. DRY CARGO RESIDUE DISCHARGES IN THE GREAT LAKES (USCG-2004-19621)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 108-293

**CFR Citation:** 33 CFR 151

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 05/00/06 |         |

**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, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593  
Phone: 202 267-0713  
Email: msohlberg@comdt.uscg.mil

**RIN:** 1625-AA89

**1361. 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   | 11/00/05 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** State

**Agency Contact:** LCDR George Grills, Project Manager (G-MSE-3), Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 29593-0001  
Phone: 202 267-6640  
Email: ggrills@comdt.uscg.mil

**RIN:** 1625-AA90

**1362. ALTERNATE COMPLIANCE PROGRAM: VESSEL INSPECTION ALTERNATIVES**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** This rulemaking would:

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

SOLAS Passenger Ship Safety Certificate (PSSC)

IMO High-Speed Craft (HSC) Safety Certificate;

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

SOLAS Cargo Ship Safety Construction Certificate

SOLAS Cargo Ship Safety Equipment Certificate

International Load Line Certificate

International Tonnage Certificate

International Oil Pollution Prevention Certificate;

Extend eligibility in the ACP to Oceanographic Research Vessels by adding a new section 46 CFR 189.15-3 to reference part 8; and, Remove references to the American Bureau of Shipping (ABS) throughout the ACP

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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   | 11/00/05 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Lt. William Nabach, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593  
Phone: 202 267-4004

**RIN:** 1625-AA92

### 1363. VESSEL DOCUMENTATION: LEASE FINANCING FOR VESSELS ENGAGED IN THE COASTWISE TRADE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 12106

**CFR Citation:** 46 CFR 67; 46 CFR 68

**Legal Deadline:** Final, Statutory, August 9, 2005.

**Abstract:** The Coast Guard proposes to amend its regulations on the documentation of foreign-owned, U.S.-built vessels that are lease-financed by demise charter to a U.S. citizen for use in the coastwise trade. These proposals address amendments under the Coast Guard and Maritime Transportation Act of 2004.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/05 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Thomas Willis, Project Manager, NVDC, Department of Homeland Security, U.S. Coast Guard, 792 TJ Jackson Drive, Falling Waters, WV 25419  
Phone: 304 271-2506

**RIN:** 1625-AA95

### 1364. 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 implement new legislation that allows the Coast Guard the option to waive the requirement for an owner of a vessel wrecked and sunk in a navigable channel to mark it with a light at night. The proposed rulemaking would meet the Commandant’s objectives of maritime safety, maritime mobility, and protection of natural resources.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 02/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

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

**RIN:** 1625-AA97

### 1365. • OIL SPILL LIABILITY TRUST FUND CONSUMER PRICE INDEX (CPI) ADJUSTMENT OF VESSEL LIMITS OF LIABILITY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 2704

**CFR Citation:** 33 CFR 138

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 11/00/05 |         |

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Benjamin White, National Pollution Funds Center, Department of Homeland Security, U.S. Coast Guard, 4200 Wilson Boulevard, Arlington, VA 22203-1804  
Phone: 202 493-6801

**RIN:** 1625-AA98

## Department of Homeland Security (DHS)

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## U.S. Coast Guard (USCG)

### 1366. REPORTING MARINE CASUALTIES (USCG-2000-6927)

**Priority:** Other Significant

**Legal Authority:** 46 USC 6101; 33 USC 1901 et seq

**CFR Citation:** 33 CFR 151; 46 CFR 4

**Legal Deadline:** None

**Abstract:** This action would add to the definition of a reportable marine casualty, “significant harm to the

environment.” Some casualty reporting requirements are extended to include foreign tank vessels operating in U.S. waters, including the Exclusive Economic Zone. This project supports the Coast Guard’s Marine Safety and Environmental Protection program’s goal to reduce the consequence of pollution incidents and further supports the Coast Guard’s strategic goal of protection of natural resources.

**Timetable:**

| Action                               | Date     | FR Cite     |
|--------------------------------------|----------|-------------|
| Request for Comments                 | 12/20/94 | 59 FR 65522 |
| Comment Period End                   | 02/20/95 |             |
| NPRM                                 | 11/02/00 | 65 FR 65808 |
| Supplemental NPRM                    | 07/12/01 | 66 FR 36530 |
| Supplemental NPRM Comment Period End | 09/10/01 |             |
| Final Rule                           | 11/00/05 |             |

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## Final Rule Stage

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AD98**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** LCDR Kelly Post, Project Manager, G—MOA—1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593  
Phone: 202 267-1418

**RIN:** 1625-AA04

**1367. 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<br>Period Extended | 12/28/98 | 63 FR 71411 |
| Comment Period End              | 01/04/99 |             |
| NPRM Comment<br>Period End      | 03/04/99 |             |

| Action  | Date     | FR Cite     |
|---|----------|-------------|
| Interim Final Rule  | 04/23/02 | 67 FR 19685 |
| Interim Final Rule<br>Effective   | 05/23/02 |             |
| Collection of<br>Information<br>Sections Effective                          | 06/20/02 |             |
| Interim Final Rule—<br>Announcement of<br>Effective Date of<br>COI Sections | 06/20/02 | 67 FR 41847 |
| Interim Final Rule<br>Comment Period<br>End                                 | 10/23/02 |             |
| Final Rule  | 05/00/06 |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**Additional Information:** Old Docket Number CGD 95-015.

Transferred from RIN 2115-AF38

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

**RIN:** 1625-AA17

**1368. DEEPWATER PORTS (USCG—1998—3884)**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1504**CFR Citation:** 33 CFR 148 to 150**Legal Deadline:** None

**Abstract:** This rulemaking project revises regulations adopted in 1975 to implement the Deepwater Port Act of 1974. It updates and streamlines those regulations in accordance with the 1996 Deepwater Port Modernization Act. It also extends the deepwater port regulations to the natural gas deepwater ports authorized by Congress in the Maritime Transportation Security Act of 2002. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

**Timetable:**

| Action | Date     | FR Cite     |
|--------|----------|-------------|
| ANPRM  | 08/29/97 | 62 FR 45774 |

| Action  | Date     | FR Cite     |
|---|----------|-------------|
| ANPRM Comment<br>Period End                     | 10/13/97 |             |
| NPRM  | 05/30/02 | 67 FR 37920 |
| NPRM Comment<br>Period End                      | 07/29/02 |             |
| NPRM Comment<br>Period Reopened                 | 08/19/02 | 67 FR 53764 |
| Second NPRM<br>Comment Period<br>End            | 09/18/02 |             |
| Temporary Interim<br>Rule                       | 01/06/04 | 69 FR 724   |
| Temporary Interim<br>Rule Comment<br>Period End | 07/05/04 |             |
| Final Rule                                      | 10/00/06 |             |

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

**Additional Information:** An advance notice of proposed rulemaking was published under Docket Number USCG-1998-4441. That docket number is replaced with USCG-1998-3884.

Transferred from RIN 2115-AF63

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Kevin Tone, LCDR, Department of Homeland Security, U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593  
Phone: 202 267-0226

**RIN:** 1625-AA20

**1369. VESSEL AND FACILITY RESPONSE PLANS FOR OIL: 2003 REMOVAL EQUIPMENT REQUIREMENTS AND ALTERNATIVE TECHNOLOGY REVISIONS (USCG—2001—8661)**

**Priority:** Other Significant**Legal Authority:** 33 USC 1321**CFR Citation:** 33 CFR 153; 33 CFR 154; 33 CFR 155**Legal Deadline:** None

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



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**Timetable:**

| Action                                 | Date     | FR Cite     |
|--|----------|-------------|
| NPRM                                   | 10/11/02 | 67 FR 63331 |
| NPRM Comment<br>Period Extended        | 11/19/02 | 67 FR 69697 |
| NPRM Comment<br>Period End             | 01/09/03 |             |
| Extended NPRM<br>Comment Period<br>End | 04/08/03 |             |
| Final Rule                             | 07/00/06 |             |

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

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

Phone: 202 267-0417

**RIN:** 1625-AA26**1370. MARINE CASUALTIES AND INVESTIGATIONS; CHEMICAL TESTING FOLLOWING SERIOUS MARINE INCIDENTS (USCG-2001-8773)****Regulatory Plan:** This entry is Seq. No. 59 in part II of this issue of the **Federal Register**.**RIN:** 1625-AA27**1371. DRAWBRIDGE OPERATIONS REGULATIONS; REVISIONS (USCG-2001-10881)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 499**CFR Citation:** 33 CFR 117**Legal Deadline:** None**Abstract:** The Coast Guard is proposing changes to its drawbridge regulations that provide guidance for general requirements relating to the use and operation of drawbridges. This project will create a new deviation for short-term closures, provide Coast Guard Eighth District Bridges Administration St. Louis, MO, with a general bridge closure requirement during the winter season when navigation is reduced, and

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

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 04/17/03 | 68 FR 18922 |
| NPRM Comment<br>Period End | 06/02/03 |             |
| Final Rule                 | 11/00/05 |             |

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AG27**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

Phone: 202 267-0377

**RIN:** 1625-AA36**1372. PROTECTION FOR WHISTLEBLOWERS IN THE COAST GUARD (USCG-2002-13016)****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 1034**CFR Citation:** 33 CFR 53**Legal Deadline:** None**Abstract:** This rulemaking would amend 33 CFR part 53 both by extending coverage to uniformed members of the Coast Guard who make "protected" communications either to an organization within the Department within which the Coast Guard is operating concerned with audit, inspection, or law enforcement, or to any other person or organization (including any person or organization in the chain of command) designated

pursuant to regulations to receive such communications, and by extending the nature of protected communications to comprise complaints: (a) Of violations of statute or regulation prohibiting sexual harassment; (b) of unlawful discrimination; and (c) of gross mismanagement. This project supports the Coast Guard's five strategic goals of maritime safety and security, protection of natural resources, maritime mobility, and national defense.

**Timetable:**

| Action     | Date     | FR Cite |
|------------|----------|---------|
| Final Rule | 03/00/06 |         |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AG49**Agency Contact:** Lt. Patrick Grace, Project Manager, G—LGL, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593

Phone: 202 267-0064

**RIN:** 1625-AA50**1373. 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 Part 32; 46 CFR Part 50; 46 CFR Part 52; 46 CFR Parts 53 to 54; 46 CFR Part 56; 46 CFR Part 58; 46 CFR Parts 59 to 63; 46 CFR Part 66; 46 CFR Part 68; 46 CFR Part 70; 46 CFR Part 72; 46 CFR Parts 73 to 75; 46 CFR Part 77; 46 CFR Part 79; 46 CFR Part 81; 46 CFR Part 83; 46 CFR Part 85; 46 CFR Part 87; 46 CFR Part 89; 46 CFR Part 91; 46 CFR Part 93; 46 CFR Part 95; 46 CFR Part 97; 46 CFR Part 99; 46 CFR Part 101; 46 CFR Part 103; 46 CFR Part 105; 46 CFR Part 107; 46 CFR Part 109; 46 CFR Part 111; 46 CFR Part 113; 46 CFR Part 115; 46 CFR Part 117; 46 CFR Part 119; 46 CFR Part 121; 46 CFR Part 123; 46 CFR Part 125; 46 CFR Part 127; 46 CFR Part 129; 46 CFR Part 131; 46 CFR Part 133; 46 CFR Part 135; 46 CFR Part 137; 46 CFR Part 139; 46 CFR Part 141; 46 CFR Part 143; 46 CFR Part 145; 46 CFR Part 147; 46 CFR Part 149; 46 CFR Part 151; 46 CFR Part 153; 46 CFR Part 155; 46 CFR Part 157; 46 CFR Part 159; 46 CFR Part 161; 46 CFR Part 163; 46 CFR Part 165; 46 CFR Part 167; 46 CFR Part 169; 46 CFR Part 171; 46 CFR Part 173; 46 CFR Part 175; 46 CFR Part 177; 46 CFR Part 179; 46 CFR Part 181; 46 CFR Part 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

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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              | 01/00/06 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** Thane Gilman, Project Manager, G–MSE, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593  
Phone: 202 267–6048  
Email: tgilman@comdt.uscg.mil

**RIN:** 1625–AA83

### 1374. VALIDATION OF MERCHANT MARINERS' VITAL INFORMATION AND ISSUANCE OF COAST GUARD MERCHANT MARINER'S LICENSES AND CERTIFICATES OF REGISTRY (USCG–2004–17455)

**Regulatory Plan:** This entry is Seq. No. 60 in part II of this issue of the **Federal Register**.

**RIN:** 1625–AA85

### 1375. NOTIFICATION OF ARRIVAL IN U.S. PORTS; CERTAIN DANGEROUS CARGOES; ELECTRONIC SUBMISSION (USCG–2004–19963)

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

**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                 | 01/00/06 |         |
| Interim Final Rule Effective | 02/00/06 |         |

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**Related RIN:** Related to 1625–AA41, Related to 1625–AA96

**RIN:** 1625–AA93

### 1376. • VESSEL REQUIREMENTS FOR NOTICES OF ARRIVAL AND DEPARTURE, AND CARRIAGE OF AUTOMATIC IDENTIFICATION SYSTEM (USCG–2005–21869)

**Regulatory Plan:** This entry is Seq. No. 61 in part II of this issue of the **Federal Register**.

**RIN:** 1625–AA99

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

## Long-Term Actions

### 1377. 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 from October 1, 2005, to April 30, 2006, are 300.

**Timetable:**

| Action                        | Date     | FR Cite |
|-------------------------------|----------|---------|
| Actions Will Continue Through | 12/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Routine and frequent rulemakings issued under this

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## Long-Term Actions

RIN will each have an individual docket number.

**Agency Contact:** George Detweiler, Project Manager G–MWV, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001  
Phone: 202 267–0574

**RIN:** 1625–AA00

### 1378. 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 from October 1, 2005, to April 30, 2006, are 18.

#### Timetable:

| Action                        | Date     | FR Cite |
|-------------------------------|----------|---------|
| Actions Will Continue Through | 12/00/06 |         |

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Transferred from RIN 2115-AA98

**Agency Contact:** Ed LaRue, Project Manager, G–MWV, Department of

Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593

Phone: 202 267–0416

Email: elarue@comdt.uscg.mil

**RIN:** 1625–AA01

### 1379. DISCHARGE-REMOVAL EQUIPMENT FOR VESSELS CARRYING OIL (CGD 90–068)

**Priority:** Other Significant

**Legal Authority:** 33 USC 1321

**CFR Citation:** 33 CFR 155

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

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

#### Timetable:

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

Next Action Undetermined

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AD66

**Agency Contact:** David A. DuPont, Project Manager, G–MSR–2, Department of Homeland Security, U.S. Coast

Guard, 2100 Second Street SW., Washington, DC 20593–0001  
Phone: 202 267–0971

**RIN:** 1625–AA02

### 1380. STATE ACCESS TO THE OIL SPILL LIABILITY TRUST FUND (USCG–2004–19123)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 2712

**CFR Citation:** 33 CFR 133

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

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

#### Timetable:

| Action             | Date     | FR Cite     |
|--------------------|----------|-------------|
| Interim Rule       | 11/13/92 | 57 FR 53968 |
| Interim Final Rule | 02/11/93 |             |
| Comment Period End |          |             |
| Supplementary NPRM | 12/00/06 |             |

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

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

Transferred from RIN 2115-AE19

This rulemaking was formerly docket number CGD92-014.

**Agency Contact:** Benjamin White, National Pollution Funds Center, Department of Homeland Security, U.S. Coast Guard, 4200 Wilson Boulevard, Arlington, VA 22203–1804  
Phone: 202 493–6801

**RIN:** 1625–AA06

## DHS—USCG

## Long-Term Actions

**1381. REGATTA AND MARINE PARADE REGULATIONS****Priority:** Routine and Frequent**Legal Authority:** 33 USC 1233**CFR Citation:** 33 CFR 100**Legal Deadline:** None

**Abstract:** These routine and frequent, special local regulations ensure the safety of participants and spectators during regattas and marine parades. The regulations or rules specify such controls as separate participant and spectator areas, separation schemes for watercraft in the area of the event, and temporary restrictions on waterways to accommodate the event. These rules are short-term in nature, usually applying to a single event not exceeding eight hours in duration, and usually encompass only a small portion of a navigable waterway. These rules are promulgated by District Commanders in response to a request from an event-sponsoring organization. These routine and frequent rulemakings support the Coast Guard's strategic goals of maritime safety and maritime mobility of commercial and recreational vessel traffic. The total actions expected from May 1, 2005, to April 30, 2006, are 68.

**Timetable:**

| Action                       | Date     | FR Cite |
|------------------------------|----------|---------|
| Action Will Continue Through | 12/00/06 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:** None**Additional Information:** Routine and frequent rulemakings issued under this RIN will have individual docket numbers.

Transferred from RIN 2115-AE46

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

**RIN:** 1625-AA08**1382. DRAWBRIDGE REGULATIONS****Priority:** Routine and Frequent**Legal Authority:** 33 USC 499**CFR Citation:** 33 CFR 117**Legal Deadline:** None

**Abstract:** These routine and frequent regulations establish operating schedules and notice requirements for drawbridges across navigable waterways. Drawbridge regulations establish the permanent draw operation schedules for bridges and specify what notice mariners must give to request an opening. Short-term deviations from the permanent schedule may be issued for bridge repairs or to test the effectiveness of a proposed new opening schedule. Drawbridge regulations are promulgated by District Commanders usually at the request of the bridge owner or operator, or of local officials or local Coast Guard bridge administration officials. These routine and frequent rulemakings support the Coast Guard's strategic goals of maritime safety and maritime mobility of commercial and recreational vessel traffic. The total actions expected from May 1, 2005, to April 30, 2006, are 150.

**Timetable:**

| Action                        | Date     | FR Cite |
|-------------------------------|----------|---------|
| Actions Will Continue Through | 12/00/06 |         |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** None**Additional Information:** Routine and frequent rulemakings issued under this RIN will have individual docket numbers.

Transferred from RIN 2115-AE47

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

**RIN:** 1625-AA09**1383. 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 Marine Safety, Security and Environmental Protection program's goal to reduce the amount of oil discharged into the marine environment and the Coast Guard's strategic goal of protecting natural resources. It is significant because of substantial public and State government interest.

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** We are in the process of deciding how to respond to the comments we have received. This rulemaking is a companion to RIN 1625-AA05, which concerns Prince William Sound and Puget Sound.

Transferred from RIN 2115-AE56

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

**Related RIN:** Related to 2115-AE10**RIN:** 1625-AA10**1384. 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

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restrictions such as vessel entry, movement or departure, and vessel size, speed, horsepower, or draft limitations. Regulated navigation areas are promulgated by District Commanders, usually at the request of Coast Guard marine safety or local maritime safety officials. These routine and frequent rulemakings support the Coast Guard's strategic goals of waterways management, marine safety, and maritime mobility. The total actions expected from October 1, 2005, to April 30, 2006, are 11.

**Timetable:**

| Action                        | Date     | FR Cite |
|-------------------------------|----------|---------|
| Actions Will Continue Through | 12/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Transferred from RIN 2115-AE84

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

Phone: 202 267-0416

Email: elarue@comdt.uscg.mil

**RIN:** 1625-AA11

### 1385. 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:** Lt. Eric Bauer, Project Manager, G-MOR, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

Phone: 202 267-0417

**RIN:** 1625-AA12

### 1386. 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

DHS—USCG

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**URL For Public Comments:**

dms.dot.gov

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

**RIN:** 1625-AA13

**1387. 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 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         |             |
| Final Rule                       | To Be Determined |             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

Transferred from RIN 2115-AF13

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

Phone: 304 271-2506

**RIN:** 1625-AA14

**1388. OUTER CONTINENTAL SHELF ACTIVITIES (USCG-1998-3868)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 43 USC 1333(d)(1); 43 USC 1348(c); 43 USC 1356

**CFR Citation:** 33 CFR 140 to 147

**Legal Deadline:** None

**Abstract:** This project would revise the regulations on Outer Continental Shelf (OCS) activities to: 1) Add new requirements for fixed OCS facilities for lifesaving, fire protection, training, hazardous materials used as stores, and accommodation spaces; 2) require foreign vessels engaged in OCS activities to comply with requirements similar to those imposed on U.S. vessels similarly engaged; and 3) allow all mobile inland drilling units to operate on the OCS out to a defined boundary line if they meet requirements for lifesaving, firefighting, and operations similar to those for fixed OCS facilities. This project would affect the owners and operators of facilities and vessels engaged in offshore activities associated with the exploration for, development of, or production of the resources of the OCS. The preliminary estimate of costs imposed by these amendments varies according to the unit. The Coast Guard is consulting with the Minerals Management Service, part of the Department of the Interior. It supports the Coast Guard's strategic goal of marine safety and environmental protection.

**Timetable:**

| Action               | Date     | FR Cite     |
|----------------------|----------|-------------|
| Request for Comments | 06/27/95 | 60 FR 33185 |
| Comment Period End   | 09/25/95 |             |
| NPRM                 | 12/07/99 | 64 FR 68416 |
| NPRM Correction      | 02/22/00 | 65 FR 8671  |

| Action                       | Date     | FR Cite     |
|------------------------------|----------|-------------|
| NPRM Comment Period Extended | 03/16/00 | 65 FR 14226 |
| NPRM Comment Period Extended | 06/30/00 | 65 FR 40559 |
| NPRM Comment Period End      | 11/30/00 |             |
| Final Rule                   | 10/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Transferred from RIN 2115-AF39

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

**RIN:** 1625-AA18

**1389. 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

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revealed widespread misunderstanding and confusion regarding the regulatory language, which will make the implementation of this requirement difficult. Based on comments received after the Vessel Response Plan final rule publication (61 FR 1052; January 12, 1996) and during a Coast Guard hosted workshop, the Coast Guard intends to better define the terms “salvage expertise and equipment” and “vessel firefighting capability” requirements and will reconsider the 24-hour deployment requirement which was scheduled to go into effect on February 18, 1998. Therefore, the Coast Guard suspended the effective dates of the 24-hour deployment requirements as published in the final rule. The Coast Guard will continue with this project to better define the requirements. This rulemaking supports the Coast Guard’s strategic goals of maritime safety and protection of the natural resources. This rulemaking is also significant because it concerns a matter of substantial public interest or controversy.

