



Federal Register

**Monday,
December 13, 2004**

Part IX

**Department of
Homeland Security**

Semiannual Regulatory Agenda

DEPARTMENT OF HOMELAND SECURITY (DHS)

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

6 CFR Chs. I and II

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

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Office of the Secretary, DHS.

ACTION: Semiannual regulatory agenda.

SUMMARY: This notice is given pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980) and Executive Order (E.O.) 12866, "Regulatory Planning and Review" (September 30, 1993), which require the publication of a semiannual agenda of regulations by the Department of Homeland Security (Department or DHS). The regulatory agenda is a semiannual summary of all current and projected rulemakings, and completed actions of the Department. This is the Department's third semi-annual agenda and second regulatory plan. Under the Homeland Security Act of 2002, Public Law 107-295 (Homeland Security Act), 22 pre-existing agencies or components transferred to DHS. The Department of Homeland Security is comprised of five major divisions or directorates: Border and Transportation Security; Emergency Preparedness and Response; Science and Technology; Information Analysis and Infrastructure Protection; and Management. Besides the five Directorates of DHS, several other critical agencies were folded into the Department or were created including the U.S. Coast Guard, the U.S. Secret Service, the U.S. Citizenship and

Immigration Services, the Office of Private Sector Liaison, and the Office of Inspector General.

Although DHS is relatively new, many of its components had active regulatory agendas that have carried into this agenda, such as the legacy Immigration and Nationalization Service (INS), which has been divided into the U.S. Citizenship and Immigration Services, the Bureau of Immigration and Customs Enforcement, and the Bureau of Customs and Border Protection. Together, the latter components alone comprise half of the DHS regulatory agenda. The legacy INS rulemakings primarily set forth application or other process standards for obtaining benefits, privileges, or other attributes afforded to visa or citizen holders. Other DHS components, such as the U.S. Coast Guard and the Transportation Security Administration (TSA), have regulatory functions rooted in promulgating safety or security standards. DHS recently joined the Environmental Protection Agency Federal Partner On-line Electronic Docket System (EDocket). Members of the public may access this docket at: <http://www.epa.gov/feddocket>. All Coast Guard and TSA electronic dockets may continue to be accessed at: <http://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 the Federal Electronic Docketing System to occur sometime in late fiscal year 2005.

The DHS agenda provides the public with information about the Department's regulatory practices. It is

expected that this information will enable the public to more effectively participate in the Department's regulatory activities. The public is also invited to submit comments on any aspect of this agenda.

FOR FURTHER INFORMATION CONTACT:

General

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

Specific

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

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

For this edition of DHS' regulatory agenda, the most significant regulatory actions are included in The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. The Regulatory Plan entries are listed in the table of contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate number in part II. DHS' Statement of Regulatory Priorities is also included in part II.

Dated: September 24, 2004.

Laticia Argenti,
Deputy Associate General Counsel for Regulations.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1143	Supplemental Standards of Conduct for Employees of the Department of Homeland Security	1601-AA17
1144	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
1145	Homeland Security Information Sharing (Reg Plan Seq No. 68)	1601-AA25

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

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Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1146	Freedom of Information Act and Privacy Act Procedures	1601-AA00
1147	Production or Disclosure of Official Information in Connection With Legal Proceedings	1601-AA01
1148	Classified National Security Information	1601-AA02
1149	Enforcement of Nondiscrimination on the Basis of Disability in Department of Homeland Security Programs or Activities	1601-AA03
1150	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance	1601-AA04
1151	Regulations Regarding Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance	1601-AA05
1152	Authority of the Secretary of the Department of Homeland Security; Delegations of Authority; Immigration Laws	1601-AA06
1153	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace	1601-AA10
1154	Program Fraud Civil Remedies	1601-AA11
1155	Regulations Imposing Restrictions Upon Lobbying	1601-AA12
1156	National Environmental Policy Act Procedures	1601-AA13
1157	Procedures for Handling Critical Infrastructure Information (Reg Plan Seq No. 69)	1601-AA14
1158	Regulations Implementing the Support Antiterrorism by Fostering Effective Technologies Act of 2002 (the SAFE-TY Act) (Reg Plan Seq No. 70)	1601-AA15
1159	Homeland Security Acquisition Regulation (HSAR)	1601-AA16
1160	Department of Homeland Security (DHS) Human Resources Management System (Reg Plan Seq No. 71)	1601-AA21

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
1161	Procedures Relating to Awards Under the Equal Access to Justice Act	1601-AA22
1162	Collection of Nontax Debts Owed to the Department of Homeland Security	1601-AA23
1163	Right to Financial Privacy	1601-AA24

Bureau of Citizenship and Immigration Services—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1164	Revised Grounds of Inadmissibility; Exceptions and Waivers for Immigrants and Nonimmigrants	1615-AA00
1165	International Matchmaking Organizations (Section 610 Review)	1615-AA11
1166	Special Immigrant Juvenile Petitions	1615-AA15
1167	Immigrant and Nonimmigrant; Religious Workers	1615-AA16
1168	Dismissal of Asylum Application for Unexcused Failure To Appear and Affect on Eligibility for Employment Authorization	1615-AA18
1169	Special Immigrant Status for Certain NATO Civilian Employees	1615-AA21
1170	Inadmissibility To Enter the United States for Former U.S. Citizens Who Renounced Citizenship To Avoid Taxation	1615-AA32
1171	Implementation of the Numerical Limit on Asylum Grants and Refugee Admissions Based on Resistance to Coercive Population Control Measures	1615-AA37
1172	Inter-country Adoptions	1615-AA43
1173	Waiver of Fees	1615-AA48
1174	Adoption of Siblings; Adopted Alien Children Less Than 18 Years of Age Considered a "Child"	1615-AA50
1175	Adjustment of Status Under Section 245(k)	1615-AA54
1176	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
1177	Consent To Reapply for Admission After Removal	1615-AA61
1178	Waivers of the Two-Year Foreign Residence Requirement for Certain Exchange Visitors	1615-AA62
1179	Illegal Entries, Unlawful Presence, and Automatic Voiding of Nonimmigrant Visas	1615-AA64
1180	Medical Examination Requirements and Designation of Civil Surgeons	1615-AA65
1181	Medical Grounds of Inadmissibility and Waivers	1615-AA66

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

Sequence Number	Title	Regulation Identifier Number
1182	Adjustment of the Appeal and Motion Fee To Recover Full Costs	1615-AA88
1183	Changes to Employment Authorization Eligibility for Certain Applicants and to Standards for Determining a Frivolous Asylum Application	1615-AA89
1184	Removal of Standardized Request for Evidence Processing Timeframe	1615-AB13
1185	Establishment of Fee for Processing Genealogical Research Requests	1615-AB19
1186	Administrative Appeals Office: Procedural Reforms To Improve Efficiency	1615-AB29

Bureau of Citizenship and Immigration Services—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1187	Adjustment of Status to That of Person Admitted for Permanent Residence: Conditional Residents and Fiance(e)s	1615-AA02
1188	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
1189	Affidavit of Support on Behalf of Immigrants	1615-AA06
1190	Adjustment of Status, Continued Validity of Nonimmigrant Status, and Unexpired Employment Authorization for Applicants Maintaining Nonimmigrant H or L Status	1615-AA12
1191	Fingerprinting Applicants and Petitioners for Immigration Benefits; Establishing a Fee for Fingerprinting by the Department of Homeland Security	1615-AA14
1192	Suspension of Deportation and Special Rule Cancellation of Removal for Certain Nationals of Guatemala, El Salvador, and Former Soviet Bloc Countries	1615-AA17
1193	Inadmissibility and Deportability on Public Charge Grounds	1615-AA22
1194	Application for Refugee Status; Acceptable Sponsorship Agreement Guaranty of Transportation	1615-AA24
1195	Battered and Abused Conditional Residents; Termination of Marriage by Conditional Residents	1615-AA29
1196	Revoking Grants of Naturalization	1615-AA30
1197	Registration and Fingerprinting of Aliens in the United States: Control of Employment of Aliens	1615-AA33
1198	Adding Actuaries and Plant Pathologists to the North American Free Trade Agreement	1615-AA38
1199	Adjustment of Status to That of Person Admitted for Permanent Residence; Temporary Removal of Certain Restrictions of Eligibility	1615-AA40
1200	Asylum and Withholding Definitions	1615-AA41
1201	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
1202	Academic Honorarium for B Nonimmigrant Aliens	1615-AA44
1203	Children Born Outside the United States; Applications for Certificate of Citizenship	1615-AA45
1204	Allowing for the Filing of Form I-140 Visa Petition Concurrently With a Form I-485 Application in Certain Circumstances	1615-AA46
1205	Establishing Premium Processing Service for Employment-Based Petitions and Applications	1615-AA49
1206	Adjustment of Status for Certain Nationals of Nicaragua, Cuba, and Haiti	1615-AA51
1207	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
1208	Nonimmigrant Classes; Spouses and Children of Lawful Permanent Residents; V Classification	1615-AA53
1209	K Nonimmigrant Classification; Legal Immigration Family Equity Act (LIFE)	1615-AA56
1210	New Classification for Victims of Severe Forms of Trafficking in Persons Eligible for the T Nonimmigrant Status ...	1615-AA59
1211	Adjustment of Status for Victims of Trafficking	1615-AA60
1212	Removal of Limitations on the Validity Period for Employment Authorization Documents	1615-AA63
1213	New Classification for Victims of Certain Criminal Activity; Eligibility for the U Nonimmigrant Status	1615-AA67
1214	Documentary Requirements for Certain Temporary Residents	1615-AA69
1215	Restructuring the Nonimmigrant Regulations	1615-AA74
1216	Waivers for Nonimmigrants Under Section 212(d)(3)(A) of the Immigration and Nationality Act	1615-AA75
1217	Clarification of Regulations Relating to Aliens That Are Employment Authorized Incident to Status	1615-AA78
1218	Procedures for Conducting Examinations and Waiving the Oath of Allegiance for Naturalization Applicants With Disabilities	1615-AA81
1219	Electronic Signature on Applications and Petitions for Immigration and Naturalization Benefits	1615-AA83
1220	Withholding of Adjudication	1615-AA86
1221	Implementation of Amendments Affecting Petitions for Employment Creation Aliens	1615-AA90
1222	Implementation of the Agreement Between the Government of Canada and the Government of the United States Regarding Asylum Claims	1615-AA91

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

Sequence Number	Title	Regulation Identifier Number
1223	Implementation of the Age Out Protections Afforded Under the Child Status Protection Act	1615-AA95
1224	Filing of Proposals for Designation as a Regional Center Approved To Participate in the Immigrant Investor Pilot Program	1615-AB00
1225	Application for Naturalization by Alternative Application if Citizen Parent Has Died	1615-AB08
1226	Sunset of Additional \$1,000 Filing Fee and Return to 65,000 Annual Limit on H-1B Nonimmigrant Petition Approvals	1615-AB10
1227	Requiring Completion of Security Checks Before Issuance of Evidence of Alien Registration	1615-AB12
1228	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
1229	Petitioning Requirements for the O and P Nonimmigrant Classifications	1615-AB17
1230	Change or Extension of Nonimmigrant Status Under the Chile and Singapore Free Trade Agreements	1615-AB22
1231	Eligibility Pilot Program (Precertification of Certain I129 and I140 Petitioners)	1615-AB25
1232	Petitions for Employment Based Immigrants	1615-AB27

Bureau of Citizenship and Immigration Services—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1233	Reduction of the Number of Acceptable Documents and Other Changes to Employment Verification Requirements (Section 610 Review)	1615-AA01
1234	Temporary Protected Status Notices and Regulations	1615-AA04
1235	Definition of the Term “Lawfully Present” for Purposes of Eligibility for Public Benefits	1615-AA05
1236	Regulations Concerning the Convention Against Torture	1615-AA19
1237	National Interest Waivers for Second Preference Employment-Based Immigrant Physicians Serving in Medically Underserved Areas or at Department of Veterans Affairs Facilities	1615-AA34
1238	Petitioning Requirements for the H-1C Nonimmigrant Classification Under Public Law 106-95	1615-AA35
1239	Special Immigrant Visa for Fourth Preference Employment-Based Broadcasters	1615-AA47
1240	Adjustment of Status for Certain Syrian Nationals Granted Asylum in the United States	1615-AA57
1241	Construction Work and the B Nonimmigrant Visa Classification	1615-AA58
1242	Requiring Change of Status From B to F-1 or M-1 Nonimmigrant Prior To Pursuing a Course of Study	1615-AA73
1243	Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H-2B)	1615-AA82
1244	Waiver of Criminal Grounds of Inadmissibility for Immigrants	1615-AA94
1245	Eliminating the Numerical Cap on Mexican TN Nonimmigrants	1615-AA96
1246	Criminal Grounds of Inadmissibility, Exceptions and Waivers for Immigrants and Nonimmigrants, Refugees and Asylees	1615-AB15
1247	Petitions for Employment Creation Aliens	1615-AB20
1248	Extension of the Deadline for Certain Health Care Workers Required To Obtain Certificates	1615-AB28

Bureau of Citizenship and Immigration Services—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1249	Limiting Liability for Certain Technical and Procedural Violations of Paperwork Requirements	1615-AA08
1250	Verification of Eligibility for Public Benefits	1615-AA13
1251	Employment Authorization for Certificate of Citizenship Applicants	1615-AA39
1252	Limiting the Period of Admission for B Nonimmigrant Aliens	1615-AA68
1253	Judicial Review of Administrative Decisions Under the Immigration and Nationality Act	1615-AA71
1254	Adding and Removing Institutions To and From the List of Recognized American Institutions of Research	1615-AA72
1255	Limiting the Use of Duration of Status for Certain F, J, and I Nonimmigrants	1615-AA80
1256	Adjustment of the Immigration Benefit Application Fee Schedule To Recover Costs Associated With Additional Security Checks	1615-AA84
1257	Availability of Material Under Freedom of Information Act and Privacy Act	1615-AB18

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U.S. Coast Guard—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1258	Claims Procedures Under the Oil Pollution Act of 1990 (USCG-2004-17697)	1625-AA03
1259	State Access to the Oil Spill Liability Trust Fund (USCG-2004-19123)	1625-AA06
1260	Numbering of Undocumented Barges (USCG-1998-3798)	1625-AA14
1261	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
1262	Marine Events: Permit Procedures (USCG-2001-10713)	1625-AA35
1263	Wearing of Personal Flotation Devices by Persons Operating or Riding on Personal Watercraft or Being Towed Behind Recreational Vessels (USCG-2002-11421)	1625-AA40
1264	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
1265	Administrative Changes To Numbering of Vessels and Reporting of Casualties (USCG-2003-14963)	1625-AA70
1266	Commercial Fishing Industry Vessels (USCG-2003-16158) (Reg Plan Seq No. 72)	1625-AA77
1267	Pollution Prevention Equipment (USCG-2004-18939)	1625-AA90

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U.S. Coast Guard—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1268	Reporting Marine Casualties (USCG-2000-6927)	1625-AA04
1269	Limited Service Domestic Voyage Load Lines for River Barges on Lake Michigan (USCG-1998-4623)	1625-AA17
1270	Anchorage Ground; Safety Zone; Speed Limit; Tongass Narrows and Ketchikan, Alaska (CGD17-99-002)	1625-AA23
1271	Post Casualty Drug and Alcohol Testing (USCG-2001-8773) (Reg Plan Seq No. 73)	1625-AA27
1272	Rates for Pilotage on the Great Lakes (USCG-2002-11288)	1625-AA38
1273	Vessel Documentation: Lease Financing for Vessels Engaged in the Coastwise Trade; Second Rulemaking (USCG-2003-14472)	1625-AA63
1274	Terms Imposed by States on Numbering of Vessels (USCG-2003-15708)	1625-AA75
1275	Review and Update of Standards for Marine Equipment (USCG-2003-16630)	1625-AA83
1276	Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Licenses and Certificates of Registry (USCG-2004-17455)	1625-AA85

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U.S. Coast Guard—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1277	Safety Zone Regulations	1625-AA00
1278	Special Anchorage Areas/Anchorage Grounds Regulations	1625-AA01
1279	Discharge-Removal Equipment for Vessels Carrying Oil (CGD 90-068)	1625-AA02
1280	Escort Vessels for Certain Tankers (CGD 91-202)	1625-AA05
1281	Regatta and Marine Parade Regulations	1625-AA08
1282	Drawbridge Regulations	1625-AA09
1283	Escort Vessels in Certain U.S. Waters (CGD 91-202a)	1625-AA10
1284	Regulated Navigation Areas	1625-AA11
1285	Marine Transportation-Related Facility Response Plans for Hazardous Substances (USCG-1999-5705)	1625-AA12
1286	Tank Vessel Response Plans for Hazardous Substances (USCG-1998-4354)	1625-AA13
1287	Outer Continental Shelf Activities (USCG-1998-3868)	1625-AA18
1288	Salvage and Marine Firefighting Requirements; Vessel Response Plans for Oil (USCG-1998-3417)	1625-AA19
1289	Deepwater Ports (USCG-1998-3884)	1625-AA20
1290	Commercial Diving Operations (USCG-1998-3786)	1625-AA21
1291	Improvements to Maritime Safety in Puget Sound-Area Waters (USCG-1998-4501)	1625-AA22
1292	Cargo Securing on Vessels Operating in U.S. Waters (USCG-2000-7080)	1625-AA25
1293	Vessel and Facility Response Plans for Oil: 2003 Removal Equipment Requirements and Alternative Technology Revisions (USCG-2001-8661)	1625-AA26
1294	Electronic Chart Display and Information System (ECDIS) (USCG-2001-8826)	1625-AA29

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

Sequence Number	Title	Regulation Identifier Number
1295	Federal Requirements for Propeller Injury Avoidance Measures (USCG 2001-10163)	1625-AA31
1296	Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters (USCG-2001-10486)	1625-AA32
1297	Drawbridge Operations Regulations; Revisions (USCG-2001-10881)	1625-AA36
1298	Notifications of Arrival and Departure in Ports or Places in the United States (USCG-2001-11865)	1625-AA41
1299	Protection for Whistleblowers in the Coast Guard (USCG-2002-13016)	1625-AA50
1300	Vessel Traffic Service Lower Mississippi River (USCG-1998-4399)	1625-AA58
1301	Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard (USCG 1998-3472)	1625-AA59
1302	Escort Vessels for Certain Tankers—Crash Stop Criteria (USCG-2003-14734)	1625-AA65
1303	Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Documents (MMDs) (USCG-2003-14500)	1625-AA81
1304	Security Zone Regulations	1625-AA87
1305	Dry Cargo Residue Discharges in the Great Lakes (USCG-2003-16814)	1625-AA89

U.S. Coast Guard—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1306	Training and Qualifications for Personnel on Passenger Ships (USCG 1999-5610)	1625-AA24
1307	Alternate Tonnage Convention: Small Passenger Vessels	1625-AA37
1308	Penalties for Nonsubmission of Ballast Water Management Reports (USCG-2002-13147)	1625-AA51
1309	Mandatory Ballast Water Management Program for U.S. Waters (USCG-2003-14273)	1625-AA52
1310	Country of Origin Codes and Revision of Regulations on Hull Identification Numbers (USCG-2003-14272)	1625-AA53
1311	Alternate Hull Examination Program for Certain Passenger Vessels, and Underwater Surveys for Passenger, Nautical School, and Sailing School Vessels (USCG-2000-6858)	1625-AA57
1312	Fire-Suppression Systems and Voyage Planning for Towing Vessels (USCG 2000-6931)	1625-AA60
1313	Wearing of Personal Flotation Devices (PFDs) by Certain Children Aboard Recreational Vessels (USCG-2000-8589)	1625-AA62
1314	Notification of Arrival in U.S. Ports; Certain Dangerous Cargoes; Electronic Submission (USCG-2003-16688)	1625-AA82
1315	Safety Zone for Outer Continental Shelf Facility in the Gulf of Mexico (CGD 08-04-004)	1625-AA84
1316	Unauthorized Entry Into Cuban Territorial Waters (USCG-2004-17509)	1625-AA86

Directorate of Border and Transportation Security—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1317	United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT); Auth. To Collect Biometric Data From Addit'l Travelers and Expansion to 50 Most Highly Trafficked Land Border Ports (Reg Plan Seq No. 74)	1650-AA00

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

Bureau of Customs and Border Protection—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1318	Advance Notice Requirements for Aircraft Landings and Arrivals; Revisions to the Private Aircraft Overflight Program	1651-AA41
1319	Prior Disclosure and Lost Duty or Revenue Demands When Penalty Claim Not Issued	1651-AA42
1320	Cargo Information (Manifest) Discrepancy Reporting Requirements and Penalty Guidelines	1651-AA45
1321	Reinstatement of Transit Program	1651-AA50

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Bureau of Customs and Border Protection—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1322	Elimination of Immigration and Naturalization Service-Issued Mexican and Canadian Border Crossing Cards	1651-AA08
1323	Extension of 25-Mile Limit at Select Arizona Ports-of-Entry	1651-AA11
1324	Electronic Transmission of Passenger and Crew Manifests for Vessels and Aircraft	1651-AA37
1325	Access to Customs Security Areas at Airports	1651-AA38
1326	Conditional Release Period and Customs Bond Obligations for Food, Drugs, Devices, and Cosmetics	1651-AA39
1327	Passenger Name Record Information Required for Passengers on Flights in Foreign Air Transportation To or From the United States	1651-AA40
1328	Confidentiality of Commercial Information	1651-AA47
1329	Publication of Administrative Forfeiture Notices	1651-AA48
1330	Letters and Documents; Advance Electronic Presentation of Cargo Data	1651-AA55
1331	Remittance of Immigration User Fee	1651-AA57
1332	Changes to the Administrative Process for Petitions for Relief Regarding Seizures and Forfeitures Resulting From Violations of Immigration and Naturalization Laws	1651-AA58
1333	Extension of Time Limit on Admission of Certain Mexican Nationals	1651-AA60

Bureau of Customs and Border Protection—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1334	Visa Waiver Program	1651-AA00
1335	Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings	1651-AA04
1336	Establishment of Preinspected Automated Lane (PAL) Program	1651-AA06
1337	Amendment of the Regulatory Definition of Arriving Alien	1651-AA07
1338	Removal of Visa and Passport Waiver for Certain Permanent Residents of Canada and Bermuda	1651-AA23
1339	Nonimmigrant Visa Exemption for Nationals of the British Virgin Islands Entering the United States Through St. Thomas, U.S. Virgin Islands	1651-AA29
1340	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
1341	Fees for Participation in Dedicated Commuter Lanes at Selected Ports of Entry; Collection of Fees Under the Dedicated Commuter Lane Program	1651-AA01
1342	Establishing Criteria for Determining Countries Whose Citizens Are Ineligible for the Transit Without Visa (TWOV) Program	1651-AA02
1343	Suspension of Privilege To Transport Aliens to the United States	1651-AA05
1344	Documentary Requirements for Returning Residents	1651-AA09
1345	Contracts With Transportation Lines	1651-AA10
1346	Imposition of Fines for Violations of the Immigration and Nationality Act	1651-AA12
1347	Expansion of Dedicated Commuter Lanes; Clarification of Driver's License Requirement for Applicants to Dedicated Commuter Lanes and Automated Permit Port Programs	1651-AA13
1348	Update of List of Countries Whose Citizens or Nationals Are Ineligible for Transit Without Visa (TWOV) Privileges to the United States Under the TWOV Program	1651-AA14
1349	Adding Colombia to the List of Countries Whose Citizens or Nationals Are Ineligible for Transit Without Visa (TWOV) Privileges to the United States Under the TWOV Program	1651-AA15
1350	Adjustment of Fees for Dedicated Commuter Lanes and Secure Electronic Network for Travelers' Rapid Inspection (SENTRI) Programs at Land Border Ports of Entry	1651-AA16
1351	Visa Waiver Program: Guam Visa Waiver Program	1651-AA17
1352	Removing Russia From the List of Countries Whose Citizens or Nationals Are Ineligible for Transit Without Visa (TWOV) Privileges to the United States Under the TWOV Program	1651-AA18
1353	Posting of Security Guard at Gangway of Vessel for Detaining Alien Crewman	1651-AA24
1354	Removing Indonesia and Malaysia from the Guam Visa Waiver Program	1651-AA26
1355	Automated Inspection Services—Extension of Enrollment Period	1651-AA27
1356	Designated Land Border Crossing Locations for Certain Conveyances	1651-AA32

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Bureau of Customs and Border Protection—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
1357	Examination of In-Transit Mail Shipments	1651-AA34
1358	Patent Surveys	1651-AA36
1359	Customs Broker License Examination Dates	1651-AA46
1360	Implementation of the United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT): Biometric Enrollment Requirements	1651-AA54
1361	Overtime Compensation and Premium Pay for Customs Officers	1651-AA59

Transportation Security Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1362	Background Checks for Airport Workers	1652-AA06
1363	Air Cargo Security Requirements	1652-AA23
1364	Maritime and Land Security Directives and Information Circulars	1652-AA26
1365	Maritime Transportation Security Act: Background Checks for Maritime Workers	1652-AA27
1366	Fees for Security Threat Assessments for Hazmat Drivers	1652-AA33
1367	Privacy Act of 1974: Implementation of Exemptions; Transportation Security Intelligence Service (TSIS) Operations Files	1652-AA34
1368	Sensitive Security Information (SSI) for Land Modes	1652-AA37
1369	Aircraft Repair Station Security	1652-AA38
1370	Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC Metropolitan Area Flight Restricted Zone	1652-AA39
1371	Foreign Air Carrier Security	1652-AA40
1372	Transportation Worker Identification Credential	1652-AA41
1373	Modification of the Aviation Security Infrastructure Fee	1652-AA43
1374	Threat Assessments Regarding Holders of and Applicants for FAA Certificates	1652-AA44
1375	Secure Flight Program	1652-AA45

Transportation Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1376	Imposition and Collection of Passenger Civil Aviation Security Service Fees	1652-AA00
1377	Aviation Security Infrastructure Fees	1652-AA01
1378	Private Charter Security Rules	1652-AA04
1379	Protection of Sensitive Security Information	1652-AA08
1380	Security Threat Assessment for Individuals Applying for a Hazardous Materials Endorsement for a Commercial Drivers License	1652-AA17
1381	Flight Training for Aliens and Other Designated Individuals; Security Awareness Training for Flight School Employees	1652-AA35
1382	Privacy Act of 1974: Implementation of Exemptions; Registered Traveler Operations Files	1652-AA36

Transportation Security Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1383	Civil Aviation Security Rules	1652-AA02
1384	Security Programs for Aircraft Weighing 12,500 Pounds or More	1652-AA03
1385	Security Compliance Program for Aircraft Operators	1652-AA09
1386	Security Compliance Program for Airports	1652-AA10
1387	Criminal History Records Checks	1652-AA11
1388	Transportation of Explosives From Canada to the United States Via Commercial Motor Vehicle and Railroad Carrier	1652-AA16