**Timetable:**

| Action                                  | Date     | FR Cite     |
|---|----------|-------------|
| Final Rule – Partial Suspension         | 02/12/98 | 63 FR 7069  |
| Final Rule – Partial Suspension         | 01/17/01 | 66 FR 3876  |
| NPRM                                    | 05/10/02 | 67 FR 31868 |
| Public Meeting 7/9/02, 7/17/02, 7/25/02 | 06/12/02 | 67 FR 40254 |
| Public Meeting 9/26/02                  | 08/07/02 | 67 FR 51159 |
| NPRM Comment Period Extended            | 08/07/02 |             |
| NPRM Comment Period End                 | 10/18/02 |             |
| Final Rule – Partial Suspension         | 01/23/04 | 69 FR 3236  |
| Next Action Undetermined                |          |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

Transferred from RIN 2115-AF60

**URL For More Information:**

dms.dot.gov

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

**Agency Contact:** Lt. Reed Kohberger, Project Manager, G–MOR–3, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001  
Phone: 202 267–0448

**RIN:** 1625–AA19

**1390. COMMERCIAL DIVING OPERATIONS (USCG–1998–3786)**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 46 CFR 197

**Legal Deadline:** None

**Abstract:** This project involves reviewing and updating the commercial diving regulations, which were first adopted in 1977. A review of the commercial diving regulations is needed to determine what parts should be updated or changed based on the current standards of safety, technology, and industry practices and to evaluate and minimize any significant economic impact of the rules upon small entities. The project supports the Coast Guard Marine Safety, Security and Environmental Protection Program’s goal to reduce deaths and injuries on U.S. commercial vessels and the Coast Guard’s strategic goal of maritime safety.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AF64

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

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

**Agency Contact:** Dave Dolloff, Project Manager, G–MSO–2, Department of

Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001  
Phone: 202 267–1190

**RIN:** 1625–AA21

**1391. 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 Marine Safety, Security and Environmental Protection Program’s goal to reduce the amount of oil discharged into the marine environment and the Coast Guard’s strategic goal of protection of natural resources. This is a significant action due to substantial public interest.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** Transferred from RIN 2115-AF68

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

**URL For Public Comments:**

## DHS—USCG

## Long-Term Actions

dms.dot.gov

**Agency Contact:** Lt. Vivianne Louie, Project Manager, G–MSE–1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593  
Phone: 202 267–0173  
Email: vlouie@comdt.uscg.mil  
**RIN:** 1625–AA22

### 1392. 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<br>Period End | 03/01/01     |             |
| Next Action                | Undetermined |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** This rulemaking is being returned to a long-term schedule. In the 2002 spring agenda, we announced we would be withdrawing this rulemaking but we are currently reevaluating that decision. Transferred from RIN 2115-AF97

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

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

**Agency Contact:** David H. Dolloff, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street, SW, Washington DC, DC 20593  
Phone: 202 267–1190  
Email: ddolloff@comdt.uscg.mil  
**RIN:** 1625–AA25

### 1393. 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<br>Period End      | 03/11/02         |             |
| NPRM Comment<br>Period Extended | 03/26/02         | 67 FR 13738 |
| NPRM Comment<br>Period End      | 05/11/02         |             |
| Final Rule                      | To Be Determined |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AG18

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

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

**Agency Contact:** Carlton Perry, Project Manager, G–OPB–1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001  
Phone: 202 267–0979  
**RIN:** 1625–AA31

### 1394. 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<br>Period End | 06/03/02         |            |
| NPRM                        | To Be Determined |            |

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AG21

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

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

**Agency Contact:** Bivan Patnaik, Project Manager, G–MSO, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001  
Phone: 202 267–1744

**RIN:** 1625–AA32

### 1395. RATES FOR PILOTAGE ON THE GREAT LAKES (USCG–2002–11288)

**Priority:** Other Significant  
**Legal Authority:** 46 USC 9303(f)  
**CFR Citation:** 46 CFR 401  
**Legal Deadline:** None

**Abstract:** The Coast Guard conducts an annual review of the Great Lakes Pilotage based on the "Ratemaking Analyses and Methodology" published in the Federal Register on May 9, 1996.



## DHS—USCG

## Long-Term Actions

Depending on the results of this review, the Coast Guard can make rate adjustments in accordance with 46 CFR part 404, appendix A, step 7. Or, if the director determines that pilotage rates are within a reasonable range of their target, make no adjustments. This rulemaking may take place annually. It supports the Coast Guard's strategic goal of maritime mobility.

**Timetable:**

| Action                                      | Date     | FR Cite     |
|---|----------|-------------|
| NPRM  | 01/23/03 | 68 FR 3202  |
| NPRM Comment<br>Period Extended             | 02/14/03 | 68 FR 7489  |
| NPRM Comment<br>Period Extended             | 04/01/03 | 68 FR 15697 |
| NPRM Correction                             | 04/01/03 |             |
| Public Meeting (04/14)                      | 04/01/03 |             |
| NPRM Comment<br>Period End                  | 05/01/03 |             |
| Interim Rule                                | 12/12/03 | 68 FR 69564 |
| Interim Rule Comment<br>Period End          | 02/10/04 |             |
| Interim Rule                                | 03/10/05 | 70 FR 12082 |
| Interim Rule<br>Correction                  | 03/21/05 | 70 FR 13574 |
| Interim Rule<br>Correction                  | 03/29/05 | 70 FR 15779 |
| Interim Final Rule<br>Effective             | 04/11/05 |             |
| Interim Final Rule<br>Comment Period<br>End | 06/08/05 |             |
| Final Rule                                  | To Be    | Determined  |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AG30

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

**Agency Contact:** Paul Wasserman, Project Manager, G-MW-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593  
Phone: 202 267-2856

**RIN:** 1625-AA38

### 1396. NOTIFICATIONS OF ARRIVAL AND DEPARTURE IN PORTS OR PLACES IN THE UNITED STATES (USCG-2001-11865)

**Priority:** Other Significant

**Legal Authority:** 33 USC 1223(a)(5); 33 USC 1226; 33 USC 1231

**CFR Citation:** 33 CFR 160

**Legal Deadline:** None

**Abstract:** The Coast Guard needs to permanently amend its regulations relating to the Notifications of Arrival (NOA) and Departure (NOD) requirements in 33 CFR part 160 to ensure port safety, security, and environmental protection as well as maintain the uninterrupted flow of commerce. Subsequent to the terrorist attacks of September 2001, we published an emergency temporary final rule (96-hour rule) amending the NOA and NOD requirements for commercial vessels bound for or departing from ports or places in the United States. The temporary final rule terminated on March 31, 2003. In this final rule, most of the changes introduced by the temporary final rule have been made permanent. This rulemaking supports the Coast Guard's strategic goals of maritime safety, maritime security, protection of natural resources, and maritime mobility.

**Timetable:**

| Action                           | Date         | FR Cite     |
|----------------------------------|--------------|-------------|
| NPRM                             | 06/19/02     | 67 FR 41659 |
| NPRM Comment<br>Period End       | 08/19/02     |             |
| Final Rule                       | 02/28/03     | 68 FR 9537  |
| Final Rule Effective             | 04/01/03     |             |
| Final Rule Partial<br>Suspension | 05/22/03     | 68 FR 27907 |
| Final Rule Correction            | 11/10/03     | 68 FR 63735 |
| Next Action                      | Undetermined |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AG35

In 1625-AA99, we plan to remove the sections that were suspended May 22, 2003.

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

**Related RIN:** Related to 1625-AA96, Related to 1625-AA93, Related to 1625-AA99

**RIN:** 1625-AA41

### 1397. 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<br>Period End      | 07/25/00 |             |
| NPRM Comment<br>Period Reopened | 08/18/00 | 65 FR 50479 |
| NPRM Comment<br>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

## DHS—USCG

## Long-Term Actions

**Agency Contact:** Jorge Arroyo, Project Manager, G—MWV, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-6277

**RIN:** 1625-AA58

### 1398. VALIDATION OF MERCHANT MARINERS' VITAL INFORMATION AND ISSUANCE OF COAST GUARD MERCHANT MARINER'S DOCUMENTS (MMDS) (USCG-2003-14500)

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

**Legal Authority:** 46 USC 21; 46 USC 73; 46 USC 75; 46 USC 77

**CFR Citation:** 46 CFR Part 12

**Legal Deadline:** None

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

#### Timetable:

| Action                          | Date         | FR Cite     |
|---------------------------------|--------------|-------------|
| Notice of Meeting               | 02/20/03     | 68 FR 8326  |
| Notice of Policy                | 04/08/03     | 68 FR 17064 |
| Interim Rule                    | 01/06/04     | 69 FR 526   |
| Correction to Interim Rule      | 02/11/04     | 69 FR 6575  |
| Interim Rule Comment Period End | 04/05/04     |             |
| Next Action                     | Undetermined |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

**Agency Contact:** Gerald P. Miente, Project Manager, G—MSO-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0221

**RIN:** 1625-AA81

### 1399. 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 from November 1, 2005, to October 31, 2006, are 200.

#### Timetable:

| Action                        | Date     | FR Cite |
|-------------------------------|----------|---------|
| Actions Will Continue Through | 10/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**Agency Contact:** CDR Tina Burke, Project Manager (G—MPS-2), Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-4143  
Email: tburke@comdt.uscg.mil

**RIN:** 1625-AA87

### 1400. NAVIGATION EQUIPMENT; SOLAS CHAPTER V AMENDMENTS (USCG-2004-19588)

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

**Legal Authority:** 33 USC 1223(a)(3); 46 USC 3306(a)(1); 46 USC 3703

**CFR Citation:** 33 CFR 164; 46 CFR 165; 46 CFR 159

**Legal Deadline:** None

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

#### Timetable:

| Action | Date             | FR Cite |
|--------|------------------|---------|
| NPRM   | To Be Determined |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** State

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

**RIN:** 1625-AA91

DHS—USCG

Long-Term Actions

**1401. NOTIFICATION OF ARRIVAL IN U.S. PORTS; CERTAIN DANGEROUS CARGOES; ELECTRONIC SUBMISSION (USCG-2003-16688)**

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

**Legal Authority:** 33 USC 1223; 33 USC 1231; 46 USC ch 701; DHS Delegation No. 0170.1

**CFR Citation:** 33 CFR 160.204; 33 CFR 160.210

**Legal Deadline:** None

**Abstract:** This regulatory project will revise the definition of Certain Dangerous Cargo (CDC) as listed in 33 CFR 160 subpart C, to include ammonium nitrate and propylene oxide. Furthermore, this project will also provide for optional electronic submission of NOA reports via a Web portal. This rulemaking supports the Coast Guard's strategic goals of maritime security, maritime safety, and national defense.

**Timetable:**

| Action                   | Date     | FR Cite     |
|--------------------------|----------|-------------|
| Temporary Final Rule     | 08/18/04 | 69 FR 51176 |
| Other/Comment Period End | 11/16/04 |             |

Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** This rulemaking project is a continuation of RIN 1625-AA82 that was labeled a completed action in the Fall 2004 Unified Agenda.

The post-promulgation comment period is the reason we got a new RIN for this project; AA82 went away when the publication of the TFR was earlier treated as a completing action for this rulemaking. When the interim rule in AA93 is published, we can cite to that as the completing action for AA96 because we used comments on the TFR to shape that IR.

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

**Related RIN:** Previously reported as 1625-AA82, Related to 1625-AA93, Related to 1625-AA41

**RIN:** 1625-AA96

**1402. • LONG RANGE IDENTIFICATION AND TRACKING OF VESSELS**

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

**Legal Authority:** Sec. 102 of Pub. L. 107-295 ; 46 USC 70115

**CFR Citation:** 33 CFR 164

**Legal Deadline:** None

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

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Agency Contact:** William Cairns, CG-7M, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street, SW, Washington , DC 20593

Phone: 202 267-6599

Email: wcairns@comdt.uscg.mil

**RIN:** 1625-AB00

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

Completed Actions

**1403. ESCORT VESSELS FOR CERTAIN TANKERS (CGD 91-202)**

**Priority:** Other Significant

**Legal Authority:** PL 101-380, sec 4116(c) (codified as 46 USC 3703 note)

**CFR Citation:** 33 CFR 168

**Legal Deadline:** None

**Abstract:** This project promulgates 33 CFR part 168 and provides escort requirements for certain single-hull tankers in Prince William Sound and Puget Sound. It supports the Coast Guard's strategic goal of protecting natural resources, and is considered significant because of substantial public and State government interest.

**Timetable:**

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

Final Rule - Partial Suspension Effective 11/17/94

Final Rule Effective 11/17/94

Notice of Availability - Part II of Study 02/01/95 60 FR 6345

Final Rule 09/23/05 70 FR 55728

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** This project (RIN 1625-AA05; transferred from RIN 2115-AA10 when Coast Guard transferred from the Department of Transportation to DHS) is related to RIN 1625-AA65 (Escort Vessels for Certain Tankers - Crash Stop Criteria, USCG-2003-14734). RIN 1625-AA05 promulgated 33 CFR part 168, but

## DHS—USCG

## Completed Actions

suspended one provision, 33 CFR 168.50(b)(2), before it ever took effect. Suspension is not a final action. Final action requires the Coast Guard to remove the suspension of 33 CFR 168.50(b)(2) and to determine its final status (either effective as promulgated, amended, or removed). All previous activity for RIN 1625-AA05 took place before the Coast Guard's participation in the Department of Transportation's Docket Management System (DMS). DMS is an electronic docketing system that provides the public with computerized access to Coast Guard rulemaking documents, but it does not support older Coast Guard docket numbers like CGD 91-202 (the Coast Guard docket number equivalent for RIN 1625-AA05). Consequently, the rulemaking docket for RIN 1625-AA05 is available only in paper form and must be viewed at Coast Guard Headquarters (contact the Office of Regulations and Administrative Law, G-LRA, at 202-267-1534). In order to finalize RIN 1625-AA05 in a way that is accessible to the public through DMS, the Coast Guard decided to open RIN 1625-AA65 under a DMS-compatible Coast Guard docket number, USCG-2003-14734, and to treat it as the rulemaking vehicle for resolving the status of 33 CFR 168.50(b)(2). All publications under RIN 1625-AA05 will appear electronically in the DMS docket. In addition, for ease of reference, we will scan relevant paper documents from RIN 1625-AA05 into the electronic DMS docket for RIN 1625-AA65, as supplemental materials.

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

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

Phone: 202 267-0751

**Related RIN:** Related to 1625-AA10, Related to 1625-AA65

**RIN:** 1625-AA05

**1404. ANCHORAGE GROUND; SAFETY ZONE; SPEED LIMIT; TONGASS NARROWS AND KETCHIKAN, ALASKA (CGD17-99-002)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 471; 33 USC 1231; 33 USC 2071

**CFR Citation:** 33 CFR 162; 33 CFR 165; 33 CFR 110

**Legal Deadline:** None

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

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| NPRM                                  | 03/25/99 | 64 FR 14414 |
| NPRM Comment Period End               | 05/10/99 |             |
| Interim Final Rule                    | 06/02/99 | 64 FR 29554 |
| Interim Final Rule Comment Period End | 11/30/99 |             |
| Interim Final Rule                    | 04/07/00 | 65 FR 18242 |
| Interim Final Rule Comment Period End | 10/31/00 |             |
| Notice to Reopen Comment Period       | 10/21/03 | 68 FR 60034 |
| Comment Period End                    | 12/22/03 |             |
| Final Rule                            | 04/20/05 | 70 FR 20471 |
| Final Rule Effective                  | 05/20/05 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AF81

**Agency Contact:** Lt. Gary Koehler, MSO, Juneau, Alaska, Department of Homeland Security, U.S. Coast Guard, 2760 Sherwood Lane, Suite 2A, Juneau, AK 99801

Phone: 907 463-2470

**RIN:** 1625-AA23

**1405. ELECTRONIC CHART DISPLAY AND INFORMATION SYSTEM (ECDIS) (USCG-2001-8826)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1223; 33 USC 1231; 46 USC 2103; 46 USC 3703; 46 USC 6101; 46 USC 8502

**CFR Citation:** 33 CFR 164

**Legal Deadline:** None

**Abstract:** This rule would allow commercial vessels the option of using an IMO-approved Electronic Charting Display and Information System (ECDIS) as a primary means of navigation in U.S. waters instead of paper charts. Compliance with this rule would be optional; any vessel choosing not to use such an ECDIS must continue to navigate using corrected and updated printed charts and publications. This rule supports the Coast Guard's strategic goal of maritime safety.

**Timetable:**

| Action                   | Date     | FR Cite     |
|--------------------------|----------|-------------|
| ANPRM                    | 05/02/01 | 66 FR 21899 |
| ANPRM Comment Period End | 07/02/01 |             |
| Withdrawn                | 09/23/05 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** This rulemaking has been merged with 1625-AA91, Navigation Equipment; SOLAS Chapter V Amendments.

Transferred from RIN 2115-AG09

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

Phone: 202 267-0550

**RIN:** 1625-AA29

**1406. MARINE EVENTS: PERMIT PROCEDURES (USCG-2001-10713)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1233

**CFR Citation:** 33 CFR 100

**Legal Deadline:** None

## DHS—USCG

## Completed Actions

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

**Timetable:**

| Action    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 11/01/05 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AG26

**URL For More Information:**

dms.dot.gov

**URL For Public Comments:**

dms.dot.gov

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

Phone: 202 267-0979

**RIN:** 1625-AA35

**1407. ESCORT VESSELS FOR CERTAIN TANKERS—CRASH STOP CRITERIA (USCG-2003-14734)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 101-380, sec 4116(c) (codified as 46 USC 3703 note)

**CFR Citation:** 33 CFR 168

**Legal Deadline:** None

**Abstract:** This rulemaking would remove the suspension of 33 CFR 168.50(b)(2) made in 1994 by related rulemaking RIN 1625-AA05, and would finalize that provision's status either by allowing it to take effect, by amending it, or by removing it. This project would support the Coast Guard's

strategic goals of maritime safety and maritime mobility.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 03/28/05 | 70 FR 15609 |
| NPRM Comment Period End | 06/27/05 |             |
| Final Rule              | 09/23/05 | 70 FR 55728 |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** This project is related to RIN 1625-AA05 (Escort Vessels for Certain Tankers, CGD91-202). RIN 1625-AA05 promulgated 33 CFR part 168, but suspended one provision, 33 CFR 168.50(b)(2), before it ever took effect. Suspension is not a final action. Final action in RIN 1625-AA05 took place before the Coast Guard's participation in the Department of Transportation's Docket Management System (DMS). DMS is an electronic docketing system that provides the public with computerized access to Coast Guard rulemaking documents, but it does not support older Coast Guard docket numbers like CGD91-202 (the Coast Guard docket number equivalent for RIN 1625-AA05). Consequently, the rulemaking docket for RIN 1625-AA05 is available only in paper form and must be viewed at Coast Guard Headquarters (contact the Office of Regulations and Administrative Law, G-LRA, at 202-267-1534). In order to finalize RIN 1625-AA05 in a way that is accessible to the public through DMS, the Coast Guard decided to open this rulemaking, RIN 1625-AA65, under a DMS-compatible Coast Guard docket number, USCG-2003-14734. All publications under RIN 1625-AA65 will appear electronically in the DMS docket. In addition, for ease of reference, we will scan relevant paper documents from RIN 1625-AA05 into the electronic DMS docket for RIN 1625-AA65, as supplemental materials.

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

Phone: 202 267-0751

**Related RIN:** Related to 1625-AA05, Related to 1625-AA10

**RIN:** 1625-AA65

**1408. TANK LEVEL OR PRESSURE MONITORING DEVICES ON SINGLE-HULL TANK SHIPS AND SINGLE-HULL TANK BARGES CARRYING OIL OR OIL RESIDUE AS CARGO**

**Priority:** Other Significant

**Legal Authority:** 33 USC 1231 ; 33 USC 1321; 33 USC 1321(j); EO 11735; 3 CFR, 1971-1075 Comp., p. 793; ...

**CFR Citation:** 33 CFR 155; 33 CFR 156

**Legal Deadline:** None

**Abstract:** The Coast Guard is suspending the regulations in title 33 Code of Federal Regulations parts 155 and 156 for tank level or pressure monitoring (TLPM) devices published in the Federal Register of September 17, 2002 (67 FR 58515). Furthermore, we are seeking public comments on the status of TLPM technology development and the other means of detecting leaks from oil cargo tanks into the water. This rulemaking supports the Coast Guard's strategic goal of facilitating maritime transportation.

**Timetable:**

| Action               | Date     | FR Cite     |
|----------------------|----------|-------------|
| Final Rule           | 07/20/05 | 70 FR 41614 |
| Final Rule Effective | 08/19/05 |             |
| Comment Period End   | 09/19/05 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** Additional legal authority information: Sections 155.100 through 155.130, 150.350 through 155.400, 155.430, 155.440, 155.470, 155.1030(j) and (k); and 155.1065(g) are also issued under 33 U.S.C. 1903(b). Sections 155.480, 155.490, 155.750(e), and 155.775 are also issued under 46 U.S.C. 3703. 33 CFR 155.490 is also issued under the authority of 46 U.S.C. 4110(b).

**Agency Contact:** LCDR Roger K. Butturini, Project Manager, G-MSR-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593

Phone: 202 267-2857

**RIN:** 1625-AA94

**Department of Homeland Security (DHS)**  
**Directorate of Border and Transportation Security (BTS)**

**Proposed Rule Stage**

**1409. UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY PROGRAM (US-VISIT); AUTHORITY TO COLLECT BIOMETRIC DATA FROM ADDITIONAL TRAVELERS**

**Priority:** Other Significant. Major under 5 USC 801.

**Legal Authority:** None

**CFR Citation:** 8 CFR 215.8; 8 CFR 235.1

**Legal Deadline:** NPRM, Statutory, October 26, 2005, Compliance with section 303(b)(2)(A) of the Border Security Act, PL 107-173. Final, Statutory, October 26, 2005, Compliance with section 303(b)(2)(A) of the Border Security Act, PL 107-173.

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

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

**Timetable:**

| Action                       | Date     | FR Cite     |
|------------------------------|----------|-------------|
| Interim Final Rule           | 08/31/04 | 69 FR 53318 |
| Correction                   | 09/02/04 | 69 FR 53603 |
| Correction                   | 09/29/04 | 69 FR 58037 |
| Interim Final Rule Effective | 09/30/04 |             |
| Comment Period End           | 11/01/04 |             |
| Comment Period Extended      | 11/05/04 | 69 FR 64477 |
| Correction                   | 11/12/04 | 69 FR 65508 |

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| Comment Period End      | 12/01/04 |         |
| NPRM                    | 10/00/05 |         |
| NPRM Comment Period End | 01/00/06 |         |
| Final Action Effective  | 04/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Michael Hardin, Senior Policy Advisor, US-VISIT, Department of Homeland Security, Directorate of Border and Transportation Security, 18th Floor, 1616 N. Fort Myer Drive, Arlington, VA 22209

Phone: 202 298-5200

Fax: 202 298-5201

Email: usvisitregs@dhs.gov

**Related RIN:** Related to 1651-AA54

**RIN:** 1650-AA00

**Department of Homeland Security (DHS)**  
**Directorate of Border and Transportation Security (BTS)**

**Final Rule Stage**

**1410. • US VISIT: ENROLLMENT OF ADDITIONAL CATEGORIES OF ALIENS IN US-VISIT AFTER NOTICE**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 215.8; 8 CFR 235.1

**Legal Deadline:** None

**Abstract:** In 2003, the Department of Homeland Security established the United States Visitor and Immigrant Status Technology Program (US-VISIT), whose objective is to create and maintain an integrated, automated entry-exit system that records the arrival and departure of aliens; verifies

their identities; and authenticates their travel documents through comparison of biometric identifiers. The goals of the US-VISIT program are to enhance the security of United States citizens and visitors to the United States, facilitate legitimate travel and trade, ensure the integrity of the United States immigration system, and protect the privacy of visitors to the United States. In its early stages, US-VISIT applied only to nonimmigrants with visas and to those who did not require a visa as they were entering under the Visa Waiver Program. This rule would amend DHS regulations to provide that additional classes of aliens may be enrolled into US VISIT after publication of notices specifying the additional classes of aliens to be enrolled. The rule would set the stage for the eventual inclusion of all aliens (with very few exceptions, such as diplomats) in the US VISIT program.

**Timetable:**

| Action                                | Date     | FR Cite |
|---------------------------------------|----------|---------|
| Interim Final Rule                    | 12/00/05 |         |
| Interim Final Rule Comment Period End | 02/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Michael Hardin, Senior Policy Advisor, US-VISIT, Department of Homeland Security, Directorate of Border and Transportation Security, 18th Floor, 1616 N. Fort Myer Drive, Arlington, VA 22209

Phone: 202 298-5200

Fax: 202 298-5201

Email: usvisitregs@dhs.gov

**RIN:** 1650-AA06

## Department of Homeland Security (DHS)

## Long-Term Actions

## Directorate of Border and Transportation Security (BTS)

**1411. • IMPLEMENTATION OF THE UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY PROGRAM (US-VISIT); BIOMETRIC REQUIREMENTS FOR EXIT AT AIR AND SEA PORTS****Priority:** Other Significant**Legal Authority:** 8 USC 1101 to 1104; ; 1182;; 1184;; 1185 (pursuant to EO 13323);; 1365a note;; 1379;; 1731 to 1732.**CFR Citation:** 8 CFR 215(a)(1)**Legal Deadline:** None**Abstract:** DHS established the United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT) in accordance with a series of legislative mandates requiring that DHS create an integrated automated entry-exit system that records the arrival and departure of aliens; verifies aliens' identities, and authenticates travel documents. On January 5, 2004, DHS published an Interim Final Rule in the

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

those aliens required to provide biometric identifiers at entry to provide biometric identifiers upon departure at any air and sea port of entry at which facilities exist to collect such information.

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Michael Hardin, Senior Policy Advisor, US-VISIT, Department of Homeland Security, Directorate of Border and Transportation Security, 18th Floor, 1616 N. Fort Myer Drive, Arlington, VA 22209

Phone: 202 298-5200

Fax: 202 298-5201

Email: usvisitregs@dhs.gov

**Related RIN:** Related to 1651-AA54**RIN:** 1650-AA04

## Department of Homeland Security (DHS)

## Completed Actions

## Directorate of Border and Transportation Security (BTS)

**1412. UNITED STATES VISITOR AND IMMIGRATION STATUS INDICATOR TECHNOLOGY PROGRAM (US-VISIT); AUTOMATIC IDENTIFICATION OF CERTAIN NONIMMIGRANTS EXITING THE UNITED STATES AT SELECT LAND BORDER PORTS OF ENTRY****Priority:** Other Significant. Major under 5 USC 801.**Legal Authority:** PL 106-215; PL 106-396; PL 107-56; PL 107-173; 8 USC 1104; 8 USC 1184; 8 USC 1185 (pursuant to EO 13323, 1/2/04); 8 USC 1365a; 8 USC 1365a (note); 8 USC 1379; 8 USC 1731; 8 USC 1732**CFR Citation:** 8 CFR 215.8**Legal Deadline:** None**Abstract:** The US-VISIT program, an integrated, automated entry-exit system that records the arrival and departure of aliens, verifies aliens and

authenticates aliens' travel documents through comparison of biometric identifiers to establish a protocol for automatically documenting the exits and any subsequent re-entries of certain aliens at land border ports of entry. Radio frequency technology is the proposed technology that DHS will use to automatically document the exit and any subsequent re-entry of certain nonimmigrant aliens from U.S. land border ports of entry. Initially, DHS will deploy proof-of-concept programs at a limited number of ports of entry to test the viability of the proposals. If effective, DHS will use the results of these land border proof-of-concept programs to determine the most effective method of matching the required biometrics with the automatic identifiers issues to exiting aliens prior to a universal expansion of the program.

**Timetable:**

| Action             | Date     | FR Cite     |
|--------------------|----------|-------------|
| Notice             | 08/04/05 | 70 FR 44934 |
| Notice Effective   | 08/04/05 |             |
| Comment Period End | 10/03/05 |             |
| Withdrawn          | 10/21/05 |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Agency Contact:** Craig Howie, Senior Policy Advisor, Department of Homeland Security, 18th floor, 1616 N. Fort Myer Drive, Arlington, VA 22209

Phone: 202 298-5200

Fax: 202 298-5201

Email: craig.howie@dhs.gov

**RIN:** 1650-AA01

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

Prerule Stage

**1413. • DOCUMENTS REQUIRED FOR TRAVEL WITHIN THE WESTERN HEMISPHERE**

**Priority:** Other Significant

**Legal Authority:** Pub. L. 108–458

**CFR Citation:** 8 CFR 212

**Legal Deadline:** Final, Statutory, January 1, 2008, Public Law 108–458.

**Abstract:** Amendment to require U.S. citizens who previously were exempt from presenting a passport or other

authorized travel document to present such documents that denote identity and citizenship when entering the United States.

**Timetable:**

| Action                   | Date     | FR Cite     |
|--------------------------|----------|-------------|
| ANPRM                    | 09/01/05 | 70 FR 52037 |
| ANPRM Comment Period End | 10/31/05 |             |
| NPRM                     | 02/00/06 |             |

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

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

**RIN:** 1651–AA66

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

Proposed Rule Stage

**1414. ADVANCE NOTICE REQUIREMENTS FOR AIRCRAFT LANDINGS AND ARRIVALS; REVISIONS TO THE PRIVATE AIRCRAFT OVERFLIGHT PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1433; 19 USC 1436; 19 USC 1448; 19 USC 1459; 19 USC 1590; 19 USC 1594; 19 USC 1623; 19 USC 1624; 19 USC 1644; 19 USC 1644a

**CFR Citation:** 19 CFR 122

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 06/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1515-AD10

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

Glen E. Vereb, Chief, Entry Procedures and Carriers Branch, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
 Phone: 202 572–8730

**RIN:** 1651–AA41

**1415. PRIOR DISCLOSURE AND LOST DUTY OR REVENUE DEMANDS WHEN PENALTY CLAIM NOT ISSUED**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 19 USC 66; 19 USC 1592; 19 USC 1593a; 19 USC 1624

**CFR Citation:** 19 CFR 162

**Legal Deadline:** None

**Abstract:** Amendment to part 142 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   | 01/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1515-AD13

**Agency Contact:** Alan Cohen, Senior Attorney, Penalties Branch, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
 Phone: 202 572–8742

**RIN:** 1651–AA42

**1416. CARGO INFORMATION (MANIFEST) DISCREPANCY REPORTING REQUIREMENTS AND PENALTY GUIDELINES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 19 USC 66; 19 USC 1431; 19 USC 1433; 19 USC 1434; 19 USC 1436; 19 USC 1581; 19 USC 1584; 19 USC 1498; 46 USC app 3; 46 USC app 91

**CFR Citation:** 19 CFR 4; 19 CFR 18; 19 CFR 113; 19 CFR 122; 19 CFR 123; 19 CFR 146; 19 CFR 158

**Legal Deadline:** None

**Abstract:** Amendment to parts 4, 18, 113, 122, 123, 146, and 158 of the Customs and Border Protection regulations concerning cargo information (manifest) discrepancy



## DHS—BCBP

## Proposed Rule Stage

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   | 01/00/06 |         |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1515-AD26

**Agency Contact:** Pete Flores, Inspector, Department of Homeland Security, Bureau of Customs and Border Protection, Manifest and Conveyance Branch, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-3127

Jeremy Baskin, Attorney-Advisor, Penalties Branch, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 572-8753

**RIN:** 1651-AA45**1417. AIR TRANSIT PROGRAM****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1223; 8 USC 1225; 8 USC 1226; 8 USC 1227; ...**CFR Citation:** 8 CFR 212; 8 CFR 214; 8 CFR 231; 8 CFR 233**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 |             |
| NPRM                                  | 12/00/05 |             |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1515-AD36

**Agency Contact:** Kenneth Sava, Director, Air and Sea Passenger Operations, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-2589

**RIN:** 1651-AA50**1418. CHANGES TO THE ADMINISTRATIVE PROCESS FOR PETITIONS FOR RELIEF REGARDING SEIZURES AND FORFEITURES RESULTING FROM VIOLATIONS OF IMMIGRATION AND NATURALIZATION LAWS****Priority:** Substantive, Nonsignificant**Legal Authority:** 6 USC 101; 8 USC 1103; 8 USC 1324(b); 19 USC 66; ...**CFR Citation:** 8 CFR 274 ; 19 CFR 162**Legal Deadline:** None

**Abstract:** Amendment of the former Immigration and Naturalization Service Regulations to bring them into confluence with the Customs and Border Protection (CBP) preforfeiture petition process as provided in the CBP Regulations. The Homeland Security Act of 2002 gives CBP the authority to coordinate and unify the administrative petition process CBP uses for seizures and forfeitures based on violations of immigration laws with that process used by CBP for violations of customs laws. Amendment is also made to the CBP Regulations to state that seizures effected by Immigration and Customs Enforcement under the customs and navigation laws will continue to be processed under the CBP Regulations.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 03/00/06 |         |

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

**Agency Contact:** Jeremy Baskin, Attorney-Advisor, Penalties Branch, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 572-8753

**RIN:** 1651-AA58**1419. CONTAINER SEALS****Priority:** Economically Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 46 USC 70116; 46 USC 70177; 46 USC 70119; 19 USC 66; 19 USC 1624; ...**CFR Citation:** 19 CFR 4; 19 CFR 113**Legal Deadline:** None

**Abstract:** Amendment to require that loaded containers be appropriately secured by use of an International Organization for Standardization (ISO)-compliant seal prior to being transported by vessel to the United States.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 11/00/05 |         |

**Regulatory Flexibility Analysis Required:** Undetermined

DHS—BCBP

Proposed Rule Stage

**Government Levels Affected:** None

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

**RIN:** 1651-AA61

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**1420. PASSENGER MANIFEST FOR COMMERCIAL AIRCRAFT ARRIVING IN AND DEPARTING FROM THE UNITED STATES; PASSENGERS AND CREW MANIFESTS FOR COMMERCIAL VESSELS DEPARTING FROM THE UNITED STATES**

**Priority:** Economically Significant. Major under 5 USC 801.

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

**Legal Authority:** 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1431; 19 USC 1433; 19 USC 1434; 19 USC 1436; 19 USC 1448; 19 USC 1459; 19 USC 1590; 19 USC 1594; 19 USC 1623; 19 USC 1624; 19 USC 1644; 19 USC 1644a; 19 USC 2071 note; 46 USC app 3; 46 USC 91; ...

**CFR Citation:** 19 CFR 4; 19 CFR 122

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 01/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Charles Perez, Program Manager, Office of Field Operations, Department of Homeland Security, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-1983

**Related RIN:** Related to 1651-AA37

**RIN:** 1651-AA62

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**1421. 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   | 12/00/05 |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Mark Hanson, Department of Homeland Security, Office of Strategic Trade, Regulatory Audit Division, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-2877

Email: mark.hanson@dhs.gov

**RIN:** 1651-AA64

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**1422. • CONSOLIDATION OF COLLECTIONS FOR REIMBURSABLE SERVICES**

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

**Legal Authority:** 5 USC 301; 19 USC 58a – 58c; 19 USC 66; 19 USC 1202; 19 USC 1505; 19 USC 1520; 19 USC 261; 19 USC 267; 6 USC 1; ...

**CFR Citation:** 19 CFR 24

**Legal Deadline:** None

**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   | 11/00/05 |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Bruce Ingalls, Chief, Debt Management Branch, Department of Homeland Security, Bureau of Customs and Border Protection, Financial Management Service Center, 6650 Telecom Drive, Indianapolis, IN 46278  
Phone: 317 298-1307

Phone: 317 298-1307

**RIN:** 1651-AA65

Department of Homeland Security (DHS)

Final Rule Stage

Bureau of Customs and Border Protection (BCBP)

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**1423. ELIMINATION OF IMMIGRATION AND NATURALIZATION SERVICE—ISSUED MEXICAN AND CANADIAN BORDER CROSSING CARDS**

**Priority:** Other Significant

**Legal Authority:** 5 USC 552; 8 USC 1228; 8 USC 1252; 8 USC 1304; 8 USC 1356; 5 USC 552a; 8 USC 1101; 8 USC

1103; 8 USC 1182; 8 USC 1201; 8 USC 1225 to 1227

**CFR Citation:** 8 CFR 103; 8 CFR 212; 8 CFR 214; 8 CFR 235; 8 CFR 247; 8 CFR 264; 8 CFR 286; 8 CFR 299

**Legal Deadline:** Final, Statutory, October 1, 2002.

**Abstract:** This rule amends the DHS regulations to eliminate the use of Form I-175, Application for Nonresident Alien Canadian Border Crossing Card, and Form I-190, Application for Nonresident Alien Mexican Border Crossing Card. It also terminates the production of Form I-185, Nonresident Alien Canadian Border Crossing Card,

## DHS—BCBP

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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                          | 03/00/06 |             |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1931-98

Transferred from RIN 1115-AF24

**Agency Contact:** Linda Loveless, Inspector, Immigration Policy and Programs, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-2493

**RIN:** 1651-AA08

**1424. EXTENSION OF 25-MILE LIMIT AT SELECT ARIZONA PORTS-OF-ENTRY****Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1183; 8 USC 1201; ...

**CFR Citation:** 8 CFR 235

**Legal Deadline:** None

**Abstract:** This rule amends the DHS regulations to extend the distance Mexican nationals with border crossing cards may travel into the United States without obtaining additional Immigration documentation at selected ports-of-entry (POEs) along the United

States and Mexico border. The selected POEs are located in the State of Arizona at Sasabe, Nogales, Mariposa, Douglas, and Naco. Once visitors to Arizona meet the inspection requirements of legal entry to the United States, they will be able to travel within the 75-mile border region of Arizona. This rule is intended to promote commerce in the southern Arizona border area while still ensuring that sufficient safeguards are in place to prevent illegal entry to the United States.

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 12/08/99 | 64 FR 68616 |
| Interim Final Rule Comment Period End | 02/07/00 |             |
| Final Action                          | 02/00/06 |             |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2026-99

Transferred from RIN 1115-AF60

**Agency Contact:** Diane Hinckley, Program Officer, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-1401

**RIN:** 1651-AA11

**1425. ACCESS TO CUSTOMS SECURITY AREAS AT AIRPORTS****Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1433; 19 USC 1436; 19 USC 1448; 19 USC 1459; 19 USC 1590; 19 USC 1594; 19 USC 1623; 19 USC 1624; 19 USC 1644; 19 USC 1644a

**CFR Citation:** 19 CFR 122

**Legal Deadline:** None

**Abstract:** Amendments to part 122 of the Customs and Border Protection regulations regarding the standards for employee access to customs security areas at airports that accommodate international air commerce. Amendments involve the addition of a biennial access approval reapplication requirement; an expansion of the grounds for denial of an application for

access; the addition of a requirement that each employee granted access must report certain changes in the employee's circumstances; the inclusion of several new employer responsibilities; an expansion of the grounds for revocation or suspension of access and for proposed revocation or suspension of access; and a limitation of the opportunity to have a hearing in a revocation or suspension action to only cases in which there is a genuine issue regarding a material fact. These changes are needed to enhance the security areas at all airports.

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 07/29/02 | 67 FR 48977 |
| Interim Final Rule Effective          | 07/29/02 |             |
| Interim Final Rule Comment Period End | 09/27/02 |             |
| Final Action                          | 02/00/06 |             |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1515-AD04

**Agency Contact:** Elizabeth Tritt, Operations Officer, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-2594

**RIN:** 1651-AA38

**1426. PASSENGER NAME RECORD INFORMATION REQUIRED FOR PASSENGERS ON FLIGHTS IN FOREIGN AIR TRANSPORTATION TO OR FROM THE UNITED STATES****Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1433; 19 USC 1436; 19 USC 1448; 19 USC 1459; 19 USC 1590; 19 USC 1594; 19 USC 1623; 19 USC 1624; 19 USC 1644; 19 USC 1644a; 19 USC 1431; 49 USC 44909(c)

**CFR Citation:** 19 CFR 122

**Legal Deadline:** None

**Abstract:** Amendment to part 122 of the Customs and Border Protection regulations implements a provision of the Aviation and Transportation Security Act, which requires that air carriers make Passenger Name Record (PNR) information available to CBP

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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                          | 09/00/06 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1515-AD06

**Agency Contact:** Lashonda Jones, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-1005

**RIN:** 1651-AA40

**1427. CONFIDENTIALITY OF COMMERCIAL INFORMATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 5 USC 552; 5 USC 552a; 19 USC 66; 19 USC 1431; 19 USC 1624; 19 USC 1628; EO 12600

**CFR Citation:** 19 CFR 103

**Legal Deadline:** None

**Abstract:** Amendment to part 103 of the Customs and Border Protection regulations regarding the disclosure procedures followed when commercial information related to customs transactions is provided by a business submitter.

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 08/11/03 | 68 FR 47453 |
| Interim Final Rule Effective          | 08/11/03 |             |
| Interim Final Rule Comment Period End | 10/10/03 |             |
| Final Action                          | 12/00/05 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1515-AD29

**Agency Contact:** Gregory R. Vilders, Attorney, Disclosure Law Branch, Department of Homeland Security, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 572-8772

**RIN:** 1651-AA47

**1428. LETTERS AND DOCUMENTS; ADVANCE ELECTRONIC PRESENTATION OF CARGO DATA**

**Priority:** Economically Significant.

Major status under 5 USC 801 is undetermined.

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

**CFR Citation:** 19 CFR 122

**Legal Deadline:** Final, Statutory, October 1, 2003, Section 343(a) of the Trade Act of 2002.

**Abstract:** Pursuant to section 343(a) of the Trade Act of 2002, as amended by the Maritime Transportation Security Act of 2002, CBP requires that it receive electronically information pertaining to cargo before the cargo is either brought into or sent from the United States by any mode of commercial transportation. This rule concerns letters and documents that are being transported by air transportation. The rule exempts from full manifesting requirements flat documents and letters not exceeding 16 ounces.

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 02/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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

**Related RIN:** Split from 1651-AA49

**RIN:** 1651-AA55

**1429. 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 | 12/00/05 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert Reiley, Financial Officer, Financial Management Division, Department of Homeland Security, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-1504

**RIN:** 1651-AA57

**1430. EXTENSION OF TIME LIMIT ON ADMISSION OF CERTAIN MEXICAN NATIONALS**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1183; 8 USC 1185; ...

**CFR Citation:** 8 CFR 235

**Legal Deadline:** None

**Abstract:** The rule extends the period of time certain Mexican nationals may remain in the United States without obtaining additional immigration documentation. The rule extends the time limit to which border crossing card holders may remain in the United States for up to 30 days without being issued a Form I-94. The rule is intended to promote commerce along the border while ensuring that sufficient safeguards are in place to prevent illegal entry into the United States.

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 08/13/04 | 69 FR 50051 |
| Interim Final Rule Comment Period End | 10/12/04 |             |
| Final Action                          | 02/00/06 |             |

**Regulatory Flexibility Analysis**

**Required:** No

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## Final Rule Stage

**Government Levels Affected:** None**Agency Contact:** Diane Hinckley, Program Officer, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-1401**RIN:** 1651-AA60**1431. ABBREVIATION OR WAIVER OF TRAINING FOR STATE OR LOCAL LAW ENFORCEMENT OFFICERS AUTHORIZED TO ENFORCE IMMIGRATION LAW DURING A MASS INFLUX OF ALIENS****Priority:** Other Significant**Legal Authority:** PL 98-473; 8 USC 1101; PL 102-410**CFR Citation:** 28 CFR 65**Legal Deadline:** None**Abstract:** This rule would amend DHS regulations to authorize the Secretary to waive normally required training requirements in the event that the number of State or local law enforcement officers available to respond in an expeditious manner to urgent and quickly developing events during a declared mass influx of aliens is insufficient to protect public safety, public health, and national security.**Timetable:**

| Action                                | Date     | FR Cite    |
|---------------------------------------|----------|------------|
| Interim Final Rule                    | 02/26/03 | 68 FR 8820 |
| Interim Final Rule Effective          | 02/26/03 |            |
| Interim Final Rule Comment Period End | 04/28/03 |            |
| Final Action                          | 09/00/06 |            |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Additional Information:** Transferred from RIN 1115-AG84**Agency Contact:** Kevin McAleenan, Director, Office of Anti-Terrorism, Department of Homeland Security, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Washington, DC 20229  
Phone: 202 344-1307**RIN:** 1651-AA67**Department of Homeland Security (DHS)  
Bureau of Customs and Border Protection (BCBP)**

## Long-Term Actions

**1432. VISA WAIVER PROGRAM****Priority:** Other Significant**Legal Authority:** 8 USC 1356; 8 USC 1187; 8 USC 1103; 8 CFR 2**CFR Citation:** 8 CFR 217**Legal Deadline:** None**Abstract:** On October 30, 2000, Public Law 106-396, made the Visa Waiver Pilot Program (VWPP) a permanent program. The Visa Waiver Program (VWP), allows nationals of designated countries to apply for admission to the United States at land border ports, air and sea ports, and to enter the United States for business or pleasure for up to 90 days without first obtaining a nonimmigrant visa.

INS Rule No. 1799 finalizes all those VWP countries that were added through the publication of interim regulations. This rule will also incorporate those statutory changes made to section 217 of the Immigration and Nationality Act by the Illegal Immigration Reform and Responsibility Immigration Act.