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Transportation Security Administration—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
1389	Marine Vessel Security Standards—Prohibited Items	1652-AA22
1390	Federal Flight Deck Officer Program	1652-AA24

Transportation Security Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1391	Privacy Act of 1974: Implementation of Exemption	1652-AA28
1392	CAPPS II—Access to Passenger Reservation Information	1652-AA32
1393	Privacy Act of 1974: Implementation of Exemptions for Passenger and Aviation Security Screening Records	1652-AA42

Bureau of Immigration and Customs Enforcement—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1394	Establishing Procedures for Recertification of Schools Approved by the Student and Exchange Visitor Program (SEVP) to Enroll F or M Nonimmigrant Students (Reg Plan Seq No. 75)	1653-AA42

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

Bureau of Immigration and Customs Enforcement—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1395	Nonimmigrant Classes; S Classification; Law Enforcement Initiatives; Alien Witnesses	1653-AA00
1396	Use of Parole for Humanitarian Reasons or Significant Public Benefit	1653-AA04
1397	Procedures for Detainee Hunger Strikes	1653-AA12
1398	Interest Payments on Cancelled Cash Bonds	1653-AA20
1399	Powers and Authorities of Officers and Employees	1653-AA27
1400	Denial and Revocation for Approval of School for Attendance by Nonimmigrant Students	1653-AA33
1401	Removal of Companies Holding a Certificate From the Secretary of the Treasury as an Acceptable Surety on Immigration Bonds	1653-AA38
1402	Requirements for Admission, Extension, and Maintenance of Nonimmigrant Status; Effect of Visa Revocation	1653-AA40
1403	Transfer of Flight Training Programs Under the Department of State Oversight to the Department of Homeland Security	1653-AA43
1404	Strengthening Controls Over Immigration Surety Bonds	1653-AA45

Bureau of Immigration and Customs Enforcement—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1405	Agreement Promising Nondeportation or Other Immigration Benefits	1653-AA02
1406	Requiring Aliens Ordered Removed From the United States To Surrender to the Department of Homeland Security for Removal	1653-AA05
1407	Early Release for Removal of Criminal Aliens in State Custody for Nonviolent Offenses	1653-AA06
1408	Power of Secretary of the Department of Homeland Security To Terminate Deportation Proceedings and Initiate Removal Proceedings	1653-AA08
1409	Protection and Assistance for Victims of Trafficking	1653-AA09
1410	Increasing the Number of Officers Authorized To Issue Notices To Appear and Arrest Warrants for Immigration Violations	1653-AA10
1411	Detention of Aliens Subject to Final Orders of Removal	1653-AA13
1412	Custody Procedures	1653-AA14

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

Sequence Number	Title	Regulation Identifier Number
1413	Address Notification To Be Filed With Designated Applications	1653-AA15
1414	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
1415	Authorizing Collection of Fee Levied on F, J, and M Nonimmigrant Classifications Under Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) (Section 610 Review)	1653-AA23
1416	Revision of the Regulations Concerning F, J, and M Nonimmigrant Classifications	1653-AA24
1417	SEVIS Reporting Requirements of Academic Institutions at the Start of Each Term or Session	1653-AA28
1418	Changes in Registration Policies and Monitoring of Certain Nonimmigrants	1653-AA29
1419	Extending the Period of Duration of Status for Certain F and J Nonimmigrant Aliens	1653-AA30
1420	Requiring Certification of All Service-Approved Schools for Enrollment in the Student and Exchange Visitor Information System (SEVIS)	1653-AA31
1421	Reduced Course Load for Certain F and M Nonimmigrant Students at Border Communities	1653-AA32
1422	Authorizing Suspension of Employment Authorization Requirements on the Basis of Severe Economic Hardship for F-1 Students and Emergent Circumstances	1653-AA34
1423	Countries To Which Aliens May Be Removed	1653-AA35
1424	Change in Business Practices; Acceptance of Payments of Fees By Credit Card and Other Electronic Means Where Possible	1653-AA36
1425	Implementation of the Border Commuter Student Act of 2002	1653-AA37
1426	Civil Monetary Penalties Inflation Adjustment	1653-AA39
1427	Execution of Removal Orders; Countries to Which Aliens May Be Removed	1653-AA41
1428	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

Bureau of Immigration and Customs Enforcement—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1429	Employer Sanctions Modifications	1653-AA01

Directorate of Emergency Preparedness and Response—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1430	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—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1431	Hazard Mitigation Planning and Hazard Mitigation Grant Program	1660-AA17

Directorate of Emergency Preparedness and Response—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
1432	Flood Mitigation Assistance Program	1660-AA00
1433	Criminal and Civil Penalties Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act	1660-AA01
1434	Disaster Assistance; Hazard Mitigation Grant Program	1660-AA02
1435	Debt Collection	1660-AA05
1436	National Urban Search and Rescue Response System	1660-AA07

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

Sequence Number	Title	Regulation Identifier Number
1437	National Flood Insurance Program (NFIP); Insurance Coverage and Rates	1660-AA09
1438	Disaster Assistance; Federal Assistance to Individuals and Households	1660-AA18
1439	Management Costs	1660-AA21
1440	National Flood Insurance Program (NFIP); Group Flood Insurance Policy (GFIP)	1660-AA22
1441	Disaster Assistance; Crisis Counseling Regular Program; Amendment to Regulation	1660-AA23
1442	Disaster Assistance; Fire Management Assistance Grant Program	1660-AA26
1443	National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers	1660-AA28
1444	National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Extension of Term of Arrangement	1660-AA29
1445	Disaster Assistance; Public Assistance Insurance Requirements	1660-AA32
1446	Estimating Eligible Cost	1660-AA33
1447	Assistance Program Under the 9/11 Heroes Stamp Act of 2001	1660-AA34
1448	National Flood Insurance Program (NFIP); State Renewal of Group Flood Insurance Policy	1660-AA35
1449	Pilot Program for the Mitigation of Severe Repetitive Loss Properties	1660-AA36
1450	Flood Mitigation Assistance Program	1660-AA37
1451	Grants for Repetitive Insurance Claim Properties	1660-AA38
1452	Disaster Assistance; Hazard Mitigation Grant Program	1660-AA39
1453	Pre-Disaster Mitigation Program	1660-AA40
1454	National Flood Insurance Program; Appeal of Decisions Relating to Flood Insurance Coverage	1660-AA41

Directorate of Emergency Preparedness and Response—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1455	Disaster Assistance Definitions; Statutory Change	1660-AA19
1456	Program Fraud Civil Remedies	1660-AA31

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

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1143. SUPPLEMENTAL STANDARDS OF CONDUCT FOR EMPLOYEES OF THE DEPARTMENT OF HOMELAND SECURITY

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

Legal Authority: 5 CFR 2625.105

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This regulation will 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	01/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Robert E. Coyle, (Acting) Legal Advisor for Ethics, Department of Homeland Security, Washington, DC 20528
Phone: 202 692-4248
Fax: 202 772-9728

RIN: 1601-AA17

1144. 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

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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	02/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Agency Contact: Van Pace, Chief Procurement Officer, Department of Homeland Security, Under Secretary for Management, Washington, DC 20528
Phone: 202 205-3608

Email: van.pace@dhs.gov

RIN: 1601-AA18

1145. • HOMELAND SECURITY INFORMATION SHARING

Regulatory Plan: This entry is Seq. No. 68 in part II of this issue of the **Federal Register**.

RIN: 1601-AA25

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

Final Rule Stage

1146. 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 552(a)

CFR Citation: 6 CFR 5.1

Legal Deadline: None

Abstract: This action establishes procedures for the Department of Homeland Security, Office of the Secretary, necessary to implement the Freedom of Information Act (5 U.S.C. 552) (FOIA) and the Privacy Act (5 U.S.C. 552a) (Privacy Act). The provisions of this subpart shall apply to each component of the Department. The 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 ensure that the Department fully satisfies its responsibility to the public to disclose departmental information while simultaneously safeguarding individual privacy. The Privacy Act serves to balance the Government's need to maintain information about individuals with the rights of individuals to be protected against unwarranted invasions of their privacy stemming from Federal agencies' collection, maintenance, use, and disclosure of personal information about them. Agencies are required to issue regulations outlining the agency's rules and procedures for implementation of

the Privacy Act and its provisions in the agency. This includes procedures on how individuals may request access to information about themselves, request amendment or correction of those records, and request an accounting of disclosures of their records by the Department.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/27/03	68 FR 4056
Interim Final Rule Comment Period End	02/28/03	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Elizabeth Withnell, Chief Counsel to the Privacy Officer, Department of Homeland Security, Office of the Secretary, Washington, DC 20528

Phone: 202 772-5015

Fax: 202 772-5036

Email: elizabeth.withnell@dhs.gov

Tony Kendrick, Director, Departmental Disclosure, Department of Homeland Security, Washington, DC 20528
Phone: 202 772-9848
Email: tony.kendrick@dhs.gov

RIN: 1601-AA00

1147. 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 Comment Period End	02/28/03	
Modification of Interim Final Rule	02/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Cathy Mitrano, Deputy Associate General Counsel, General Law, Department of Homeland Security, Office of the General Counsel, Washington, DC 20528

Phone: 202 692-4247

Fax: 202 772-9728

Email: catherine.mitrano@dhs.gov

RIN: 1601-AA01

1148. 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

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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 Comment Period End	02/28/03	
Final Action	03/00/05	

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

Agency Contact: John J. Young, Department of Homeland Security, Office of the Secretary, Office of Security, Washington, DC 20528
Phone: 202 358-1438
Fax: 202 772-9741
Email: john.young@dhs.gov

RIN: 1601-AA02

1149. 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 the necessary procedures for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the Department. It sets forth standards for what constitutes discrimination on the basis of mental or physical handicap, provides a definition for individual with handicaps and qualified individual with handicaps, and establishes a complaint mechanism for resolving allegations of discrimination. Although this is a policy rule, the Department will examine any impact upon individuals that this policy may create.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/06/03	68 FR 10886

Action	Date	FR Cite
Interim Final Rule	04/06/03	
Comment Period End		
Final Action	04/00/05	

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

1150. 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 the necessary procedures for effectuating title IX of the Education Amendments of 1972, as amended (except sections 904 and 906 of those Amendments), which is designed to eliminate (with certain exceptions) discrimination on the basis of sex in any education program or activity receiving Federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution as defined in these title IX regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/06/03	68 FR 10892
Interim Final Rule Comment Period End	04/06/03	
Final Action	04/00/05	

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

1151. 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 Comment Period End	04/06/03	
Final Action	04/00/05	

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
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RIN: 1601-AA05

1152. 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

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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 Comment Period End	04/06/03	
Final Action	04/00/05	

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

Agency Contact: Daniel Brown, Attorney, Department of Homeland Security, Office of the Secretary, Washington, DC 20528
Phone: 202 692-4239
Fax: 202 772-9731
Email: daniel.brown@dhs.gov

RIN: 1601-AA06

1153. 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.

Timetable:

Action	Date	FR Cite
Final Action	01/00/05	

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

Agency Contact: Cathy Mitrano, Deputy Associate General Counsel, General Law, Department of Homeland Security, Office of the General Counsel, Washington, DC 20528
Phone: 202 692-4247
Fax: 202 772-9728
Email: catherine.mitrano@dhs.gov

RIN: 1601-AA10

1154. PROGRAM FRAUD CIVIL REMEDIES

Priority: Substantive, Nonsignificant**Legal Authority:** PL 107-296, 116 Stat 2135; 5 USC 301; 31 USC 3801 to 3812**CFR Citation:** 6 CFR 19.1**Legal Deadline:** None

Abstract: This action implements the Program Fraud Civil Remedies Act of 1986, which is codified at 31 U.S.C. 3801-3812. 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	04/00/05	

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

Agency Contact: Cathy Mitrano, Deputy Associate General Counsel, General Law, Department of Homeland Security, Office of the General Counsel, Washington, DC 20528
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RIN: 1601-AA11

1155. REGULATIONS IMPOSING RESTRICTIONS UPON LOBBYING

Priority: Substantive, Nonsignificant**Legal Authority:** PL 107-296, 116 Stat 2135; 5 USC 301; 31 USC 1352, PL 101-121**CFR Citation:** 6 CFR 9.1**Legal Deadline:** None

Abstract: This interim final rule establishes those procedures necessary to fulfill departmental obligations to impose restrictions upon lobbying. Except to the extent a Department component has adopted separate

guidance under 31 U.S.C. 1352, the provisions of this subpart shall apply to each component of the Department of Homeland Security (DHS).

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/06/03	68 FR 10912
Interim Final Rule Comment Period End	04/06/03	
Final Action	04/00/05	

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

Agency Contact: Hugo Teufel, Department of Homeland Security, Washington, DC 20528
Phone: 202 692-4240

RIN: 1601-AA12

1156. 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 1500-1508); 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.

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Timetable:

Action	Date	FR Cite
Case Opened	06/01/04	
Comment Period End	07/01/04	69 FR 33043
Final Action	02/00/05	

Regulatory Flexibility Analysis

Required: 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
Email: david.reese@dhs.gov

RIN: 1601-AA13

1157. PROCEDURES FOR HANDLING CRITICAL INFRASTRUCTURE INFORMATION

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

RIN: 1601-AA14

1158. REGULATIONS IMPLEMENTING THE SUPPORT ANTITERRORISM BY FOSTERING EFFECTIVE TECHNOLOGIES ACT OF 2002 (THE SAFETY ACT)

Regulatory Plan: This entry is Seq. No. 70 in part II of this issue of the **Federal Register**.

RIN: 1601-AA15

1159. HOMELAND SECURITY ACQUISITION REGULATION (HSAR)

Priority: Other Significant. 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 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 Comment Period End	01/05/04	
Final Action	03/00/05	

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

1160. DEPARTMENT OF HOMELAND SECURITY (DHS) HUMAN RESOURCES MANAGEMENT SYSTEM

Regulatory Plan: This entry is Seq. No. 71 in part II of this issue of the **Federal Register**.

RIN: 1601-AA21

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

Long-Term Actions

1161. ● 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

Agency Contact: Cathy Mitrano, Deputy Associate General Counsel, General Law, Department of Homeland Security, Office of the General Counsel, Washington, DC 20528
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RIN: 1601-AA22

1162. ● 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.

DHS—OS

Long-Term Actions

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

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

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Cathy Mitrano, Deputy Associate General Counsel,

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RIN: 1601-AA23

1163. • 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 U.S.C. 3401 et seq.). The Act provides for the protection of

financial records and information from disclosure by financial institutions. Under certain limited circumstances and procedures, the Act permits law enforcement agencies to request financial records from the holding financial institution. These proposed provisions will authorize Departmental units to request such information under the 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

Department of Homeland Security (DHS)

Proposed Rule Stage

Bureau of Citizenship and Immigration Services (BCIS)

1164. REVISED GROUNDS OF INADMISSIBILITY; EXCEPTIONS AND WAIVERS FOR IMMIGRANTS AND NONIMMIGRANTS

Priority: Other Significant. Major under 5 USC 801.

Legal Authority: 5 USC 552; 8 USC 1158 to 1160; 8 USC 1182 to 1184; 5 USC 552a; 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1157

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

Legal Deadline: None

Abstract: This rulemaking covers several grounds of inadmissibility applicable to those aliens seeking admission to the United States temporarily or permanently—criminal, security, labor certification, licensure requirements for foreign medical graduates and health care workers, failure to attend a removal proceeding, fraud, improperly issued immigrant visa, permanent ineligibility for U.S. citizenship, and miscellaneous grounds. It implements several pieces of

legislation. The most significant is the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), signed on September 30, 1996, which substantially revised most grounds of inadmissibility under section 212 of the Act and the waivers available to both immigrants and nonimmigrants.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment	12/00/05	
Period End		

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, Bureau of Citizenship and Immigration Services, Room 3214, (ULLICO), Office of Program and Regulations Development, 111 Massachusetts Avenue NW., Washington, DC 20529

Phone: 202 514-4754

RIN: 1615-AA00

1165. INTERNATIONAL MATCHMAKING ORGANIZATIONS (SECTION 610 REVIEW)

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	09/15/97	
Period End		

DHS—BCIS

Proposed Rule Stage

Action	Date	FR Cite
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NPRM (CIS No. 1838-97)	04/00/05	
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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, Bureau of 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**1166. 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.

Timetable:

Action	Date	FR Cite
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NPRM	03/00/05	
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Action	Date	FR Cite
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NPRM Comment Period End	05/00/05	
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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, Bureau of 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-AA15**1167. IMMIGRANT AND NONIMMIGRANT; RELIGIOUS WORKERS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 CFR 2**CFR Citation:** 8 CFR 204**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
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NPRM (CIS No. 1436-94)	01/00/05	
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NPRM Comment Period End	03/00/05	
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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: Efrén Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353-8177

RIN: 1615-AA16**1168. 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 to implement the asylum provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). This rule proposes to amend the current rule to clarify that dismissal of an asylum application will result in ineligibility for asylum-based employment authorization.

Timetable:

Action	Date	FR Cite
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NPRM	04/00/05	
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NPRM Comment Period End	05/00/05	
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Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2011-99

DHS—BCIS

Proposed Rule Stage

Transferred from RIN 1115-AF38

Agency Contact: Joanna Ruppel, Deputy Director, Asylum Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 3rd Floor, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-1663

RIN: 1615-AA18

1169. 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	04/00/05	
NPRM Comment Period End	06/00/05	

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: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO)

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Phone: 202 353-8177

RIN: 1615-AA21

1170. 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	04/00/05	
NPRM Comment Period End	02/00/05	

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, Bureau of 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-AA32

1171. IMPLEMENTATION OF THE NUMERICAL LIMIT ON ASYLUM GRANTS AND REFUGEE ADMISSIONS BASED ON RESISTANCE TO COERCIVE POPULATION CONTROL MEASURES

Priority: Other Significant

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

CFR Citation: 8 CFR 208; 8 CFR 274a

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	
NPRM Comment Period End	06/00/05	

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, Bureau of Citizenship and Immigration

DHS—BCIS

Proposed Rule Stage

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RIN: 1615-AA37

1172. 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	03/00/05	
NPRM Comment Period End	05/00/05	

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, Bureau of 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

1173. 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	04/00/05	
NPRM Comment Period End	06/00/05	

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

RIN: 1615-AA48

1174. ADOPTION OF SIBLINGS; ADOPTED ALIEN CHILDREN LESS THAN 18 YEARS OF AGE CONSIDERED A "CHILD"

Priority: Other Significant

Legal Authority: PL 106-139; 8 USC 1103; 8 CFR 2

CFR Citation: 8 CFR 204

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2110-01

Transferred from RIN 1115-AG04

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, Bureau of 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-AA50

1175. 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

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Proposed Rule Stage

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	03/00/05	
NPRM Comment Period End	05/00/05	

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, Bureau of 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-AA54

1176. 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	03/00/05	
NPRM Comment Period End	05/00/05	

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

RIN: 1615-AA55

1177. 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

DHS—BCIS

Proposed Rule Stage

U.S. immigration laws, by restricting the relief available to them in the United States.

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

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, Bureau of 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-AA61

1178. 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 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	10/00/05	
NPRM Comment Period End	12/00/05	

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, Bureau of 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-AA62

1179. 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
NPRM	10/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: Split from CIS No. 1413

Transferred from RIN 1115-AG36

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, Bureau of 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

1180. MEDICAL EXAMINATION REQUIREMENTS AND DESIGNATION OF CIVIL SURGEONS

Priority: Other Significant

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

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	
NPRM Comment Period End	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

DHS—BCIS

Proposed Rule Stage

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, Bureau of 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

1181. 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	10/00/05	
NPRM Comment Period End	12/00/05	

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, Bureau of 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

1182. ADJUSTMENT OF THE APPEAL AND MOTION FEE TO RECOVER FULL COSTS

Priority: Other Significant

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

CFR Citation: 8 CFR 103

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	
NPRM Comment Period End	01/00/05	

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, Acting Director, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 5307, Office of Budget, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 616-0563
Email: paul.l.schlesinger@dhs.gov

RIN: 1615-AA88

1183. 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 nonasylum-related employment authorization or who submit abusive, fraudulent, or clearly baseless asylum applications.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	
NPRM Comment Period End	06/00/05	

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, Bureau of Citizenship and Immigration Services, 3rd Floor, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-1663

RIN: 1615-AA89

DHS—BCIS

Proposed Rule Stage

1184. 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 1, 2003.

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 Citizenship and Immigration Services (CIS) issued Request for Evidence (RFE) or Notice of Intent to Deny (NOID). These changes will enable CIS 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 CIS 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	12/00/04	
NPRM Comment Period End	02/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2287-03**Agency Contact:** Christopher M. Quimby, Chief, Operations Support Branch, Office of Program and Regulations Development, Department of Homeland Security, 111 Massachusetts Avenue NW., Washington, DC 20529

Phone: 202 616-7708

Email: christopher.quimby@dhs.gov

RIN: 1615-AB13**1185. 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	01/00/05	
NPRM Comment Period End	03/00/05	

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

Transferred from RIN 1680-AA01

Agency Contact: Ronald Whitelaw, Branch Chief, Department of Homeland Security, Bureau of Citizenship andImmigration Services, (ULLICO), Office of Records Services, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 305-8274
Fax: 202 616-4282**RIN:** 1615-AB19**1186. • 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	03/00/05	
NPRM Comment Period End	05/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS 2311-04**Agency Contact:** Maura Deadrick, Adjudications Officer, Administrative Appeals Office, Department of Homeland Security, Bureau of 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

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

Final Rule Stage

1187. ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE: CONDITIONAL RESIDENTS AND FIANC(E)S

Priority: Other Significant

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

CFR Citation: 8 CFR 245

Legal Deadline: None

Abstract: This final rule amends Department regulations by clarifying that an alien remains ineligible for adjustment of status after termination of conditional permanent resident status. The clarification is necessary in view of the determination by the Board of Immigration Appeals that the current regulations do not prohibit the adjustment of status of an alien whose conditional resident status has been terminated. This final rule would also modify provisions regulating the adjustment of status of nonimmigrant fiancé(e)s to reflect the current statute and to eliminate hardships on certain persons who are unable, despite their good faith intentions, to marry until after the expiration of the alien spouse's period of admission as a nonimmigrant fiancé(e).

Timetable:

Action	Date	FR Cite
NPRM	08/20/96	61 FR 43028
NPRM Comment Period End	10/21/96	
Final Action	04/00/05	

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, Bureau of 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

1188. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR AS A PREFERENCE IMMIGRANT; SELF-PETITIONING FOR CERTAIN BATTERED OR ABUSED ALIEN SPOUSES AND CHILDREN

Priority: Other Significant

Legal Authority: 8 USC 1101; PL 103-322; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255

CFR Citation: 8 CFR 204

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: CIS No. 1705-95

Transferred from RIN 1115-AE04

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, Bureau of 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-AA03

1189. AFFIDAVIT OF SUPPORT ON BEHALF OF IMMIGRANTS

Priority: Other Significant

Legal Authority: 8 USC 1183a; PL 104-208; PL 104-193; 8 CFR 2

CFR Citation: 8 CFR 213a; 8 CFR 299

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule (CIS No. 1807-96)	10/20/97	62 FR 52346
Interim Final Rule Comment Period End	02/07/98	
Final Action	04/00/05	

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

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

RIN: 1615-AA06

1190. 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

DHS—BCIS

Final Rule Stage

1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1255; 8 USC 1281

CFR Citation: 8 CFR 214; 8 CFR 245

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/01/99	64 FR 29208
Interim Final Rule Comment Period End	08/02/99	
Final Action	03/00/05	

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, Bureau of 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

1191. FINGERPRINTING APPLICANTS AND PETITIONERS FOR IMMIGRATION BENEFITS; ESTABLISHING A FEE FOR FINGERPRINTING BY THE DEPARTMENT OF HOMELAND SECURITY

Priority: Other Significant

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

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/17/98	63 FR 12979
Interim Final Rule Effective	03/29/98	
Interim Final Rule Correction	04/09/98	63 FR 17489
Interim Final Rule Comment Period End	05/18/98	
Final Action	07/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: CIS No. 1891-97

Transferred from RIN 1115-AF03

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

RIN: 1615-AA14

1192. 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	04/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

DHS—BCIS

Final Rule Stage

Additional Information: CIS No. 1915-98

Transferred from RIN 1115-AF14

Agency Contact: Joanna Ruppel, Deputy Director, Asylum Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 3rd Floor, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-1663

RIN: 1615-AA17

1193. 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	04/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: CIS No. 1989-99

Transferred from RIN 1115-AF45

Agency Contact: Alice Smith, Associate Counsel, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 6100, Office of the Chief

Counsel, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-1400
Fax: 202 272-1405

RIN: 1615-AA22

1194. 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 as delegated to the Secretary of Homeland Security to admit refugees to the United States under certain conditions, including those provided for by regulation. DHS regulations require that sponsorship agreements be secured before an applicant is granted admission as a refugee at a U.S. port-of-entry. The determination of whether or not someone is classified as a refugee is described in the Act as a separate decision from whether a refugee may be admitted to the United States in refugee status. This rule amends Department regulations by removing language that erroneously implies that DHS requires a sponsorship agreement and guarantee of transportation prior to determining whether an applicant is a refugee. This rule is necessary to clarify issues in the existing regulation, and provides more advantageous treatment for the limited number of applicants for refugee status who have their DHS interviews before sponsorship agreements have been secured.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/21/99	64 FR 27660
Interim Final Rule Comment Period End	07/20/99	
Final Action	02/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 1999-99

Transferred from RIN 1115-AF49

Agency Contact: Kathleen Thompson, Staff Officer, Office of International Affairs, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 305-2756

RIN: 1615-AA24

1195. 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 interim rule implements certain technical changes made by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and addresses comments received in response to the interim rule published on May 16, 1991.