**Timetable:**

| Action  | Date     | FR Cite     |
|---|----------|-------------|
| NPRM-INS No. 1406-91 Comment Period End 5/22/91 | 05/07/91 | 56 FR 21101 |
| Final Rule-INS No. 1406-91 Eff. 7/18/91*        | 07/18/91 | 56 FR 32952 |

| Action  | Date     | FR Cite     |
|---|----------|-------------|
| Interim Final Rule-INS No. 1447 Eff. 10/1/91; Comment Period End 10/15/91                 | 09/13/91 | 56 FR 46716 |
| Interim Final Rule-1622-93; Eff. 7/29/93; Com. End 8/30/93; (To be merged with 1447R-93)* | 07/29/93 | 58 FR 40581 |
| Public Notice-INS No. 1674 Eff. 10/25/94, Comment Period End 09/30/96                     | 02/21/95 | 60 FR 9699  |
| Interim Final Rule-INS No. 1685 Eff. 4/1/95; Comment Period End 5/30/95                   | 03/28/95 | 60 FR 15855 |
| Interim Final Rule-INS No. 1777   | 07/08/96 | 61 FR 35598 |
| Interim Final Rule-INS No. 1782-96 With Comments (Australia)                              | 07/29/96 | 61 FR 39721 |
| Interim Final Rule-INS 1786-96 With Comments (Slovenia)                                   | 09/30/97 | 62 FR 50998 |
| Final Rule-INS No. 1799   | 12/30/98 | 63 FR 71726 |
| Interim Final Rule-INS 2002-99 With Comments (Portugal, Singapore, and Uruguay)           | 08/03/99 | 64 FR 42006 |

| Action  | Date         | FR Cite     |
|---|--------------|-------------|
| Interim Final Rule-INS 2188-02 (Removing Argentina) | 02/21/02     | 67 FR 7943  |
| Interim Final Rule                                  | 03/07/03     | 68 FR 10954 |
| Next Action   | Undetermined |             |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** Transferred from RIN 1115-AB93**Agency Contact:** Linda Loveless, Inspector, Immigration Policy and Programs, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-2493**Related RIN:** Merged with 1115-AG25**RIN:** 1651-AA00**1433. INSPECTION AND EXPEDITED REMOVAL OF ALIENS; DETENTION AND REMOVAL OF ALIENS; CONDUCT OF REMOVAL PROCEEDINGS****Priority:** Other Significant**Legal Authority:** 5 USC 301; 8 USC 1182 to 1185; 8 USC 1186a; 8 USC

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## Long-Term Actions

1187; 5 USC 552; 5 USC 552a; 8 USC 1101 to 1103; 8 USC 1154; 8 USC 1181

**CFR Citation:** 8 CFR 1; 8 CFR 213; 8 CFR 214; 8 CFR 216; 8 CFR 217; 8 CFR 221; 8 CFR 223; 8 CFR 3; 8 CFR 103; 8 CFR 204; 8 CFR 207; 8 CFR 209; 8 CFR 211; 8 CFR 212

**Legal Deadline:** Other, Statutory, March 1, 1997, The statute requires the Attorney General to promulgate implementing regulations by March 1, 1997.

This rule was automatically transferred from the former INS to CBP after the creation of DHS. The general authority to promulgate immigration regulations, with certain exceptions, now lies in the Secretary of Homeland Security as per the transfer of authority from the Attorney General in the Homeland Security Act.

**Abstract:** Many of the provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) became effective April 1, 1997. Some provisions of the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) that were not superseded by IIRIRA became effective November 1, 1996. On March 6, 1997, INS and The Executive Office of Immigration Review (EOIR) published an interim final rule revising the asylum process; providing a mechanism for the determination and review of certain applicants who demonstrate a credible fear of persecution if returned to their own country; defining the inspection and admission process including new expedited removal procedures for aliens attempting to enter the United States through fraud or misrepresentation by apprehension, detention, and removal of aliens; addressing conduct of removal proceedings; and revising many other sections of the regulations to conform with the new laws. On December 6, 2000, INS and EOIR published the rule "Asylum Procedures" (INS No. 1865-97; RIN 1115-AE93), which finalized the asylum portions of this interim rule. DHS intends to publish a final rule to finalize the portions of this rulemaking relating to inspection and expedited removal of aliens, detention and deportation and removal of aliens, and the conduct of removal proceedings.

**Timetable:**

| Action  | Date             | FR Cite     |
|---|------------------|-------------|
| Final Action—INS No. 1669-94                                  | 03/22/96         | 61 FR 11717 |
| NPRM—INS No. 1788-96 Comment Period End 2/3/97                | 01/03/97         | 62 FR 444   |
| Interim Final Rule—INS No. 1788-96 Comment Period End 7/15/97 | 03/06/97         | 62 FR 10312 |
| Interim Final Rule Correction (Effective 04/01/97)            | 04/01/97         | 62 FR 15362 |
| Interim Final Rule—INS No. 1788-96 Correction                 | 04/09/97         | 62 FR 17048 |
| Final Rule—INS No. 1920-98                                    | 07/22/98         | 63 FR 39217 |
| Final Action—INS No. 1788-96                                  | To Be Determined |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1115-AE47

**Agency Contact:** Linda Loveless, Inspector, Department of Homeland Security, Bureau of Customs and Border Protection, Immigration Policy and Programs, Washington, DC 20528  
Phone: 202 344-2493  
Email: linda.loveless@dhs.gov

**RIN:** 1651-AA04

#### 1434. ESTABLISHMENT OF PREINSPECTED AUTOMATED LANE (PAL) PROGRAM

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2

**CFR Citation:** 8 CFR 287; 8 CFR 299

**Legal Deadline:** None

**Abstract:** This rule amends the DHS regulations by establishing a Preinspected Automated Lane (PAL) Program for the use of eligible persons and vehicles at immigration checkpoints within the United States. This rule will facilitate the passage of people and vehicles through DHS checkpoints while safeguarding the integrity of law enforcement objectives at the checkpoints.

**Timetable:**

| Action                                | Date             | FR Cite     |
|---------------------------------------|------------------|-------------|
| Interim Final Rule                    | 04/18/97         | 62 FR 19024 |
| Interim Final Rule Comment Period End | 06/17/97         |             |
| Final Action                          | To Be Determined |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1115-AE80

**Agency Contact:** John P. Wagner, Assistant Chief, Department of Homeland Security, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-2118

**RIN:** 1651-AA06

#### 1435. 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 |

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## Long-Term Actions

| Action             | Date             | FR Cite |
|--------------------|------------------|---------|
| Interim Final Rule | 06/19/98         |         |
| Comment Period     |                  |         |
| End                |                  |         |
| Final Action       | To Be Determined |         |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1115-AE87

**Agency Contact:** Linda Loveless, Inspector, Immigration Policy and Programs, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-2493

**RIN:** 1651-AA07**1436. REMOVAL OF VISA AND PASSPORT WAIVER FOR CERTAIN PERMANENT RESIDENTS OF CANADA AND BERMUDA****Priority:** Other Significant**Legal Authority:** 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225 to 1227; ...**CFR Citation:** 8 CFR 2; 8 CFR 212; 8 CFR 231; 8 CFR 235; 8 CFR 286**Legal Deadline:** None

**Abstract:** Currently, certain permanent residents of Canada and Bermuda are permitted to enter the United States without a passport or visa. Many of these former British Commonwealth countries have high rates of fraud and abuse, and the documents presented by these permanent residents, for entry to the United States, do not meet current document security standards. This rule amends the Immigration and Naturalization regulations by providing that a passport and visa will be required for permanent residents of Canada and Bermuda having a common nationality with Canadian Nationals or with British subjects in Bermuda. These permanent residents of Canada and Bermuda will be required to present a passport and visa to enter the United States. This rule also amends several other sections of the regulations that provide exceptions for these individuals based on the prior passport and visa exemption. DHS is taking this action in conjunction with the Department of State. This rule is

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                |                  |            |
| Final Action       | To Be Determined |            |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1115-AG68

**Agency Contact:** Linda Loveless, Inspector, Immigration Policy and Programs, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-2493

**RIN:** 1651-AA23**1437. NONIMMIGRANT VISA EXEMPTION FOR NATIONALS OF THE BRITISH VIRGIN ISLANDS ENTERING THE UNITED STATES THROUGH ST. THOMAS, U.S. VIRGIN ISLANDS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1252; 8 USC 1102; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228**CFR Citation:** 8 CFR 212**Legal Deadline:** None

**Abstract:** This rule amends the Department of Homeland Security's regulations to allow nonimmigrant visitors for business or pleasure who are nationals of the British Virgin Islands to apply for admission to the United States without a visa at the ports-of-entry of St. Thomas, U.S. Virgin Islands. Since visas are no longer issued from the British Virgin Islands by the Department of State, all persons needing a nonimmigrant visa have to either travel or mail their applications to Barbados, the nearest visa-issuing location. The Department's action will facilitate travel to the United States for nationals of the British Virgin Islands while still ensuring that the proper application provisions of the INA are met.

**Timetable:**

| Action             | Date             | FR Cite    |
|--------------------|------------------|------------|
| Interim Final Rule | 02/18/99         | 64 FR 7989 |
| Interim Final Rule | 04/18/99         |            |
| Comment Period     |                  |            |
| End                |                  |            |
| Final Action       | To Be Determined |            |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State**Additional Information:** Transferred from RIN 1115-AF28

**Agency Contact:** Linda Loveless, Inspector, Immigration Policy and Programs, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-2493

**RIN:** 1651-AA29**1438. 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 | 04/02/02         |            |
| Period End   |                  |            |
| Final Action | To Be Determined |            |

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1515-AC92

**Agency Contact:** Enrique S. Tamayo, Operations Officer, Trade Programs,

## DHS—BCBP

## Long-Term Actions

Department of Homeland Security,  
Bureau of Customs and Border  
Protection, Office of Field Operations,

1300 Pennsylvania Avenue NW.,  
Washington, DC 20229

Phone: 202 344-3112

RIN: 1651-AA35

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

## Completed Actions

**1439. CONDITIONAL RELEASE  
PERIOD AND CUSTOMS BOND  
OBLIGATIONS FOR FOOD, DRUGS,  
DEVICES, AND COSMETICS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1448; 19 USC 1484; 19 USC 1499; 19 USC 1623; 19 USC 1624; 21 USC 381

**CFR Citation:** 19 CFR 141; 19 CFR 151

**Legal Deadline:** None

**Abstract:** Amendment to provide for a specific conditional release period for any food, drug, device, or cosmetic that has been released under bond and for which admissibility is to be determined under the provisions of the Food, Drug, and Cosmetic Act. Amendment also clarifies the amount of liquidated damages that may be assessed when there is a breach of the terms and conditions of the customs bond. Lastly, amendment authorizes any representative of the Food and Drug Administration to obtain a sample of any food, drug, device, or cosmetic, the importation of which is governed by section 801 of the Food, Drug, and Cosmetic Act, as amended.

**Timetable:**

| Action                       | Date     | FR Cite     |
|------------------------------|----------|-------------|
| NPRM                         | 06/07/02 | 67 FR 39322 |
| NPRM Comment Period End      | 08/06/02 |             |
| Transferred to RIN 1505-AB57 | 06/01/05 |             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1515-AD05

**Agency Contact:** Jeremy Baskin, Attorney-Advisor, Penalties Branch, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 572-8753

**RIN:** 1651-AA39

**1440. WESTERN HEMISPHERE  
TRAVEL DOCUMENT REQUIREMENTS**

**Priority:** Other Significant

**Legal Authority:** PL 108-458

**CFR Citation:** 8 CFR 212; 8 CFR 235

**Legal Deadline:** Final, Statutory, January 1, 2008, Public Law 108-458, Intelligence Reform and Terrorism Prevention Act of 2004.

**Abstract:** Amendment to require U.S. citizens and non-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.

**Timetable:**

| Action    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 06/16/05 |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred to RIN 1651-AA66

**Agency Contact:** Sidney Aki, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Policy and Planning, 1300 Pennsylvania Avenue NW., Washington, DC 20229  
Phone: 202 344-2166

**RIN:** 1651-AA63

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

## Proposed Rule Stage

**1441. AIRCRAFT REPAIR STATION  
SECURITY**

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

**Legal Authority:** 49 USC 114; 49 USC 44924

**CFR Citation:** 49 CFR 1554

**Legal Deadline:** Final, Statutory, August 8, 2004, Section 611 of Vision 100 requires TSA to issue a final rule within 240 days from date of enactment of Vision 100.

Sec. 611(b)(1) of Vision 100—Century of Aviation Reauthorization Act (Pub.L. 108-176; 12/12/2003; 117 Stat. 2490), codified at 49 U.S.C. 44924, requires TSA to issue “final regulations to

ensure the security of foreign and domestic aircraft repair stations” within 240 days from date of enactment of Vision 100.

**Abstract:** The Transportation Security Administration (TSA) is proposing to add a new 49 CFR part 1554 regulation to improve the security of domestic and foreign aircraft repair stations, as required by the section 611 of Vision 100—Century of Aviation Reauthorization Act.

The proposed regulations establish general requirements for security programs to be adopted and implemented by repair stations certificated by the Federal Aviation

Administration (FAA). Some flexibility would be provided to repair stations to reflect the fact that repair stations are diverse and that the specific measures needed to comply with the security requirements may vary depending on an assessment of the security vulnerability at a particular repair station location.

The proposed regulations also authorize TSA to conduct security audits, assessments, tests, and inspections of repair stations. The proposed regulations provide procedures to notify repair stations of any deficiencies in their security programs, and to notify those repair stations that present an immediate risk to security.



## DHS—TSA

## Proposed Rule Stage

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.

**Timetable:**

| Action             | Date     | FR Cite    |
|--------------------|----------|------------|
| Public Meeting     | 02/24/04 | 69 FR 8357 |
| Report to Congress | 08/24/04 |            |
| NPRM               | 05/00/06 |            |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 1652-AA38

**1442. FOREIGN AIR CARRIERS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 49 USC 114; 49 USC 5103; 49 USC 40113; 49 USC 44901 to 44905; 49 USC 44907; 49 USC 44914; 49 USC 44916 to 44917; 49 USC 44935; 49 USC 44936; 49 USC 44942; 49 USC 46105

**CFR Citation:** 49 CFR 1546

**Legal Deadline:** None

**Abstract:** The Transportation Security Administration (TSA) is proposing to amend the current aviation security rules applicable to foreign air carriers in 49 CFR part 1546 to make them more consistent with the rules applicable to domestic air carriers. The proposal extends regulations to foreign air carriers flying over the United States and to foreign air carrier private charters and those using aircraft with a maximum certificated takeoff weight of 12,500 pounds or more in their operations. The proposal also adds new security requirements to foreign air carriers including requiring the use of security coordinators, the prohibition of loaded firearms in checked baggage, and restricted access to the flight deck.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 02/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

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**RIN:** 1652-AA40

**1443. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL (TWIC) MARITIME**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 46 USC 70105; 49 USC 44903

**CFR Citation:** 49 CFR 1572

**Legal Deadline:** None

**Abstract:** The Transportation Security Administration (TSA), in a joint rulemaking with the U.S. Coast Guard (USCG), is proposing standards for conducting security threat assessments and issuing biometric credentials to transportation workers who require unescorted access to secured areas of vessels and facilities.

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 secured 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 receive a credential needed to access secured areas.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 04/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

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## DHS—TSA

## Proposed Rule Stage

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**Related RIN:** Merged with 1652-AA27,  
Related to 1652-AA47

**RIN:** 1652-AA41

#### 1444. MODIFICATION OF THE AVIATION SECURITY INFRASTRUCTURE FEE (ASIF)

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

**Unfunded Mandates:** Undetermined

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

**CFR Citation:** 49 CFR 1511

**Legal Deadline:** None

**Abstract:** This rulemaking will seek  
comment on a proposed revision to the  
method for apportioning the Aviation  
Security Infrastructure Fee (ASIF)  
among air carriers.

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. There is great interest from  
the industry to do so, but each option  
affects the carriers differently.

On November 5, 2003, the  
Transportation Security Administration  
(TSA) published a notice requesting  
comment on possible changes to the  
way it sets the ASIF, which is a fee  
imposed on air carriers and foreign air  
carriers to help pay the Government's  
costs of providing civil aviation  
security services, 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 such  
as 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, at the request of the Air  
Transport Association.

#### Timetable:

| Action   | Date     | FR Cite     |
|--|----------|-------------|
| Notice; Requesting<br>Comment—<br>Imposition of the<br>Aviation Security<br>Infrastructure Fee<br>(ASIF) | 11/05/03 | 68 FR 62613 |
| Notice—Imposition of<br>ASIF Comment<br>Period Extended  | 12/31/03 | 68 FR 75611 |
| Notice—Imposition of<br>ASIF Comment<br>Period End   | 01/05/04 |             |
| Notice—Imposition of<br>ASIF Extended<br>Comment Period<br>End   | 02/05/04 |             |
| NPRM   | 04/00/06 |             |

**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

#### 1445. DUE PROCESS FOR FAA CERTIFICATE HOLDERS AND FOR OTHER THREAT ASSESSMENTS

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

**Legal Authority:** 49 USC 114; 49 USC  
5103; 49 USC 40113; 49 USC 44901 to  
44907; 49 USC 44913; 49 USC 44914;  
49 USC 44916; 49 USC 44935; 49 USC  
44936; 49 USC 44942; 49 USC 46105;  
49 USC 46111

**CFR Citation:** 49 CFR 1540

**Legal Deadline:** None

**Abstract:** This action provides  
administrative appeal procedures for  
U.S. citizens that hold or are applying  
for a certificate, rating, or authorization  
issued by the Federal Aviation  
Administration (FAA) to challenge a  
determination by the Transportation  
Security Administration (TSA) that the  
individual poses a threat to  
transportation, aviation, or national  
security.

The procedures implement the new  
requirements of Vision 100—Century of  
Aviation Reauthorization Act (Pub. L.  
108-176: 12/12/2003; 117 Stat. 2490)  
and provide U.S. citizens that hold an  
FAA certificate, rating, or authorization  
the opportunity to request a hearing on  
the record before an administrative law  
judge as well as final review by a panel  
of the Transportation Security  
Oversight Board. This action also  
provides aliens lawfully admitted for  
permanent residence in the United  
States that hold or apply for a FAA  
certificate, rating, or authorization and  
that are determined by TSA to be a  
risk to transportation, aviation, or  
national security the opportunity to  
seek review of such a determination.

#### Timetable:

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 03/00/06 |         |

**Regulatory Flexibility Analysis  
Required:** Undetermined

**Government Levels Affected:** None

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## DHS—TSA

## Proposed Rule Stage

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

**RIN:** 1652-AA44

**1446. REGISTERED TRAVELER (RT)**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** PL 107-071, sec 109

**CFR Citation:** 49 CFR 1540; 49 CFR 1542

**Legal Deadline:** None

**Abstract:** TSA is proposing to revise current transportation security regulations to establish a voluntary Registered Traveler (RT) program. Registered Travelers are individuals who voluntarily have submitted biographic and biometric data and have undergone a security threat assessment resulting in a determination by TSA that they are eligible for expedited security screening at participating airports. Registered Travelers will be required to pay a fee to defray TSA's costs for background checks.

The RT program is designed to improve the security screening process by helping TSA to align screeners and resources with potential risks. Travelers that voluntarily submit to background checks and are approved for enrollment will be positively identified at the airport through biometric technology. These passengers will be permitted to go through expedited security screening, such as a dedicated security checkpoint line, which will allow TSA to more efficiently focus its resources.

Section 7208, Biometric Entry and Exit Data System, of the Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. L. 108-458; 12/17/2004), requires the Department of Homeland Security (DHS) to develop and implement a registered traveler program to expedite processing of travelers entering and exiting the United States, which would be integrated with the entry-exit system.

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 |
|--------|----------|---------|
| NPRM   | 02/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**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)****Final Rule Stage****Transportation Security Administration (TSA)****1447. IMPOSITION AND COLLECTION OF PASSENGER CIVIL AVIATION SECURITY SERVICE FEES**

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

**Legal Authority:** 49 USC 44940

**CFR Citation:** 49 CFR 1510

**Legal Deadline:** Final, Statutory, January 19, 2002, Section 118 directs TSA to impose uniform security service fees on certain aviation passengers within 60 days of enactment of ATSA, or as soon as possible thereafter. Sec. 118 of the Aviation and Transportation Security Act (ATSA) (Pub.L. 107-71;11/19/2001), codified at 49 USC 44940, requires that within

60 days of ATSA's enactment, or as soon as possible thereafter, TSA impose uniform security service fees on passengers of domestic and foreign air carriers in air transportation; publish notice of these fees in the **Federal Register**; and exempts TSA from procedural rulemaking requirements of 5 USC 553 and the user fees requirements from 31 USC 9701.

**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 |

## DHS—TSA

## Final Rule Stage

| Action  | Date     | FR Cite     |
|---|----------|-------------|
| Interim Final Rule Effective                        | 12/31/01 |             |
| Notice—Information Collection; Emergency Processing | 01/31/02 | 67 FR 4866  |
| Notice—Information Collection; Approval             | 02/19/02 | 67 FR 7582  |
| Interim Final Rule Comment Period End               | 03/01/02 |             |
| Interim Final Rule Comment Period Reopened          | 03/28/02 | 67 FR 14879 |
| Interim Final Rule Reopened Comment Period End      | 04/30/02 |             |
| Notice—Information Collection 30 Day Renewal        | 07/10/02 | 67 FR 45784 |
| Notice—Information Collection 60 Day Renewal        | 05/06/05 | 70 FR 24108 |
| Notice—Information Collection 30 Day Renewal        | 07/27/05 | 70 FR 43441 |
| Final Rule  | 04/00/06 |             |

**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**1448. 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 be the subject of a separate rulemaking.

**Timetable:**

| Action   | Date     | FR Cite     |
|--|----------|-------------|
| Interim Final Rule; Request for Comments             | 02/20/02 | 67 FR 7926  |
| Interim Final Rule Effective                         | 02/18/02 |             |
| Interim Final Rule Correction                        | 02/25/02 | 67 FR 8579  |
| Notice—Information Collection; Approval              | 02/28/02 | 67 FR 9355  |
| Interim Final Rule Comment Period End                | 03/18/02 |             |
| Interim Final Rule Comment Period Extended           | 03/20/02 | 67 FR 12954 |
| Interim Final Rule Extension of Comment Period End   | 04/02/02 |             |
| Notice—Guidance Appendix A                           | 05/01/02 | 67 FR 21582 |
| Notice—Information Collection; 60-Day New Collection | 01/27/04 | 69 FR 3938  |
| Notice—Information Collection; 30-Day New Collection | 05/18/04 | 69 FR 28141 |
| Final Rule   | 04/00/06 |             |

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2110-AA02

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## DHS—TSA

## Final Rule Stage

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

**RIN:** 1652-AA01

#### 1449. AIR CARGO SECURITY REQUIREMENTS

**Priority:** Other Significant

**Legal Authority:** 49 USC 114; 49 USC 5103; 49 USC 40113; 49 USC 44901 to 44907; 49 USC 44913 to 44914; 49 USC 44916 to 44918; 49 USC 44935 to 44936; 49 USC 44942; 49 USC 46105

**CFR Citation:** 49 CFR 1540; 49 CFR 1542; 49 CFR 1544; 49 CFR 1546; 49 CFR 1548

**Legal Deadline:** Final, Statutory, August 14, 2005, Section 4053 of IRPTA requires TSA to issue a final rule NLT 240 days from enactment to enhance and improve the security of air cargo transported in both passenger and all-cargo aircraft. Section 4053 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) (Pub. L. 108-458), mandates that TSA issue a final rule not later than 240 days from enactment.

**Abstract:** The Transportation Security Administration (TSA) is proposing these amendments after extensive consultation with industry through its Aviation Security Advisory Committee, and with other Federal agencies including the Department of Transportation and Bureau of Customs and Border Protection.

This rulemaking will amend current transportation security regulations to enhance and improve the security of air cargo transportation, by requiring the adoption of security measures throughout the air cargo supply chain—applicable to airport operators, aircraft operators, foreign air carriers, and indirect air carriers.

These regulatory requirements will impose significant barriers to terrorists seeking to use the air cargo transportation system for malicious purposes. This rule will also change the requirement for a Twelve-Five Program from aircraft with a maximum certificated takeoff weight “of 12,500 pounds or more” to “more than 12,500 pounds.” This change will conform the regulation to recent legislation.

**Timetable:**

| Action | Date     | FR Cite     |
|--------|----------|-------------|
| NPRM   | 11/10/04 | 69 FR 65258 |

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM Comment Period End | 01/10/05 |         |
| Final Rule              | 12/00/05 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 1652-AA23

#### 1450. PRIVACY ACT OF 1974: IMPLEMENTATION OF EXEMPTIONS; INTELLIGENCE, ENFORCEMENT, INTERNAL INVESTIGATION, AND BACKGROUND INVESTIGATION RECORDS

**Priority:** Other Significant

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

**CFR Citation:** 49 CFR 1507

**Legal Deadline:** None

**Abstract:** The Transportation Security Administration (TSA) is issuing a final rule to exempt several systems of records from the Privacy Act of 1974 by implementing the following changes:

In conjunction with the establishment of a new system of records, Transportation Security Intelligence Service (TSIS) Operations Files (DHS/TSA 011), TSA published a notice of proposed rulemaking (NPRM) on December 10, 2004, to exempt this system of records (SOR) from several provisions of the Privacy Act. The purpose of this system is to maintain records on intelligence, counterintelligence, transportation security, and information systems

security matters as they relate to TSA's mission of protecting the nation's transportation systems.

TSA proposed adding 5 U.S.C. 552a(k)(1) as an authority to exempt the Personnel Background Investigation File System (DHS/TSA 004) from the provisions previously claimed for this system that allows TSA to maintain investigative and background records used to make suitability and eligibility determinations for employment.

Finally, TSA proposed adding 5 U.S.C. 552a(j)(2) as an authority to exempt the Transportation Security Enforcement Record System (TSERS) (DHS/TSA 001) and the Internal Investigation Record System (DHS/TSA 005) from the provisions previously claimed for those two systems and to now include subsection (e)(3) of the Privacy Act. DHS/TSA 001 serves as an enforcement docket system while DHS/TSA 005 is maintained to facilitate the management of investigations into allegations or appearances of misconduct by current and former TSA employees or contractors and is being modified to cover investigations of security-related incidents and reviews of TSA programs and operations.

**Timetable:**

| Action   | Date     | FR Cite     |
|--|----------|-------------|
| Notice—Establish or Alter Privacy Act Systems of Records (SOR)     | 08/18/03 | 68 FR 49496 |
| Notice—Establish or Alter Privacy Act SOR Comment Period End       | 09/17/03 |             |
| Notice—Establish or Alter Privacy Act Systems of Records           | 12/10/04 | 69 FR 71828 |
| Notice—Establish or Alter Privacy Act SOR Comment Period End       | 01/10/05 |             |
| NPRM—Privacy Act; Implementation of Exemptions                     | 12/10/04 | 69 FR 71767 |
| NPRM—Privacy Act; Implementation of Exemptions; Comment Period End | 01/10/05 |             |
| Final Rule—Privacy Act; Implementation of Exemptions               | 01/00/06 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

## DHS—TSA

## Final Rule Stage

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**RIN:** 1652-AA34

#### 1451. FLIGHT TRAINING FOR ALIENS AND OTHER DESIGNATED INDIVIDUALS; SECURITY AWARENESS TRAINING FOR FLIGHT SCHOOL EMPLOYEES

**Priority:** Other Significant

**Legal Authority:** 49 USC 114; 49 USC 44939; 49 USC 46105

**CFR Citation:** 49 CFR 1552

**Legal Deadline:** Final, Statutory, February 10, 2004, Section 612 of Vision 100 requires TSA to issue an interim final rule within 60 days of enactment of Vision 100.

Requires Transportation Security Administration (TSA) to promulgate an interim final rule (IFR) implementing 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 flexibility analysis and responding to comments received.

This IFR creates a new part 1552, Flight Schools, in title 49 of the Code of Federal Regulations (CFR). This IFR applies to flight schools and to individuals who apply to obtain flight training.

The IFR is requiring flight schools to notify TSA when aliens and other

individuals designated by TSA apply for flight training. TSA has established standards relating to the security threat assessment process that TSA will conduct to determine whether such individuals are a threat to aviation or national security, and thus prohibited from receiving flight training. In addition, TSA has established a fee to cover a portion of the costs of the security threat assessments that TSA will perform under this rule. Finally, TSA has established standards relating to security awareness training for certain flight school employees.

These requirements will help ensure that individuals who intend to use aircraft to perform terrorist attacks in the United States do not obtain flight training that would enable them to do so. These requirements also will improve security at flight schools.

#### Timetable:

| Action                                       | Date     | FR Cite     |
|--|----------|-------------|
| Interim Final Rule; Request for Comments     | 09/20/04 | 69 FR 56324 |
| Interim Final Rule Effective                 | 09/20/04 |             |
| Interim Final Rule Comment Period End        | 10/20/04 |             |
| Notice—Information Collection 60 Day Renewal | 11/26/04 | 69 FR 68952 |
| Notice—Information Collection 30 Day Renewal | 03/30/05 | 70 FR 16298 |
| Final Rule                                   | 04/00/06 |             |

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

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**RIN:** 1652-AA35

#### 1452. SECURE FLIGHT PROGRAM

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 49 USC 114; 49 USC 40113; 49 USC 44901 to 44903

**CFR Citation:** 49 CFR 1560

**Legal Deadline:** Final, Statutory, September 2005, IRPTA requires TSA to implement the advanced passenger prescreening system within 180 days of testing completion.

Sec. 4012 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) (Pub. L. 108-458; 12/17/2004) requires that not later than January 1, 2005, TSA commence testing of an advanced passenger prescreening system; and that not later than 180 days after completion of testing, TSA begin to assume the performance of the passenger prescreening function.

**Abstract:** The Transportation Security Administration (TSA) is issuing a rule to satisfy the requirement in section 4012 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) (Pub. L. 108-458; 12/17/2004) that TSA assume from aircraft operators the performance of the passenger screening function of comparing passenger information to appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government.

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## Final Rule Stage

**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 |
| Interim Final Rule; Request for Comments                                     | 12/00/05 |             |

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

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**Related RIN:** Related to 1652-AA48**RIN:** 1652-AA45**1453. TECHNICAL AMENDMENT: ADMINISTRATIVE ORGANIZATIONAL CHANGES****Priority:** Info./Admin./Other**Legal Authority:** 6 USC 113(a)(8); 49 USC 114(b); 49 USC 40113**CFR Citation:** 49 CFR 1500; 49 CFR 1502; 49 CFR 1503; 49 CFR 1510; 49 CFR 1511; 49 CFR 1520; 49 CFR 1540; 49 CFR 1542; 49 CFR 1544; 49 CFR 1546; 49 CFR 1548; 49 CFR 1572**Legal Deadline:** None

**Abstract:** TSA is issuing a final rule making a technical change to the Transportation Security Regulations (TSR) to reflect administrative organizational changes. This rule makes conforming technical changes to various parts of the TSRs, the general definitions sections, and revises any references to our Headquarters Visitors Center and Pass Office address, as necessary, due to its relocation from building 701 to building 601. This rule relates only to agency organization, procedure, and practice and will have no substantive effect on the public.

**Timetable:**

| Action                         | Date     | FR Cite |
|--------------------------------|----------|---------|
| Final Rule—Technical Amendment | 12/00/05 |         |

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

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**RIN:** 1652-AA46**1454. PRIVACY ACT OF 1974: IMPLEMENTATION OF EXEMPTIONS; SECURE FLIGHT RECORDS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 49 USC 114(l)(1); 49 USC 552a(k)**CFR Citation:** 49 CFR 1507**Legal Deadline:** None

**Abstract:** The Transportation Security Administration (TSA) is issuing an interim final rule to exempt portions of its system of records (SOR) for the Secure Flight Program from several provisions of the Privacy Act.

TSA is developing the Secure Flight Program under the mandate in section 4012 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) (Pub. L. 108-458; 12/17/2004), which requires TSA to assume from aircraft operators the function of comparing passenger information to appropriate records in the consolidated and integrated terrorist watch list maintained by the Federal Government.

**Timetable:**

| Action   | Date     | FR Cite     |
|--|----------|-------------|
| Notice—Establish Privacy Act System of Records (SOR)               | 09/24/04 | 69 FR 57345 |
| Notice—Establish Privacy Act SOR Comment Period End                | 10/25/04 |             |
| Notice—Privacy Impact Assessment                                   | 09/24/04 | 69 FR 57352 |
| Interim Final Rule—Privacy Act; Implementation of Exemptions (SOR) | 12/00/05 |             |

**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)  
Transportation Security Administration (TSA)**
**Long-Term Actions**
**1455. CIVIL AVIATION SECURITY RULES**

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

**Legal Authority:** 49 USC 40101 et seq (PL 107-71)

**CFR Citation:** 14 CFR 91; 14 CFR 107 to 109; 14 CFR 121; 14 CFR 129; 14 CFR 135; 14 CFR 139; 14 CFR 191; 49 CFR 1500 to 1550

**Legal Deadline:** Final, Statutory, February 19, 2002, ATSA requires TSA to transfer aviation security responsibilities from FAA to TSA within 3 months of enactment of ATSA.

The Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; 11/19/2001), mandated that not later than 3 months after the date of enactment of this Act, TSA assume civil aviation security functions and responsibilities under chapter 449 of 49 U.S.C., in accordance with a schedule to be developed by the Secretary of Transportation, in consultation with air carriers, foreign air carriers, and the Administrator of the Federal Aviation Administration.

**Abstract:** The Transportation Security Administration (TSA) will take final action on the February 22, 2002, final rule; request for comments, by completing an economic analysis and responding to comments received.

On December 28, 2001 (66 FR 67117), the U.S. Department of Transportation (DOT) pursuant to the Aviation and Transportation Security Act (Pub. L. 107-71; 11/19/2001), published a final rule amending 49 U.S.C. part 1, to reflect the new DOT operating administration (TSA) and its general responsibilities.

On February 22, 2002, TSA published a final rule, with a request for comments, transferring the Federal Aviation Administration's (FAA) rules (14 CFR) governing civil aviation security to TSA (49 CFR). That rulemaking also amended those rules to enhance security as required by ATSA, codified at 49 U.S.C. 44940. ATSA requires that by November 19, 2002, the responsibility for inspecting persons and property carried by aircraft operators and foreign air carriers be transferred to TSA and that TSA make a number of improvements to aviation security screening in the United States; including that screening of individuals and property be conducted by TSA

employees and companies under contract with TSA; enhanced qualifications and training of screeners; and that Federal law enforcement officers be present at screening locations.

It was intended to improve the quality of screening conducted by aircraft operators and foreign air carriers; to improve the qualifications of individuals performing screening, and thereby to improve the level of security in air transportation. The rule helped ensure a smooth transition of aviation security from the FAA to TSA, and avoid disruptions in air transportation due to any shortage of qualified screeners.

**Timetable:**

| Action                           | Date             | FR Cite     |
|----------------------------------|------------------|-------------|
| Final Rule                       | 12/28/01         | 66 FR 67117 |
| Final Rule Effective             | 12/28/01         |             |
| Final Rule; Request for Comments | 02/22/02         | 67 FR 8340  |
| Final Rule Effective             | 02/17/02         |             |
| Final Rule Comment Period End    | 03/25/02         |             |
| Final Rule                       | To Be Determined |             |

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2110-AA03

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**RIN:** 1652-AA02

**1456. SECURITY PROGRAMS FOR AIRCRAFT WEIGHING 12,500 POUNDS OR MORE**

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

**Legal Authority:** 49 USC 114; 49 USC 5103; 49 USC 40119; 49 USC 44901 to 44907; 49 USC 44913; 49 USC 44914; 49 USC 44916 to 44918; 49 USC 44935; 49 USC 44936; 49 USC 44942; 49 USC 46105

**CFR Citation:** 49 CFR 1540; 49 CFR 1544

**Legal Deadline:** Final, Statutory, February 19, 2002, Sec. 132(a) of ATSA requires TSA implement an aviation security program for certain air carriers within 90 days of enactment of ATSA. Sec. 132(a) of the Aviation and Transportation Security Act (ATSA) (Pub.L. 107-71; 11/19/2001), codified at 49 U.S.C. 44940, requires that within 90 days of ATSA's enactment, TSA implement an aviation security program for charter air carriers (as defined in sec. 40102(a)(13) of title 49, United States Code) with a maximum certificated takeoff weight of 12,500 pounds or more.

**Abstract:** The Transportation Security Administration (TSA) will take final action on the February 22, 2002, final rule, known as the "Twelve-Five Rule," by completing an economic analysis. Comments received were disposed of individually and made public when TSA issued the Final Security Program. Comments received which contained Sensitive Security Information (SSI) were responded to and will not be made public.

The rule required operators of aircraft with a maximum certificated takeoff weight of 12,500 pounds or more to implement a TSA-approved security program, known as the "Twelve-Five Security Program." The rule also required that certain aircraft operators conduct criminal history records checks on their flight crew members, and restrict access to the flight deck. These measures were necessary to comply with congressional mandates and to enhance security in air transportation. Security programs constitute sensitive security information (SSI), which are disclosed only to persons with a need to know, in accordance with 49 CFR part 1520. Therefore, the proposed Twelve-Five Security Program was distributed for comment only to the operators subject to the rule. TSA



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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  |
| Final Rule  | To Be    | Determined  |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2110-AA04

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**Related RIN:** Related to 1652-AA04

**RIN:** 1652-AA03

**1457. PRIVATE CHARTER SECURITY RULES**

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

**Legal Authority:** 49 USC 114; 49 USC 5102; 49 USC 40119; 49 USC 44901 to 44907; 49 USC 44913; 49 USC 44914; 49 USC 44916 to 44918; 49 USC 44935; 49 USC 44936; 49 USC 44942; 49 USC 46105

**CFR Citation:** 49 CFR 1540; 49 CFR 1544

**Legal Deadline:** Final, Statutory, February 19, 2002, Section 132(a) of ATSA requires TSA to implement an aviation security program for certain air carriers within 90 days after enactment of ATSA.

Section 132(a) of the Aviation and Transportation Security Act (ATSA)

(Pub.L. 107-71; 11/19/2001), codified at 49 U.S.C. 44940, requires that within 90 days of ATSA's enactment, TSA implement an aviation security program for charter air carriers (as defined in sec. 40102(a)(13) of title 49, United States Code) with a maximum certificated takeoff weight of 12,500 pounds or more.

**Abstract:** The Transportation Security Administration (TSA) will take final action on the December 31, 2002, final rule by completing an economic analysis.

This current rule amends the requirements applying to private charter passenger aircraft to increase the level of security required in private charter operations. TSA adopted an international security standard, in which private charter operations in aircraft with a maximum certificated takeoff weight (MTOW) greater than 45,500 kg (100,309.3 pounds), or with a passenger seating configuration of 61 or more, are required to ensure that passengers and their accessible property are screened prior to boarding.

In response to section 132(a) of the Aviation and Transportation Security Act (ATSA) requirement that TSA implement an aviation security program for charter air carriers, TSA published a final rule on February 22, 2002, known as the "Twelve-Five Rule." The rule required operators of aircraft with a maximum certificated takeoff weight of 12,500 pounds or more to implement a TSA-approved security program, known as the "Twelve-Five Security Program."

In June 2002, TSA issued another final rule request for comments, which required private charter operators using aircraft with a maximum certificated takeoff weight of 95,000 pounds or more, to ensure that passengers and their carry-on baggage are screened prior to boarding. However, in response to the comments received from this rule and after further analysis, TSA determined that this threshold did not adequately capture the appropriate group of aircraft, so TSA published a further amendment in December 2002, adopting the international security standard above for private charter operations. As a result of this current amendment, additional aircraft are now covered by the rule that were not previously subject to it. TSA established a new compliance date for operators of these aircraft, in order to

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provide them sufficient time to develop procedures required by this rule and the security program. Also, in response to comments received, TSA is permitting the use of non-TSA screeners in certain circumstances.

Security programs constitute sensitive security information (SSI), which can be disclosed only to persons with a need to know, in accordance with 49 CFR part 1520. Therefore, the proposed private charter security program was distributed for comment only to the operators subject to the rule. TSA received comments on the proposed security program and amended the program, where appropriate, to accommodate the comments received. TSA provided the final security program to affected entities, and completed a training program for the operators to use to ensure that they operate in accordance with the security program. Affected operators were required to be in compliance with the rule by April 1, 2003.

**Timetable:**

| Action  | Date             | FR Cite     |
|---|------------------|-------------|
| Final Rule; Request for Comments                  | 02/22/02         | 67 FR 8205  |
| Final Rule Comment Period End                     | 04/23/02         |             |
| Final Rule Effective                              | 06/24/02         |             |
| Final Rule; Request for Comments                  | 06/19/02         | 67 FR 41635 |
| Final Rule Comment Period End                     | 07/19/02         |             |
| Final Rule Effective                              | 08/19/02         |             |
| Notice—Extend Compliance Date to 12/01/2002       | 08/28/02         | 67 FR 55309 |
| Notice—Extend Compliance Date; Comment Period End | 09/30/02         |             |
| Final Rule  | 12/31/02         | 67 FR 79881 |
| Final Rule Effective                              | 02/01/03         |             |
| Notice—Extend Compliance Date to 04/01/2003       | 02/05/03         | 68 FR 5975  |
| Notice—Information Collection 60 Day Renewal      | 11/26/03         | 68 FR 66473 |
| Notice—Information Collection 30 Day Renewal      | 02/11/04         | 69 FR 6683  |
| Final Rule  | To Be Determined |             |

**Regulatory Flexibility Analysis Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2110-AA05

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**Related RIN:** Related to 1652-AA03

**RIN:** 1652-AA04

**1458. BACKGROUND CHECKS FOR AIRPORT WORKERS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 49 USC 40101 et seq; PL 107-71

**CFR Citation:** 49 CFR 1542; 49 CFR 1544

**Legal Deadline:** None

**Abstract:** This action would address criminal history record checks (CHRC) for individuals who regularly have escorted access to secured areas of an airport, individuals who work in sterile areas of an airport, and others.

The Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; 11/19/2001), codified at 49 U.S.C. section 44936(a)(1)(B)(iii) directs TSA to publish a regulation requiring a background check for individuals who regularly have escorted access to secure areas.

**Timetable:**

| Action | Date             | FR Cite |
|--------|------------------|---------|
| NPRM   | To Be Determined |         |

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** Transferred from RIN 2110-AA08

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**RIN:** 1652-AA06

**1459. PROTECTION OF SENSITIVE SECURITY INFORMATION**

**Priority:** Other Significant

**Legal Authority:** 49 USC 114; 49 USC 5103; 49 USC 40119; 49 USC 44901 to 44907; 49 USC 44913; 49 USC 44914; 49 USC 44916 to 44918; 49 USC 44935; 49 USC 44936; 49 USC 44942; 49 USC 46105

**CFR Citation:** 49 CFR 15; 49 CFR 1520

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**Legal Deadline:** None

**Abstract:** The Transportation Security Administration (TSA) will take final action on the May 18, 2004, interim final rule (IFR) by responding to comments received.

In the IFR, published jointly with the Office of the Secretary of Transportation (OST) in May 2004, TSA revised its sensitive security information (SSI) regulations to expand the 2002 regulatory framework governing information generally related to aviation security to cover information related to security in maritime transportation, consistent with the security framework required by the U.S. Coast Guard's regulations implementing the Maritime Transportation Security Act (MTSA). This expansion was the main theme of the IFR. However, the IFR also continued TSA's 2002 regulations coverage for vulnerability assessments and, with some changes, certain other SSI for all modes.

TSA and OST issued a technical amendment to the IFR in January 2005 to address provisions of the regulations that inadvertently restricted sharing of SSI. Specifically, the amendment removed the limiting words "aviation or maritime" from 49 CFR 15.11 and 49 CFR 1520.11 in order to clearly permit the sharing of vulnerability assessments and other documents properly designated as SSI with covered persons who meet the need to know requirements regardless of mode of transportation.

**Timetable:**

| Action                                   | Date             | FR Cite     |
|--|------------------|-------------|
| Interim Final Rule; Request for Comments | 05/18/04         | 69 FR 28066 |
| Interim Final Rule Effective             | 06/17/04         |             |
| Interim Final Rule Comment Period End    | 07/19/04         |             |
| Interim Final Rule—Technical Amendment   | 01/07/05         | 70 FR 1379  |
| Final Rule                               | 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

**RIN:** 1652-AA08

**1460. SECURITY COMPLIANCE PROGRAM FOR AIRCRAFT OPERATORS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 49 USC 114; 49 USC 5103; 49 USC 40113; 49 USC 40119; 49 USC 44901 to 44905

**CFR Citation:** 49 CFR 1540; 49 CFR 1544

**Legal Deadline:** None

**Abstract:** TSA will establish a compliance program for aircraft operators to implement and test security contingency plans. The intent is to enhance security for the traveling public, air carriers, and persons employed by or conducting business at public airports by increasing awareness of and compliance with civil aviation security measures. This rulemaking will implement section 4 of the Airport Security Improvement Act of 2000 (ASIA), (Pub. L. 106-528, 11/22/2000; 114 Stat. 2517), codified at 49 U.S.C. 44903(g), on improving secured-area access control.