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

DHS—BCIS

Final Rule Stage

Government Levels Affected: None

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

Transferred from RIN 1115-AF59

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, Bureau of 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-AA29

1196. 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 Court of Appeals in the class action lawsuit Gorbach v. Reno, 219 F.3d 1087 (9th Cir. 2000), and final injunction prohibiting the use of these regulations on February 14, 2001.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No.1858-97

Transferred from RIN 1115-AF63

Agency Contact: John D. Miles, Associate Area Counsel, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Office of Chief Counsel, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-1400

Fax: 202 272-1405

RIN: 1615-AA30

1197. 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	04/00/05	
Interim Final Rule Comment Period End	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No.2042-00

Transferred from RIN 1115-AF71

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, Bureau of 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-AA33

1198. ADDING ACTUARIES AND PLANT PATHOLOGISTS TO THE NORTH AMERICAN FREE TRADE AGREEMENT

Priority: Other Significant

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

CFR Citation: 8 CFR 214.6

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	12/19/00	65 FR 79320
NPRM Comment Period End	02/20/01	
Final Action	11/00/04	
Final Action Effective	12/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2068-00

Transferred from RIN 1115-AF85

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

RIN: 1615-AA38

1199. 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

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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	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Transferred from RIN 1115-AF91

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security,

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RIN: 1615-AA40

1200. 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	03/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2092-00

Transferred from RIN 1115-AF92

Agency Contact: Dorthea Lay, Associate Counsel, Department of Homeland Security, Bureau of Citizenship and Immigration Services,

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RIN: 1615-AA41

1201. 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	03/00/05	

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

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, Bureau of 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-AA42

DHS—BCIS

Final Rule Stage

1202. 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	04/00/05	

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

Transferred from RIN 1115-AF97

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

RIN: 1615–AA44**1203. 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	06/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2101-00

Transferred from RIN 1115-AF98

Agency Contact: John D. Miles, Associate Area Counsel, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Office of Chief Counsel, 20 Massachusetts Avenue NW., Washington, DC 20529
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Fax: 202 272–1405

RIN: 1615–AA45**1204. ALLOWING FOR THE FILING OF FORM I-140 VISA PETITION CONCURRENTLY WITH A FORM I-485 APPLICATION IN CERTAIN CIRCUMSTANCES****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC

1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641

CFR Citation: 8 CFR 204; 8 CFR 245**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/31/02	67 FR 49561
Interim Final Rule Effective	07/31/02	
Interim Final Rule Comment Period End	09/30/02	
Final Action	04/00/05	

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, Bureau of Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353–8177

RIN: 1615–AA46

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1205. ESTABLISHING PREMIUM PROCESSING SERVICE FOR EMPLOYMENT-BASED PETITIONS AND APPLICATIONS**Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103**CFR Citation:** 8 CFR 103; 8 CFR 299**Legal Deadline:** None

Abstract: This rule changes Department of Homeland Security (DHS) regulations to establish premium processing service for certain employment-based petitions and applications. If an individual pays a fee for premium processing service, DHS will process the petition or application in 15 days. Premium Processing Service will give American businesses an option to pay for more rapid processing of petitions and applications to meet their needs for foreign workers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/01/01	66 FR 29682
Interim Final Rule Effective	06/01/01	
Interim Final Rule Comment Period End	07/31/01	
Final Action	04/00/05	

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, Bureau of Citizenship and Immigration Services, 10th Floor, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-1508

RIN: 1615-AA49**1206. 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	04/00/05	

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,

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RIN: 1615-AA51**1207. 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

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

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, Bureau of 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

1208. NONIMMIGRANT CLASSES; SPOUSES AND CHILDREN OF LAWFUL PERMANENT RESIDENTS; V CLASSIFICATION

Priority: Other Significant

Legal Authority: 8 USC 1102; PL 106-553

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

Legal Deadline: None

Abstract: Section 1102 of the LIFE Act of 2000 amends the Immigration and Nationality Act to create a new

nonimmigrant classification V for the spouses and children of lawful permanent residents awaiting the availability of an immigrant visa number in the appropriate preference category in accordance with the State Department's monthly Visa Bulletin. Eligible spouses and children of lawful permanent residents residing abroad that obtain the V nonimmigrant visa from the Department of State may work and reside in the United States on the basis of the V classification until they can apply for adjustment of status to that of lawful permanent resident. Certain eligible spouses and children of lawful permanent residents already present in the United States may be granted V classification until they can apply to adjust status to that of lawful permanent resident. This rule sets forth eligibility criteria and procedures for obtaining the V visa classification and related employment authorization.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/07/01	66 FR 46697
Interim Final Rule Effective	09/07/01	
Interim Final Rule Comment Period End	11/06/01	
Final Action	03/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2117-01

Transferred from RIN 1115-AG08

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RIN: 1615-AA53

1209. 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	04/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Transferred from RIN 1115-AG12

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, Bureau of 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-AA56

1210. 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; ...

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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 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	06/00/05	

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

1211. 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	03/00/05	
Interim Final Rule Comment Period End	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2134-01

Transferred from RIN 1115-AG21

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, Bureau of 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-AA60

1212. 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 U.S. Citizenship and Immigration Services 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	06/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2152-01

Transferred from RIN 1115-AG32

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, Bureau of 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-AA63

1213. 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	07/00/05	
Interim Final Rule	09/00/05	
Comment Period		
End		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local

Additional Information: Transferred from RIN 1115-AG39

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, Bureau of 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-AA67

1214. 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	04/00/05	

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, Bureau of 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-AA69

1215. RESTRUCTURING THE NONIMMIGRANT REGULATIONS

Priority: Other Significant

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

CFR Citation: 8 CFR 214; 8 CFR 252

Legal Deadline: None

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

Timetable:

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

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2218-02

Transferred from RIN 1115-AG62

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

RIN: 1615-AA74

1216. 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	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. 2200-02

DHS—BCIS

Final Rule Stage

Transferred from RIN 1115-AG63

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, Bureau of 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-AA75

1217. 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	06/00/05	
Interim Final Rule	08/00/05	
Comment Period		
End		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2204-02

Transferred from RIN 1115-AG74

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, Bureau of 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-AA78

1218. 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 (DHS) to waive the oath requirement for such individuals. It also specifies who is authorized to act as a designated representative on behalf of applicants who qualify for the waiver and addresses how DHS will conduct examinations with such representatives to ensure that applicants with disabilities have the opportunity to establish eligibility for naturalization.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/05	
Interim Final Rule	03/00/05	
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

Agency Contact: Kellie LeClair, Staff Officer, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 980, 20 Massachusetts Avenue NW., Washington, DC 20529

Phone: 202 272-1018

RIN: 1615-AA81

1219. 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	05/29/03	
Effective		
Final Action	03/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2224-02

Transferred from RIN 1115-AG79

Agency Contact: Tracy Renaud, Director, Services Modernization, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 1000, 425 I Street NW., Washington, DC 20007
Phone: 202 272-1705
Email: tracy.renaud@dhs.gov

RIN: 1615-AA83

DHS—BCIS

Final Rule Stage

1220. WITHHOLDING OF ADJUDICATION**Priority:** Other Significant**Legal Authority:** 8 USC 552; 8 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1304; 8 USC 1356; 8 USC 1421; 8 USC 1443; 8 USC 1447; . . .**CFR Citation:** 8 CFR 103; 8 CFR 208; 8 CFR 310; 8 CFR 335; 8 CFR 336**Legal Deadline:** None

Abstract: This regulation expands the situations where a director can withhold the adjudication of an application or petition. The director may withhold adjudication at six-month increments while there is an ongoing investigation relating to that application or petition. Any regulatory deadlines will be tolled while adjudication is withheld. The director will give notice of withholding to the petitioner or applicant if it will not prejudice the investigation. The Department is now conducting security checks on all applicants and petitions, so this rule is necessary to ensure that immigration benefits are not granted while there is an ongoing investigation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/00/05	
Interim Final Rule Comment Period End	03/00/05	

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: Michael J. Sheridan, Associate Counsel, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-1400
Fax: 202 272-1405

RIN: 1615-AA86**1221. 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	02/00/05	
Interim Final Rule Comment Period End	04/00/05	

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

Transferred from RIN 1115-AG93

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

RIN: 1615-AA90**1222. IMPLEMENTATION OF THE AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES REGARDING ASYLUM CLAIMS****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282**CFR Citation:** 8 CFR 208**Legal Deadline:** None

Abstract: The terms of a recently signed agreement between the United States and Canada bar certain categories of aliens arriving from Canada at land border ports-of-entry and in transit from Canada from formally applying for protection in the United States. The Department of Homeland Security proposes to amend the asylum regulations to establish the U.S. Citizenship and Immigration Services asylum officers' authority to make threshold determinations concerning the applicability of the agreement in the expedited removal context. DHS is proceeding with final rulemaking to implement this agreement by the end of calendar year 2004.

Timetable:

Action	Date	FR Cite
NPRM	03/08/04	69 FR 10620
NPRM Comment Period End	03/07/04	
Final Action	11/00/04	
Final Action Effective	12/00/04	

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

Transferred from RIN 1115-AG95

Agency Contact: Joanna Ruppel, Deputy Director, Asylum Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 3rd Floor, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-1663

RIN: 1615-AA91

DHS—BCIS

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1223. 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	04/00/05	
Interim Final Rule	06/00/05	
Comment Period		
End		

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1115-AH01**Agency Contact:** Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, Bureau of 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**1224. 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	02/00/05	
Interim Final Rule	04/00/05	
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: Efrén Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353-8177**RIN:** 1615-AB00**1225. 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	03/00/05	
Interim Final Rule	05/00/05	
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, Bureau of Citizenship and Immigration Services, Room 980, Field Operations, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-1017**RIN:** 1615-AB08**1226. SUNSET OF ADDITIONAL \$1,000 FILING FEE AND RETURN TO 65,000 ANNUAL LIMIT ON H-1B NONIMMIGRANT PETITION APPROVALS****Priority:** Other Significant**Legal Authority:** 5 USC 301; 5 USC 552; 5 USC 552a; 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1281; 8 USC 1282; 8 USC 1301 to 1305; 8 USC 1356; 8 USC 1372; PL 105-277; PL 106-311; PL 106-313; ...**CFR Citation:** 8 CFR 103; 8 CFR 214**Legal Deadline:** None**Abstract:** The American Competitiveness and Workforce Improvement Act, Public Law 105-277, temporarily increased the number of temporary skilled personnel admitted to the United States under the H-1B program, and imposed an additional fee for petitioning employers. The increase in temporary workers and additional fee sunset on October 1, 2003.

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

Timetable:

Action	Date	FR Cite
Final Action	12/00/04	

Regulatory Flexibility Analysis**Required:** No

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Small Entities Affected: No**Government Levels Affected:** None**Additional Information:** CIS No. 2286-03**Agency Contact:** Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353-8177**RIN:** 1615-AB10**1227. REQUIRING COMPLETION OF SECURITY CHECKS BEFORE ISSUANCE OF EVIDENCE OF ALIEN REGISTRATION****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 8 USC 1103; 8 USC 1201; 8 USC 1303 to 1305; 8 CFR 2**CFR Citation:** 8 CFR 264**Legal Deadline:** None**Abstract:** This interim rule amends Department of Homeland Security regulations relating to the issuance of evidence of alien registration. Under the amended rule, the Department will not issue evidence of an alien's registration under sections 262 and 264 of the Immigration and Nationality Act until the Department has completed all appropriate security checks. This rule is necessary to minimize the risk that aliens who may present threats to the public safety or national security may escape detection and removal from the United States.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/00/05	
Interim Final Rule	08/00/05	
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, Bureau of Citizenship and Immigration Services, Room 3214, (ULLICO), Officeof Program and Regulations Development, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514-4754**RIN:** 1615-AB12**1228. CLASSIFICATION OF CERTAIN SCIENTISTS OF THE COMMONWEALTH OF INDEPENDENT STATES OF THE FORMER SOVIET UNION AND THE BALTIC STATES AS EMPLOYMENT-BASED IMMIGRANTS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154**CFR Citation:** 8 CFR 204**Legal Deadline:** None**Abstract:** The Soviet Scientists Immigration Act of 1992 (SSIA) provided for 750 visas to be provided to eligible scientists and engineers from the former Soviet Union. This program expired on October 24, 1996. Recent legislation extended the eligibility deadline for filling under the SSIA to September 30 2006, and raised the numerical limit on these visas from 750 to 950. It also required DHS to consult with the Department of State and other agencies regarding previous experiences with the program and their recommendations for making the program more effective. This rule improves administration of the program by requiring each applicant to submit a statement signed by the State Department's Bureau of Nonproliferation (Bureau) regarding his or her qualifications. Because the Bureau has been in close contact with this group of scientists and with the organizations that have employed them for a number of years, the Bureau is in a better position than DHS to assess the individual applicant's qualifications. Accordingly, this signed statement will be submitted for the evidence of qualifications previously required under the program.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/00/05	
Interim Final Rule	03/00/05	
Comment Period		
End		

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2277-03**Agency Contact:** Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353-8177**RIN:** 1615-AB14**1229. PETITIONING REQUIREMENTS FOR THE O AND P NONIMMIGRANT CLASSIFICATIONS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; ...**CFR Citation:** 8 CFR 214**Legal Deadline:** None**Abstract:** This interim rule amends the regulations of the Department of Homeland Security (DHS) to enable certain petitioners to file O and P nonimmigrant petitions up to one year prior to the petitioners' need for the alien's services. Petitioners frequently plan for an event or performance more than one year in advance when seeking O and/or P nonimmigrant workers for employment in the United States. By extending the filing time requirement for O and P petitions from the current six months to one year, DHS hopes to provide relief and assurance to petitioners that, if approvable, such petitions will be approved prior to the date of the petitioners' need for the alien's services.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/00/05	
Interim Final Rule	04/00/05	
Comment Period		
End		

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

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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, Bureau of Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353-8177

RIN: 1615-AB17

1230. 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 agency 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 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	01/00/05	
Interim Final Rule	03/00/05	
Comment Period		
End		

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, Bureau of Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353-8177

RIN: 1615-AB22

1231. ELIGIBILITY PILOT PROGRAM (PRECERTIFICATION OF CERTAIN I129 AND I140 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
Interim Final Rule	01/00/05	
Interim Final Rule	03/00/05	
Comment Period		
End		

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, Bureau of Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353-8177

RIN: 1615-AB25

1232. • 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.

DHS—BCIS

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Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/05	
Interim Final Rule	06/00/05	
Comment Period		
End		

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,Bureau of Citizenship and Immigration
Services, Office of Program and
Regulations Development, (ULLICO)
3rd Floor, 111 Massachusetts Avenue
NW., Washington, DC 20529
Phone: 202 353-8177

RIN: 1615-AB27

Department of Homeland Security (DHS)

Long-Term Actions

Bureau of Citizenship and Immigration Services (BCIS)

**1233. REDUCTION OF THE NUMBER
OF ACCEPTABLE DOCUMENTS AND
OTHER CHANGES TO EMPLOYMENT
VERIFICATION REQUIREMENTS
(SECTION 610 REVIEW)****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 proposed
rulemaking published February 12,
1998, implements sections 212(a) and
(d) of IIRIRA and proposes other
changes to the employment verification
process identified through that review.
A revised Form I-9, Employment
Eligibility Verification, was included
with the proposed rulemaking.The comment period closed on April
3, 1998. The Department is analyzing
the comments and taking into
consideration issues raised by the Alien
Registration Form (I-551) program. It
should be noted that this action
supersedes the previously publishedregulatory action titled "Reduction in
the Number of Documents Accepted for
Employment Verification." In order to
avoid confusion, this regulatory action
is being referenced under the current
RIN, which captures all prior actions
related to employment verification.CIS No. 1947-98, interim rule published
February 9, 1999 (64 FR 6187). The
"Receipt Rule" permits employees to
present to their employer certain types
of "receipts" in lieu of a document
listed on the Form I-9.

Timetable:

Action	Date	FR Cite
NPRM (No. 1399 Comment Period End 12/23/93)	11/23/93	58 FR 61846
NPRM (No. 1339S Comment Period End 07/24/95)	06/22/95	60 FR 32472
Notice (No. 1713 Applications Due 01/29/96)	11/30/95	60 FR 61630
Appl. Extension Through 3/8/96; Notice Pilot Demonstration Program (No. 1713)	02/06/96	61 FR 4378
Final Rule (No. 1399E)	09/04/96	61 FR 46534
Interim Final Rule (No. 1818)	09/30/97	62 FR 51001
NPRM (No. 1890-97 Comment Period End 04/03/98)	02/02/98	63 FR 5287
Final Rule	12/00/05	

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 implementationwith other provisions of IIRIRA, by
several complex policy and regulatory
issues that have taken time to resolve,
and by the review required by section
610 of the Regulatory Flexibility Act,
and by the need to coordinate policy
issues with the Border Security Act of
2002 and, more generally, the post-
September 11th environment in which
document security is of a paramount
concern.Docket No. 1890-97; Public Law 104-
208, title 4.Nos. 1399 and 1399S-94, Control of
Employment of Aliens, Supplemental
Rule; Action for Nos. 1399 and 1399S
is canceled as a result of IIRIRA
requirements.Docket No. 1399E is an extracted
portion of No. 1399, published
separately to allow for the production
of a new, more secure Employment
Authorization Document.Docket No. 1713-95, Demonstration
Project for Electronic I-9.Interim Rule No. 1818 was published
on September 30, 1997, at 62 FR 51001
to maintain the status quo as much as
possible until the agency completes the
more comprehensive document
reduction initiative designated by No.
1890-97.

Transferred from RIN 1115-AB73

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RIN: 1615-AA01

DHS—BCIS

Long-Term Actions

1234. 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: Regulations implement provisions of the Immigration and Nationality Act as established by section 302 of the Immigration Act of 1990, Public Law 101-649, which allow for the establishment and implementation of Temporary Protected Status (TPS). Currently, nationals of countries have been accorded TPS through the publication of separate Federal Register Notices.

Current regulatory actions include:

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

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

CIS No. 2229 terminates TPS for Sierra Leone.

Timetable:

Action	Date	FR Cite
TPS Final Rule (CIS No. 1612) Removal of Obsolete Sections Covering TPS for Salvadorans	09/10/96	61 FR 47667
TPS Notice (CIS No. 1832-97) Extension and Redesignation of Liberia	04/07/97	62 FR 16608
TPS Notice (CIS No. 1853-97) Extension and Termination of Rwanda Eff. 06/07/97	06/19/97	62 FR 33442
TPS Notice (CIS No. 1862-97) Extension of Bosnia-Herzegovina	08/01/97	62 FR 41420
TPS Notice (CIS No. 1863-97) Extension of Somalia	08/01/97	62 FR 41421
TPS Notice (CIS No. 1878-97) TPS Designation of Montserrat	08/28/97	62 FR 45685

Action	Date	FR Cite	Action	Date	FR Cite
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. 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. 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. 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. 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. 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. 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
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. 1958-98) TPS Extension of Designation of Sierra Leone	11/03/98	63 FR 59336	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. 1959-98) Extension of Designation of Sudan	11/03/98	63 FR 59337	TPS Notice (CIS No. 2044-00) Designation of Angola Under TPS	03/29/00	65 FR 16634
Final Action, Temporary Protected Status, Exception to Registration Deadlines	11/16/98	63 FR 63593	TPS Notice (CIS No. 2064-00) Extension of Nicaragua Designation	05/11/00	65 FR 30440
TPS Notice (CIS No. 1964-98) TPS Designation of Honduras	01/05/99	64 FR 524	TPS Notice (CIS No. 2065-00) Extension of Designation of Honduras	05/11/00	65 FR 30438
TPS Notice (CIS No. 1965-98) TPS Designation of Nicaragua	01/05/99	64 FR 526	TPS Notice (CIS No. 2066-00) Termination of the Kosovo...	05/23/00	65 FR 33356
TPS Notice (CIS No. 1960-98) TPS Designation of Guinea-Bissau	03/11/99	64 FR 12181			
TPS Notice (CIS No. 1986-99) TPS Extension and Redesignation of the Province of Kosovo	06/08/99	64 FR 30542			

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Action	Date	FR Cite	Action	Date	FR Cite	Action	Date	FR Cite
TPS Notice (CIS No. 2064R-00) Extension of Re-Registration for Nicaraguans	06/09/00	65 FR 36729	TPS Notice (CIS No. 2146-01) Extension of the Designation of Montserrat under TPS	08/03/01	66 FR 40834	TPS Notice (CIS No. 2237-02) Extension of TPS for Sierra Leone	10/31/02	67 FR 66423
TPS Notice (CIS No. 2065R-00) Extension of Re-Registration for Hondurans	06/09/00	65 FR 36719	TPS Notice (CIS No. 2162-01) Extension of Designation of Burundi under TPS	08/31/01	66 FR 46027	TPS Notice (CIS No. 2229-02) Termination of Designation of Angola under TPS	01/27/03	68 FR 3896
TPS Notice (CIS No. 2079-00) Termination of Bosnia-Herzegovina	08/30/00	65 FR 52789	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. 2314-04) Termination of the Designation of Montserrat	07/06/04	69 FR 40642
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. 2164-01) Extension of Designation of Sudan under TPS	08/31/01	66 FR 46031	TPS Notice (CIS No. 2319-04) Extension of the Designation of Somalia	08/06/04	69 FR 47937
TPS Notice (CIS No. 2094-00) Extension of Designation of Sudan	11/09/00	65 FR 67407	TPS Notice (CIS No. 2151-01) Extension of Redesignation of Somalia under TPS	09/04/01	66 FR 46288	TPS Notice (CIS No. 2324-04) Termination and Redesignation of Liberia	08/25/04	69 FR 52297
TPS Notice (CIS No. 2095-00) Extension of Designation of Sierra Leone	11/09/00	65 FR 67405	TPS Notice (CIS No. 2114-01) Extension of the Designation of Angola under TPS	02/01/02	67 FR 4997			
TPS Notice (CIS No. 2096-00) Extension of Designation of Burundi	11/09/00	65 FR 67404	TPS Notice (CIS No. 2196-02) Extension of Designation of Nicaragua under TPS	05/03/02	67 FR 22450	Next Action Undetermined		
Correction TPS Notice (CIS No. 2090-00) Extension of Designation of Somalia	12/08/00	65 FR 69789	TPS Notice (CIS No. 2197-02) Extension of Designation of Honduras under TPS	05/03/02	67 FR 22451	Regulatory Flexibility Analysis Required: No		
TPS Notice (CIS No. 2125-01) Designation of El Salvador	03/09/01	66 FR 14214	TPS Notice (CIS No. 2212-02) Extension of Designation of El Salvador under TPS	07/11/02	67 FR 46000	Small Entities Affected: No		
TPS Notice (CIS No. 2114-01) Extension and Redesignation of Angola	04/05/01	66 FR 18111	TPS Notice (CIS No. 2209-02) Extension of Designation of Montserrat	07/17/02	67 FR 47002	Government Levels Affected: None		
TPS Notice (CIS No. 2135-01) Extension of Designation of Honduras under TPS	05/08/01	66 FR 23269	TPS Notice (CIS No. 2209-02) Extension of Designation of Montserrat under TPS	07/17/02	67 FR 47002	Additional Information: The Secretary may designate other countries for TPS.		
TPS Notice (CIS No. 2136-01) Extension of Designation of Nicaragua under TPS	05/08/01	66 FR 23271	TPS Notice (CIS No. 2215-02) Extension of Designation of Somalia	07/26/02	67 FR 48950	CIS Nos. 1608, 1612, 1832-97, 1853-97 and 1877-97.		
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. 2226-02) Extension of the Designation of Sudan under TPS	08/30/02	67 FR 55877	CIS No. 1608 issued as an interim final rule on 11/5/93 at 58 FR 58935		
			TPS Notice (CIS No. 2225-02) Extension of Designation of Burundi under TPS	08/30/02	67 FR 55875	Transferred from RIN 1115-AE26		
			TPS Notice (CIS No. 2235-02) Designation of Liberia under TPS	10/01/02	67 FR 61664	Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, Bureau of 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		

1235. 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

DHS—BCIS

Long-Term Actions

Legal Deadline: None

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

The interim final rule published September 6, 1996, amended DHS regulations to define the term “an alien who is lawfully present in the United States” so that the Social Security Administration may determine which aliens are eligible for benefits under title II of the Social Security Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/06/96	61 FR 47039
Interim Final Rule Comment Period End	11/05/96	
Final Action	12/00/05	

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

1236. 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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RIN: 1615-AA19

1237. NATIONAL INTEREST WAIVERS FOR SECOND PREFERENCE EMPLOYMENT-BASED IMMIGRANT PHYSICIANS SERVING IN MEDICALLY UNDERSERVED AREAS OR AT DEPARTMENT OF VETERANS AFFAIRS FACILITIES

Priority: Other Significant

Legal Authority: PL 106-113; 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641

CFR Citation: 8 CFR 204; 8 CFR 245

Legal Deadline: None

Abstract: On November 29, 1999, Public Law 106-113 was enacted. Section 117 amended the Immigration and Nationality Act at section 203 to provide national interest waivers to alien physicians agreeing to practice five years in designated medically underserved areas or at Veterans Affairs facilities. The Department proposes an amendment to 8 CFR parts 204 and 245 in order to implement the new statutory provisions. DHS also issued an interim regulation so that applicants may begin to take advantage of the new provisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/06/00	65 FR 53889
Correction to Interim Final Rule	09/27/00	65 FR 57943
Interim Final Rule Effective	10/06/00	
Correction to Interim Final Rule	10/20/00	65 FR 63118
Interim Final Rule Comment Period End	11/06/00	
Final Action	12/00/05	

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, Bureau of Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353-8177

RIN: 1615-AA34

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Long-Term Actions

1238. PETITIONING REQUIREMENTS FOR THE H-1C NONIMMIGRANT CLASSIFICATION UNDER PUBLIC LAW 106-95**Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; ...**CFR Citation:** 8 CFR 214.2**Legal Deadline:** None

Abstract: On November 12, 1999, the Nursing Relief for Disadvantaged Areas Act (NRDAA) was enacted creating a new H-1C nonimmigrant nurse category. This rule amends the Department's regulations in order to implement the NRDAA as it relates to the adjudication petitions for H-1C classification. This rule will facilitate the hiring of alien registered nurses to reduce the shortage of nurses in certain areas of the United States while protecting the rights of U.S. nurses.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/11/01	66 FR 31107
Interim Final Rule Comment Period End	08/10/01	
Final Action	12/00/05	

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

Transferred from RIN 1115-AF76

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

RIN: 1615-AA35**1239. 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: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353-8177

RIN: 1615-AA47**1240. 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. The Department is now circulating a final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/17/01	66 FR 27445
Interim Final Rule Effective	05/17/01	
Interim Final Rule Comment Period End	07/17/01	
Final Action	12/00/05	

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

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, Bureau of 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-AA57**1241. CONSTRUCTION WORK AND THE B NONIMMIGRANT VISA CLASSIFICATION****Priority:** Other Significant**Legal Authority:** Not Yet Determined**CFR Citation:** 8 CFR 214**Legal Deadline:** None

Abstract: The Department has solicited comments from the public on the issue of aliens admitted to the U.S. as B nonimmigrant visitors whose intent is to engage in construction work during

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the alien's stay. In particular the Department is exploring the feasibility of defining the term construction as it relates to B nonimmigrant visitors. A standard definition of construction may assist both the public and the Department in determining if an alien admitted as a B nonimmigrant visitor may engage in construction during his or her period of authorized stay. The Department is considering a rulemaking on this subject.

Timetable:

Action	Date	FR Cite
ANPRM	09/19/01	66 FR 48223
ANPRM Comment Period End	11/19/01	
NPRM	12/00/05	

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

RIN: 1615-AA58

1242. 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 Comment Period End	06/11/02	
Final Action	12/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2195-02

Transferred from RIN 1115-AG60

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Phone: 202 353-8177

RIN: 1615-AA73

1243. PETITIONS FOR ALIENS TO PERFORM TEMPORARY NONAGRICULTURAL SERVICES OR LABOR (H-2B)

Priority: Other Significant

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

CFR Citation: 8 CFR 2

Legal Deadline: None

Abstract: The Department of Homeland Security, after consulting with the Department of Labor and the Department of State, is proposing significant changes to its regulations that are designed to increase the effectiveness of the H-2B nonimmigrant classification. These proposals will increase the usefulness of the program for 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	12/00/05	

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

RIN: 1615-AA82

1244. 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	11/00/05	
NPRM Comment Period End	12/00/05	

Regulatory Flexibility Analysis

Required: No

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Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2249-02

Transferred from RIN 1115-AG90

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RIN: 1615-AA94

1245. 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 (NAFTA). It also eliminates the associated requirement of a petition on Form I-129 and the certified labor condition application. Rather than submit a petition to DHS, aliens seeking TN classification will apply for a TN visa from the State Department. This rule brings the treatment of Mexican TNs under NAFTA closer to that of Canadian TNs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/10/04	69 FR 11287
Interim Final Rule Comment Period End	05/10/04	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2266-03

Transferred from RIN 1115-AH02

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security,

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RIN: 1615-AA96

1246. CRIMINAL GROUNDS OF INADMISSIBILITY, EXCEPTIONS AND WAIVERS FOR IMMIGRANTS AND NONIMMIGRANTS, REFUGEES AND ASYLEES

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

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

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	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. 2276-03

Agency Contact: Pearl Chang, Chief, Residence and Status Branch, Department of Homeland Security, Bureau of 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

1247. 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	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 2303-03

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

RIN: 1615-AB20

DHS—BCIS

Long-Term Actions

1248. • EXTENSION OF THE DEADLINE FOR CERTAIN HEALTH CARE WORKERS REQUIRED TO OBTAIN CERTIFICATES**Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; ...**CFR Citation:** 8 CFR 212; 8 CFR 214**Legal Deadline:** None

Abstract: This rule amends the 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 Comment Period End	09/20/04	
Final Action	12/00/05	

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, Bureau of Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353-8177

RIN: 1615-AB28

Department of Homeland Security (DHS)

Completed Actions

Bureau of Citizenship and Immigration Services (BCIS)

1249. LIMITING LIABILITY FOR CERTAIN TECHNICAL AND PROCEDURAL VIOLATIONS OF PAPERWORK REQUIREMENTS**Priority:** Other Significant**Legal Authority:** 8 USC 1324a; PL 104-208**CFR Citation:** 8 CFR 274a**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	04/07/98	63 FR 16909
NPRM Comment Period End	06/08/98	
Withdrawn	09/03/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 1819-96 and Public Law 104-208, title IV

Transferred from RIN 1115-AE70

Agency Contact: Marguerite Przbylski Kleczek, Attorney, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 6100, Office of Chief Counsel, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514-2895

RIN: 1615-AA08**1250. VERIFICATION OF ELIGIBILITY FOR PUBLIC BENEFITS****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1642**CFR Citation:** 8 CFR 104**Legal Deadline:** NPRM, Statutory, November 3, 1997.

Final, Statutory, February 22, 1998, Statutory deadline to promulgate regulations for State and local public benefits was previously November 3, 1998. Deadline for regulations for Federal public benefits was February 22, 1998.

Abstract: This regulatory action requires entities (other than nonprofit charitable organizations) providing Federal public benefits (with certain exceptions) to verify by examining documents and using a DHS-automated verification system that alien applicants are eligible for the benefits under Federal benefit reform legislation. This rule also sets forth provisions by which

State or local governments can verify whether aliens applying for State or local public benefits are eligible for such benefits under Federal laws. In addition, the rule establishes procedures for verifying the U.S. nationality of individuals applying for benefits in a fair and nondiscriminatory manner.

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

The proposed rule for the Verification of Eligibility for Public Benefits was published on August 4, 1998, at 63 FR 41662. The changes made in response to the comments received on the proposed rule were significant enough and dealt with complex and important issues that another opportunity to comment is warranted. The next version of the rule will be issued as an interim rule, rather than a final rule, in order to implement the statutory directive to promulgate verification regulations and start the subsequent two-year period in which Federal public benefit-granting agencies must come into compliance. The interim rule

DHS—BCIS

Completed Actions

is in the concurrence process and has not yet been published.

Timetable:

Action	Date	FR Cite
NPRM (CIS No. 1902-98)	08/04/98	63 FR 41662
NPRM Comment Period End	10/05/98	
Withdrawn	09/03/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State

Additional Information: CIS No. 1902-98 should be referenced for any inquiries concerning this rulemaking action.

Transferred from RIN 1115-AE99

Agency Contact: Phillip Busch, Senior Counsel, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 6100, Office of General Counsel, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514-2895

RIN: 1615-AA13

1251. EMPLOYMENT AUTHORIZATION FOR CERTIFICATE OF CITIZENSHIP APPLICANTS

Priority: Other Significant

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

CFR Citation: 8 CFR 274a, 8 CFR 341

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Withdrawn	09/08/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No.2076-00

Transferred from RIN 1115-AF90

Agency Contact: Michael J. Sheridan, Associate Counsel, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-1400
Fax: 202 272-1405

RIN: 1615-AA39

1252. LIMITING THE PERIOD OF ADMISSION FOR B NONIMMIGRANT ALIENS

Priority: Other Significant

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

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	04/12/02	67 FR 18065
NPRM Comment Period End	05/13/02	
Withdrawn	09/09/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: CIS No. 2176-01

Transferred from RIN 1115-AG43

Agency Contact: Efren Hernandez, Chief, Business and Trade Branch, Department of Homeland Security,

Bureau of Citizenship and Immigration Services, Office of Program and Regulations Development, (ULLICO) 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 353-8177

RIN: 1615-AA68

1253. JUDICIAL REVIEW OF ADMINISTRATIVE DECISIONS UNDER THE IMMIGRATION AND NATIONALITY ACT

Priority: Other Significant

Legal Authority: 5 USC 552; 5 USC 552(a); 5 USC 704; 8 USC 1101; 8 USC 1103; ...

CFR Citation: 8 CFR 103

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Withdrawn	09/03/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 1785-04

Transferred from RIN 1115-AG49

Agency Contact: Michael J. Sheridan, Associate Counsel, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 272-1400
Fax: 202 272-1405

RIN: 1615-AA71

DHS—BCIS

Completed Actions

1254. ADDING AND REMOVING INSTITUTIONS TO AND FROM THE LIST OF RECOGNIZED AMERICAN INSTITUTIONS OF RESEARCH**Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1443; 8 USC 1447**CFR Citation:** 8 CFR 316**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Final Action	10/28/03	68 FR 61333

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** CIS No. 2131-01

Transferred from RIN 1115-AG52

Agency Contact: Gerard Casale, Senior Adjudications Officer, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 514-0788

RIN: 1615-AA72**1255. LIMITING THE USE OF DURATION OF STATUS FOR CERTAIN F, J, AND I NONIMMIGRANTS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1101 note; 8 USC 1103; 8 USC 1182; 8 USC 1184; ...**CFR Citation:** 8 CFR 214**Legal Deadline:** None

Abstract: This rule concerns the duration of status for nonimmigrants in the F (student), J (exchange visitor), and

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

Timetable:

Action	Date	FR Cite
Withdrawn	09/07/04	

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

Transferred from RIN 1115-AG76

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

RIN: 1615-AA80**1256. ADJUSTMENT OF THE IMMIGRATION BENEFIT APPLICATION FEE SCHEDULE TO RECOVER COSTS ASSOCIATED WITH ADDITIONAL SECURITY CHECKS****Priority:** Other Significant**Legal Authority:** 5 USC 552; 5 USC 552(a); 8 USC 1101; 8 USC 1103; 8 USC 1304; ...**CFR Citation:** 8 CFR 103**Legal Deadline:** None

Abstract: The rule proposes to adjust the immigration benefit application fee by \$5 to recover costs associated with performing additional security checks on all immigration benefit applications. Fees collected from persons filing immigration benefit applications are deposited into the Immigration

Examinations Fee Account and used to fund the full cost of processing immigration benefit applications and associated support benefits; the full cost of providing similar benefits to asylum and refugee applicants; and the full cost of similar benefits provided to other immigrants, as specified in the regulation, at no charge. Federal guidelines require the Department of Homeland Security to establish and collect fees to recover the full cost of processing benefit applications. These security checks are necessary to try to protect the United States from future terrorist attacks.

Timetable:

Action	Date	FR Cite
Interim Rule	01/24/03	68 FR 3797
Final Action	04/15/04	69 FR 20528

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

Transferred from RIN 1115-AG82

Agency Contact: Paul Schlesinger, Acting Director, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 5307, Office of Budget, 20 Massachusetts Avenue NW., Washington, DC 20529
Phone: 202 616-0563
Email: paul.l.schlesinger@dhs.gov

RIN: 1615-AA84**1257. AVAILABILITY OF MATERIAL UNDER FREEDOM OF INFORMATION ACT AND PRIVACY ACT****Priority:** Other Significant**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252**CFR Citation:** 8 CFR 103**Legal Deadline:** None

Abstract: The Department issued on January 27, 2003, an Interim Rule, Freedom of Information Act and Privacy Act Procedures at 68 FR 4056. This rule establishes procedures for the public to obtain information from the Office of the Secretary under FOIA and the Privacy Act. USCIS had planned to publish a proposed rule to eventually implement new provisions concerning electronic FOIA, but with the

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Completed Actions

promulgation of the Departments rulemaking this action is no longer necessary. USCIS is reviewing appropriate sections in 8 CFR 103 that pertain to FOIA to remove applicable provisions that are no longer applicable. Accordingly, USCIS will plan to issue an interim final rule in calendar year 2005 to update 8 CFR 103 to remove outdated sections in 8 CFR 103 that have been superseded by 6 CFR chapters 1 and 5.

Timetable:

Action	Date	FR Cite
Withdrawn	09/02/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: CIS No.1942-98

Transferred from RIN 1680-AA00

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

RIN: 1615-AB18

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

Proposed Rule Stage

1258. 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

Action

Action	Date	FR Cite
Interim Rule Comment	12/10/92	
Period End		
NPRM	01/00/05	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: Transferred from RIN 2115-AD90

Agency Contact: 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

1259. 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	03/00/05	

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: Allen R. Thuring, Project Manager, National Pollution Funds Center, Department of Homeland Security, U.S. Coast Guard, Suite 1000, 4200 Wilson Boulevard, Arlington, VA 22203-1804
Phone: 202 493-6801

RIN: 1625-AA06

1260. 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

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Proposed Rule Stage

barges more than 100 gross tons operating on the navigable waters of the United States be numbered. This rulemaking would establish a numbering system for these barges. The numbering of undocumented barges will allow identification of owners of barges found abandoned and help prevent future marine pollution. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

Timetable:

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

1261. IMPLEMENTATION OF THE 1995 AMENDMENTS TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION, AND WATCHKEEPING (STCW) FOR SEAFARERS, 1978 (CGD 95-062)

Priority: Other Significant

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

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

Legal Deadline: None

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

Timetable:

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

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

1262. MARINE EVENTS: PERMIT PROCEDURES (USCG-2001-10713)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1233

CFR Citation: 33 CFR 100

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

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

DHS—USCG

Proposed Rule Stage

1263. WEARING OF PERSONAL FLOTATION DEVICES BY PERSONS OPERATING OR RIDING ON PERSONAL WATERCRAFT OR BEING TOWED BEHIND RECREATIONAL VESSELS (USCG–2002–11421)**Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 4302**CFR Citation:** 33 CFR 175**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	

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**1264. TRAFFIC SEPARATION SCHEMES: IN THE STRAIT OF JUAN DE FUCA AND ITS APPROACHES; IN PUGET SOUND AND ITS APPROACHES; IN HARO STRAIT, BOUNDARY PASS, AND IN THE STRAIT OF GEORGIA (USCG–2002–12702)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1223**CFR Citation:** 33 CFR 167**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	08/27/02	67 FR 54981
NPRM Comment	10/28/02	
Period End		
Supplemental NPRM	01/00/05	

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**1265. ADMINISTRATIVE CHANGES TO NUMBERING OF VESSELS AND REPORTING OF CASUALTIES (USCG–2003–14963)****Priority:** Substantive, Nonsignificant

Legal Authority: 31 USC 9701; 46 USC 2110; 46 USC 4302; 46 USC 4310; 46 USC 6101; 46 USC 6102; 46 USC 12301; 46 USC 12302; 46 USC 12502; PL 100–710; DHS Security Delegation No. 0170.1

CFR Citation: 33 CFR 173; 33 CFR 174; 33 CFR 181**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

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 205930001
Phone: 202 267–0857

RIN: 1625–AA70**1266. COMMERCIAL FISHING INDUSTRY VESSELS (USCG–2003–16158)**

Regulatory Plan: This entry is Seq. No. 72 in part II of this issue of the **Federal Register**.

RIN: 1625–AA77

DHS—USCG

Proposed Rule Stage

1267. • 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	11/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State

Agency Contact: LT 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

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

Final Rule Stage

1268. REPORTING MARINE CASUALTIES (USCG–2000–6927)

Priority: Substantive, Nonsignificant

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

CFR Citation: 33 CFR 151; 46 CFR 4

Legal Deadline: None

Abstract: This action would add to the definition of a reportable marine casualty, "significant harm to the environment." Some casualty reporting requirements are extended to include foreign tank vessels operating in U.S. waters, including the Exclusive Economic Zone. This project supports the Coast Guard's Marine Safety and Environmental Protection program's goal to reduce the consequence of pollution incidents and further supports the Coast Guard's strategic goal of protection of natural resources.

Timetable:

Action	Date	FR Cite
Request for Comments	12/20/94	59 FR 65522
Comment Period End	02/20/95	
NPRM	11/02/00	65 FR 65808
Supplemental NPRM	07/12/01	66 FR 36530
Supplemental NPRM Comment Period End	09/10/01	
Final Rule	11/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AD98

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

Agency Contact: LCDR Charles Barbee, Project Manager, G–MOA–1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., 2100 Second Street SW., Washington, DC 20593
Phone: 202 267–1418

RIN: 1625–AA04

1269. LIMITED SERVICE DOMESTIC VOYAGE LOAD LINES FOR RIVER BARGES ON LAKE MICHIGAN (USCG–1998–4623)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 51

CFR Citation: 46 CFR 45

Legal Deadline: None

Abstract: This regulatory project will allow certain unmanned dry cargo river barges operating on Lake Michigan to be exempted from the normal Great Lakes load line requirements. Instead, they may qualify for a conditional load line exemption, or for a limited service domestic voyage load line (depending on which Lake Michigan route). This rulemaking pertains to two specific routes: Chicago to Milwaukee, and

Chicago to Muskegon. This will allow certain non-hazardous cargoes originating at inland river ports to be transported as far as Milwaukee and Muskegon by river barge, thereby benefiting from the relatively low cost per ton-mile of river barge transportation. Compliance is not mandatory other than for those river barge operators who voluntarily seek to expand their operations onto these routes. This rulemaking supports the Coast Guard's strategic goals of maritime safety and maritime mobility.

Timetable:

Action	Date	FR Cite
NPRM	11/02/98	63 FR 58679
NPRM Comment Period Extended	12/28/98	63 FR 71411
Comment Period End	01/04/99	
NPRM Comment Period End	03/04/99	
Interim Final Rule	04/23/02	67 FR 19685
Interim Final Rule Effective	05/23/02	
Collection of Information Sections Effective	06/20/02	
Interim Final Rule—Announcement of Effective Date of COI Sections	06/20/02	67 FR 41847
Interim Final Rule Comment Period End	10/23/02	
Final Rule	09/00/05	

Regulatory Flexibility Analysis Required: No

DHS—USCG

Final Rule Stage

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

1270. 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	

Action	Date	FR Cite
Notice to Reopen Comment Period	10/21/03	68 FR 60034
Comment Period End	12/22/03	
Final Rule	02/00/05	

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

1271. POST CASUALTY DRUG AND ALCOHOL TESTING (USCG–2001–8773)

Regulatory Plan: This entry is Seq. No. 73 in part II of this issue of the **Federal Register**.

RIN: 1625–AA27

1272. 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 "Rate-making Analyses and Methodology" published in the Federal Register on May 9, 1996. Depending on the results of this review, the Coast Guard can make rate adjustments in accordance with 46 CFR part 404, appendix A, step 7; or, if the director determines that pilotage rates are within a reasonable range of their target, make no adjustments. This rulemaking may take place annually. It supports the Coast Guard's strategic goal of maritime mobility.

Timetable:

Action	Date	FR Cite
NPRM	01/23/03	68 FR 3202
NPRM Comment Period Extended	02/14/03	68 FR 7489
NPRM Comment Period Extended	04/01/03	68 FR 15697
NPRM Correction	04/01/03	
Public Meeting (04/14)	04/01/03	

Action	Date	FR Cite
NPRM Comment Period End	05/01/03	
Interim Rule	12/12/03	68 FR 69564
Interim Rule Comment Period End	02/10/04	
Interim Rule	12/00/04	

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

1273. VESSEL DOCUMENTATION: LEASE FINANCING FOR VESSELS ENGAGED IN THE COASTWISE TRADE; SECOND RULEMAKING (USCG–2003–14472)

Priority: Other Significant

Legal Authority: 14 USC 664; 31 USC 9701; 42 USC 9118; 46 USC 2103; 46 USC 2107; 46 USC 2110; 46 USC 12106; 46 USC 12120; 46 USC 12122; 46 USC app 876

CFR Citation: 46 CFR 67

Legal Deadline: None

Abstract: On August 9, 2004, the President signed the Coast Guard and Maritime Transportation Act of 2004 (the 2004 Act) (Pub. L. 108-293), which made significant amendments to 46 U.S.C. 12106 with regard to certain vessels engaged in coastwise trade. In response to those changes, the Coast Guard and Maritime Administration are withdrawing the joint notice of proposed rulemaking published on February 4, 2004, and the Coast Guard will begin a new rulemaking. The question raised by the Coast Guard on third-party auditing of applications for an endorsement was not addressed in the 2004 Act and will be carried forward in the new rulemaking. All comments and documents received in this docket will be available for use in the new rulemaking.

DHS—USCG

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	02/04/04	69 FR 5403
NPRM Comment Period End	05/04/04	
Notice of Withdrawal	11/00/04	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AG55**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-AA63**1274. TERMS IMPOSED BY STATES
ON NUMBERING OF VESSELS
(USCG-2003-15708)****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 46 USC 12307**CFR Citation:** 33 CFR 174, subpart B**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	02/14/04	69 FR 2098
NPRM Comment Period End	04/13/04	
Final Rule	11/00/04	

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

dms.dot.gov

URL For Public Comments:

dms.dot.gov

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

RIN: 1625-AA75**1275. REVIEW AND UPDATE OF
STANDARDS FOR MARINE
EQUIPMENT (USCG-2003-16630)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 3306; 46 USC 4102; 46 USC 4302**CFR Citation:** 46 CFR 32; 46 CFR 50; 46 CFR 52; 46 CFR 54; 46 CFR 56; 46 CFR 58; 46 CFR 62; 46 CFR 63; 46 CFR 110 to 113; 46 CFR 182**Legal Deadline:** None

Abstract: This project would incorporate national and international standards for certain marine equipment and marine electrical equipment into title 46 of the Code of Federal Regulations (CFR). These standards would replace long-outdated ones, or update standards that were superseded fairly recently. The Coast Guard has actively participated in the development of national and international standards of safety for marine equipment through the International Maritime Organization, the International Organization for Standardization, and the American Society for Testing and Materials, as well as through other standards-setting bodies under the American National Standards Institute. We would incorporate these standards into the appropriate parts of title 46.

Timetable:

Action	Date	FR Cite
NPRM	06/30/04	69 FR 39742
NPRM Comment Period End	09/28/04	
Final Rule	02/00/05	

**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**1276. VALIDATION OF MERCHANT
MARINERS' VITAL INFORMATION
AND ISSUANCE OF COAST GUARD
MERCHANT MARINER'S LICENSES
AND CERTIFICATES OF REGISTRY
(USCG-2004-17455)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 2103; DHS Delegation no. 0170.1, para (92)**CFR Citation:** 46 CFR 10**Legal Deadline:** None

Abstract: This rule would impose certain security-related requirements in order to obtain a license or certificate of registry. Applicants would be required to appear in person at least once during the application process, to provide two acceptable forms of identification, and be fingerprinted by Coast Guard personnel.

Timetable:

Action	Date	FR Cite
Interim Rule	03/00/05	

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

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-AA85

Department of Homeland Security (DHS)
U.S. Coast Guard (USCG)
Long-Term Actions
1277. SAFETY ZONE REGULATIONS
Priority: Routine and Frequent

Legal Authority: 33 USC 1225; 33 USC 1231; 33 USC 1233

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. The total actions expected from May 1, 2004, to April 30, 2005, are 300.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	04/00/06	

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: 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

1278. 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 May 1, 2004, to April 30, 2005, are 10.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	04/00/06	

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

1279. 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

1280. 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

DHS—USCG

Long-Term Actions

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
Next Action Undetermined		

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 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: LT Sam Stevens, Project Manager, G-MSE-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-0173

Related RIN: Related to 1625-AA10, Related to 1625-AA65

RIN: 1625-AA05

1281. 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, 2004, to April 30, 2005, are 40.

Timetable:

Action	Date	FR Cite
Action Will Continue Through	04/00/06	

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

1282. 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, 2004, to April 30, 2005, are 150.

DHS—USCG

Long-Term Actions

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	04/00/06	

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**1283. 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 Sam Stevens, Project Manager, G–MSE–1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., 2100 Second Street SW., Washington, DC 20593
Phone: 202 267–0173

Phone: 202 267–0173

Related RIN: Related to 2115–AE10**RIN:** 1625–AA10**1284. REGULATED NAVIGATION AREAS****Priority:** Routine and Frequent**Legal Authority:** 33 USC 1231; 33 USC 1221; 33 USC 1223**CFR Citation:** 33 CFR 165**Legal Deadline:** None**Abstract:** These routine and frequent regulations establish operating requirements for vessels within specified geographic areas to ensure safety on the navigable waters where some special or unusual circumstance exists. Regulated navigation areas are limited areas in which the Coast Guard specifies operational or vessel restrictions such as vessel entry, movement or departure, and vessel size, speed, horsepower, or draft limitations. Regulated navigation areas are promulgated by District Commanders, usually at the request of Coast Guard marine safety or local maritime safety officials. These routine and frequent rulemakings support the Coast Guard's strategic goals of waterways management, marine safety, and maritime mobility. The total actions expected from May 1, 2004, to April 30, 2005, are 35.**Timetable:**

Action	Date	FR Cite
Actions Will Continue Through	04/00/06	

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**1285. 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	

DHS—USCG

Long-Term Actions

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
1286. TANK VESSEL RESPONSE PLANS FOR HAZARDOUS SUBSTANCES (USCG-1998-4354)
Priority: Other Significant**Legal Authority:** 33 USC 1231; 33 USC 1321(j); PL 101-380**CFR Citation:** 33 CFR 155**Legal Deadline:** None

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

Timetable:

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

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

Additional Information: Old Docket Number CGD 94-032.

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

Transferred from RIN 2115-AE88

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

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

Phone: 202 267-1983

RIN: 1625-AA13
1287. OUTER CONTINENTAL SHELF ACTIVITIES (USCG-1998-3868)
Priority: Substantive, Nonsignificant**Legal Authority:** 43 USC 1333(d)(1); 43 USC 1348(c); 43 USC 1356**CFR Citation:** 33 CFR 140 to 147**Legal Deadline:** None

Abstract: This project would revise the regulations on Outer Continental Shelf (OCS) activities to: add new requirements for fixed OCS facilities for lifesaving, fire protection, training, hazardous materials used as stores, and

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

Timetable:

Action	Date	FR Cite
Request for Comments	06/27/95	60 FR 33185
Comment Period End	09/25/95	
NPRM	12/07/99	64 FR 68416
NPRM Correction	02/22/00	65 FR 8671
NPRM Comment Period Extended	03/16/00	65 FR 14226
NPRM Comment Period Extended	06/30/00	65 FR 40559
NPRM Comment Period End	11/30/00	
Final Rule	12/00/05	

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

DHS—USCG

Long-Term Actions

Phone: 202 267-1082

RIN: 1625-AA18

**1288. SALVAGE AND MARINE
FIREFIGHTING REQUIREMENTS;
VESSEL RESPONSE PLANS FOR OIL
(USCG-1998-3417)****Priority:** Economically Significant**Unfunded Mandates:** This action may affect the private sector under PL 104-4.**Legal Authority:** 33 USC 1321**CFR Citation:** 33 CFR 155**Legal Deadline:** None

Abstract: Current vessel response plan regulations require that the owners or operators of vessels carrying groups I through V petroleum oil as a primary cargo identify in their response plans a salvage company with expertise and equipment, and a company with firefighting capability that can be deployed to a port nearest to the vessel's operating area within 24 hours of notification (groups I-IV) or a discovery of a discharge (group V). Numerous requests for clarification revealed widespread misunderstanding and confusion regarding the regulatory language, which will make the implementation of this requirement difficult. Based on comments received after the Vessel Response Plan final rule publication (61 FR 1052; January 12, 1996) and during a Coast Guard hosted workshop, the Coast Guard intends to better define the terms "salvage expertise and equipment" and "vessel firefighting capability" requirements and will reconsider the 24-hour deployment requirement which was scheduled to go into effect on February 18, 1998. Therefore, the Coast Guard suspended the effective dates of the 24-hour deployment requirements as published in the final rule. The Coast Guard will continue with this project to better define the requirements. This rulemaking supports the Coast Guard's strategic goals of maritime safety and protection of the natural resources. This rulemaking is also significant because it concerns a matter of substantial public interest or controversy.