Rules governing civil aviation security were transferred from the Federal Aviation Administration (FAA) to the Transportation Security Administration (TSA). Part 108 of title 14 of the Code of Federal Regulations (CFR) on

Aircraft Operator Security, is now codified in 49 CFR parts 1540 and 1544.

On August 1, 1997, the FAA published the Airport Security NPRM (Notice No. 97-13, 62 FR 41760) and the Aircraft Operator Security NPRM (Notice No. 97-12, 62 FR 41730) in the Federal Register for public comment. The comment period for both NPRMs closed on December 1, 1997.

These notices proposed to completely revise parts 107 and 108, and included a requirement for a compliance program to be included in the airport and aircraft operators' security programs. That compliance program would include procedures to ensure that those individuals with unescorted access authority to critical security areas or restricted operations areas comply with the proposed security program requirements.

In the aircraft operator security NPRM, the FAA noted that the aircraft operators would develop procedures to educate individuals on their responsibility and accountability for the control and use of airport-approved identification media. The aircraft operator must also monitor the compliance of individuals with security requirements of part 108. Additionally, the NPRM included a discussion on the need for penalties being imposed on individuals not in compliance with the airport operator's security measures.

There were two comment periods for each NPRM in which four public meetings were held to address the proposed revisions for parts 107 and 108. During these public meetings, several non-supportive comments were received on the proposed compliance programs. Based on these comments, the FAA reopened the comment period on August 10, 1999 (64 FR 43321), to specifically address the compliance programs for both parts 107 and 108. This new comment period closed on September 24, 1999.

On July 17, 2001, the FAA issued final rules for the revisions of parts 107 (66 FR 37274) and 108 (66 FR 37330). These rules contain a section on the accountability of employees and other persons to carry out required security measures. See sections 107.11 and 108.9.

Those final rules did not include the final compliance program requirements,

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however, which are included in this action.

**Timetable:**

| Action     | Date  | FR Cite    |
|------------|-------|------------|
| Final Rule | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Additional Information:** Transferred from RIN 2110-AA11

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

**RIN:** 1652-AA09

**1461. SECURITY COMPLIANCE PROGRAM FOR AIRPORTS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 49 USC 114; 49 USC 5103; 49 USC 40113; 49 USC 40119; 49 USC 44901 to 44905

**CFR Citation:** 49 CFR 1540; 49 CFR 1542

**Legal Deadline:** None

**Abstract:** TSA will establish a compliance program for airport operators to implement and test security contingency plans. The intent is to enhance security for the traveling public, air carriers, and persons employed by or conducting business at public airports by increasing awareness of and compliance with civil aviation security measures. This rulemaking will implement section 4 of the Airport Security Improvement Act of 2000 (ASIA), (Pub. L. 106-528, 11/22/2000; 114 Stat. 2517), codified at 49 U.S.C. 44903(g), on improving secured-area access control.

Rules governing civil aviation security were transferred from the Federal Aviation Administration (FAA) to the

Transportation Security Administration (TSA). Part 107 of title 14 of the Code of Federal Regulations (CFR) on Airport Security, is now codified in 49 CFR parts 1540 and 1542.

On August 1, 1997, the FAA published the Airport Security NPRM (Notice No. 97-13, 62 FR 41760) and the Aircraft Operator Security NPRM (Notice No. 97-12, 62 FR 41730) in the Federal Register for public comment. The comment period for both NPRMs closed on December 1, 1997.

These notices proposed to completely revise parts 107 and 108, and included a requirement for a compliance program to be included in the airport and aircraft operators' security programs. That compliance program would include procedures to ensure that those individuals with unescorted access authority to critical security areas or restricted operations areas comply with the proposed security program requirements.

In the airport security NPRM, the FAA noted that some airports already had such programs in place and had established penalties, such as monetary fines and suspension of access authority. The FAA proposed that the airport operator would remain the primary party responsible for violations, including those committed by their employees, contractors, and tenants. Further, the FAA recognized that in appropriate cases, persons who failed to comply would be subjected to FAA enforcement action.

The NPRM proposed that the FAA would have a means to directly discipline individuals who fail to comply with certain security requirements. Having individuals accountable to both the airport operator and the FAA emphasizes the importance of individuals in ensuring that all security measures are carried out.

There were two comment periods for each NPRM in which four public meetings were held to address the proposed revisions for parts 107 and 108. During these public meetings, several non-supportive comments were received on the proposed compliance programs. Based on these comments, the FAA reopened the comment period on August 10, 1999 (64 FR 43321), to specifically address the compliance programs for both parts 107 and 108. This new comment period closed on September 24, 1999.

On July 17, 2001, the FAA issued final rules for the revisions of parts 107 (66 FR 37274) and 108 (66 FR 37330). These rules contain a section on the accountability of employees and other persons to carry out required security measures. See sections 107.11 and 108.9. Those final rules did not include the final compliance program requirements, however, which are included in this rule.

**Timetable:**

| Action     | Date  | FR Cite    |
|------------|-------|------------|
| Final Rule | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Additional Information:** Transferred from RIN 2110-AA12

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

**RIN:** 1652-AA10

**1462. CRIMINAL HISTORY RECORDS CHECKS**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 49 USC 114; 49 USC 40113; 49 USC 44936

**CFR Citation:** 49 CFR 1540; 49 CFR 1542; 49 CFR 1544

**Legal Deadline:** None

**Abstract:** The Transportation Security Administration (TSA) will take final action on the December 6, 2001, Federal Aviation Administration (FAA) final rule by completing an economic analysis and responding to comments.

This rule, published by the FAA, requires each airport operator and aircraft operator that has adopted a security program under 14 CFR parts 107 or 108 to conduct fingerprint-based

## DHS—TSA

## Long-Term Actions

criminal history record checks (CHRC) for individuals if they have not already undergone CHRCs. The rule applies to those who either have, or apply for: unescorted access authority to the Security Identification Display Area (SIDA) of an airport; authority to authorize others to have unescorted access; and screening functions. The FAA determined the rule is needed because the current employment investigation method is not adequate. The rule will ensure that individuals in these positions do not have disqualifying criminal offenses.

Rules governing civil aviation security were transferred from the FAA to TSA. Parts 107 and 108 of title 14 of the Code of Federal Regulations (CFR) on Airport Security and Aircraft Operator Security, respectively, are now codified in 49 CFR parts 1540, 1542, and 1544. TSA will complete any further action required in this rulemaking. TSA plans to amend parts 1542 and 1544 to make technical changes and improve organization and clarity.

**Timetable:**

| Action                                 | Date     | FR Cite     |
|--|----------|-------------|
| Final Rule; Request for Comments       | 12/06/01 | 66 FR 63474 |
| Final Rule Effective                   | 12/06/01 |             |
| Final Rule Comment Period End          | 01/07/02 |             |
| Final Rule Comment Period Reopened     | 01/25/02 | 67 FR 3810  |
| Final Rule Reopened Comment Period End | 03/11/02 |             |
| Final Rule                             | To Be    | Determined  |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Additional Information:** Transferred from RIN 2110-AA11

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

**RIN:** 1652-AA11

### 1463. TRANSPORTATION OF EXPLOSIVES FROM CANADA TO THE UNITED STATES VIA COMMERCIAL MOTOR VEHICLE AND RAILROAD CARRIER

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

**Legal Authority:** 49 USC 114; 49 USC 5103; 49 USC 5103a; 49 USC 40113; 49 USC 46105

**CFR Citation:** 49 CFR 1570; 49 CFR 1572

**Legal Deadline:** None

**Abstract:** The Transportation Security Administration (TSA) will take final action on the February 6, 2003, interim final rule by completing an economic analysis and responding to comments.

This interim final rule addresses security issues regarding transportation of explosives by commercial motor vehicles and railroads. It establishes temporary requirements that all motor carriers, motor private carriers, and railroad carriers not using U.S. citizens or lawful permanent resident aliens as drivers or railroad crews to transport explosives to the United States.

**Timetable:**

| Action                                   | Date     | FR Cite    |
|--|----------|------------|
| Interim Final Rule; Request for Comments | 02/06/03 | 68 FR 6083 |
| Interim Final Rule Effective             | 02/03/03 |            |
| Interim Final Rule Comment Period End    | 03/10/03 |            |
| Final Rule                               | To Be    | Determined |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2110-AA18

**Agency Contact:** Greg Moxness, Director, Regulatory and Economic Analysis, Department of Homeland

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**RIN:** 1652-AA16

### 1464. SECURITY THREAT ASSESSMENT FOR INDIVIDUALS APPLYING FOR A HAZARDOUS MATERIALS ENDORSEMENT FOR A COMMERCIAL DRIVERS LICENSE

**Priority:** Other Significant

**Legal Authority:** 49 USC 114; 49 USC 5103a; 49 USC 40113; 49 USC 46105

**CFR Citation:** 49 CFR 1572

**Legal Deadline:** None

**Abstract:** The Transportation Security Administration (TSA) will take final action on the November 24, 2004, interim final rule by responding to comments.

This action, initiated with a rule published on May 5, 2003, implements requirements in the Safe Explosives Act and the USA Patriot Act, relating to security threat assessments of commercial truck drivers who are authorized to transport hazardous materials.

This rule amends the May 5 rule by providing additional guidance to the States and industry on the process for collecting fingerprints and information from commercial drivers who apply to obtain or renew a hazardous materials endorsement. In addition, the rule requires the States to formally decide whether they will collect this information or whether TSA will complete the collection. TSA has added definitions and made organizational and substantive changes to the current standards codified at 49 CFR part 1572.

The rule moves the start date of the fingerprint-based checks for transfer and renewal applicants to May 31, 2005. TSA made these changes in

## DHS—TSA

## Long-Term Actions

response to comments received from the affected parties and to clarify further the implementation of this program.

**Timetable:**

| Action                                  | Date     | FR Cite     |
|---|----------|-------------|
| Interim Final Rule                      | 05/05/03 | 68 FR 23852 |
| Interim Final Rule Effective            | 05/05/03 |             |
| Interim Final Rule Comment Period End   | 07/07/03 |             |
| Interim Final Rule; Amendment           | 11/07/03 | 68 FR 63033 |
| Interim Final Rule; Amendment Effective | 11/03/03 |             |
| Final Rule                              | 04/06/04 | 69 FR 17969 |
| Final Rule Effective                    | 04/06/04 |             |
| Interim Final Rule                      | 11/24/04 | 69 FR 68720 |
| Interim Final Rule Effective            | 11/24/04 |             |
| Interim Final Rule Comment Period End   | 12/27/04 |             |
| Final Rule                              | To Be    | Determined  |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** Federal, State

**Additional Information:** Transferred from RIN 2110-AA19

**Agency Contact:** George Petersen, Deputy Program Manager, Department of Homeland Security, Transportation Security Administration, Office of Credentialing & Vetting, TSA-19, HQ E8, 601 South 12th Street, Arlington, VA 22202-4220  
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**Related RIN:** Related to 1652-AA33

**RIN:** 1652-AA17

**1465. SURFACE TRANSPORTATION SECURITY DIRECTIVES**

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

**Legal Authority:** 49 USC 114; 49 USC 40113; 49 USC 46105

**CFR Citation:** 49 CFR 1570

**Legal Deadline:** None

**Abstract:** This document provides a regulatory framework through which the Transportation Security Administration (TSA) may issue Security Directives (SDs) to owners or operators of conveyances, facilities, terminals, or infrastructure assets, involved in all modes of transportation, except aviation and maritime which have effective rules for Security Directives.

Security Directives, if issued, may require owners or operators of conveyances, facilities, terminals, or infrastructure assets to implement measures specified in the Security Directives to enhance transportation security. Under this framework, TSA may also issue Information Circulars (ICs) advising operators of possible threats to transportation security. Since information contained in Security Directives may be Sensitive Security Information (SSI), this rule would require that sensitive security information be managed in accordance with procedures that restrict its availability.

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State

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

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**RIN:** 1652-AA26

**1466. ENHANCED SECURITY PROCEDURES FOR OPERATIONS AT CERTAIN AIRPORTS IN THE WASHINGTON, DC, METROPOLITAN AREA FLIGHT RESTRICTED ZONE**

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

**Legal Authority:** 49 USC 114; 49 USC 40113

**CFR Citation:** 49 CFR 1562

**Legal Deadline:** None

**Abstract:** The Transportation Security Administration (TSA) will take final action on the February 10, 2005, interim final rule (IFR) by responding to comments received.

This action creates a new part 1562, General Aviation, in Title 49 of the Code of Federal Regulations (CFR). The IFR transfers responsibility for ground security requirements and procedures at 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.

## DHS—TSA

## Long-Term Actions

**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 |
| Final Rule                                   | To Be Determined |             |

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

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

**1467. • RONALD REAGAN WASHINGTON NATIONAL AIRPORT: ENHANCED SECURITY PROCEDURES FOR CERTAIN OPERATIONS**

**Priority:** Other Significant

**Legal Authority:** 46 USC 70102 to 70106; 46 USC 70117; 49 USC 114; 49 USC 5103; 49 USC 40113 to 40114; 49 USC 44901 to 44907; 49 USC 44913 to 44914; 49 USC 44916 to 44918; 49 USC 44935 to 44936; 49 USC 44942; 49 USC 46105

**CFR Citation:** 49 CFR 1520; 49 CFR 1540; 49 CFR 1562

**Legal Deadline:** None

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

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

relating to crewmembers, passengers, and law enforcement officers onboard aircraft operating to or from DCA.

**Timetable:**

| Action  | Date             | FR Cite     |
|---|------------------|-------------|
| Interim Final Rule; Request for Comments                | 07/19/05         | 70 FR 41586 |
| Interim Final Rule Effective                            | 08/18/05         |             |
| Interim Final Rule Comment Period End                   | 09/19/05         |             |
| Notice—Information Collection Approval & 60 Day Renewal | 08/26/05         | 70 FR 50391 |
| Final Rule  | To Be Determined |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses, Organizations**Government Levels Affected:**

Undetermined

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**RIN:** 1652-AA49

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

**1468. PRIVACY ACT OF 1974: IMPLEMENTATION OF EXEMPTIONS; REGISTERED TRAVELER OPERATIONS FILES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 49 CFR 1507

**Legal Deadline:** None

**Abstract:** The Transportation Security Administration (TSA) is issuing a final rule that will exempt the Registered Traveler Operations Files (DHS/TSA 015) from several provisions of the Privacy Act of 1974, to prevent the unauthorized disclosure of classified and law enforcement information.

In conjunction with the notice of establishment of the Registered Traveler Operations Files (DHS/TSA 015), TSA published a notice of proposed rulemaking (NPRM) on September 8, 2004, to exempt this system of records (SOR) from several provisions of the Privacy Act. Specifically, TSA proposed to exempt the system of records from 5 U.S.C. 552a(c)(3) (accounting of disclosures); (d) (access

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## Completed Actions

to records); (e)(1) (relevancy and necessity of information); (e)(4)(G), (H) and (I) (agency requirements); and (f) (agency rules) pursuant to exemptions (k)(1) and (k)(2) of the Act. TSA did not receive any comments on the proposed rule.

Registered Traveler Operations Files (DHS/TSA 015) will be used to conduct a Registered Traveler (RT) Pilot Program in a limited number of airports to test and evaluate the merits of the RT concept on a completely voluntary basis. RT is designed to pre-screen and positively identify volunteer travelers using advanced identification technologies and conduct a terrorist-focused background check to ensure that the volunteer is not connected to terrorists or terrorist activity. This system may expedite the pre-boarding process for the traveler and improve the allocation of TSA's security resources on individuals who may pose a security threat. All passengers who volunteer and are deemed eligible for the RT pilot program will be required to undergo screening at the screening checkpoint in the selected pilot locations.

**Timetable:**

| Action   | Date     | FR Cite     |
|--|----------|-------------|
| Notice—Establish Privacy Act Systems of Records (SOR)              | 06/01/04 | 69 FR 30948 |
| Notice—Establish Privacy Act SOR Comment Period End                | 07/01/04 |             |
| NPRM—Privacy Act; Implementation of Exemptions                     | 09/08/04 | 69 FR 54256 |
| NPRM—Privacy Act; Implementation of Exemptions; Comment Period End | 10/08/04 |             |
| Final Rule—Privacy Act; Implementation of Exemptions               | 06/08/05 | 70 FR 33383 |
| Final Rule—Privacy Act; Implementation of Exemptions; Effective    | 07/08/05 |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**Related RIN:** Related to 1652-AA47

**RIN:** 1652-AA36

## Department of Homeland Security (DHS)

## Proposed Rule Stage

## Bureau of Immigration and Customs Enforcement (BICE)

**1469. 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                    | 12/00/05 |         |
| NPRM Comment Period End | 02/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2142-01

Transferred from RIN 1115-AG26

**Agency Contact:** Evans Yvonne, Detention and Deportation Officer, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 801 I Street, NW, Washington, DC 20536  
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**RIN:** 1653-AA12

**1470. INTEREST PAYMENTS ON CANCELLED CASH BONDS**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 31 USC 1322; 31 USC 9308

**CFR Citation:** 8 CFR 293

**Legal Deadline:** None

**Abstract:** When DHS receives a cash bond, it is deposited into an account

where interest is accumulated from the date the bond is posted, to the date that the bond is paid out. If a cancelled cash bond is unclaimed after a year, the principal and any accumulated interest are transferred to the U.S. Department of the Treasury, account entitled "Payments of Unclaimed Moneys of Individuals Whose Whereabouts are Unknown." This regulation at 8 CFR 293.1 concerns the computation of interest on cash bonds. It does not mention the Treasury requirement concerning the disposition of funds from unclaimed cash bonds. Since some cash bonds obligors have questioned the curtailment of interest a year after the bond is cancelled, we believe that this regulation should include language that clarifies the Department's requirement to comply with Treasury's regulation.

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 01/00/06 |         |
| NPRM Comment Period End | 03/00/06 |         |



## DHS—BICE

## Proposed Rule Stage

**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**1471. SEVIS REPORTING REQUIREMENTS OF ACADEMIC INSTITUTIONS AT THE START OF EACH TERM OR SESSION****Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1102m; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1282; 8 USC 1301 to 1305

**CFR Citation:** 8 CFR 214**Legal Deadline:** None

**Abstract:** This rule amends the Department of Homeland Security (DHS) regulations by modifying the reporting requirements in the Student Exchange Visitor Information System (SEVIS) for academic institutions. Specifically this rule amends existing DHS regulations to require that notification is made to U.S. Immigration and Customs Enforcement if an alien fails to report to school within 30 days of the start of each term or session, rather than 30 days after the deadline for registering for classes. This rule is necessary for the proper monitoring of aliens admitted to the United States as students.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 01/00/06 |         |
| NPRM Comment<br>Period End | 03/00/06 |         |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Organizations**Government Levels Affected:** None**Additional Information:** ICE 2300-03

**Agency Contact:** Susan Geary,  
Director, Student and Visitor Exchange  
Program, Department of Homeland

Security, Bureau of Immigration and  
Customs Enforcement, 10th Floor, 801  
K Street NW., Washington, DC 20536  
Phone: 202 305-2346

**RIN:** 1653-AA28**1472. REMOVAL OF COMPANIES HOLDING A CERTIFICATE FROM THE SECRETARY OF THE TREASURY AS AN ACCEPTABLE SURETY ON IMMIGRATION BONDS****Priority:** Other Significant

**Legal Authority:** 5 USC 301; 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; . . .

**CFR Citation:** 8 CFR 103**Legal Deadline:** None

**Abstract:** This proposed amendment would revise the regulations of the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), by defining a cash bond system and eliminating the selected provisions. This regulatory change will increase alien appearance rates and minimize dollar losses to the United States. Under the proposed rule, surety companies holding a certificate from the Secretary of the Treasury will no longer be acceptable security for posting immigration bonds. Bonds posted before the effective date of the final rule will not be affected.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 02/00/06 |         |
| NPRM Comment<br>Period End | 04/00/06 |         |

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

**Agency Contact:** Bryan Wilcox, Chief,  
Bond Management Unit, Department of  
Homeland Security, Bureau of  
Immigration and Customs Enforcement,  
801 I Street NW., Washington, DC  
20536  
Phone: 202 353-4960  
Fax: 202 514-6961  
Email: bryan.wilcox@dhs.gov

**RIN:** 1653-AA38**1473. 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 DST. As a group that is of special interest for national security, it is important that DHS provide efficient and effective oversight of flight training programs. The DOS programs concern J visa; the DHS programs are in F and M visa categories. Rules between SEVP and DOS programs differ significantly and need to be modified accordingly.

**Timetable:**

| Action                     | Date     | FR Cite |
|----------------------------|----------|---------|
| NPRM                       | 01/00/06 |         |
| NPRM Comment<br>Period End | 03/00/06 |         |

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

**Agency Contact:** Susan Geary,  
Director, Student and Visitor Exchange  
Program, Department of Homeland  
Security, Bureau of Immigration and  
Customs Enforcement, 10th Floor, 801  
K Street NW., Washington, DC 20536  
Phone: 202 305-2346

**RIN:** 1653-AA43**1474. 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

DHS—BICE

Proposed Rule Stage

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 about 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                    | 12/00/05 |         |
| NPRM Comment Period End | 02/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Prior RIN 1653-AA16 was withdrawn in Spring 2004 Agenda

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

**RIN:** 1653-AA45

**1475. • CENTRALIZED FILING OF BOND APPEALS**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 103.3

**Legal Deadline:** None

**Abstract:** During the past several years, the former Immigration and Naturalization Service analyzed ways to improve the bond appeal process. In the transition to the Department of Homeland Security (Department), the Bureau of Immigration and Customs Enforcement (ICE) again looked at the process and is consequently proposing the adoption of centralized filing of

bond appeals. Centralized filing of bond breach appeals will require appellants to file the complete appeal including any supporting brief and fee with the Office of Financial Management, Debt Management Center (DMC) , rather than with the office that issued the bond breach decision, within 30 days after service. The DMC will then promptly direct the appeal to the office where the initial (unfavorable) decision was made for reconsideration and will also provide the appellant with a receipt for the filing fee by mail. Centralized filing of bond breach appeals will enable the Department to service appeals in a consistent manner, better manage and track appeals, and reduce or eliminate instances of invoices being issued on bond breaches that are under appeal.