Timetable:

Action	Date	FR Cite
Final Rule – Partial Suspension	02/12/98	63 FR 7069

Action	Date	FR Cite
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

**1289. 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
ANPRM Comment Period End	10/13/97	
NPRM	05/30/02	67 FR 37920
NPRM Comment Period End	07/29/02	
NPRM Comment Period Reopened	08/19/02	67 FR 53764
Second NPRM Comment Period End	09/18/02	
Temporary Interim Rule	01/06/04	69 FR 724
Temporary Interim Rule Comment Period End	07/05/04	
Final Rule	10/00/06	

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

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

RIN: 1625-AA20

**1290. 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

DHS—USCG

Long-Term Actions

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

RIN: 1625-AA21**1291. 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:

dms.dot.gov

Agency Contact: LT Sam Stevens, Project Manager, G—MSE-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-0173

RIN: 1625-AA22**1292. CARGO SECURING ON VESSELS OPERATING IN U.S. WATERS (USCG—2000—7080)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 3306**CFR Citation:** 33 CFR 97**Legal Deadline:** None

Abstract: This rulemaking would amend the cargo stowage and securing rules for U.S. vessels operating in U.S. waters. In addition, it would amend rules to require cargo-securing manuals for U.S. or foreign vessels of 500 gross

tons or more on international voyages. Its goal is to reduce hazardous material cargo losses from vessels in U.S. waters. It supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

Timetable:

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

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

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

Transferred from RIN 2115-AF97

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

Agency Contact: 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-AA25**1293. 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 Period Extended	11/19/02	67 FR 69697
NPRM Comment Period End	01/09/03	
Extended NPRM Comment Period End	04/08/03	
Final Rule	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**1294. 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	
Next Action	Undetermined	

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

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

Transferred from RIN 2115-AG09

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

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

RIN: 1625-AA29**1295. FEDERAL REQUIREMENTS FOR PROPELLER INJURY AVOIDANCE MEASURES (USCG 2001-10163)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 4302**CFR Citation:** 33 CFR 175**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
NPRM	12/10/01	66 FR 63645

Action	Date	FR Cite
NPRM Comment Period End	03/11/02	
NPRM Comment Period Extended	03/26/02	67 FR 13738
NPRM Comment 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**1296. STANDARDS FOR LIVING ORGANISMS IN SHIPS' BALLAST WATER DISCHARGED IN U.S. WATERS (USCG-2001-10486)****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 16 USC 4711**CFR Citation:** 33 CFR 151**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
ANPRM	03/04/02	67 FR 9632
ANPRM Comment Period End	06/03/02	
NPRM	12/00/05	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None

DHS—USCG

Long-Term Actions

Additional Information: Transferred from RIN 2115-AG21

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

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

RIN: 1625-AA32

1297. 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 Period End	06/02/03	
Next Action Undetermined		

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

1298. 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 Period End	08/19/02	
Final Rule	02/28/03	68 FR 9537
Final Rule Effective	04/01/03	
Final Rule Partial Suspension	05/22/03	68 FR 27907
Final Rule Correction	11/10/03	68 FR 63735
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG35

URL For More Information: dms.dot.gov

URL For Public Comments: dms.dot.gov

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

RIN: 1625-AA41

1299. 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: Next Action Undetermined

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

DHS—USCG

Long-Term Actions

Homeland Security, U.S. Coast Guard,
2100 Second Street SW., Washington,
DC 20593
Phone: 202 267-0064

RIN: 1625-AA50

**1300. VESSEL TRAFFIC SERVICE
LOWER MISSISSIPPI RIVER
(USCG-1998-4399)**

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1223(a)

CFR Citation: 33 CFR 26; 33 CFR 161;
33 CFR 165

Legal Deadline: None

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

Timetable:

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

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: Businesses

Government Levels Affected: None

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

Transferred from RIN 2115-AF75

URL For More Information:
dms.dot.gov

URL For Public Comments:
dms.dot.gov

Agency Contact: 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

**1301. RULES OF PRACTICE,
PROCEDURE, AND EVIDENCE FOR
ADMINISTRATIVE PROCEEDINGS OF
THE COAST GUARD (USCG
1998-3472)**

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 7701; 46 USC 7702; 33 USC 1321; 42 USC 9609

CFR Citation: 33 CFR 20; 46 CFR 5

Legal Deadline: None

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

Timetable:

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

**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

**1302. 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

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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	To Be	Determined

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: LT Sam Stevens, Project Manager, G-MSE-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., 2100 Second Street SW., Washington, DC 20593
Phone: 202 267-0173

Related RIN: Related to 1625-AA05, Related to 1625-AA10

RIN: 1625-AA65

1303. VALIDATION OF MERCHANT MARINERS' VITAL INFORMATION AND ISSUANCE OF COAST GUARD MERCHANT MARINER'S DOCUMENTS (MMDS) (USCG-2003-14500)

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

Unfunded Mandates: Undetermined

Legal Authority: 46 USC 21; 46 USC 73; 46 USC 75; 46 USC 77

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This rulemaking describes enhancements to the application procedures for the "Merchant Mariners Documents" (MMDs) required for ocean going vessels of over 200 gross tons. This includes a background check, fingerprinting for each application, showing up physically at a Regional Exam Center (REC) at least once during each application and furnishing proof of identity before fingerprints are taken.

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

1304. SECURITY ZONE REGULATIONS

Priority: Routine and Frequent. Major status under 5 USC 801 is undetermined.

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 May 1, 2004, to April 30, 2005, are 200.

Timetable:

Action	Date	FR Cite
Actions Will Continue Through	04/00/06	

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 Cynthia Stowe, Project Manager (G-MPS-2), Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-4150
Email: cstowe@comdt.uscg.mil

RIN: 1625-AA87

1305. • DRY CARGO RESIDUE DISCHARGES IN THE GREAT LAKES (USCG-2003-16814)

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 1901; 33 USC 1321 et seq; 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

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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: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: A timetable for this rulemaking will be set after completion of the environmental assessment. 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

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

Completed Actions

**1306. TRAINING AND
QUALIFICATIONS FOR PERSONNEL
ON PASSENGER SHIPS (USCG
1999-5610)**

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 2103; 46 USC ch 71; 46 USC ch 73

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/15/00	65 FR 37507
NPRM Comment Period End	09/13/00	
Interim Rule	10/30/02	67 FR 66063
Interim Rule Comment Period End	12/30/02	
Final Rule	06/10/04	69 FR 32465

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AF83

URL For More Information:
dms.dot.gov

URL For Public Comments:
dms.dot.gov

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

RIN: 1625-AA24

**1307. ALTERNATE TONNAGE
CONVENTION: SMALL PASSENGER
VESSELS**

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

Unfunded Mandates: Undetermined

Legal Authority: 14 USC 14104

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This rulemaking would amend small passenger vessel regulations retaining the tonnage thresholds based on measurement under 46 U.S.C. 14502, but adding alternate tonnage thresholds based on measurement under 46 U.S.C. 14302. We have decided to withdraw this item from the agenda. We will request additional information from the public.

Timetable:

Action	Date	FR Cite
Withdrawn	10/13/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Additional Information: Transferred from RIN 2115-AG29

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

RIN: 1625-AA37

**1308. PENALTIES FOR
NONSUBMISSION OF BALLAST
WATER MANAGEMENT REPORTS
(USCG-2002-13147)**

Priority: Other Significant

Legal Authority: 16 USC 4711

CFR Citation: 33 CFR 151

Legal Deadline: None

Abstract: This rulemaking would set penalties for vessels that fail to submit ballast water management reports, as required in subpart D of 33 CFR 151. It supports the Coast Guard's strategic goals of protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	01/06/03	68 FR 523
NPRM Comment Period End	04/07/03	
Final Rule	06/14/04	69 FR 113

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG50

URL For More Information:

DHS—USCG

Completed Actions

dms.dot.gov

URL For Public Comments:

dms.dot.gov

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

Phone: 202 267-1744

RIN: 1625-AA51

1309. MANDATORY BALLAST WATER MANAGEMENT PROGRAM FOR U.S. WATERS (USCG-2003-14273)

Priority: Other Significant

Legal Authority: 16 USC 4711

CFR Citation: 33 CFR 151

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	07/30/03	68 FR 44691
NPRM Comment Period End	10/28/03	
Final Rule	07/28/04	69 FR 44952

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG52

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

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

Phone: 202 267-1744

RIN: 1625-AA52

1310. COUNTRY OF ORIGIN CODES AND REVISION OF REGULATIONS ON HULL IDENTIFICATION NUMBERS (USCG-2003-14272)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 4302

CFR Citation: 33 CFR 181.27

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/20/03	68 FR 36957
NPRM Comment Period End	09/18/03	
Final Rule	06/17/04	69 FR 33858
Final Action Effective	08/16/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG53

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

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

Phone: 202 267-0981

RIN: 1625-AA53

1311. ALTERNATE HULL EXAMINATION PROGRAM FOR CERTAIN PASSENGER VESSELS, AND UNDERWATER SURVEYS FOR PASSENGER, NAUTICAL SCHOOL, AND SAILING SCHOOL VESSELS (USCG-2000-6858)

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 3305; 46 USC 3308

CFR Citation: 46 CFR 71; 46 CFR 115; 46 CFR 167; 46 CFR 169; 46 CFR 176

Legal Deadline: None

Abstract: This regulatory project will establish hull examination alternatives and a drydock extension policy for qualifying passenger vessels that operate exclusively on benign, low-risk environments, and that have limited

time under way. In addition, the proposed regulations would provide the option of alternating drydock examinations with underwater surveys for passenger vessels. This project supports the Coast Guard's strategic Marine Safety, Security and Environmental Protection Program's goal of mobility by facilitating commerce and eliminating interruptions and impediments to the economical movement of goods and people.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/29/02	67 FR 21062
Interim Final Rule Effective	06/28/02	
Interim Final Rule Comment Period End	07/29/02	
Collection of Information Interim Rule Sections Effective	08/28/02	
Interim Final Rule; Announcement of Effective Date	08/28/02	67 FR 55162
Interim Rule; Announcement of Effective Date; Correction	10/18/02	67 FR 64315
Final Rule	08/05/04	69 FR 47378

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: This project is split from RIN 2115-AF73. The split was a result of comments received under the notice of proposed rulemaking that was published under RIN 2115-AF73, November 15, 1999, 64 FR 62018, entitled Frequency of Inspection Alternate Hull Exam Program for Certain Passenger Vessels, and Underwater Surveys for Passenger, Nautical School, and Sailing School Vessels.

Transferred from RIN 2115-AF95

URL For More Information:

dms.dot.gov

URL For Public Comments:

dms.dot.gov

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

Phone: 202 267-1047

RIN: 1625-AA57

DHS—USCG

Completed Actions

1312. FIRE—SUPPRESSION SYSTEMS AND VOYAGE PLANNING FOR TOWING VESSELS (USCG 2000–6931)**Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 3719; 46 USC 4102**CFR Citation:** 33 CFR 157; 46 CFR 27**Legal Deadline:** NPRM, Statutory, October 1, 1997.

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

Timetable:

Action	Date	FR Cite
NPRM	10/06/97	62 FR 52057
Comment Period End	01/05/98	
Comment Period Reopened	02/27/98	63 FR 9980
Notice of Public Meeting	02/27/98	63 FR 9980
Comment Period End	05/11/98	
Supplemental NPRM	11/08/00	65 FR 66941
Notice of Public Meeting	12/28/00	65 FR 82303
Supplemental NPRM Comment Period End	03/08/01	
Supplemental NPRM; Notice of Mtg. & Second Reopening Comment Period	07/11/01	66 FR 36223
Second Reopened Comment Period End	09/15/01	
Interim Rule	04/29/03	68 FR 22604
Interim Rule Comment Period End	07/28/03	
Interim Rule Effective	08/27/03	
Final Rule	06/18/04	69 FR 34064
Final Rule Effective	07/19/04	

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

Additional Information: This rulemaking was formerly titled "Towing Vessel Safety (Fire Suppression Systems and Other Measures for Towing Vessels)" (CGD

97-064). It originally proposed requirements for three sets of issues relative to the safety of towing vessel safety issues: (1) Fire-suppression systems and other measures; (2) control measures for tank barges; and (3) fire-protection measures for towing vessels. The latter two components have developed into separate rulemakings: Emergency Control Measures for Tank Barges (USCG 1998-4443; RIN 2115-AF65), and Fire Protection Measures for Towing Vessels (USCG 1998-4445; RIN 2115-AF66).

Transferred from RIN 2115-AF53

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

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

RIN: 1625–AA60**1313. WEARING OF PERSONAL FLOTATION DEVICES (PFDs) BY CERTAIN CHILDREN ABOARD RECREATIONAL VESSELS (USCG–2000–8589)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 4302**CFR Citation:** 33 CFR 175, subpart B**Legal Deadline:** None

Abstract: This rule requires every child under the age of 13 to wear a personal flotation device (PFD)—also called a lifejacket—while aboard a recreational vessel under way and while not below decks or in an enclosed cabin. It adopts, on waters subject to the jurisdiction of the United States within any State, any requirement for the wearing of a PFD established by that State for a child under an age specified by that State. The rule also sets, on waters subject to the jurisdiction of the United States within any State lacking any such requirement, its own, comparable requirements. This project supports the Coast Guard's strategic goal of maritime safety.

Timetable:

Action	Date	FR Cite
NPRM	05/01/01	66 FR 21717
NPRM Comment Period End	08/29/01	

Action	Date	FR Cite
Final Rule	02/27/02	67 FR 8881
Notice of Withdrawal of Final Rule	03/27/02	67 FR 19643
Withdrawal of Final Rule Effective	03/27/02	
Interim Final Rule	06/24/02	67 FR 42488
Interim Final Rule Comment Period End	08/23/02	
Interim Final Rule Effective	12/23/02	
Final Rule	07/30/04	69 FR 45589
Final Rule Effective	08/30/04	

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

Additional Information: After publication of the final rule, the State Boating Law Administrator (BLA) of Ohio raised a concern about possible adverse impacts due to Federal enforcement of PFD-wearing requirements on vessels not subject to State requirements because of vessels' lengths. The Coast Guard withdrew the final rule before its effective date and later published an interim final rule that allowed public comment on a new alternative, which removes the potential differences between Federal and State requirements.

Transferred from RIN 2115-AG04

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

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

RIN: 1625–AA62**1314. 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

DHS—USCG

Completed Actions

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 Strategic Goals of Maritime Security, Maritime Safety and National Defense.

Timetable:

Action	Date	FR Cite
Temporary Final Rule	08/18/04	69 FR 51176

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

URL For More Information:

www.dms.dot.gov

URL For Public Comments:

www.dms.dot.gov

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

RIN: 1625-AA82

1315. SAFETY ZONE FOR OUTER CONTINENTAL SHELF FACILITY IN THE GULF OF MEXICO (CGD 08-04-004)

Priority: Substantive, Nonsignificant

Legal Authority: 14 USC 85; 43 USC 1333

CFR Citation: 33 CFR 147

Legal Deadline: None

Abstract: The Coast Guard proposes to establish a safety zone around a petroleum and gas production facility

located in Green Canyon 608 of the Outer Continental Shelf in the Gulf of Mexico. The facility needs to be protected from vessels operating outside normal shipping channels and fairways. Placing a safety zone around the facility will significantly reduce the threat of allisions, oil spills, and releases of natural gas. The proposed regulation would prevent all vessels from entering or remaining in specified areas around the facility's location except for the following: an attending vessel; a vessel under 100 feet in length not engaged in towing; or a vessel authorized by the Eighth Coast Guard District Commander. The proposed safety zone is necessary to protect life, property, and the environment, and supports the Coast Guards's strategic goals of marine safety and protection of natural resources.

Timetable:

Action	Date	FR Cite
NPRM	03/15/04	69 FR 12098
NPRM Comment Period End	05/14/04	
Final Rule	06/17/04	69 FR 338556

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: LT Kevin Lynn, Project Manager (mwm), Department of Homeland Security, U.S. Coast Guard, Eighth Coast Guard District Commander, Hale Boggs Federal Buildings, 500 Poydras Street, New Orleans, LA 70130
Phone: 504 589-6217

Email: klynn@d8.uscg.mil

RIN: 1625-AA84

1316. UNAUTHORIZED ENTRY INTO CUBAN TERRITORIAL WATERS (USCG-2004-17509)

Priority: Other Significant

Legal Authority: 50 USC 191; 50 USC 192; 50 USC 194; 50 USC 196; 14 USC 141; Presidential Proclamation 6867, 61 FR 8843; 3 CFR, 1996 Comp. p 8; Presidential Proclamation 7757, 69 FR 9515 (March 1, 2004); Secretary of Homeland Security Order 2004-001; DHS Security Delegation No. 0170.1

CFR Citation: 33 CFR 105-1; 33 CFR 107

Legal Deadline: None

Abstract: This rule requires certain U.S. vessels and vessels without nationality within U.S. territorial waters that thereafter enter Cuban territorial waters to apply for and receive a permit from the U.S. Coast Guard. This project supports the Coast Guard's strategic goals of maritime security and maritime safety.

Timetable:

Action	Date	FR Cite
Final Rule	07/08/04	69 FR 41367
Final Rule Effective	07/02/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Chris Murray, Department of Homeland Security, U.S. Coast Guard, Office of Law Enforcement (G-OPL), 2100 Second Street SW., Washington, DC 20593-0001
Phone: 202 267-1890

RIN: 1625-AA86

Department of Homeland Security (DHS)
Directorate of Border and Transportation Security (BTS)

Final Rule Stage

1317. • UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY PROGRAM (US-VISIT); AUTH. TO COLLECT BIOMETRIC DATA FROM ADDIT'L TRAVELERS AND EXPANSION TO 50 MOST HIGHLY TRAFFICKED LAND BORDER PORTS

Regulatory Plan: This entry is Seq. No. 74 in part II of this issue of the **Federal Register**.

RIN: 1650-AA00

Department of Homeland Security (DHS)
Bureau of Customs and Border Protection (BCBP)

Proposed Rule Stage

1318. 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 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	02/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AD10

Agency Contact: Elizabeth Tritt, Operations Officer, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
 Phone: 202 344-2594

RIN: 1651-AA41

1319. 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	03/00/05	

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

1320. 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 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

DHS—BCBP

Proposed Rule Stage

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	01/00/05	

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

1321. REINSTATEMENT OF TRANSIT PROGRAM

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

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1223; 8 USC 1225; 8 USC 1226; 8 USC 1227; ...

CFR Citation: 8 CFR 212; 8 CFR 214; 8 CFR 231; 8 CFR 233

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 reinstating a variation of these programs incorporating the necessary security measures so that national security will not be compromised.

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	11/00/04	

Regulatory Flexibility Analysis

Required: Undetermined

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

Department of Homeland Security (DHS)

Final Rule Stage

Bureau of Customs and Border Protection (BCBP)

1322. ELIMINATION OF IMMIGRATION AND NATURALIZATION SERVICE-ISSUED MEXICAN AND CANADIAN BORDER CROSSING CARDS

Priority: Other Significant

Legal Authority: 5 USC 552; 8 USC 1228; 8 USC 1252; 8 USC 1304; 8 USC 1356; 8 USC 1304; 8 USC 1356; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1201; 8 USC 1225 to 1227

CFR Citation: 8 CFR 103; 8 CFR 212; 8 CFR 214; 8 CFR 235; 8 CFR 247; 8 CFR 264; 8 CFR 286; 8 CFR 299

Legal Deadline: Final, Statutory, October 1, 2002.

Abstract: This rule amends Department regulations to eliminate the use of Form I-175, Application for Nonresident Alien Canadian Border Crossing Card, and Form I-190, Application for Nonresident Alien Mexican Border

Crossing Card. It also terminates the production of Form I-185, Nonresident Alien Canadian Border Crossing Card, and Form I-586, Nonresident Alien Mexican Border Crossing Card. In addition, this rule prohibits the use of Form I-186 (previous version of Mexican Border Crossing Card), Form I-185 and Form I-586 Border Crossing Cards (BCCs) after September 30, 2002, for required use of a card containing a machine readable biometric identifier for entry (such as the fingerprint or handprint of the alien). Under the provisions of this rulemaking, an alien 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

Action	Date	FR Cite
Interim Final Rule Effective	10/01/02	
Interim Final Rule Comment Period End	01/31/03	
Final Action	04/00/05	

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

DHS—BCBP

Final Rule Stage

Phone: 202 344-2493

RIN: 1651-AA08

1323. EXTENSION OF 25-MILE LIMIT AT SELECT ARIZONA PORTS-OF-ENTRY**Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1183; 8 USC 1201; . . .**CFR Citation:** 8 CFR 235**Legal Deadline:** None

Abstract: This rule amends Department regulations to extend the distance Mexican nationals with border crossing cards 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	03/00/05	

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

1324. ELECTRONIC TRANSMISSION OF PASSENGER AND CREW MANIFESTS FOR VESSELS AND AIRCRAFT**Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1433; 19 USC 1436; 19 USC 1448; 19 USC 1459; 19 USC 1590; 19 USC 1594; 19 USC 1623; 19 USC 1624; 19 USC 1644; 19 USC 1644a; 49 USC 44909(c); 19 USC 1431; . . .**CFR Citation:** 19 CFR 122; 19 CFR 4; 8 CFR 217; 8 CFR 231; 8 CFR 251**Legal Deadline:** None

Abstract: Amendment of parts 4 and 122 of the Customs and Border Protection Regulations and part 217, 231 and 251 of the Immigration and Naturalization regulations to implement a provision of the Aviation and Transportation Security Act, which requires that each air carrier, foreign and domestic, operating a passenger flight in foreign air transportation to the United States electronically transmit in advance of arrival a passenger and crew manifest that contains certain specified information. The submission of this information is required for purposes of ensuring aviation safety and protecting national security. Amendment also implements a provision of the Border and Security and Visa Reform Act of 2002 which requires the electronic transmission of passenger and crew member manifest information to immigration officers in advance of an aircraft or vessel arrival in, or departure from, the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/01	66 FR 67482
Interim Final Rule Comment Period End	03/01/02	
Final Action	11/00/04	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1515-AC99

Agency Contact: Tricia Bauer Kennedy, Program Manager, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229

Phone: 202 344-3726

RIN: 1651-AA37

1325. 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	02/00/05	

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

DHS—BCBP

Final Rule Stage

Phone: 202 344-2594

RIN: 1651-AA38

1326. CONDITIONAL RELEASE PERIOD AND CUSTOMS BOND OBLIGATIONS FOR FOOD, DRUGS, DEVICES, AND COSMETICS**Priority:** Substantive, Nonsignificant**Legal Authority:** 19 USC 66; 19 USC 1202; 19 USC 1448; 19 USC 1484; 19 USC 1499; 19 USC 1623; 19 USC 1624; 21 USC 381**CFR Citation:** 19 CFR 141; 19 CFR 151**Legal Deadline:** None

Abstract: Amendment to provide for a specific conditional release period for any food, drug, device, or cosmetic that has been released under bond and for which admissibility is to be determined under the provisions of the Food, Drug, and Cosmetic Act. Amendment also clarifies the amount of liquidated damages that may be assessed when there is a breach of the terms and conditions of the customs bond. Lastly, amendment authorizes any representative of the Food and Drug Administration to obtain a sample of any food, drug, device, or cosmetic, the importation of which is governed by section 801 of the Food, Drug, and Cosmetic Act, as amended.

Timetable:

Action	Date	FR Cite
NPRM	06/07/02	67 FR 39322
NPRM Comment Period End	08/06/02	
Final Action	02/00/05	

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

1327. 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 implement a provision of the Aviation and Transportation Security Act, which requires that air carriers make Passenger Name Record (PNR) information available upon request. The availability of PNR information is necessary for purposes of ensuring aviation safety and protecting national security.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/25/02	67 FR 42710
Interim Final Rule Effective	06/25/02	
Interim Final Rule Comment Period End	08/26/02	
Final Action	03/00/05	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1515-AD06

Agency Contact: Liliana Quintero, Operations Officer, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 703 391-1733

RIN: 1651-AA40

1328. 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	11/00/04	

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

1329. PUBLICATION OF ADMINISTRATIVE FORFEITURE NOTICES**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 19 USC 66; 19 USC 1592; 19 USC 1593a; 19 USC 1624; 19 USC 1607; 19 USC 1608**CFR Citation:** 19 CFR 162**Legal Deadline:** None

Abstract: Amendment to part 162 of the Customs and Border Protection Regulations raise the value threshold of seized property for which publication of a notice in a newspaper is necessary from \$2,500 to \$5,000. By changing the requirements for publication of administrative forfeiture notices, amendment would significantly reduce the publication costs, which have often exceeded the value of seized property.

Timetable:

Action	Date	FR Cite
NPRM	01/14/04	69 FR 2093
NPRM Comment Period End	03/15/04	
Final Action	11/00/04	

Regulatory Flexibility Analysis**Required:** No

DHS—BCBP

Final Rule Stage

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AD31

Agency Contact: Greg Olsavsky, Chief, Fines, Penalties and Forfeitures Branch, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344-3119

RIN: 1651-AA48

1330. 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 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	12/00/04	

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

1331. 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 fee are sent.

Timetable:

Action	Date	FR Cite
Final Action	12/00/04	

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

1332. 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 Immigration and Naturalization 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
Interim Final Rule	01/00/05	

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

1333. • 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	03/00/05	

Regulatory Flexibility Analysis Required: No

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

Department of Homeland Security (DHS)
Bureau of Customs and Border Protection (BCBP)

Long-Term Actions

1334. VISA WAIVER PROGRAM

Priority: Other Significant

Legal Authority: 8 USC 1356; 8 USC 1187; 8 USC 1103; 8 CFR 2

CFR Citation: 8 CFR 217

Legal Deadline: None

Abstract: On October 30, 2000, Public Law 106-396, made the Visa Waiver Pilot Program (VWPP) a permanent program. The Visa Waiver Program (VWP), allows nationals of designated countries to apply for admission to the United States at land border ports, air and sea ports, and to enter the United States for business or pleasure for up to 90 days without first obtaining a nonimmigrant visa.

INS Rule No. 1799 finalizes all those VWP countries that were added through the publication of interim regulations. This rule will also incorporate those statutory changes made to section 217 of the Immigration and Nationality Act by the Illegal Immigration Reform and Responsibility Immigration Act.

Timetable:

Action	Date	FR Cite
NPRM—INS No. 1406–91 Comment Period End 5/22/91	05/07/91	56 FR 21101
Final Rule—INS No. 1406–91 Eff. 7/18/91*	07/18/91	56 FR 32952
Interim Final Rule—INS No. 1447 Eff. 10/1/91; Comment Period End 10/15/91	09/13/91	56 FR 46716
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 No. 1786–96 With Comments (Slovenia)	09/30/97	62 FR 50998
Final Rule—INS No. 1799	12/30/98	63 FR 71726

Action	Date	FR Cite
Interim Final Rule—INS 2002–99 With Comments (Portugal, Singapore, and Uruguay)	08/03/99	64 FR 42006
Interim Final Rule—INS 2188–02 (Removing Argentina)	02/21/02	67 FR 7943
Interim Final Rule Next Action Undetermined	03/07/03	68 FR 10954

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: INS No. 2002-99 interim final rule “Adding Portugal, Singapore, and Uruguay to the List of Countries Authorized To Participate in the VISA Waiver Pilot Program” published on August 3, 1999, at 64 FR 42006.

INS No. 1447-91, 1622-94, 1685-95, 1777-96, and 1782 are to be consolidated into one final rulemaking, which is designated as INS No. 1799.

Transferred from RIN 1115-AB93

Agency Contact: Marty Newingham, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536 Phone: 202 616–7992

Related RIN: Merged with 1115–AG25

RIN: 1651–AA00

1335. INSPECTION AND EXPEDITED REMOVAL OF ALIENS; DETENTION AND REMOVAL OF ALIENS; CONDUCT OF REMOVAL PROCEEDINGS

Priority: Other Significant

Legal Authority: 5 USC 301; 8 USC 1182 to 1185; 8 USC 1186a; 8 USC 1187; 5 USC 552; 5 USC 552a; 8 USC 1101 to 1103; 8 USC 1154; 8 USC 1181

CFR Citation: 8 CFR 1; 8 CFR 213; 8 CFR 214; 8 CFR 216; 8 CFR 217; 8 CFR 221; 8 CFR 223; 8 CFR 3; 8 CFR 103; 8 CFR 204; 8 CFR 207; 8 CFR 209; 8 CFR 211; 8 CFR 212

Legal Deadline: Other, Statutory, March 1, 1997, 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, DOJ 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. Following transfer of authorities to DHS, on December 6, 2000, DHS published the rule “Asylum Procedures” (INS No. 1865-97; RIN 1115-AE93), which finalized the asylum portions of this interim rule. The Department still intends to publish a final rule to finalize the portions of this rulemaking relating to inspection and expedited removal of aliens, detention and deportation and removal of aliens, and the conduct of removal proceedings.

Timetable:

Action	Date	FR Cite
Final Action—INS No. 1669–94	03/22/96	61 FR 11717
NPRM—INS No. 1788–96 Comment Period End 2/3/97	01/03/97	62 FR 444
Interim Final Rule—INS No. 1788–96 Comment Period End 7/15/97	03/06/97	62 FR 10312
Interim Final Rule Correction (Effective 04/01/97)	04/01/97	62 FR 15362

DHS—BCBP

Long-Term Actions

Action	Date	FR Cite
Interim Final Rule—INS No. 1788-96 Correction	04/09/97	62 FR 17048
Final Rule—INS No. 1920-98	07/22/98	63 FR 39217
Final Action—INS No. 1788-96	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1788-96 (Final Action)

INS Rule No. 1920-98 makes a correction to the services regulations that govern the documentary requirements for immigrants and corresponding waivers. This rule relates to changes promulgated by INS 1169-94 and INS No. 1788-96.

INS Rule No. 1865-97, AG Order No. 2340-2000, final rule, Asylum Procedures published on December 6, 2000, at 65 FR 76121, amended portions of the title III IIRIRA governing cases in which an applicant has established past persecution or in which an applicant may be able to avoid persecution in a particular country by relocating to another area of that country.

Transferred from RIN 1115-AE47

Agency Contact: 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

1336. ESTABLISHMENT OF PREINSPECTED AUTOMATED LANE (PAL) PROGRAM

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2

CFR Citation: 8 CFR 287; 8 CFR 299

Legal Deadline: None

Abstract: This rule amends Department regulations by establishing a Preinspected Automated Lane (PAL) Program for the use of eligible persons and vehicles at immigration checkpoints within the United States.

This rule will facilitate the passage of people and vehicles through DHS checkpoints while safeguarding the integrity of law enforcement objectives at the checkpoints.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/18/97	62 FR 19024
Interim Final Rule Comment Period End	06/17/97	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1830-97

Transferred from RIN 1115-AE80

Agency Contact: Rudolph J. Miranda, Assistant Chief, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4226, United States Border Patrol, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 927-0931

RIN: 1651-AA06

1337. AMENDMENT OF THE REGULATORY DEFINITION OF ARRIVING ALIEN

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 CFR 2

CFR Citation: 8 CFR 1

Legal Deadline: None

Abstract: This rule amends Department regulations by changing the regulatory definition of an arriving alien. Under section 235(b)(1)(A)(i) of the Immigration and Nationality Act, which was effective on April 1, 1997, certain arriving aliens are subject to expedited removal procedures. The existing regulatory definition of arriving aliens includes parolees. As a matter of policy, the Department has decided that it is appropriate to exempt from the new expedited removal procedures aliens who were paroled into the United States before April 1997. This rule clarifies that these aliens, as well as certain other aliens who were paroled into the United States pursuant to advance parole, will not be subjected to expedited removal upon termination at parole. The rule also makes several

changes in the ordering of 1.1(q) to use language that is clearer and more consistent with the wording of the statute.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/20/98	63 FR 19382
Interim Final Rule Comment Period End	06/19/98	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Re: INS No. 1868-97

Transferred from RIN 1115-AE87

Agency Contact: Jerry Liu, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536
Phone: 202 514-3410

RIN: 1651-AA07

1338. REMOVAL OF VISA AND PASSPORT WAIVER FOR CERTAIN PERMANENT RESIDENTS OF CANADA AND BERMUDA

Priority: Other Significant

Legal Authority: 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225 to 1227; . . .

CFR Citation: 8 CFR 2; 8 CFR 212; 8 CFR 231; 8 CFR 235; 8 CFR 286

Legal Deadline: None

Abstract: Currently, certain permanent residents of Canada and Bermuda are permitted to enter the United States without a passport or visa. Many of these former British Commonwealth countries have high rates of fraud and abuse, and the documents presented by these permanent residents, for entry to the United States, do not meet current document security standards. This rule amends Department regulations by providing that a passport and visa will be required for permanent residents of Canada and Bermuda having a common nationality with Canadian Nationals or with British subjects in Bermuda. These permanent residents of Canada and Bermuda will be required to present a passport and visa to enter the United States. This rule also amends several

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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 Effective	03/17/03	
Interim Final Rule Comment Period End	04/01/03	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2202-02

Transferred from RIN 1115-AG68

Agency Contact: 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

1339. NONIMMIGRANT VISA EXEMPTION FOR NATIONALS OF THE BRITISH VIRGIN ISLANDS ENTERING THE UNITED STATES THROUGH ST. THOMAS, U.S. VIRGIN ISLANDS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1252; 8 USC 1102; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228

CFR Citation: 8 CFR 212

Legal Deadline: None

Abstract: This rule amends the Department of Homeland Security's regulations to allow nonimmigrant visitors for business or pleasure who are nationals of the British Virgin Islands to apply for admission to the United States without a visa at the ports-of-entry of St. Thomas, U.S. Virgin Islands. Since visas are no longer issued from the British Virgin Islands by the Department of State, all persons needing a nonimmigrant visa have to either travel or mail their applications to Barbados, the nearest visa-issuing location. The Department's action will facilitate travel to the United States for nationals of the British Virgin Islands while still ensuring that the proper application provisions of the INA are met.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/18/99	64 FR 7989
Interim Final Rule Comment Period End	04/18/99	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State, Local, Federal

Additional Information: INS No. 1956-98

Transferred from RIN 1115-AF28

Agency Contact: Dennis Thompson, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536
Phone: 202 514-3019

RIN: 1651-AA29

1340. 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 provide for the Border Release Advanced Screening and Selectivity (BRASS) Program, an improved automated and electronic system that will replace the Line Release method of processing certain repetitive and high volume shipments of merchandise into the United States.

Timetable:

Action	Date	FR Cite
NPRM	02/01/02	67 FR 4930
NPRM Comment Period End	04/02/02	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AC92

Agency Contact: Enrique S. Tamayo, Operations Officer, Trade Programs, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344-3112

RIN: 1651-AA35

Department of Homeland Security (DHS) Bureau of Customs and Border Protection (BCBP)

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1341. FEES FOR PARTICIPATION IN DEDICATED COMMUTER LANES AT SELECTED PORTS OF ENTRY; COLLECTION OF FEES UNDER THE DEDICATED COMMUTER LANE PROGRAM

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1224 to 1228; 8 USC 1252; 8 USC 1103;

8 USC 1201; 8 USC 1252 note; 8 USC 1252b; 8 USC 1304; 8 USC 1356; 8 USC 1182; 8 USC 1183

CFR Citation: 8 CFR 103; 8 CFR 235; 8 CFR 286; 8 CFR 299

Legal Deadline: None

Abstract: These rules provide for the collection of a fee at the time of application for participation in a

Dedicated Commuter Lane (DCL) program, instead of at the time of approval of the application. The DCL program is a pilot project established at selected land border ports of entry to expedite the transborder movement of eligible, pre-screened, low-risk groups through designated traffic lanes. The first interim final rule clarifies the requirements for the use of the DCL

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(INS No. 1675). The second interim final rule will set forth the fee required of participants in order to cover the technological costs (INS No. 1794).

INS No. 2058-00 will propose to remove restrictions currently in place that limit the locations where the Department can establish commuter lanes. In addition, the proposed rule will incorporate other projects designed to enhance border security and effective traffic management at port of entry. Finally, the rule may adjust the fee structure in order to administer these projects.

Timetable:

Action	Date	FR Cite
Interim Final Rule (INS No. 1675 Eff. 9/29/95; Comment Period End 11/28/95)	09/29/95	60 FR 50386
Interim Final Rule Comment Period End	11/28/95	
Interim Final Rule (INS No. 1794-96)	10/11/96	61 FR 53303
Final Action (INS No. 1675-94)—Effective 10/16/1996	10/16/96	61 FR 53830
Withdrawn	09/15/04	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Organizations

Government Levels Affected: None

Additional Information: INS Nos. 1675 and 1794-96

Transferred from RIN 1115-AD82

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-AA01

1342. ESTABLISHING CRITERIA FOR DETERMINING COUNTRIES WHOSE CITIZENS ARE INELIGIBLE FOR THE TRANSIT WITHOUT VISA (TWOV) PROGRAM

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 CFR 2; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 USC 1221; 8 USC 1229

CFR Citation: 8 CFR 212; 8 CFR 234.2

Legal Deadline: None

Abstract: This rule proposes to remove from the regulations the list of those countries that are ineligible to participate in the TWOV program. In its place, DHS proposes to publish and update the list of countries that are ineligible to participate in the TWOV program by Federal Register notice. This rule also sets forth a nonexhaustive list of factors that may be considered in determining those countries whose citizens or nationals are ineligible and provides for a regular review of all countries to determine their eligibility for participation in the TWOV program. The TWOV program also allows the Department of Homeland Security, acting jointly with the Department of State, to waive the passport and visa requirement for aliens from certain countries who request immediate and continuous transit privileges through the United States.

Timetable:

Action	Date	FR Cite
NPRM	01/05/01	66 FR 1053
NPRM Comment Period End	03/05/01	
Withdrawn	09/15/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: INS No. 1696-95

Transferred from RIN 1115-AD96

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344-1018
Email: robert.hutnick@dhs.gov

RIN: 1651-AA02

1343. SUSPENSION OF PRIVILEGE TO TRANSPORT ALIENS TO THE UNITED STATES

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1252; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225 to 1227

CFR Citation: 8 CFR 103; 8 CFR 273

Legal Deadline: None

Abstract: The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 added a provision to the Immigration and Nationality Act that allows DHS to suspend a commercial airline's privilege to transport aliens to the United States if the carrier has a record of bringing in aliens who have fraudulent documents. After consultation with other interested Government agencies, DHS is proposing to implement appropriate standards and procedures governing the use of this power to suspend a carrier's privilege to transport aliens to the United States.

Timetable:

Action	Date	FR Cite
NPRM	10/23/98	63 FR 56869
NPRM Comment Period End	12/22/98	
Withdrawn	09/15/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: INS No. 1809-96.

Transferred from RIN 1115-AE59

Agency Contact: Michael D. Jones, Acting Director, National Fines Office of Inspections, Department of Homeland Security, Bureau of Customs and Border Protection, Suite 425, 1525 Wilson Boulevard, Arlington, VA 22209
Phone: 202 305-7018

RIN: 1651-AA05

1344. DOCUMENTARY REQUIREMENTS FOR RETURNING RESIDENTS

Priority: Other Significant

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

CFR Citation: 8 CFR 211

Legal Deadline: None

Abstract: Every alien who arrives in the United States and claims to be lawfully admitted for permanent residence is presumed to be an applicant for admission. This rule proposes to amend DHS regulations to specify how an alien lawfully admitted for permanent residence, on returning to the United States, may prove that he or she is not to be considered an applicant for admission. This rule is

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necessary to implement section 101(a)(13)(C) of the Act and to clarify the responsibility for carriers who transport to the United States aliens who claim to be returning residents. This rule will ensure that aliens who present themselves as lawful permanent residents are properly documented as such.

Timetable:

Action	Date	FR Cite
Withdrawn	09/15/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1932-98.

Transferred from RIN 1115-AF26

Agency Contact: Michael D. Jones, Acting Director, National Fines Office of Inspections, Department of Homeland Security, Bureau of Customs and Border Protection, Suite 425, 1525 Wilson Boulevard, Arlington, VA 22209
Phone: 202 305-7018

RIN: 1651-AA09

1345. CONTRACTS WITH TRANSPORTATION LINES

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1228

CFR Citation: 8 CFR 233

Legal Deadline: None

Abstract: This rule proposes to amend DHS regulations by providing signature authority for forms I-420, Agreement Between Transportation Line and the U.S., I-425, Agreement (Pre-Inspection) Between Transportation Line and the U.S. (At Places Outside U.S.), and I-426, Immediate and Continuous Transit Agreement Between a Transport Line & U.S., to the Commissioner or his delegated representative. This change is required by section 308 of IIRIRA, which amended section 233 (a) of the I&NA by requiring carriers transporting aliens to the United States from all "foreign territory and adjacent islands" to enter into a contract with the United States prior to transportation of such aliens. Another change is to remove the signature authority of the Associate Commissioner for Examinations for the aforementioned Agreements because the position was abolished.

Timetable:

Action	Date	FR Cite
Withdrawn	09/15/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No.1994-99

Transferred from RIN 1115-AF46

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344-1018

Email: robert.hutnick@dhs.gov

RIN: 1651-AA10

1346. IMPOSITION OF FINES FOR VIOLATIONS OF THE IMMIGRATION AND NATIONALITY ACT

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1221; 8 USC 1223; 8 USC 1227; 8 USC 1229

CFR Citation: 8 CFR 280

Legal Deadline: None

Abstract: This rule proposes to amend Department regulations to reflect the actual process used to recommend and impose fines for violations of the Immigration and Nationality Act (Act). Since the publication of 8 CFR part 280, the Department has centralized the fines process and made some adjustments to certain procedures. The 8 CFR part 280 will thus be renumbered sequentially and reordered to group related issues in one section. This part will also be expanded to provide for fines imposed under section 231A(d)(2) and 274D of the Act and will introduce procedures for detaining vessels and posting bonds, as well as giving the Commissioner discretion in requiring bonds.

Timetable:

Action	Date	FR Cite
Withdrawn	09/15/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2041-00

Transferred from RIN 1115-AF70

Agency Contact: Michael D. Jones, Acting Director, National Fines Office of Inspections, Department of Homeland Security, Bureau of Customs and Border Protection, Suite 425, 1525 Wilson Boulevard, Arlington, VA 22209
Phone: 202 305-7018

RIN: 1651-AA12

1347. EXPANSION OF DEDICATED COMMUTER LANES; CLARIFICATION OF DRIVER'S LICENSE REQUIREMENT FOR APPLICANTS TO DEDICATED COMMUTER LANES AND AUTOMATED PERMIT PORT PROGRAMS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1183; 8 USC 1201; ...

CFR Citation: 8 CFR 235

Legal Deadline: None

Abstract: This interim final rule amends Department regulations governing the Dedicated Commuter Lanes (DCL) and Automated Permit Port programs by establishing DCLs along the northern borders of the United States. The rule proposes to clarify that nondriving passengers who do not have a driver's license, for example, children, certain elderly people, and others who are ineligible to drive or otherwise choose not to drive, are not required to have or present a driver's license before their application is approved.

Timetable:

Action	Date	FR Cite
Withdrawn	09/15/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2058-00

Transferred from RIN 1115-AF77

Agency Contact: Thomas C. Campbell, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4214, 425 I Street NW., Washington, DC 20536
Phone: 202 305-9246

RIN: 1651-AA13

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1348. UPDATE OF LIST OF COUNTRIES WHOSE CITIZENS OR NATIONALS ARE INELIGIBLE FOR TRANSIT WITHOUT VISA (TWOV) PRIVILEGES TO THE UNITED STATES UNDER THE TWOV PROGRAM**Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1221; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1229; 8 USC 1252**CFR Citation:** 8 CFR 212; 8 CFR 233**Legal Deadline:** None

Abstract: This interim final rule (INS No. 2020-99) updates the list of those countries that the Department, acting on behalf of the Secretary and jointly with the Department of State, has determined to be ineligible for participation in the Transit Without Visa (TWOV) program. This rule also removes certain countries from the ineligible listing so that aliens from these countries can have their passport and visa requirements waived. This rule is intended to benefit the traveling public by expanding the number of countries whose citizens or nationals may transit the United States without a visa while preventing an increase in the abuse of the TWOV program by citizens or nationals of countries placed on the ineligible list.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/05/01	66 FR 1017
Interim Final Rule Delay of Effective Date	02/02/01	66 FR 8743
Interim Final Rule Comment Period End	03/06/01	
Interim Final Rule Effective	04/06/01	
Withdrawn	09/15/04	

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

Additional Information: See also 1651-AA02 (INS No. 2129-01) "Establishing Criteria for Determining Countries Whose Citizens are Ineligible for the Transit Without Visa (TWOV) Program."

Transferred from RIN 1115-AF81

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of HomelandSecurity, Bureau of Customs and Border Protection, Room 4064, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344-1018
Email: robert.hutnick@dhs.gov**RIN:** 1651-AA14**1349. ADDING COLOMBIA TO THE LIST OF COUNTRIES WHOSE CITIZENS OR NATIONALS ARE INELIGIBLE FOR TRANSIT WITHOUT VISA (TWOV) PRIVILEGES TO THE UNITED STATES UNDER THE TWOV PROGRAM****Priority:** Other Significant**Legal Authority:** 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225 to 1228; 8 USC 1252**CFR Citation:** 8 CFR 212**Legal Deadline:** None

Abstract: The Transit Without Visa (TWOV) program allows certain aliens to transit the United States en route to a specified foreign country without a passport or visa provided they are traveling on a carrier signatory to an agreement with the Department of Homeland Security in accordance with section 233(c) of The Immigration and Naturalization Act (INA). This interim final rule adds Colombia to the list of those countries that the Department, acting on behalf of the Secretary and jointly with the Department of State, has determined to be ineligible for participation in the TWOV program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/30/01	66 FR 17321
Interim Final Rule Effective	04/02/01	
Interim Final Rule Comment Period End	05/29/01	
Withdrawn	09/15/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No 2129-01

Transferred from RIN 1115-AG16

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, Officeof Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344-1018
Email: robert.hutnick@dhs.gov**RIN:** 1651-AA15**1350. ADJUSTMENT OF FEES FOR DEDICATED COMMUTER LANES AND SECURE ELECTRONIC NETWORK FOR TRAVELERS' RAPID INSPECTION (SENTRI) PROGRAMS AT LAND BORDER PORTS OF ENTRY****Priority:** Other Significant**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; ...**CFR Citation:** 8 CFR 103**Legal Deadline:** None

Abstract: This rule proposes to adjust the fees for the Land Border Inspection Fee Account (LBIFA) for the Form I-823, Application for Alternative Inspection Services at land border ports of entry and related systems cost fees for participants in the Dedicated Commuter Lane (DCL) program. Form I-823 is used by applicants to the Port Passenger Accelerated Service System (PORTPASS) that includes the DCL program and several other land border programs. The Secure Electronic Network for Travelers' Rapid Inspection (SENTRI) Program at certain assigned POEs is part of the overall DCL program.

Timetable:

Action	Date	FR Cite
Withdrawn	09/15/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2031-99

Transferred from RIN 1115-AG18

Agency Contact: Penny Pastiva, Budget Analyst, Department of Homeland Security, Bureau of Customs and Border Protection, Room 5236, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 514-6254
Email: penny.pastiva@dhs.gov**RIN:** 1651-AA16

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**1351. VISA WAIVER PROGRAM:
GUAM VISA WAIVER PROGRAM****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1184; 8 USC 1187; ...**CFR Citation:** 8 CFR 103; 8 CFR 208; 8 CFR 212; 8 CFR 217; 8 CFR 233; ...**Legal Deadline:** None**Abstract:** On October 30, 2000, the Visa Waiver Permanent Program Act, Public Law 106-396, made the Visa Waiver Pilot Program (VWPP) permanent with some modifications. The VWPP permits nationals from participating countries to apply for admission to the United States for 90 days or less as nonimmigrant visitors for business or pleasure without first obtaining a nonimmigrant visa. The proposed rule will clarify and explain the new VWP requirements as well as ensure that the VWP removal provisions apply fairly and equally to all inadmissible nonimmigrants regardless of nationality.**Timetable:**

Action	Date	FR Cite
Withdrawn	09/15/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Merges actions pending for INS Nos. 1447-91, 1622-94, 1685-95, 1777-96, 1782, 17686, 2002-99, and 2188-02 into INS No. 1799.

See also INS No. 2099-00

Transferred from RIN 1115-AG25

Agency Contact: Marty Newingham, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536
Phone: 202 616-7992**RIN:** 1651-AA17**1352. REMOVING RUSSIA FROM THE LIST OF COUNTRIES WHOSE CITIZENS OR NATIONALS ARE INELIGIBLE FOR TRANSIT WITHOUT VISA (TWOV) PRIVILEGES TO THE UNITED STATES UNDER THE TWOV PROGRAM****Priority:** Other Significant**Legal Authority:** 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; ...**CFR Citation:** 8 CFR 212**Legal Deadline:** None**Abstract:** The Transit Without Visa (TWOV) Program allows certain aliens to transit the United States en route to a specified foreign country without a passport or visa provided they are traveling on a carrier signatory to an agreement with the Department of Homeland Security in accordance with section 233 (c) of the Immigration and Nationality Act (Act). This interim final rule removes Russia from the list of those countries that the Department, acting on behalf of the Secretary and jointly with the Department of State, has determined to be eligible for participation in the TWOV program.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/15/01	66 FR 32529
Interim Final Rule Comment Period End	08/15/01	
Withdrawn	09/15/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2144-01

Transferred from RIN 1115-AG27

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344-1018
Email: robert.hutnick@dhs.gov**RIN:** 1651-AA18**1353. POSTING OF SECURITY GUARD AT GANGWAY OF VESSEL FOR DETAINING ALIEN CREWMAN****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1184; 8 USC 1258; 8 USC 1281; 8 USC 1282**CFR Citation:** 8 CFR 252**Legal Deadline:** None**Abstract:** The Immigration and Nationality Act (Act) provides that any immigration officer may revoke the conditional permit to land any alien crewman and require the master or

commanding officer of the vessel on which the crewman arrived to receive and detain him or her on board such vessel. This interim final rule amends Department regulations by requiring that, upon request of an immigration officer, the master or commanding officer of a vessel will, in certain cases, not only detain an alien crewman on board the vessel, but also at his or her own expense will provide the necessary security to ensure that the detained alien crewman does not leave the vessel. This rule is necessary to enhance the security of the United States since a detained alien crewman may seek to leave the vessel on which he or she has been detained and that his or her illegal departure may pose a significant threat to the public safety.

Timetable:

Action	Date	FR Cite
Withdrawn	09/15/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2210-02

Transferred from RIN 1115-AG72

Agency Contact: Andrew Taub, Assistant Chief Inspector, Office of Inspections, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536
Phone: 202 305-9244**RIN:** 1651-AA24**1354. REMOVING INDONESIA AND MALAYSIA FROM THE GUAM VISA WAIVER PROGRAM****Priority:** Other Significant**Legal Authority:** 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; ...**CFR Citation:** 8 CFR 212**Legal Deadline:** None**Abstract:** The Guam Visa Waiver Program (GVWP) waives the nonimmigrant visa requirement for nationals of certain countries, including Malaysia, who apply for admission as a nonimmigrant visitor for business or pleasure for the sole purpose of visiting Guam for a period not to exceed 15 days. This rule will remove Indonesia and Malaysia from the list of countries authorized to participate in GVWP

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without significantly restricting legitimate travel to Guam.

Timetable:

Action	Date	FR Cite
Withdrawn	09/15/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1115-AG92

Agency Contact: Marty Newingham, Senior Immigration Inspector, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW, Washington, DC 20536
Phone: 202 305-1063

RIN: 1651-AA26

1355. AUTOMATED INSPECTION SERVICES—EXTENSION OF ENROLLMENT PERIOD

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1183; 8 USC 1201; ...

CFR Citation: 8 CFR 235

Legal Deadline: None

Abstract: The Department intends to amend the regulations to extend the current enrollment period for the Automated Inspection Services (AIS) from one year to two years. The regulations currently limit the period of approval to the program to one year, requiring applicants to resubmit a new application and fee each year. This is a very burdensome process for both the traveling public and the Federal agencies administering the programs. DHS has determined that it can effectively maintain the security of the program and the border without requiring applicants to undergo a yearly application renewal.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	02/28/03	
Interim Final Rule	03/04/03	68 FR 10143
Interim Final Rule Comment Period End	04/29/03	
Withdrawn	09/15/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2256-03

Transferred from RIN 1115-AG94

Agency Contact: 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-AA27

1356. DESIGNATED LAND BORDER CROSSING LOCATIONS FOR CERTAIN CONVEYANCES

Priority: Substantive, Nonsignificant

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1431; 19 USC 1433; 19 USC 1459; 19 USC 1624

CFR Citation: 19 CFR 123

Legal Deadline: None

Abstract: Amendment of part 123 of the Customs and Border Protection Regulations would allow the designation of land border crossing locations for certain traffic and merchandise. At ports of entry with multiple crossing points, port directors would have express authority to require by local instructions that certain trucks and other commercial conveyances enter the United States at specific land border crossing locations within the port of entry designated for the processing and clearance of those conveyances.

Timetable:

Action	Date	FR Cite
NPRM	11/17/97	62 FR 61251
NPRM Comment Period End	01/16/98	
Withdrawn	09/15/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Federalism: Undetermined

Additional Information: Transferred from RIN 1515-AC12

Agency Contact: Dennis Dore, Program Analyst, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229

Phone: 202 344-2776

RIN: 1651-AA32

1357. EXAMINATION OF IN-TRANSIT MAIL SHIPMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1624

CFR Citation: 19 CFR 145

Legal Deadline: None

Abstract: Amendment to provide that DHS has the authority to examine and search international mail without regard as to whether it is transiting the United States or the U.S. Virgin Islands, or is being delivered within the Customs territory of the United States or the U.S. Virgin Islands.

Timetable:

Action	Date	FR Cite
Withdrawn	09/15/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AC71

Agency Contact: Glen E. Vereb, Chief, Entry Procedures and Carriers Branch, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 572-8730

RIN: 1651-AA34

1358. PATENT SURVEYS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1624

CFR Citation: 19 CFR 12; 19 CFR 24

Legal Deadline: None

Abstract: Amendment to parts 12 and 24 of the Customs and Border Protection Regulations eliminate patent surveys.