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 12/00/05 |         |
| NPRM Comment Period End | 02/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** ICE No. 2312-04

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

**RIN:** 1653-AA48

Department of Homeland Security (DHS)

Final Rule Stage

Bureau of Immigration and Customs Enforcement (BICE)

**1476. 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 |             |

| Action                               | Date     | FR Cite     |
|--------------------------------------|----------|-------------|
| Supplemental NPRM                    | 05/09/02 | 67 FR 31157 |
| Supplemental NPRM Comment Period End | 06/10/02 |             |
| Interim Final Rule                   | 02/00/06 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

## DHS—BICE

## Final Rule Stage

**Additional Information:** Transferred from RIN 1115-AE82

**Agency Contact:** Matthew Munroe, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 801 I Street NW., Room 800, Washington, DC 20536  
Phone: 202 305-7891

**RIN:** 1653-AA05

#### 1477. EARLY RELEASE FOR REMOVAL OF CRIMINAL ALIENS IN STATE CUSTODY FOR NONVIOLENT OFFENSES

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1251; 8 USC 1253; 8 USC 1255; 8 USC 1330; 8 CFR 2

**CFR Citation:** 8 CFR 241

**Legal Deadline:** None

**Abstract:** The final rule will establish an administrative process whereby criminal aliens in State custody convicted of nonviolent offenses may be removed prior to completion of their sentence of imprisonment. The rule will implement the authority contemplated by Congress to enhance the ability of the United States to remove criminal aliens.

#### Timetable:

| Action                       | Date     | FR Cite     |
|------------------------------|----------|-------------|
| NPRM—INS No. 1848-97         | 07/12/99 | 64 FR 37461 |
| NPRM Comment Period End      | 09/10/99 |             |
| Final Action—INS No. 1848-97 | 02/00/06 |             |

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Federal

**Additional Information:** INS No.1848-97

Transferred from RIN 1115-AE83

**Agency Contact:** Dave Peter, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 801 I Street NW., Washington, DC 20536  
Phone: 202 514-6778

**RIN:** 1653-AA06

#### 1478. POWER OF SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY TO TERMINATE DEPORTATION PROCEEDINGS AND INITIATE REMOVAL PROCEEDINGS

**Priority:** Other Significant

**Legal Authority:** PL 104-208

**CFR Citation:** 8 CFR 309

**Legal Deadline:** None

**Abstract:** This rule proposes to implement section 309(c)(3) of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) by affording certain aliens rendered ineligible for relief from deportation by recent changes in the law the opportunity to have their deportation proceedings terminated and removal proceedings initiated in order to apply for relief. Certain permanent resident aliens rendered ineligible for section 212(c) relief by the Antiterrorism and Effective Death Penalty Act and certain nonpermanent resident aliens rendered ineligible for suspension of deportation by the stop-time rule in IIRIRA may apply for “repapering” (as it is commonly known) under this rule. This process would not apply to aliens eligible for 212(c) relief pursuant to the procedures described in the Executive Office for Immigration Review rulemaking.

#### Timetable:

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 11/30/00 | 65 FR 71273 |
| NPRM Comment Period End | 01/29/01 |             |
| Final Action            | 02/00/06 |             |

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2083-00

Transferred from RIN 1115-AF87

**Agency Contact:** Roger Sagerman, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Chief Enforcement Law Division, 425 I Street NW., Suite 6100, Washington, DC 20536  
Phone: 202 514-2895

**RIN:** 1653-AA08

#### 1479. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING

**Priority:** Other Significant

**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1104; 8 USC 1252; 22 USC 7101; 22 USC 7105; ...

**CFR Citation:** 28 CFR 1100

**Legal Deadline:** Other, Statutory, April 28, 2001, Statutory deadline for promulgation of regulations.

**Abstract:** This rule amends 28 CFR and sets forth implementing guidance for section 107(c) of the Victims of Trafficking and Violence Protection Act of 2000. The Secretary and the Secretary of State are promulgating these regulations for law enforcement, Immigration, and Department of State (DOS) officials regarding the protection of victims of severe forms of trafficking who are in custody, the access of such victims to information about their rights and translation services, and the training of appropriate DHS and DOS personnel in identifying and protecting such victims. The rule also addresses the authority of Federal law enforcement officials to permit the continued presence in the United States of certain victims of severe forms of trafficking who are potential witnesses in order to aid prosecutions.

#### Timetable:

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 07/24/01 | 66 FR 38514 |
| Interim Final Rule Comment Period End | 10/22/01 |             |
| Final Action                          | 09/00/06 |             |

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2133-01

Transferred from RIN 1115-AG20

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

**RIN:** 1653-AA09

## DHS—BICE

## Final Rule Stage

**1480. 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 | 01/14/02 |             |
| Comment Period     |          |             |
| End                |          |             |
| Final Action       | 12/00/05 |             |

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2156-01

Transferred from RIN 1115-AG29

**Agency Contact:** Joan S. Lieberman, Attorney, Office of General Counsel, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 6100, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-2895

**RIN:** 1653-AA13**1481. 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 | 09/17/01 | 66 FR 48334 |
| Effective          |          |             |
| Interim Final Rule | 09/20/01 | 66 FR 48334 |
| Published          |          |             |
| Interim Final Rule | 11/19/01 |             |
| Comment Period     |          |             |
| End                |          |             |
| Final Action       | 02/00/06 |             |

**Regulatory Flexibility Analysis  
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No 2171-01

Transferred from RIN 1115-AG40

**Agency Contact:** Roger Sagerman, Chief Law Enforcement Law Division, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Law Enforcement Division, 425 I Street NW., Suite 6100, Washington, DC 20536  
Phone: 202 514-2895

**RIN:** 1653-AA14**1482. POWERS AND AUTHORITIES OF  
OFFICERS AND EMPLOYEES****Priority:** Other Significant**Legal Authority:** PL 107-296**CFR Citation:** 8 CFR 236; 8 CFR 239; 8 CFR 241; 8 CFR 287**Legal Deadline:** None

**Abstract:** On November 25, 2002, the President signed into law the Homeland Security Act of 2002 (Pub. L. 107-296), which created the new Department of Homeland Security (DHS). Pursuant to the provisions of the HSA, DHS came into existence on January 24, 2003. The functions of the Immigration and Naturalization Service (Service) and all authorities with respect to those functions, transferred to DHS on March 1, 2003, and the Service was abolished on that date, pursuant to the HSA and the Department of Homeland Security Reorganization Plan, as modified (Reorganization Plan). The transition and savings provisions of the HSA, including sections 1512(d) and 1517, provide that references relating to the Service in statutes, regulations, directives, or delegations of authority shall be deemed to refer to the appropriate official or component of DHS. DHS is promulgating this rule to continue the process of conforming the text of title 8 of the Code of Federal Regulations to the governmental structures established in the HSA and Reorganization Plan. This rule is not intended to and does not restrict or otherwise limit the authority of any DHS officer.

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 02/00/06 |         |
| Interim Final Rule | 03/00/06 |         |
| Comment Period     |          |         |
| End                |          |         |

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

**Agency Contact:** Nelson Perez, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Office of Principal Legal Advisor, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-2895

**RIN:** 1653-AA27**1483. 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

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## Final Rule Stage

**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<br>Comment Period<br>End | 02/02/04 |             |
| Final Action                                | 03/00/06 |             |

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

**Agency Contact:** Robert Schoch, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Office of Investigations, 425 I Street NW., Washington, DC 20536

Phone: 202 305-1731

**RIN:** 1653-AA29**1484. 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<br>Comment Period<br>End | 08/16/99 |             |
| Final Action                                | 12/00/05 |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 1992-99

Transferred from RIN 1615-AA27

**Agency Contact:** Susan Geary, Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 10th Floor, 801 K Street NW., Washington, DC 20536  
Phone: 202 305-2346

**Related RIN:** Previously reported as 1115-AF54**RIN:** 1653-AA30**1485. 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<br>Effective             | 09/25/02 |             |
| Interim Final Rule<br>Comment Period<br>End | 11/25/02 |             |
| Final Action                                | 01/00/06 |             |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2217-02

Transferred from RIN 1615-AA77

**Agency Contact:** Susan Geary, Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 10th Floor, 801 K Street NW., Washington, DC 20536

## DHS—BICE

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Phone: 202 305-2346

**Related RIN:** Previously reported as 1115-AG71

**RIN:** 1653-AA31

#### 1486. DENIAL AND WITHDRAWAL FOR APPROVAL OF SCHOOLS FOR ATTENDANCE BY NONIMMIGRANT STUDENTS

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; ...

**CFR Citation:** 8 CFR 214

**Legal Deadline:** None

**Abstract:** DHS amended its regulations to clarify its procedures for denial of applications by schools for approval to enroll nonimmigrant students. The DHS also streamlined and aligned the withdrawal process with the denial and appeal process. Finally, DHS assumed the authority to suspend a school's approval to issue form I-20, Certificate of Eligibility for Nonimmigrant Status for Academic and Language Students, during denial or withdrawal proceedings.

**Timetable:**

| Action                 | Date     | FR Cite |
|------------------------|----------|---------|
| Final Action           | 02/00/06 |         |
| Final Action Effective | 03/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 2239-02

Transferred from RIN 1615-AA85

**Agency Contact:** Susan Geary, Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 10th Floor, 801 K Street NW., Washington, DC 20536  
Phone: 202 305-2346

**RIN:** 1653-AA33

#### 1487. CHANGE IN BUSINESS PRACTICES; ACCEPTANCE OF PAYMENTS OF FEES BY CREDIT CARD AND OTHER ELECTRONIC MEANS WHERE POSSIBLE

**Priority:** Other Significant

**Legal Authority:** PL 98-369; 31 USC 3720

**CFR Citation:** 8 CFR 103.7

**Legal Deadline:** None

**Abstract:** The Department of Homeland Security (DHS) proposes to expand the acceptance of credit cards and other electronic means to collect fees from the public. DHS currently accepts fees at seven locations in three of its 33 districts. DHS proposes to implement credit card acceptance at 16 of these districts. The intended benefit is two-fold: to provide the Department with a faster, more efficient collection and record keeping mechanism while affording the customer a convenient alternative payment method.

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 01/00/06 |         |
| Interim Final Rule | 03/00/06 |         |
| Comment Period     |          |         |
| End                |          |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 2181-01

Transferred from RIN 1615-AA70

**Agency Contact:** Sandra Waterton, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 800 K Street NW., Washington, DC 20536  
Phone: 202 305-1200

**RIN:** 1653-AA36

#### 1488. 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 U.S. Immigration and Customs Enforcement.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 2290-03

**Agency Contact:** Susan Geary, Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 10th Floor, 801 K Street NW., Washington, DC 20536  
Phone: 202 305-2346

**RIN:** 1653-AA37

#### 1489. CIVIL MONETARY PENALTIES INFLATION ADJUSTMENT

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1221; 8 USC 1223; 8 USC 1227; 8 USC 1229; 8 USC 1253; ...

**CFR Citation:** 8 CFR 280

**Legal Deadline:** None

**Abstract:** This rule revises the DHS civil monetary penalty regulations to make inflation adjustments to the civil monetary penalties imposed by DHS as amended by the Debt Collection Improvement Act of 1996. The rule

## DHS—BICE

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raises the penalties that DHS may impose on violators, in accordance with the inflation adjusted procedures. The inflation adjustments are issued to ensure that penalties maintain their deterrent effect for various specified unlawful acts.

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| Final Action | 12/00/05 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** ICE No. 2305-03

**Agency Contact:** Sandra Waterton, Acting Chief of Cash Management, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Office of Financial Management, 800 K Street NW., 10th Floor, Washington, DC 20536  
Phone: 202 305-1200

**RIN:** 1653-AA39

#### 1490. 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:** Final, Statutory, October 2004, Schools become eligible for recertification as early as October 1, 2004.

The Uniting and Strengthening America by Providing Appropriate Controls Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), Public Law 107-56, mandated that SEVIS be completely implemented before January 1, 2003. Both Directive No. 2 and the Border Security Act require DHS to conduct periodic reviews of all schools within two years of the initial approval of their SEVP certification, and every two years thereafter, in order to meet this mandate.

**Abstract:** This interim rule amends DHS regulations governing recertification of schools approved by the Student and Exchange Visitor

Program (SEVP) for attendance by F or M nonimmigrant students. It sets the fee amount for recertification at a flat nonrefundable rate of \$580, adds a provision to allow a school to voluntarily withdraw from its certification, and clarifies procedures for school operation with regard to nonimmigrant students during the review process and following withdrawal of certification.

On October 30, 2001, the President issued Homeland Security Directive No. 2, requiring periodic reviews of all institutions certified to receive nonimmigrant students. The Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act), Public Law 107-173, enacted May 14, 2002, also requires a periodic review of approved schools every two years. This rule is being promulgated consistent with these mandates.

**Timetable:**

| Action                                      | Date     | FR Cite |
|---|----------|---------|
| Interim Final Rule                          | 11/00/05 |         |
| Interim Final Rule<br>Comment Period<br>End | 01/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Additional Information:** ICE No. 2329-04

**Agency Contact:** Susan Geary, Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 10th Floor, 801 K Street NW., Washington, DC 20536  
Phone: 202 305-2346

**RIN:** 1653-AA42

#### 1491. ESTABLISH COMPLIANCE CRITERIA AND COMPREHENSIVE FEE FOR RECERTIFICATION OF SCHOOLS APPROVED BY THE STUDENT AND EXCHANGE VISITOR PROGRAM (SEVP) TO ENROLL F OR M NONIMMIGRANT STUDENTS

**Priority:** Economically Significant. Major under 5 USC 801.

**Legal Authority:** 8 USC 1356(m); PL 107-56; PL 107-173

**CFR Citation:** 8 CFR 103; 8 CFR 214.3; 8 CFR 214.4

**Legal Deadline:** None

**Abstract:** On October 30, 2001, the President issued Homeland Security Directive No. 2, requiring periodic reviews of all institutions certified to accept nonimmigrant students. The Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act), enacted May 12, 2004, also requires a periodic review of approved schools every two years.

This interim 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. The rule establishes criteria for recertification of SEVP certified schools every two years. The rule sets the fee amount for recertification at a rate that incorporates all cost of implementing the recertification process.

**Timetable:**

| Action                                      | Date     | FR Cite |
|---|----------|---------|
| Interim Final Rule                          | 12/00/05 |         |
| Interim Final Rule<br>Comment Period<br>End | 02/00/06 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Susan Geary, Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 10th Floor, 801 K Street NW., Washington, DC 20536  
Phone: 202 305-2346

**RIN:** 1653-AA44

#### 1492. DUTIES OF OFFICERS; ADMINISTRATIVE CONTROL OF REMOVAL ORDERS

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1183; 8 USC 1185; ...

**CFR Citation:** 8 CFR 235; 8 CFR 236; 8 CFR 241; 8 CFR 287

**Legal Deadline:** None

**Abstract:** The Secretary of Homeland Security is publishing this rule to define: 1) Which official has authority over an alien's immediate custody when detained by the Department of Homeland Security (DHS); and 2) which official has administrative control over an alien's removal (and execution of the warrant for an alien's

DHS—BICE

Final Rule Stage

removal, if applicable) from the United States. DHS is publishing this rule to reflect that the official with immediate custody of a detained alien shall be the official with day-to-day control over the alien's physical environment. The rule defines the duties of these custodians.

If an alien is not detained, the rule generally reflects that the Field Office Director (FOD) or his designee within the Bureau of Immigration and Customs Enforcement (ICE) has geographical jurisdiction over the place with administrative control over the Record of Proceeding of an alien's removal, whether that record is created by DHS or by the Executive Office for Immigration Review, a branch of the Department of Justice, shall have administrative control over the alien's removal and execution of the warrant of removal. The rule reflects that transfers of cases and control of removal and execution of the warrant of removal occur once the Agency acknowledges a transfer in writing.

The rule generally reflects that if the alien is detained, only the FOD with geographical jurisdiction over the place where the alien is detained or his designee has administrative control over the alien's removal and execution of the warrant of removal. The rule also reflects that only the FOD or his designee can transfer this administrative control to a FOD or his designee in another geographical jurisdiction or to another person and/or office within the FOD's own district,

whether or not an alien requests such a transfer. Finally, the regulation reflects that only the Director of Field Operations (DFO) or his designee for the Bureau of Customs and Border Protection (CBP) has administrative control over an alien's removal if the alien has been placed in expedited removal and the alien remains in CBP custody.

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| Final Action | 04/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Roger Sagerman, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Chief Enforcement Law Division, 425 I Street NW., Suite 6100, Washington, DC 20536  
Phone: 202 514-2895

**RIN:** 1653-AA46

**1493. 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                          | 11/00/05 |         |
| Interim Final Rule<br>Comment Period<br>End | 01/00/06 |         |

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal, Local, State, Tribal

**Additional Information:** ICE 2345-05

**Agency Contact:** Tim Haugh, Director, Policy Formulation, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 5114, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-8693

**RIN:** 1653-AA47

Department of Homeland Security (DHS)

Completed Actions

Bureau of Immigration and Customs Enforcement (BICE)

**1494. EMPLOYER SANCTIONS MODIFICATIONS**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** DHS is considering further changes to streamline the verification and enforcement process requirements related to the Employer Sanctions provisions of the Immigration Reform and Control Act.

We published an interim rule in 1996, INS No. 1738, allowing DHS to issue and serve a Warning Notice upon an

alleged violator after DHS has determined that a person or entity has violated section 274a of the Act. This rule also allows interested parties to electronically generate blank copies of the Employment Eligibility Verification Form (Form I-9).

On September 30, 1996, the Illegal Immigration Reform and Immigrant Responsibility Act was enacted (IIRIRA). Section 411(a) of IIRIRA allows employers who have made a good faith attempt to comply with a particular employment verification requirement to correct technical or procedural failures before such failures are deemed to be violations of the INA. We issued a proposed rule on April 7,

1998, INS No. 1819, to implement this provision and we are in the process of preparing a final rule. Because the issuance of Warning Notices requires that violation determinations be made, it is being examined in conjunction with INS No. 1819 in light of section 411(a) of IIRIRA. The anticipated publication date of a final rule will not be determined until issues regarding implementation of section 411(a) of IIRIRA are resolved.

**Timetable:**

| Action                          | Date     | FR Cite     |
|---------------------------------|----------|-------------|
| Interim Final Rule-INS No. 1738 | 10/07/96 | 61 FR 52235 |



## DHS—BICE

## Completed Actions

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Correction (Interim Final Rule)       | 10/29/96 | 61 FR 55840 |
| Interim Final Rule Comment Period End | 11/06/96 |             |
| Withdrawn                             | 07/27/05 |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** INS Nos. 1737 and 1738

Transferred from RIN 1115-AE21

**Agency Contact:** Richard Burgess, Investigator, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 425 I Street NW., Washington, DC 20536  
Phone: 202 616-7487

**RIN:** 1653-AA01**1495. AGREEMENT PROMISING NONDEPORTATION OR OTHER IMMIGRATION BENEFITS****Priority:** Other Significant**Legal Authority:** 5 USC 301; 28 USC 509; 28 USC 510; 28 USC 515 to 519**CFR Citation:** 28 CFR 0.197**Legal Deadline:** None

**Abstract:** This rule will finalize a 1996 interim final rule that requires Federal prosecutors, law enforcement agencies, and other officials to obtain written consent from DHS when entering into a plea agreement, cooperation agreement, or similar agreement promising an alien favorable treatment by DHS. This rule ensures that favorable treatment under the immigration laws is extended only after a full consideration of its effect on overall immigration enforcement, alleviates confusion over the authority to enforce the immigration laws, and prevents the Department from being bound by agreements undertaken without its knowledge and approval.

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 09/13/96 | 61 FR 48405 |
| Interim Final Rule Comment Period End | 11/12/96 |             |
| Withdrawn                             | 07/28/05 |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1791-96

Transferred from RIN 1115-AE50

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

**RIN:** 1653-AA02**1496. ADDRESS NOTIFICATION TO BE FILED WITH DESIGNATED APPLICATIONS****Priority:** Other Significant**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1304; ...**CFR Citation:** 8 CFR 103; 8 CFR 299**Legal Deadline:** None

**Abstract:** The proposed rule would amend DHS regulations by requiring every alien who is applying for immigration benefits to acknowledge having received notice that he or she is required to provide a valid current address to the Department, including any change of address within 10 days of the change; that the Department will use the most recent address provided by the alien for all purposes, including the service of a Notice to Appear if the Department initiates removal proceedings; and, if the alien has changed address and failed to provide the new address to DHS, that the alien will be held responsible for any communications sent to the most recent address provided by the alien. This rule will satisfy the requirements or advance notice to the alien of the obligation to provide a current address to the Department, and of the consequences that may result for failure to do so, including the entry of an in absentia removal order against the alien if the alien fails to appear at a removal hearing.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 07/26/02 | 67 FR 48818 |
| NPRM Comment Period End | 08/26/02 |             |
| Withdrawn               | 08/02/05 |             |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2198-02

Transferred from RIN 1115-AG61

**Agency Contact:** Ian Hinds, Chief Adjudication, Department of Homeland Security, 20 Massachusetts Avenue NW., Washington, DC 20536  
Phone: 202 514-7004

**RIN:** 1653-AA15**1497. 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 |            |
| Transferred to RIN                    | 08/02/05 | 1651-AA67  |

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

**Agency Contact:** Roger Sagerman, Chief, Enforcement Law Division, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-2895

**RIN:** 1653-AA18

DHS—BICE

Completed Actions

**1498. REDUCED COURSE LOAD FOR CERTAIN F AND M NONIMMIGRANT STUDENTS AT BORDER COMMUNITIES**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1101 note 1; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1221; 8 USC 1281; 48 USC 1901; 48 USC 1931; PL 104–208; ...

**CFR Citation:** 8 CFR 214

**Legal Deadline:** None

**Abstract:** This rule amends DHS regulations governing F and M nonimmigrants. This rule clarified that nonimmigrant aliens who reside outside the United States and regularly commute across a land border to study may do so on a part-time basis within the F or M nonimmigrant category. It is common for aliens residing outside the United States, such as in Canada or Mexico, to enroll part-time in a border educational institution, entering the United States daily to pursue part-time studies. This rule is written to overcome the significant disruption of part-time study that had become an accepted fact of life along the borders. Additionally, these changes were made to facilitate and legitimize certain part-time study along border communities while ensuring that all applicable requirements and safeguards were met.