Timetable:

Action	Date	FR Cite
NPRM	03/20/03	68 FR 13636
NPRM Comment Period End	05/19/03	
Final Action	08/30/04	69 FR 52811
Final Action Effective	09/29/04	

Regulatory Flexibility Analysis

Required: No

DHS—BCBP

Completed Actions

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AC93

Agency Contact: George F. McCray, Chief, Intellectual Property Rights Branch, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Regulations and Rulings, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 572-8709

RIN: 1651-AA36

1359. CUSTOMS BROKER LICENSE EXAMINATION DATES

Priority: Substantive, Nonsignificant

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1624; 19 USC 1641

CFR Citation: 19 CFR 111

Legal Deadline: None

Abstract: Amendment to part 111 of the Customs and Border Protection Regulations allow the publication of a notice changing the date on which a semiannual written examination for an individual broker's license will be held when the normal date (the first Monday in April and October) conflicts with a holiday, religious observance, or other scheduled event.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/29/03	68 FR 31976
Interim Final Rule Effective	05/29/03	
Interim Final Rule Comment Period End	07/28/03	
Final Action	08/30/04	69 FR 52813
Final Action Effective	08/30/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 1515-AD28

Agency Contact: Russell Morris, Program Officer, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344-2717

RIN: 1651-AA46

1360. IMPLEMENTATION OF THE UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY PROGRAM (US-VISIT): BIOMETRIC ENROLLMENT REQUIREMENTS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1185 (pursuant to EO 13323); ...

CFR Citation: 8 CFR 214; 8 CFR 215; 8 CFR 235

Legal Deadline: Final, Statutory, December 31, 2003, Immigration and Naturalization Service Date Management Improvement Act of 2000.

Abstract: This rule will establish the United States Visitor and Immigrant Indicator Technology Program (US VISIT)—an integrated automated system on the entry and exit of aliens.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/05/04	69 FR 468
Merged With	08/31/04	
		1650-AA00

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Michael Hardin, Senior Policy Advisor, US-VISIT, Department of Homeland Security, Border and Transportation Security, 1616 Fort Meyer Drive, 18th Floor, Arlington, VA 22209

Phone: 202 298-5200

RIN: 1651-AA54

1361. OVERTIME COMPENSATION AND PREMIUM PAY FOR CUSTOMS OFFICERS

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

Legal Authority: 5 USC 301; 19 USC 58a; 19 USC 58b; 19 USC 58c; 19 USC 66; 19 USC 261; 19 USC 267; 19 USC 1450; 19 USC 1451; 19 USC 1452; 19 USC 1623; 19 USC 1624; ...

CFR Citation: 8 CFR 103; 19 CFR 24

Legal Deadline: None

Abstract: Amendment to the definition of "Customs Officer" for the purpose of eligibility for overtime compensation and premium pay. The Amendment is necessary to reflect recent changes in the functions and organizational structure of the Bureau of Customs and Border Protection consistent with the Homeland Security Act of 2002.

Timetable:

Action	Date	FR Cite
NPRM	04/07/04	69 FR 18296
NPRM Comment Period End	05/07/04	
Final Action	06/24/04	69 FR 35229
Final Action Effective	07/24/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard Balaban, Financial Analyst, Department of Homeland Security, Bureau of Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229
Phone: 202 344-2300

RIN: 1651-AA59

Department of Homeland Security (DHS)

Proposed Rule Stage

Transportation Security Administration (TSA)

1362. BACKGROUND CHECKS FOR AIRPORT WORKERS

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

Legal Authority: 49 USC 40101 et seq; PL 107-71

CFR Citation: 49 CFR 1542; 49 CFR 1544

Legal Deadline: None

Abstract: This action will address criminal history background checks for individuals who regularly have escorted access to secured areas of an

airport, individuals who work in sterile areas of an airport, and others.

Timetable:

Action	Date	FR Cite
NPRM	01/00/05	

Regulatory Flexibility Analysis

Required: Undetermined

DHS—TSA

Proposed Rule Stage

Government Levels Affected: None

Federalism: Undetermined

Additional Information: Transferred from RIN 2110-AA08

Agency Contact: Christine Beyer, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA-2, Chief Counsel, Office of the Chief Counsel, TSA-2, HQ, E12-336N, 601 South 12th Street, Arlington, VA 22202-4220

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RIN: 1652-AA06

1363. 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: None

Abstract: This rulemaking would impose throughout the air cargo supply chain significant barriers to terrorists seeking to use the air cargo transportation system for malicious purposes. This proposal would 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 would conform the regulation to recent legislation.

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Benjamin Klein, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA-2, Chief Counsel, Office of the Chief Counsel, TSA-2, HQ, E12-333N, 601 South 12th Street, Arlington, VA 22202-4220

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RIN: 1652-AA23

1364. MARITIME AND LAND SECURITY DIRECTIVES AND INFORMATION CIRCULARS

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

Legal Authority: 49 USC 114; 49 USC 40113; 49 USC 40119

CFR Citation: 49 CFR 1570

Legal Deadline: None

Abstract: This document provides a regulatory framework through which the Transportation Security Administration may issue Security Directives to owners or operators of conveyances, facilities, terminals, or infrastructure assets, involved in all modes of transportation, except aviation. Security Directives, if issued, would require owners or operators of conveyances, facilities, terminals, or infrastructure assets to implement measures specified in the Security Directives to enhance transportation security. Under this framework, TSA may also issue Information Circulars advising operators of possible threats to transportation security.

Timetable:

Action	Date	FR Cite
NPRM	02/00/05	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: David Kasminoff, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA-2, HQ, E12-310N, 601 South 12th Street, Arlington, VA 22202-4220

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Email: david.kasminoff@dhs.gov

RIN: 1652-AA26

1365. MARITIME TRANSPORTATION SECURITY ACT: BACKGROUND CHECKS FOR MARITIME WORKERS

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

Unfunded Mandates: Undetermined

Legal Authority: 46 USC 70105

CFR Citation: 49 CFR 1572

Legal Deadline: None

Abstract: This rule would propose standards and procedures for security threat assessments to determine maritime workers' eligibility for unescorted access to secured areas.

Timetable:

Action	Date	FR Cite
NPRM	02/00/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Anthony Furst, Supervisory Transportation Security Specialist, Department of Homeland Security, Transportation Security Administration, TSA -8, Maritime and Land, Maritime & Land Security, HQ, West Bldg., Floor 10, TSA-8, 601 South 12th Street, Arlington, VA 22202

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RIN: 1652-AA27

1366. FEES FOR SECURITY THREAT ASSESSMENTS FOR HAZMAT DRIVERS

Priority: Other Significant

Legal Authority: PL 109-90, sec 502; 49 USC 114; 49 USC 5103a; 49 USC 40113; 49 USC 46105

CFR Citation: 49 CFR 1522

Legal Deadline: None

Abstract: In response to recent statutory requirements, the Transportation Security Administration (TSA) proposes to establish a fee for security threat assessments that TSA is required to perform on individuals who apply for or renew a hazardous materials endorsement (HME) for a commercial driver's license. TSA also proposes to establish a fee for the collection and transmission of

DHS—TSA

Proposed Rule Stage

fingerprints, which is necessary to perform the security threat assessments. TSA intends to use fees collected under this proposed rule to pay for the costs of the security threat assessments and the costs of collection and transmission of fingerprints.

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal, State

Agency Contact: Dion Casey, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA-2, West Bldg., 8th floor, Office of the Chief Counsel, TSA-2, HQ, E12-309N, 601 South 12th Street, Arlington, VA 22202-4220

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Email: dion.casey@dhs.gov

Related RIN: Related to 1652-AA17

RIN: 1652-AA33

1367. PRIVACY ACT OF 1974: IMPLEMENTATION OF EXEMPTIONS; TRANSPORTATION SECURITY INTELLIGENCE SERVICE (TSIS) OPERATIONS FILES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 114(l)(1); 5 USC a(k)-(k)(1); 49 USC 40113; 5 USC (a)(j), (a)(j)(2)

CFR Citation: 49 CFR 1507

Legal Deadline: None

Abstract: TSA proposes to exempt Transportation Security Intelligence Service (TSIS) Operations Files (DHS/TSA 011) from several provisions of the Privacy Act.

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Conrad Huygen, Privacy Act Officer, TSA Office of Information Management Programs, Department of Homeland Security,

Transportation Security Administration, TSA, Office of Information Management Systems, Finance and Administration, TSA-17, HQ, West Bldg., Floor 4, 601 South 12th Street, Arlington, VA 22202-4220

Phone: 571 227-1954

Fax: 571 227-2912

Email: conrad.huygen@dhs.gov

RIN: 1652-AA34

1368. SENSITIVE SECURITY INFORMATION (SSI) FOR LAND MODES

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

Unfunded Mandates: Undetermined

Legal Authority: 49 USC 114

CFR Citation: 49 CFR 1520

Legal Deadline: None

Abstract: TSA is proposing to revise its regulation governing the protection of sensitive security information (SSI) in order to protect security plans, assessments, procedures, and other security measures that are being undertaken to address vulnerabilities in land modes of transportation. To that end, TSA is expanding the definition of SSI to include additional types of information related to security in land transportation modes, and expanding the list of entities required to protect SSI.

Timetable:

Action	Date	FR Cite
NPRM	03/00/05	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Dion Casey, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA-2, West Bldg., 8th floor, Office of the Chief Counsel, TSA-2, HQ, E12-309N, 601 South 12th Street, Arlington, VA 22202-4220

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RIN: 1652-AA37

1369. 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 1562

Legal Deadline: Final, Statutory, August 8, 2004, Statutory mandate to have final rule in place 240 days from date of enactment of Vision 100. Statutory.

Abstract: Pursuant to a statutory mandate, TSA is proposing to issue regulations to enhance the security of maintenance and repair work conducted on air carrier aircraft and components at domestic and foreign repair stations, the aircraft and/or component and the facility itself. The proposed regulations establish general requirements for security programs to be adopted and maintained by repair stations. The proposal includes TSA's authority to conduct inspections of repair stations. The proposal also includes administrative procedures through which a repair station can seek review of a TSA determination that the repair 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	12/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Linda L. Kent, Attorney-Advisor, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA-2, HQ, E12-126S, 601 South 12th Street, Arlington, VA 22202-4220

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RIN: 1652-AA38

DHS—TSA

Proposed Rule Stage

1370. 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.

Unfunded Mandates: Undetermined

Legal Authority: 49 USC 114

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: TSA is proposing security requirements and procedures for three Maryland airports that are located within the Washington, DC Metropolitan Area Flight Restricted Zone, and for individuals operating aircraft to and from those airports. TSA is proposing these requirements and procedures to enhance the security of the critical infrastructure and Federal Government assets in the Washington, DC Metropolitan Area.

Timetable:

Action	Date	FR Cite
NPRM	01/00/05	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Dion Casey, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA-2, West Bldg., 8th floor, Office of the Chief Counsel, TSA-2, HQ, E12-309N, 601 South 12th Street, Arlington, VA 22202-4220

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RIN: 1652-AA39

1371. FOREIGN AIR CARRIER SECURITY

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 to 44936; 49 USC 44942; 49 USC 46105

CFR Citation: 49 CFR 1546

Legal Deadline: None

Abstract: TSA is proposing to amend part 1546 of its rules regarding the aviation security rules applicable to foreign air carriers to make those rules consistent with the rules applicable to domestic air carriers to the extent practicable.

Timetable:

Action	Date	FR Cite
NPRM	03/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Linda L. Kent, Attorney-Advisor, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA-2, HQ, E12-126S, 601 South 12th Street, Arlington, VA 22202-4220

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Email: linda.kent@dhs.gov

RIN: 1652-AA40

1372. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL

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

Unfunded Mandates: Undetermined

Legal Authority: PL 107-295

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Maritime Transportation Security Act provides 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. TSA will propose standards for the security threat assessment and the credential.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Christine Beyer, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA-2, Chief Counsel, Office of the

Chief Counsel, TSA-2, HQ, E12-336N, 601 South 12th Street, Arlington, VA 22202-4220

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RIN: 1652-AA41

1373. MODIFICATION OF THE AVIATION SECURITY INFRASTRUCTURE FEE

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 among air carriers. Beginning in fiscal year 2005, TSA may apportion the fee based on market share or another appropriate factor.

Timetable:

Action	Date	FR Cite
NPRM	03/00/05	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Steven Cohen, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA-2, Office of Chief Counsel, Office of the Chief Counsel, TSA-2, HQ, E12-415N, 601 South 12th Street, Arlington, VA 22202-4220

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RIN: 1652-AA43

1374. THREAT ASSESSMENTS REGARDING HOLDERS OF AND APPLICANTS FOR FAA CERTIFICATES

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

Legal Authority: 49 USC 114; 48 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; ...

DHS—TSA

Proposed Rule Stage

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) 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 and nonresident aliens 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	01/00/05	

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

Agency Contact: Linda L. Kent, Attorney-Advisor, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA-2, HQ, E12-126S, 601 South 12th Street, Arlington, VA 22202-4220

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Email: linda.kent@dhs.gov

Related RIN: Split from 1652-AA12, Split from 1652-AA15

RIN: 1652-AA44**1375. • 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:** None

Abstract: TSA will propose to require certain aircraft operators, to transmit passenger name records (PNRs) to TSA for use in aviation security prescreening. The proposal would require that for certain flights

transporting passengers within the United States, each aircraft operator, that accepts a reservation for a passenger on those flights must transmit the passenger's reservation information, in the form of the PNR, to TSA before the scheduled departure of the flight. TSA will use passengers' information to support a more effective automated system for aviation passenger prescreening under its Secure Flight program.

Timetable:

Action	Date	FR Cite
NPRM	01/00/05	

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

Agency Contact: Patrick Kearney, Executive Director, Department of Homeland Security, Transportation Security Administration, Transportation Security Policy, TSA-9, HQ, East Bldg., Floor 7, 601 South 12th Street, Arlington, VA 22202-4220
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Email: patrick.kearney@dhs.gov

RIN: 1652-AA45
**Department of Homeland Security (DHS)
Transportation Security Administration (TSA)**

Final Rule Stage

1376. IMPOSITION AND COLLECTION OF PASSENGER CIVIL AVIATION SECURITY SERVICE FEES

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

Legal Authority: 49 USC 44940**CFR Citation:** 49 CFR 1510**Legal Deadline:** None

Abstract: The Transportation Security Administration will finalize the interim final rule that established a security service fee in the amount of \$2.50 per emplanement on passengers of domestic and foreign carriers in air transportation, foreign air transportation, and intrastate air transportation originating in the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/01	66 FR 67698
Notice Information Collection	01/31/02	67 FR 4866
Notice Information Collection	02/19/02	67 FR 7582
Interim Final Rule Comment Period End	03/01/02	
Comment Period Reopened	03/28/02	67 FR 14879
Comment Period End	04/30/02	
Final Rule	04/00/05	

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

Additional Information: Transferred from RIN 2110-AA01

Agency Contact: Randall Fiertz, Chief, Office of Revenue, Department of Homeland Security, Transportation Security Administration, TSA HQ, Finance and Administration, West Building, Floor 5, TSA-14, Finance and Administration, TSA-14, HQ, West Bldg, Floor 5, 601 South 12th Street, Arlington, VA 22202-4220
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RIN: 1652-AA00

DHS—TSA

Final Rule Stage

1377. AVIATION SECURITY INFRASTRUCTURE FEES

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

Legal Authority: 49 USC 44901; 49 USC 44940

CFR Citation: 49 CFR 1511

Legal Deadline: None

Abstract: TSA will finalize the interim final rule that established the Aviation Security Infrastructure Fee 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.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	02/18/02	
Interim Final Rule Correction	02/20/02	67 FR 7926
Notice Information Collection	02/22/02	67 FR 8579
Interim Final Rule Comment Period End	02/28/02	67 FR 9355
Interim Final Rule Comment Period End	03/18/02	
Comment Period Extended	03/20/02	67 FR 12954
Comment Period End	04/02/02	
Notice Guidance App A	05/01/02	67 FR 21582
Final Rule	01/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2110-AA02

Agency Contact: Randall Fiertz, Chief, Office of Revenue, Department of Homeland Security, Transportation Security Administration, TSA HQ, Finance and Administration, West Building, Floor 5, TSA-14, Finance and Administration, TSA-14, HQ, West Bldg, Floor 5, 601 South 12th Street, Arlington, VA 22202-4220
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RIN: 1652-AA01

1378. 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: None

Abstract: This rule amends the rules that apply to private charter operations. Private charter aircraft with a maximum certificated takeoff weight of 45.5 kg or more, or 61+ seats are now required to ensure that passengers and their accessible property are screened prior to boarding.

Timetable:

Action	Date	FR Cite
Final Rule	06/19/02	67 FR 41635
Final Rule Comment Period End	07/19/02	
Final Rule Effective	08/19/02	
Final Rule	12/31/02	67 FR 79881
Notice to Extend Compliance Date	02/05/03	68 FR 5975
Disposition of Comments	01/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: The final security program has been issued and affected operators must comply by April 1, 2003.

Transferred from RIN 2110-AA05

Agency Contact: Lon M. Siro, Security Specialist, Department of Homeland Security, Transportation Security Administration, TSA-7-500, Air Carrier Operations Division, Aviation Operations, HQ, East Bldg, Floor 11, TSA-7, 601 South 12th Street, Arlington, VA 22202
Phone: 571 227-2217
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RIN: 1652-AA04

1379. 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

Legal Deadline: None

Abstract: TSA will finalize an interim final rule that revised its regulation governing the protection of sensitive security information (SSI) in order to implement recent legislative changes that expand TSA's authority to protect SSI related to modes of transportation other than aviation. Prior to issuing a final rule, TSA will seek to issue a technical amendment to address provisions of the rule that inadvertently restrict sharing of SSI.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/18/04	69 FR 28066
Interim Final Rule Comment Period End	07/19/04	
Technical Amendment	11/00/04	

Regulatory Flexibility Analysis Required: Undetermined

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

Agency Contact: David Graceson, Acting Director, Department of Homeland Security, Transportation Security Administration, TSA-7, HQ, E9-015N, 601 South 12th Street, Arlington, VA 22202
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Related RIN: Related to 1652-AA05

RIN: 1652-AA08

DHS—TSA

Final Rule Stage

1380. 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 1570; 49 CFR 1572**Legal Deadline:** None

Abstract: TSA published a final rule on April 6, 2004, that requires fingerprinting of individuals with hazardous materials endorsements for their commercial drivers licenses to begin on January 31, 2005. TSA plans to issue an interim final rule that will make technical changes and organizational improvements to the rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/05/03	68 FR 23851
Interim Final Rule	11/07/03	68 FR 63033
Final Rule	04/06/04	69 FR 17969
Interim Final Rule	11/00/04	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal, State**Additional Information:** Transferred from RIN 2110-AA19

Agency Contact: John Berry, Credentialing Program Office, Department of Homeland Security, Transportation Security Administration, TSA Headquarters, East Building, Floor 8, 601 12th Street, Arlington, VA 22202-4220
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Stephen Sprague, Supervisory Transportation Security Specialist, Department of Homeland Security,

Transportation Security Administration, Office of Maritime and Land; TSA-8, Maritime & Land Security, HQ, West Bldg., Floor 11, TSA-8, 601 South 12th Street, Arlington, VA 22202
Phone: 571 227-1468
Email: stephen.sprague@dhs.gov

Related RIN: Related to 1652-AA33**RIN:** 1652-AA17**1381. 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 Public Law 108-176 required the Secretary to issue an interim final rule within 60 days after the law was enacted.

Abstract: The Transportation Security Administration is requiring flight schools to notify TSA when aliens and other individuals designated by TSA apply for flight training. TSA is establishing 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 is establishing a fee to cover a portion of the costs of the security threat assessments that TSA will perform under this rule. Finally, TSA is establishing 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 U.S. 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	09/20/04	69 FR 56324
Comment Period End	10/20/04	
Final Rule	06/00/05	

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

Agency Contact: Dion Casey, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA-2, West Bldg., 8th floor, Office of the Chief Counsel, TSA-2, HQ, E12-309N, 601 South 12th Street, Arlington, VA 22202-4220
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RIN: 1652-AA35**1382. PRIVACY ACT OF 1974: IMPLEMENTATION OF EXEMPTIONS; REGISTERED TRAVELER OPERATIONS FILES****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 114 (l)(1); 5 USC 552a(k)**CFR Citation:** 49 CFR 1507**Legal Deadline:** None

Abstract: TSA proposes to exempt the Registered Traveler Operations Files (DHS/TSA 015) from several provisions of the Privacy Act.

Timetable:

Action	Date	FR Cite
NPRM	09/08/04	69 FR 54256
NPRM Comment Period End	10/08/04	
Final Rule	06/00/05	

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

Agency Contact: Conrad Huygen, Privacy Act Officer, TSA Office of Information Management Programs, Department of Homeland Security, Transportation Security Administration, TSA, Office of Information Management Systems, Finance and Administration, TSA-17, HQ, West Bldg., Floor 4, 601 South 12th Street, Arlington, VA 22202-4220

Phone: 571 227-1954

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Email: conrad.huygen@dhs.gov

RIN: 1652-AA36

**Department of Homeland Security (DHS)
Transportation Security Administration (TSA)**
Long-Term Actions
1383. CIVIL AVIATION SECURITY RULES

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

Legal Authority: 49 USC 40101 et seq (PL 107-71)

CFR Citation: 14 CFR 91; 14 CFR 107 to 109; 14 CFR 121; 14 CFR 129; 14 CFR 135; 14 CFR 139; 14 CFR 191; 49 CFR 1500 to 1550

Legal Deadline: Final, Statutory, February 17, 2002.

Abstract: This action transfers the FAA security rules to the Transportation Security Administration.

Timetable:

Action	Date	FR Cite
Final Rule Effective	02/17/02	
Final Rule	02/22/02	67 FR 8340
Final Rule Comment Period End	03/25/02	
Disposition of Comments	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Federalism: Undetermined

Additional Information: Transferred from RIN 2110-AA03

Agency Contact: Benjamin Klein, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA-2, Chief Counsel, Office of the Chief Counsel, TSA-2, HQ, E12-333N, 601 South 12th Street, Arlington, VA 22202-4220
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Email: benjamin.klein@dhs.gov

RIN: 1652-AA02

1384. SECURITY PROGRAMS FOR AIRCRAFT WEIGHING 12,500 POUNDS OR MORE

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

Legal Authority: 49 USC 114; 49 USC 5103; 49 USC 40119; 49 USC 44901 to 44907; 49 USC 44913; 49 USC 44914; 49 USC 44916 to 44918; 49 USC 44935; 49 USC 44936; 49 USC 44942; 49 USC 46105

CFR Citation: 49 CFR 1540; 49 CFR 1544

Legal Deadline: Final, Statutory, February 17, 2002.

Abstract: This action requires operators of aircraft with a maximum certificated takeoff weight of 12,500 pounds or more to implement a Transportation Security Administration-approved security program.

Timetable:

Action	Date	FR Cite
Final Rule	02/22/02	67 FR 8205
Final Rule Comment Period End	04/23/02	
Final Rule Effective	06/24/02	
Notice to Extend Compliance Date	02/05/03	68 FR 5974
Disposition of Comments	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Federalism: Undetermined

Additional Information: TSA issued the final security program to affected operators required to comply by April 1, 2003.

Transferred from RIN 2110-AA04

Agency Contact: Lon M. Siro, Security Specialist, Department of Homeland Security, Transportation Security Administration, TSA-7-500, Air Carrier Operations Division, Aviation Operations, HQ, East Bldg, Floor 11, TSA-7, 601 South 12th Street, Arlington, VA 22202
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Christine Beyer, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA-2, Chief Counsel, Office of the Chief Counsel, TSA-2, HQ, E12-336N, 601 South 12th Street, Arlington, VA 22202-4220
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Email: christine.beyer@dhs.gov

RIN: 1652-AA03

1385. 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: Rules governing civil aviation security were transferred from the Federal Aviation Administration to the Transportation Security Administration (TSA). Part 108 of title 14 of the Code of Federal Regulations (CFR) on Aircraft Operator Security, is now codified in 49 CFR parts 1540 and 1544. TSA will establish a compliance program for aircraft operators to implement and test security contingency plans. The intent is to enhance security for the traveling public, air carriers, and persons employed by or conducting business at public airports by increasing awareness of and compliance with civil aviation security measures. This rulemaking will implement 49 U.S.C. 44903(g).

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2110-AA11

Agency Contact: Christine Beyer, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA-2, Chief Counsel, Office of the Chief Counsel, TSA-2, HQ, E12-336N, 601 South 12th Street, Arlington, VA 22202-4220

Phone: 571 227-2657

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Related RIN: Related to 2120-AD45

RIN: 1652-AA09

1386. SECURITY COMPLIANCE PROGRAM FOR AIRPORTS

Priority: Other Significant. Major status under 5 USC 801 is 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: Rules governing civil aviation security were transferred from the Federal Aviation Administration to the Transportation Security Administration (TSA). Part 107 of title 14 of the Code of Federal Regulations (CFR) on Airport Security, is now codified in 49 CFR

DHS—TSA

Long-Term Actions

parts 1540 and 1542. 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 49 U.S.C. 44903(g).

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2110-AA12

Agency Contact: Christine Beyer, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA-2, Chief Counsel, Office of the Chief Counsel, TSA-2, HQ, E12-336N, 601 South 12th Street, Arlington, VA 22202-4220
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Related RIN: Related to 2120-AD46

RIN: 1652-AA10

1387. 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: This rule, published by the Federal Aviation Administration (FAA), requires each airport operator and aircraft operator that has adopted a security program under 14 CFR parts 107 or 108 to conduct fingerprint-based criminal history record checks for individuals if they have not already undergone criminal history record checks. The rule will ensure that individuals in these positions do not have disqualifying criminal offenses. Rules governing civil aviation security were transferred from the FAA to the Transportation Security Administration (TSA). Parts 107 and 108 of title 14

of the Code of Federal Regulations (CFR) on Airport Security and Aircraft Operator Security, respectively, are now codified in 49 CFR parts 1540, 1542, and 1544. TSA will complete any further action required in this rulemaking.