**Timetable:**

| Action                                      | Date     | FR Cite     |
|---|----------|-------------|
| Interim Final Rule                          | 08/27/02 | 67 FR 54941 |
| Interim Final Rule<br>Comment Period<br>End | 10/27/02 |             |
| Merged With (RIN<br>1653-AA37)              | 08/01/05 |             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** CIS No. 2220-02

Transferred from RIN 1615-AA79

Merged with RIN 1653-AA32

**Agency Contact:** Susan Geary, Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 10th Floor, 801 K Street NW., Washington, DC 20536  
Phone: 202 305–2346

**Related RIN:** Previously reported as 1115-AG75, Merged with 1653-AA37

**RIN:** 1653-AA32

**1499. AUTHORIZING SUSPENSION OF EMPLOYMENT AUTHORIZATION REQUIREMENTS ON THE BASIS OF SEVERE ECONOMIC HARDSHIP FOR F-1 STUDENTS AND EMERGENT CIRCUMSTANCES**

**Timetable:**

| Action                          | Date     | FR Cite |
|---------------------------------|----------|---------|
| Transferred to RIN<br>1615-AB44 | 09/29/05 |         |

**RIN:** 1653-AA34

**1500. REQUIREMENTS FOR ADMISSION, EXTENSION, AND MAINTENANCE OF NONIMMIGRANT STATUS; EFFECT OF VISA REVOCATION**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 214

**Legal Deadline:** None

**Abstract:** This rule proposes to amend the Department of Homeland Security (DHS) regulations by providing that aliens admitted to the United States may no longer maintain valid immigration status once their nonimmigrant visas have been revoked. DHS believes that having the ability to place admitted aliens whose nonimmigrant visas have been revoked pursuant to section 221(i) of the Immigration and Nationality Act in removal proceedings will enhance national security and public safety.

**Timetable:**

| Action    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 07/29/05 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** ICE No. 2307

**Agency Contact:** Robert Emery, Chief, National Security Law Division, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 425 I Street NW., Room 6109, Washington, DC 20536  
Phone: 202 514–2895

**RIN:** 1653-AA40

Department of Homeland Security (DHS)

Proposed Rule Stage

Directorate of Emergency Preparedness and Response/FEMA (EP&R)

**1501. DISASTER ASSISTANCE; FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 5121 to 5206

**CFR Citation:** 44 CFR 204

**Legal Deadline:** None

**Abstract:** This proposed rule would revise the implementing regulations for section 420 of the Robert T. Stafford Disaster Relief and Emergency

Assistance Act, 42 U.S.C. 5187, as amended by section 303 of the Disaster Mitigation Act of 2000, which provides overall program guidance on the operation and administration of the Fire Management Assistance Grant Program (FMAGP). The revisions incorporated into this proposed rule are designed to facilitate the grant application and administration processes of FMAGP, thereby improving the delivery of financial

assistance to the State, local, and Indian tribal governments.

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 05/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State, Tribal

## DHS—EP&amp;R/FEMA

## Proposed Rule Stage

**Agency Contact:** James A. Walke, Recovery Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472  
Phone: 202 646-2751  
Fax: 202 646-3304  
Email: james.walke@dhs.gov

**RIN:** 1660-AA26

### 1502. NATIONAL FLOOD INSURANCE PROGRAM; STANDARD FLOOD INSURANCE POLICY; EXPANSION OF INCREASED COST OF COMPLIANCE (ICC) COVERAGE AND PROSPECTIVE PAYMENT OF FLOOD INSURANCE PREMIUMS

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

**Legal Authority:** 42 USC 4011(b)(4); 42 USC 4015(f)

**CFR Citation:** 44 CFR 61

**Legal Deadline:** None

**Abstract:** This NPRM 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 |
|--------|----------|---------|
| NPRM   | 01/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

**Agency Contact:** Thomas Hayes, Mitigation Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472  
Phone: 202 646-3419  
Fax: 202 646-4327  
Email: thomas.hayes@dhs.gov

**RIN:** 1660-AA30

## Department of Homeland Security (DHS)

## Final Rule Stage

## Directorate of Emergency Preparedness and Response/FEMA (EP&amp;R)

### 1503. NATIONAL FLOOD INSURANCE PROGRAM; APPEAL OF DECISIONS RELATING TO FLOOD INSURANCE COVERAGE

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

**Legal Authority:** PL 108-264

**CFR Citation:** 44 CFR 62

**Legal Deadline:** Other, Statutory, December 30, 2004. By regulation, FEMA has to establish an appeals process.

Section 205 requires the Director of FEMA to establish by regulation, an appeals process through which holders of a flood insurance policy may appeal the decisions, with respect to claims, proofs of loss, and loss estimates relating to such flood insurance policy of: 1) Any insurance agent or adjuster, or insurance company; or 2) any employee or contractor of FEMA.

**Abstract:** This interim final rule would amend the National Flood Insurance Program regulations to incorporate the statutory changes in the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Pub. L. 108-264) enacted on June 30, 2004. Specifically, this rule addresses the requirements of

section 205. Section 205 requires the Director of FEMA to establish by regulation, an appeals process through which holders of a flood insurance policy may appeal the decisions, with respect to claims, proofs of loss, and loss estimates relating to such flood insurance policy of: 1) Any insurance agent or adjuster, or insurance company; or 2) any employee or contractor of FEMA.

#### Timetable:

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 01/00/06 |         |

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** State

**Federalism:** Undetermined

**Agency Contact:** James Shortley, Mitigation Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472  
Phone: 202 646-3418  
Fax: 202 646-4327  
Email: james.shortley@dhs.gov

**RIN:** 1660-AA41

### 1504. • 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 |             |

## DHS—EP&amp;R/FEMA

## Final Rule Stage

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal, Local, State, Tribal**Agency Contact:** James A. Walke, Recovery Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472Phone: 202 646-2751  
Fax: 202 646-3304  
Email: james.walke@dhs.gov**RIN:** 1660-AA44

## Department of Homeland Security (DHS)

## Long-Term Actions

## Directorate of Emergency Preparedness and Response/FEMA (EP&amp;R)

**1505. FLOOD MITIGATION ASSISTANCE PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4104c; 42 USC 4104d**CFR Citation:** 44 CFR 78**Legal Deadline:** None**Abstract:** This interim final rule implements sections 553 and 554 of the National Flood Insurance Act of 1968, as amended, to provide grants under the National Flood Mitigation Fund to States and communities for planning assistance and for mitigation projects that reduce the risk of flood damages to structures covered under contracts for flood insurance.**Timetable:**

| Action             | Date             | FR Cite     |
|--------------------|------------------|-------------|
| Interim Final Rule | 03/20/97         | 62 FR 13346 |
| Final Action       | To Be Determined |             |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Local, State, Tribal**Additional Information:** Transferred from RIN 3067-AC45**Agency Contact:** Sheila Donahoe, Mitigation Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472  
Phone: 202 646-3121  
Fax: 202 646-4127  
Email: sheila.donahoe@dhs.gov**RIN:** 1660-AA00**1506. 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 General Counsel, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472  
Phone: 202 646-4105  
Fax: 202 646-4536  
Email: jordan.fried@dhs.gov**RIN:** 1660-AA01**1507. DISASTER ASSISTANCE; HAZARD MITIGATION GRANT PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 5121 et seq**CFR Citation:** 44 CFR 206**Legal Deadline:** None**Abstract:** This rule would revise the categories of projects eligible for funding under the Hazard Mitigation Grant Program. It emphasizes nonstructural flood mitigation measures to reduce the number of flood-prone structures and clarifies that major structural flood control projects will not be considered for funding under the grant program.**Timetable:**

| Action                  | Date             | FR Cite     |
|-------------------------|------------------|-------------|
| NPRM                    | 05/01/98         | 63 FR 24143 |
| NPRM Comment Period End | 07/01/98         |             |
| Final Action            | To Be Determined |             |

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 3067-AC69**Agency Contact:** Deborah Ingram, Mitigation Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response/FEMA, 500 C Street SW., Washington, DC 20472  
Phone: 202 646-2856  
Fax: 202 646-3104  
Email: deborah.ingram@dhs.gov**RIN:** 1660-AA02**1508. 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.

## DHS—EP&amp;R/FEMA

## Long-Term Actions

**Timetable:**

| Action             | Date     | FR Cite    |
|--------------------|----------|------------|
| Interim Final Rule | 01/08/98 | 63 FR 1063 |
| Final Action       | To Be    | Determined |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Additional Information:** Transferred from RIN 3067-AC77

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**RIN:** 1660-AA05**1509. 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 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 |

| Action                                | Date     | FR Cite    |
|---------------------------------------|----------|------------|
| NPRM Comment Period End               | 02/03/03 |            |
| Interim Final Rule Effective          | 02/24/05 | 70 FR 9182 |
| Interim Final Rule Comment Period End | 02/24/05 |            |
| Interim Final Rule Comment Period End | 04/11/05 |            |
| Final Action                          | To Be    | Determined |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Additional Information:** Transferred from RIN 3067-AC93

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**RIN:** 1660-AA07**1510. NATIONAL FLOOD INSURANCE PROGRAM (NFIP); INSURANCE COVERAGE AND RATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4001 et seq**CFR Citation:** 44 CFR 61**Legal Deadline:** None

**Abstract:** This rule would apply full-risk premium rates under the NFIP to structures: 1) That have suffered multiple flood losses; and 2) whose owners decline an offer of funding to eliminate or reduce future flood damage.

**Timetable:**

| Action                  | Date     | FR Cite     |
|-------------------------|----------|-------------|
| NPRM                    | 08/05/99 | 64 FR 42632 |
| NPRM Comment Period End | 09/07/99 |             |
| Final Action            | To Be    | Determined  |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 3067-AD02

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**RIN:** 1660-AA09**1511. HAZARD MITIGATION PLANNING AND HAZARD MITIGATION GRANT PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 5121**CFR Citation:** 44 CFR 201; 44 CFR 204; 44 CFR 206**Legal Deadline:** None

**Abstract:** The fourth interim rule provides State and Indian tribal governments with a mechanism to request an extension to the date by which they must develop State Mitigation Plans as a condition of grant assistance.

**Timetable:**

| Action                                | Date     | FR Cite     |
|---------------------------------------|----------|-------------|
| Interim Final Rule                    | 02/26/02 | 67 FR 8844  |
| Interim Final Rule Effective          | 02/26/02 |             |
| Interim Final Rule Comment Period End | 04/29/02 |             |
| Interim Final Rule                    | 10/01/02 | 67 FR 61512 |
| Interim Final Rule Effective          | 10/01/02 |             |
| Interim Final Rule Comment Period End | 12/02/02 |             |
| Interim Final Rule                    | 10/28/03 | 68 FR 61368 |
| Interim Final Rule Effective          | 10/28/03 |             |
| Correcting Amendment                  | 11/10/03 | 68 FR 63738 |
| Correcting Amendment Effective        | 11/10/03 |             |
| Interim Final Rule Comment Period End | 12/29/03 |             |
| Interim Final Rule                    | 09/13/04 | 69 FR 55094 |
| Interim Final Rule Effective          | 09/13/04 |             |
| Interim Final Rule Comment Period End | 11/12/04 |             |
| Final Action                          | To Be    | Determined  |

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

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**Additional Information:** Transferred from RIN 3067-AD22

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**RIN:** 1660-AA17

**1512. 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

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**RIN:** 1660-AA18

**1513. MANAGEMENT COSTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 5165 (b)

**CFR Citation:** 44 CFR 206; 44 CFR 207

**Legal Deadline:** None

**Abstract:** This rule implements the management costs provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, simplifies and clarifies the method by which FEMA contributes to costs incurred by grantees and subgrantees in implementing the Public Assistance and Hazard Mitigation Grant programs, and establishes fixed management cost rates for compensating eligible grantees and subgrantees while adequately protecting Federal financial interests.

**Timetable:**

| Action                  | Date             | FR Cite     |
|-------------------------|------------------|-------------|
| NPRM                    | 08/30/02         | 67 FR 56130 |
| NPRM Comment Period End | 09/30/02         |             |
| Final Action            | To Be Determined |             |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State, Tribal

**Additional Information:** Transferred from RIN 3067-AD29

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**RIN:** 1660-AA21

**1514. 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

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**RIN:** 1660-AA22

**1515. 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

### 1516. 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 between FEMA and the private sector insurers that sell and service flood insurance regarding the rules pertaining to when FEMA is responsible for litigation costs and when the insurers are responsible. It also clarifies issues of jurisdiction and choice of law when the insurers are sued and makes some other changes to the Arrangement.

#### Timetable:

| Action                                | Date             | FR Cite     |
|---------------------------------------|------------------|-------------|
| NPRM                                  | 10/14/03         | 68 FR 59146 |
| NPRM Comment Period End               | 11/13/03         |             |
| Interim Final Rule                    | 07/30/04         | 69 FR 45607 |
| Interim Final Rule Comment Period End | 09/28/04         |             |
| Interim Final Rule Effective          | 10/01/04         |             |
| Final Action                          | To Be Determined |             |

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 1660-AA28

### 1517. NATIONAL FLOOD INSURANCE PROGRAM (NFIP); ASSISTANCE TO PRIVATE SECTOR PROPERTY INSURERS; EXTENSION OF TERM OF ARRANGEMENT

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 4001 et seq

**CFR Citation:** 42 CFR 62

**Legal Deadline:** None

**Abstract:** FEMA changed the Financial Assistance/Subsidy Arrangement (the Arrangement) to extend its term of October 1, 2002, through September 30, 2003, to a term of October 1, 2002, through December 31, 2003. The second interim final rule extended the Arrangement from October 1, 2002, through May 1, 2004. The third interim final rule extends the Arrangement to a term of October 1, 2002, through September 30, 2004. The Arrangement defines the duties and responsibilities of insurers that sell and service insurance under the Write Your Own program. It also identifies the responsibilities of the Government to provide financial and technical assistance to these insurers.

#### Timetable:

| Action                                | Date             | FR Cite     |
|---------------------------------------|------------------|-------------|
| Interim Final Rule                    | 09/05/03         | 68 FR 52700 |
| Interim Final Rule Effective          | 10/01/03         |             |
| Interim Final Rule Comment Period End | 10/06/03         |             |
| Interim Final Rule                    | 12/31/03         | 68 FR 75453 |
| Interim Final Rule Effective          | 01/01/04         |             |
| Interim Final Rule Comment Period End | 03/01/04         |             |
| Interim Final Rule                    | 04/30/04         | 69 FR 23657 |
| Interim Final Rule Effective          | 05/02/04         |             |
| Interim Final Rule Comment Period End | 06/29/04         |             |
| Final Action                          | To Be Determined |             |

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 1660-AA29

### 1518. DISASTER ASSISTANCE; PUBLIC ASSISTANCE INSURANCE REQUIREMENTS

**Priority:** Other Significant

**Legal Authority:** 42 USC 5121 to 5206

**CFR Citation:** 44 CFR 206

**Legal Deadline:** None

**Abstract:** These proposed regulations are intended to replace the current regulations for public assistance insurance requirements (44 CFR part 206, subpart I). The proposed regulations detail the insurance requirements that applicants must meet to be eligible for FEMA assistance for their damaged facilities following a Presidentially-declared major disaster. Many of the changes in these proposed regulations are not new, but are intended to provide clarification concerning how FEMA handles insurance issues in the Public Assistance program. The proposed rule only addresses post-disaster insurance requirements. It does not create any predisaster insurance requirements.

#### Timetable:

| Action | Date             | FR Cite |
|--------|------------------|---------|
| NPRM   | To Be Determined |         |

#### Regulatory Flexibility Analysis

**Required:** Undetermined

**Government Levels Affected:** Federal, Local, State, Tribal

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**RIN:** 1660-AA32

### 1519. ESTIMATING ELIGIBLE COST

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 5172(e)(3)(C)

**CFR Citation:** 44 CFR 206

**Legal Deadline:** None

**Abstract:** This rule would revise 44 CFR part 206, subpart H, to reflect changes in the way FEMA estimates the cost of repairing, restoring,

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reconstructing, or replacing a facility consistent with industry practices and in awarding Federal large project grants based on the application of floor and ceiling thresholds. This rule reflects the changes needed to put the new statutorily-mandated cost estimating procedures into effect.

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Undetermined

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**RIN:** 1660-AA33

**1520. 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 would establish the mechanism through which FEMA would distribute these funds.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 1660-AA34

**1521. 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 the States pay the entire premium.

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

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**RIN:** 1660-AA35

**1522. PILOT PROGRAM FOR THE MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 4102a

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This rule would implement section 1361A of The National Flood

Insurance Act of 1968, as amended, (the Act), which authorizes FEMA to implement a Pilot Program that would provide financial assistance to States and communities for activities to mitigate the risk of damage from future flooding to severe repetitive loss properties. The Pilot Program represents a concentrated effort to mitigate those insured properties that have suffered the greatest amount of damage in terms of claims against the National Flood Insurance Fund. Severe repetitive loss properties are defined in section 1361A(b)(1) of the Act as Single Family Properties consisting of one to four family residences that are covered under a contract for flood insurance made available under the Act which have had four or more claims with each claim exceeding \$5,000 and with the cumulative payments exceeding \$20,000, or which have had at least two claim payments that cumulatively exceed the value of the property. The rule will identify program requirements including eligibility and matching requirements, as well as procedures for grant application, evaluation, award, and appeals. It will also implement provisions of the law that set forth implications for property owners who decline a mitigation offer under the Pilot Program.

**Timetable:**

| Action             | Date  | FR Cite    |
|--------------------|-------|------------|
| Interim Final Rule | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Local, State, Tribal

**Federalism:** Undetermined

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**RIN:** 1660-AA36

**1523. FLOOD MITIGATION ASSISTANCE PROGRAM AND MITIGATION PLANNING**

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

**Unfunded Mandates:** Undetermined



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**Legal Authority:** 42 USC 4102a

**CFR Citation:** 44 CFR 78

**Legal Deadline:** None

**Abstract:** This interim final rule will implement sections 1366 and 1367 of the National Flood Insurance Act of 1968, as amended, by section 103 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Pub. L. 108-264), 42 U.S.C. 4102a. The rule will update the existing Flood Mitigation Assistance Program (FMA) by providing for an increased emphasis on planning and providing new incentives for States and communities to participate in the FMA through reduced cost-share requirements. The rule will also clarify and streamline mitigation planning with respect to the general mitigation planning requirements and FMA planning requirements.

**Timetable:**

| Action             | Date  | FR Cite    |
|--------------------|-------|------------|
| Interim Final Rule | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Local, State, Tribal

**Federalism:** Undetermined

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**RIN:** 1660-AA37

**1524. GRANTS FOR REPETITIVE INSURANCE CLAIM PROPERTIES**

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

**Legal Authority:** 42 USC 4102a

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The interim final rule would implement section 1323 of the National Flood Insurance Act of 1968 (the Act), as amended, to provide funding for mitigation actions that reduce flood damages to individual properties for which one or more claim payments for losses have been made under the National Flood Insurance Program.

Grants for repetitive insurance claims properties may only be awarded: 1) if proposed mitigation activities are determined to be in the best interest of the National Flood Insurance Fund; and 2) if the State or community in which the property is located cannot meet the requirements of section 1366 of the Act (the Flood Mitigation Assistance Program), or the State or community does not have the capacity to manage a mitigation project. The rule will address program requirements and procedures for determining eligibility for funding.

**Timetable:**

| Action             | Date  | FR Cite    |
|--------------------|-------|------------|
| Interim Final Rule | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Local, State, Tribal

**Federalism:** Undetermined

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**RIN:** 1660-AA38

**1525. DISASTER ASSISTANCE; HAZARD MITIGATION GRANT PROGRAM**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 5133

**CFR Citation:** 44 CFR 206, Subpart N

**Legal Deadline:** None

**Abstract:** This interim final rule would revise the existing regulations to implement amendments to the Robert T. Stafford Disaster Relief and Emergency Assistance Act that provide for delegating the administration and management of the Hazard Mitigation Grant Program (HMGP) to States. These revisions include: 1) The criteria and process for designation as a Managing State; 2) the HMGP program authorities and responsibilities of Managing States, and of FEMA in working with Managing States; and 3) the evaluation

process for Managing States. In addition, this interim final rule would amend the existing regulations to clarify the language of the rule in general, to more fully reflect program and grants management practices previously detailed in guidance, and to make the rule more reader-friendly.

**Timetable:**

| Action             | Date  | FR Cite    |
|--------------------|-------|------------|
| Interim Final Rule | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Local, State, Tribal

**Federalism:** Undetermined

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**RIN:** 1660-AA39

**1526. PREDISASTER MITIGATION PROGRAM**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 5133

**CFR Citation:** 44 CFR 206

**Legal Deadline:** None

**Abstract:** This interim final rule would assist States, Indian tribal governments, and communities to implement a consistent predisaster natural hazard mitigation program to reduce overall risk to the population and structures, while also reducing reliance on funding from actual disaster declarations. This Predisaster Mitigation Program provides a significant opportunity to raise risk awareness and to reduce the Nation's disaster losses through predisaster mitigation planning, and the implementation of planned, preidentified, cost-effective mitigation measures that are designed to reduce injuries, loss of life and damages and destruction of property from all hazards, including damage to critical facilities. The Robert T. Stafford Disaster Relief and Emergency Assistance Act provides a framework

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for linking pre- and post-disaster mitigation planning and projects with public and private interests to ensure an integrated, comprehensive approach to disaster loss reduction.

**Timetable:**

| Action             | Date  | FR Cite    |
|--------------------|-------|------------|
| Interim Final Rule | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Local, State, Tribal

**Federalism:** Undetermined

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**RIN:** 1660-AA40

**1527. CONDUCT AT THE MT. WEATHER EMERGENCY OPERATIONS CENTER, THE OLNEY FEDERAL SUPPORT CENTER, THE NATIONAL EMERGENCY TRAINING CENTER, AND THE NOBLE TRAINING CENTER**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** Homeland Security Act of 2002, 6 USC 101 to 557, 116 Stat. 2135; Federal Property and

Administrative Services Act of 1949, 40 USC 271 et seq; Federal Fire Prevention and Control Act of 1974, 15 USC 2201

**CFR Citation:** 44 CFR 15

**Legal Deadline:** None

**Abstract:** This final rule makes certain technical amendments to 44 CFR part 15 to reflect changes governing conduct at the Mt. Weather Emergency Operations Center (Mt. Weather), the Olney Federal Support Center (Olney), the National Emergency Training Center (NETC), and the Noble Training Center (NTC), and to consolidate the rules applicable to the four facilities.

**Timetable:**

| Action       | Date  | FR Cite    |
|--------------|-------|------------|
| Final Action | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 1660-AA42

**1528. HAZARD MITIGATION PLANNING AND HAZARD MITIGATION GRANT PROGRAM FUNDING**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 5165

**CFR Citation:** 44 CFR 201; 44 CFR 206

**Legal Deadline:** None

**Abstract:** To amend existing regulations to adjust the Hazard Mitigation Grant Program (HMGP) funding available to States with approved Enhanced State Mitigation Plans to 12.5 percent of the total estimated eligible Federal assistance.

**Timetable:**

| Action | Date  | FR Cite    |
|--------|-------|------------|
| NPRM   | To Be | Determined |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State, Tribal

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**RIN:** 1660-AA43

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