Timetable:

Action	Date	FR Cite
Final Rule; Request for Comments	12/06/01	66 FR 63474
Comment Period End	01/07/02	
Comment Period Reopened	01/25/02	67 FR 3810
Reopened Comment Period End	03/11/02	
Disposition of Comments	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Additional Information: Transferred from RIN 2110-AA11

Agency Contact: Scott Houston, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, Office of the Chief Counsel, TSA-2, HQ, E12-418N, 601 South 12th Street, Arlington, VA 22202-4220
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Related RIN: Related to 2120-AH53

RIN: 1652-AA11

1388. TRANSPORTATION OF EXPLOSIVES FROM CANADA TO THE UNITED STATES VIA COMMERCIAL MOTOR VEHICLE AND RAILROAD CARRIER

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

Legal Authority: 49 USC 114; 49 USC 5103; 49 USC 5103a; 49 USC 40113; 49 USC 46105

CFR Citation: 49 CFR 1570; 49 CFR 1572

Legal Deadline: None

Abstract: This interim final rule addresses security issues regarding transportation of explosives by commercial motor vehicles and railroads. It establishes temporary requirements that all motor carriers, motor private carriers, and railroad carriers not using United States citizens or lawful permanent resident aliens as

drivers or railroad crews to transport explosives to the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/06/03	68 FR 6083
Interim Final Rule Comment Period End	03/10/03	
Amendment to Interim Final Rule	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2110-AA18

Agency Contact: Benjamin Klein, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA-2, Chief Counsel, Office of the Chief Counsel, TSA-2, HQ, E12-333N, 601 South 12th Street, Arlington, VA 22202-4220

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RIN: 1652-AA16

1389. MARINE VESSEL SECURITY STANDARDS—PROHIBITED ITEMS

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

Legal Authority: 49 USC 114

CFR Citation: 49 CFR 1576

Legal Deadline: None

Abstract: This proposed regulation would establish lists of “prohibited items” (weapons, explosives, incendiaries, and other dangerous items) that individuals would not be allowed to carry on their person, or in their baggage when they travel onboard one of four categories of passenger vessels.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Jim Bamberger, Assistant Branch Chief, Department of Homeland Security, Transportation Security Administration, TSA-8, Maritime Passenger Security Branch,

DHS—TSA

Long-Term Actions

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RIN: 1652-AA22

1390. FEDERAL FLIGHT DECK OFFICER PROGRAM

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

Legal Authority: 49 USC 114; 49 USC 40113; 49 USC 44921

CFR Citation: 49 CFR 1552

Legal Deadline: None

Abstract: This proposed rule establishes a program to screen, train, deputize, and equip certain commercial airline pilots as Federal law enforcement officers, and to authorize them to transport and carry firearms and to use force, including deadly force, to defend the flight decks of the aircraft against acts of criminal violence or air piracy.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Dion Casey, Attorney, Regulations Division, Department of Homeland Security, Transportation

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RIN: 1652-AA24

Department of Homeland Security (DHS)

Completed Actions

Transportation Security Administration (TSA)

1391. PRIVACY ACT OF 1974: IMPLEMENTATION OF EXEMPTION

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 114(l)(1); 5 USC 552a(k)

CFR Citation: 49 CFR 1507

Legal Deadline: None

Abstract: This document will establish eight Privacy Act Systems of Records that are exempt from one or more provisions of the Privacy Act. This rule will enable TSA to withhold records in response to requests for information pertaining to active investigations and in other instances where disclosure could reveal sensitive information.

Timetable:

Action	Date	FR Cite
NPRM	08/18/03	68 FR 49410
NPRM Comment Period End	09/17/03	
Final Rule	06/25/04	69 FR 35536
Final Rule Effective	07/26/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Conrad Huygen, Privacy Act Officer, TSA Office of

Information Management Programs, Department of Homeland Security, Transportation Security Administration, TSA, Office of Information Management Systems, Finance and Administration, TSA-17, HQ, West Bldg., Floor 4, 601 South 12th Street, Arlington, VA 22202-4220

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RIN: 1652-AA28

1392. CAPPs II—ACCESS TO PASSENGER RESERVATION INFORMATION

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

Unfunded Mandates: Undetermined

Legal Authority: 49 USC 114; 49 USC 40113; 49 USC 44901; 49 USC 44902; 49 USC 44903

CFR Citation: 49 CFR 1560

Legal Deadline: None

Abstract: TSA is withdrawing this action, which would have implemented the Computer Assisted Passenger Prescreening System II (CAPPs II).

Timetable:

Action	Date	FR Cite
Withdrawn	08/27/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: Patrick Kearney, Executive Director, Department of Homeland Security, Transportation Security Administration, Transportation Security Policy, TSA-9, HQ, East Bldg., Floor 7, 601 South 12th Street, Arlington, VA 22202-4220

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RIN: 1652-AA32

1393. PRIVACY ACT OF 1974: IMPLEMENTATION OF EXEMPTIONS FOR PASSENGER AND AVIATION SECURITY SCREENING RECORDS

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 114(l)(1); 5 USC 552a(k)

CFR Citation: 49 CFR 1507

Legal Deadline: None

DHS—TSA

Completed Actions

Abstract: TSA is withdrawing this action pending consideration of the need for this system of the DHS/TSA 010 system of records.

Timetable:

Action	Date	FR Cite
Withdrawn	09/17/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Proposed system of records DOT/TSA 010

published 01/15/2003 (68 FR 2101 and 2002) by Office of the Secretary (OST), Department of Transportation (DOT). DOT RIN NO. 2105-AD23; Docket No. OST-1996-1437.

See also system of records DHS/TSA 010 notice published 08/01/2003 (68 FR 45265) by Transportation Security Administration (TSA), Department of Homeland Security (DHS). Docket No. DHS/TSA-2003-1.

Agency Contact: Conrad Huygen, Privacy Act Officer, TSA Office of Information Management Programs,

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Related RIN: Related to 2105-AD23

RIN: 1652-AA42

Department of Homeland Security (DHS)

Prerule Stage

Bureau of Immigration and Customs Enforcement (BICE)

1394. • ESTABLISHING PROCEDURES FOR RECERTIFICATION OF SCHOOLS APPROVED BY THE STUDENT AND EXCHANGE VISITOR PROGRAM (SEVP) TO ENROLL F OR M NONIMMIGRANT STUDENTS

Regulatory Plan: This entry is Seq. No. 75 in part II of this issue of the *Federal Register*.

RIN: 1653-AA42

Department of Homeland Security (DHS)

Proposed Rule Stage

Bureau of Immigration and Customs Enforcement (BICE)

1395. NONIMMIGRANT CLASSES; S CLASSIFICATION; LAW ENFORCEMENT INITIATIVES; ALIEN WITNESSES

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1324a; 8 CFR 2; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252

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

Legal Deadline: None

Abstract: Two regulatory initiatives dealing with the processing of alien witnesses have been prepared by the Department. INS No. 1683-94 provides the application and approval process for the admission of aliens in S nonimmigrant classification. It provides guidance to the various law enforcement agencies needing alien witnesses and informants to complete critical law enforcement initiatives in the United States. INS No. 1728-95

establishes a fee for the processing of Form I-854, Inter-Agency Alien Witness and Informant Record, for Law Enforcement Agency (LEA) requests for S nonimmigrant classification for eligible alien witnesses and informants. The fee recovers the costs of the processing of requests for immigration benefits and is needed to comply with specific Federal immigration laws and Federal user fee statute and regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule—INS No. 1683 Eff. 8/25/95; Comment Period End 12/4/95	08/25/95	60 FR 44260
Interim Final Rule—INS No. 1683 Correction	10/05/95	60 FR 52068
Interim Final Rule—INS No. 1683 Correction	10/05/95	60 FR 52248
NPRM—INS No. 1728	12/00/04	
Final Action—INS No. 1683	02/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: INS No. 1683-94; and INS No. 1728-95

Transferred from RIN 1115-AD86

Agency Contact: Angel Melendez, Section Chief, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 425 I Street NW., Washington, DC 20536

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RIN: 1653-AA00

1396. USE OF PAROLE FOR HUMANITARIAN REASONS OR SIGNIFICANT PUBLIC BENEFIT

Priority: Other Significant

Legal Authority: 8 USC 1182

CFR Citation: 8 CFR 212

Legal Deadline: NPRM, Statutory, September 11, 1997.

DHS—BICE

Proposed Rule Stage

Abstract: Changes to the current regulations are necessitated by section 602 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. This section has reworded certain parole authority by stipulating parole on a case-by-case basis for urgent humanitarian reasons or significant public benefit.

Timetable:

Action	Date	FR Cite
NPRM—INS No. 1840-97	01/00/05	
NPRM Comment Period End	02/00/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal, Local, State, Tribal

Additional Information: INS No. 1840-97

See also (INS No. 2004-99): This interim final rule published on December 28, 2000, amended the regulations concerning the authority to grant the parole of aliens from DHS custody by specifically identifying the scope of that authority to include the Secretary. This action was taken to clarify which individuals are authorized by the Secretary to grant parole from DHS custody.

Transferred from RIN 1115-AE68

Agency Contact: Kenneth Leutbecker, Director, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Attn: ULLICO Building, Third Floor, 800 North Capital Street NW., Washington, DC 20536

Phone: 202 305-2670

RIN: 1653-AA04

1397. 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	12/00/04	
NPRM Comment Period End	02/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2142-01

Transferred from RIN 1115-AG26

Agency Contact: Nik Maravich, Detention and Deportation Officer, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 800, Detention and Removal Operations, 801 I Street NW., Washington, DC 20536

Phone: 202 514-1999

RIN: 1653-AA12

1398. INTEREST PAYMENTS ON CANCELLED CASH BONDS

Priority: Other Significant

Legal Authority: 8 USC 1103; 31 USC 1322; 31 USC 9308

CFR Citation: 8 CFR 293

Legal Deadline: None

Abstract: When DHS receives a cash bond, it is deposited into an account where interest is accumulated from the date the bond is posted, to the date that the bond is paid out. If a cancelled cash bond is unclaimed after a year, the principal and any accumulated interest are transferred to the U.S. Department of the Treasury, account entitled "Payments of Unclaimed Moneys of Individuals Whose Whereabouts are Unknown." This regulation at 8 CFR 293.1 concerns the computation of interest on cash bonds. It does not mention the Treasury requirement concerning the disposition of funds from unclaimed cash bonds. Since some cash bonds obligors have questioned the curtailment of interest a year after the bond is cancelled, we believe that this regulation should include language that clarifies the Department's requirement to comply with Treasury's regulation.

Timetable:

Action	Date	FR Cite
NPRM	03/00/05	

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

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2258-03

Transferred from RIN 1115-AG97

Agency Contact: 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-AA20

1399. 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.

DHS—BICE

Proposed Rule Stage

Timetable:

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

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

Agency Contact: Nelson Perez, Special Counsel, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Office of Principal Legal Advisor, 425 I Street, NW

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RIN: 1653-AA27

1400. DENIAL AND REVOCATION FOR APPROVAL OF SCHOOL FOR ATTENDANCE BY NONIMMIGRANT STUDENTS**Priority:** Other Significant

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

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: The 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 revocation 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 revocation proceedings.

Timetable:

Action	Date	FR Cite
NPRM	02/00/05	
NPRM Comment	04/00/05	
Period End		

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, Acting Director, Student and Visitor Exchange Program, Department of Homeland

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RIN: 1653-AA33

1401. 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	06/00/05	
NPRM Comment	08/00/05	
Period End		

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

Agency Contact: Mark Lenox, Deputy Assistant Director, Compliance, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 801 I Street NW., Washington, DC 20536

Phone: 202 305-2734

RIN: 1653-AA38

1402. 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
NPRM	12/00/04	
NPRM Comment	02/00/05	
Period End		

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

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RIN: 1653-AA40

1403. • 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

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administratively inefficient and resource intensive to manage. The DST has between 100 to 200 flight training programs which are certified by the Student and Exchange Visitor Program (SE VP). The 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 DST provide efficient and effective oversight over flight training programs. The DOS programs concern DJ visa; the DST programs are in FA and AM visa categories. Rules between SE VP and DOS programs differ significantly and need to be modified accordingly.

Timetable:

Action	Date	FR Cite
NPRM	06/00/04	
NPRM Comment Period End	08/00/05	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

Agency Contact: Susan Geary, Acting Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 800 K Street NW., Washington, DC 20536
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RIN: 1653-AA43**1404. • STRENGTHENING CONTROLS OVER IMMIGRATION SURETY BONDS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 8 USC 1103; 8 USC 1356; 31 USC 9701; 31 USC 9305; PL 104-208**CFR Citation:** 8 CFR 103**Legal Deadline:** None

Abstract: The Department continues to experience problems collecting the funds for breached surety bonds. Several surety companies and/or their bonding agents continue to circumvent administrative remedies to address immigration surety bond claims sent out by the Department and have evaded the judicial review process.

This rule proposes to strengthen the Department's control over the collection of immigration surety bonds by improving current DHS procedures 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 case bonding agents who have acted improperly or whose 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's 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	06/00/05	
NPRM Comment Period End	08/00/05	

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

Additional Information: Prior RIN No. 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
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RIN: 1653-AA45

Department of Homeland Security (DHS)

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Bureau of Immigration and Customs Enforcement (BICE)

1405. 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	
Final Action	06/00/05	

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
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RIN: 1653-AA02

DHS—BICE

Final Rule Stage

1406. REQUIRING ALIENS ORDERED REMOVED FROM THE UNITED STATES TO SURRENDER TO THE DEPARTMENT OF HOMELAND SECURITY FOR REMOVAL**Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1231; 8 USC 1253**CFR Citation:** 8 CFR 240.13 to 240.19**Legal Deadline:** None

Abstract: This rule requires aliens subject to a final order of removal to surrender to the Department. This rule also establishes procedures for surrender and bars persons violating these procedures from obtaining discretionary immigration benefits.

Timetable:

Action	Date	FR Cite
NPRM	09/04/98	63 FR 47205
NPRM Comment Period End	11/03/98	
Supplemental NPRM	05/09/02	67 FR 31157
Supplemental NPRM Comment Period End	06/10/02	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**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
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RIN: 1653-AA05**1407. 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	06/00/05	

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**1408. 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	02/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2083-00

Transferred from RIN 1115-AF87

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RIN: 1653-AA08**1409. 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

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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	06/00/05	

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, Victim-Witness Coordinator, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 425 I Street NW., Washington, DC 20536
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RIN: 1653-AA09

1410. INCREASING THE NUMBER OF OFFICERS AUTHORIZED TO ISSUE NOTICES TO APPEAR AND ARREST WARRANTS FOR IMMIGRATION VIOLATIONS

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1221; 8 USC 1229; 8 CFR 2

CFR Citation: 8 CFR 239; 8 CFR 287

Legal Deadline: None

Abstract: This rule increases the number of officers authorized to issue notices to appear, and warrants of arrest for immigration violations. Currently, the authority to issue notices to appear and to issue arrest warrants for immigration violations, is limited to a small number of DHS officers. The present listing identifies the officers authorized to issue by specific position. This revision increases the number of issuing officers and identifies issuing authority by job title. The action is necessary to improve Department operations since many DHS employees are posted great distances away from the officials who are currently authorized to issue notices to appear and arrest warrants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2137-01

Transferred from RIN 1115-AG22

Agency Contact: Joseph Greene, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 425 I Street NW, Washington, DC 20536
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RIN: 1653-AA10

1411. 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. A rule is being published as a proposed rule because of the substantive structural changes to the prior interim rule. This rule amends the custody review process governing the detention of aliens who are the subject of a final order of removal, deportation, or exclusion (see 8 CFR 241.4) in light of the decision of the U.S. Supreme Court in *Zadvydas v. Davis*. This rule adds new provisions governing cases for DHS to determine whether there is a significant likelihood that an alien will be removed from the United States in the reasonably foreseeable future, and cases where there are special circumstances justifying the continued detention of certain aliens. This rule also makes conforming changes to the existing postremoval period detention regulations, and provides procedures to implement the statutory provision for the extension of the removal period beyond 90 days if the alien conspires or acts to prevent his or her removal or fails or refuses to assist DHS in obtaining documents necessary to his or her removal.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/14/01	66 FR 56967

Action	Date	FR Cite
Interim Final Rule Comment Period End	01/14/02	
Final Action	03/00/05	

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: 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-AA13

1412. CUSTODY PROCEDURES

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; . . .

CFR Citation: 8 CFR 287

Legal Deadline: None

Abstract: This rule amends Department regulations on the period of time after an alien's arrest within which the Department must make a determination whether the alien will be continued in custody or released on bond or recognizance and whether to issue a notice to appear and warrant of arrest. This rule provides that unless voluntary departure has been granted, DHS must make such determinations within 48 hours of arrest, except in the event of emergency or other extraordinary circumstance in which case the Department must make such determinations within an additional reasonable period of time.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	09/17/01	66 FR 48334
Interim Final Rule Published	09/20/01	66 FR 48334
Interim Final Rule Comment Period End	11/19/01	
Final Action	06/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

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Government Levels Affected: None

Additional Information: INS No 2171-01

Transferred from RIN 1115-AG40

Agency Contact: David Suna, Attorney, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 425 I Street NW., Washington, DC 20536
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RIN: 1653-AA14

1413. ADDRESS NOTIFICATION TO BE FILED WITH DESIGNATED APPLICATIONS

Priority: Other Significant

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

CFR Citation: 8 CFR 103; 8 CFR 299

Legal Deadline: None

Abstract: The proposed rule would amend DHS regulations by requiring every alien who is applying for immigration benefits to acknowledge having received notice that he or she is required to provide a valid current address to the Department, including any change of address within 10 days of the change; that the Department will use the most recent address provided by the alien for all purposes, including the service of a Notice to Appear if the Department initiates removal proceedings; and, if the alien has changed address and failed to provide the new address to DHS, that the alien will be held responsible for any communications sent to the most recent address provided by the alien. This rule will satisfy the requirements or advance notice to the alien of the obligation to provide a current address to the Department, and of the consequences that may result for failure to do so, including the entry of an in absentia removal order against the alien if the alien fails to appear at a removal hearing.

Timetable:

Action	Date	FR Cite
NPRM	07/26/02	67 FR 48818
NPRM Comment Period End	08/26/02	
Final Action	12/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2198-02

Transferred from RIN 1115-AG61

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RIN: 1653-AA15

1414. 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	12/00/04	

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
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RIN: 1653-AA18

1415. AUTHORIZING COLLECTION OF FEE LEVIED ON F, J, AND M NONIMMIGRANT CLASSIFICATIONS UNDER ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT (IIRIRA) (SECTION 610 REVIEW)

Priority: Other Significant

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

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

Legal Deadline: None

Abstract: This rule amends DHS regulations to establish a fee, pursuant to section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), as amended by Public Law 106-396. In accordance with these statutes, the alien will remit the fee directly to the Secretary of DHS at a time prior to the alien being classified as an F, J, or M nonimmigrant. The rule outlines fee amounts, who is subject to paying the fees, when the fee must be paid, and the consequences for failure to pay the fee. This rule is necessary to implement section 641 of the IIRIRA, as amended, as well as authorized under sections 103 and 214 of the Immigration and Nationality Act and under 31 U.S.C. 9701.

Timetable:

Action	Date	FR Cite
NPRM	12/21/99	64 FR 71323
NPRM Comment Period End	02/22/00	
Interim Final Rule	10/27/03	68 FR 61148
Final Action	06/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1991-99

Transferred from RIN 1115-AF56

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RIN: 1653-AA23

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1416. REVISION OF THE REGULATIONS CONCERNING F, J, AND M NONIMMIGRANT CLASSIFICATIONS**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 1252(b); 8 USC 1304; 8 USC 1356; 31 USC 9701; EO 12356; ...**CFR Citation:** 8 CFR 103; 8 CFR 214**Legal Deadline:** None

Abstract: This rule sets the foundation for implementation of the Student and Exchange Visitor Information System (SEVIS), an Internet-based system that provides tracking and monitoring functionality, with access to current information on nonimmigrant students and exchange visitors. SEVIS is being integrated into the new Entry-Exit system, named U.S. Visitor and Immigrant Status Indication Technology System (U.S.VISIT). VISIT is a DHS program that enhances our country's entry exit system by enabling the U.S. to effectively verify the identity of incoming visitors and confirm compliance with visa and immigration policies. The initiative involves collecting travel information and "biometric identifiers."

There are three principal laws that require the Secretary to develop an automated system to track foreign students and exchange visitors:

1. Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA);
2. Section 416 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act 2001 (USA PATRIOT Act); and
3. Section 501 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act).

IIRIRA requires the DHS to collect current information, on an ongoing basis, from schools and exchange programs relating to nonimmigrant foreign students and exchange visitors during their stay in the United States. Additionally, the USA PATRIOT Act amended section 641 of IIRIRA to require implementation and expansion of SEVIS before January 1, 2003. Furthermore, the Border Security Act clarifies the collection of information required by SEVIS and adds the specific requirement that educational institutions

report failure of an alien to enroll not later than 30 days after the registration deadline of the institution.

While this rule implements SEVIS, this is only one component of the Student and Exchange Visitor Program (SEVP). Further rulemaking is necessary to the overall reengineering process and success of SEVP. The review and registration of all schools and exchange visitor programs in SEVIS was required before January 30, 2003, as well as subsequent recertifications of these institutions every two years. Implementation of the student fee regulation mandated by Congress in IIRIRA to pay for the operation and maintenance of SEVIS is pending.

As part of this ongoing program, DHS published an interim final rule at 67 FR 44344, July 1, 2002, allowing schools that met certain criteria to preliminarily enroll in SEVIS beginning on July 1, 2002. DHS will published another rule, 67 FR 60107, September 25, 2002, that required all schools to apply for certification in SEVIS in order to be able to begin accepting or continue accepting foreign students by August 1, 2003. This rule describes recertification, withdrawal, and the denial process for SEVIS. Finally, DHS reintroduced a rule for collection of the student and exchange visitor fees, 68 FR 61149, October 27, 2003.

Timetable:

Action	Date	FR Cite
NPRM (INS No. 2185-02)	05/16/02	67 FR 34862
NPRM Comment Period End	06/16/02	
Interim Final Rule (INS No. 2211-02)	07/01/02	67 FR 44343
Interim Final Rule Comment Period End	07/31/02	
Final Action (INS No. 2185-02)	12/02/02	67 FR 31184
Final Action (INS No. 2211-02)	12/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1991-99

Transferred from RIN 1115-AF56

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RIN: 1653-AA24**1417. 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 ensure that notification is made to the Bureau of 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
Interim Final Rule	02/00/05	
Interim Final Rule Comment Period End	04/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** Organizations**Government Levels Affected:** None**Additional Information:** ICE 2300-03

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RIN: 1653-AA28

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1418. CHANGES IN REGISTRATION POLICIES AND MONITORING OF CERTAIN NONIMMIGRANTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1184; 8 USC 1185; 8 USC 1302; 8 USC 1303; 8 USC 1305**CFR Citation:** 8 CFR 264**Legal Deadline:** None

Abstract: This rule amends DHS regulations for the registration and monitoring of certain nonimmigrant aliens. This rule amends existing regulations by suspending the 30-day and annual re-registration requirements for aliens who are subject to the National Security Entry-Exit Registration System (NSEERS) Registration. Instead of requiring all aliens subject to NSEERS to appear for 30-day and/or annual registration interviews, DHS will utilize a more tailored system in which it will notify individual aliens of future registration requirements. This rule also eliminates the requirement for those nonimmigrant aliens subject to special registration who are also enrolled in the Student and Exchange Visitor Information System (SEVIS) to separately notify DHS of changes in educational institutions and addresses. Additionally, this rule clarifies how nonimmigrant aliens may apply for relief from special registration requirements and clarifies that certain alien crewmen are not subject to the departure requirements. Finally, certain conforming amendments have been made to existing regulations to reflect that the former Immigration and Naturalization Service has been abolished and its functions transferred from the Department of Justice to DHS, under the Homeland Security Act of 2002 (HSA), Public Law 107-296.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/02/03	68 FR 67578
Interim Final Rule	02/02/04	
Comment Period		
End		
Final Action	03/00/05	

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, Room 200, 425 I Street, NW, Washington, DC 20536
Phone: 202 353-3173

RIN: 1653-AA29**1419. 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 stop-gap 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	08/16/99	
Comment Period		
End		
Final Action	04/00/05	

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, Acting Director, Student and Exchange Visitor Program, Department of Homeland

Security, Bureau of Immigration and Customs Enforcement, 801 K Street NW, Washington, DC 20536
Phone: 202 305-2346

Related RIN: Previously reported as 1115-AF54**RIN:** 1653-AA30**1420. 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: 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. It also continues the implementation of the process by which schools may be approved to obtain access to the Student and Exchange Visitor Information System (SEVIS). While 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	09/25/02	
Effective		
Interim Final Rule	11/25/02	
Comment Period		
End		
Final Action	04/00/05	

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

DHS—BICE

Final Rule Stage

Additional Information: CIS No. 2217-02

Transferred from RIN 1615-AA77

Agency Contact: Susan Geary, Acting Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 800 K Street NW., Washington, DC 20536
Phone: 202 305-2346
Fax: 202 353 3723
Email: susan.geary@dhs.gov

Related RIN: Previously reported as 1115-AG71

RIN: 1653-AA31

1421. 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 Comment Period End	10/27/02	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2220-02

Transferred from RIN 1615-AA79

Agency Contact: Susan Geary, Acting Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 800 K Street NW., Washington, DC 20536
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Email: susan.geary@dhs.gov

Related RIN: Previously reported as 1115-AG75

RIN: 1653-AA32

1422. 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 six credit hours if the student is an undergraduate, or three credit hours if the student is in graduate school.

Timetable:

Action	Date	FR Cite
Interim Final Rule—CIS No. 1914-98	06/10/98	63 FR 31871

Action	Date	FR Cite
Interim Final Rule	08/10/98	
Comment Period End		
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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

Transferred from RIN 1615-AA99

Agency Contact: Susan Geary, Acting Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 800 K Street NW., Washington, DC 20536
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Related RIN: Previously reported as 1115-AF15

RIN: 1653-AA34

1423. COUNTRIES TO WHICH ALIENS MAY BE REMOVED

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

Legal Authority: Not Yet Determined

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This interim rule will discuss and interpret section 241(b), countries to which aliens may be removed, of the Immigration and Nationality Act. The rule will discuss countries to which aliens with final administrative orders may be removed.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: David Suna, Associate Legal Advisor, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Office of Chief Counsel, 425 I Street

DHS—BICE

Final Rule Stage

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RIN: 1653-AA35

1424. CHANGE IN BUSINESS PRACTICES; ACCEPTANCE OF PAYMENTS OF FEES BY CREDIT CARD AND OTHER ELECTRONIC MEANS WHERE POSSIBLE

Priority: Other Significant

Legal Authority: PL 98-369; 31 USC 3720

CFR Citation: 8 CFR 103.7

Legal Deadline: None

Abstract: The Department of Homeland Security (DHS) proposes to expand the acceptance of credit cards and other electronic means to collect fees from the public. DHS currently accepts fees at seven locations in three of its 33 districts. DHS proposes to implement credit card acceptance at 16 of these districts. The intended benefit is two-fold: to provide the Department with a faster, more efficient collection and record keeping mechanism while affording the customer a convenient alternative payment method.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/05	
Interim Final Rule	05/00/05	
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

1425. 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. These students, however, will not be required to pursue a full course of study. The F-3 and M-3 visa holders will be tracked in the Student and Exchange Visitor Information System (SEVIS) administered by DHS and the Student and Exchange Visitor Program (SEVP), and agency of the Bureau of Immigration and Customs Enforcement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/05	
Interim Final Rule	03/00/05	
Comment Period		
End		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: CIS No. 2290-03

Agency Contact: Susan Geary, Acting Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 800 K Street NW., Washington, DC 20536
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RIN: 1653-AA37

1426. 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 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	03/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ICE No. 2305-03

Agency Contact: Shirely Nguyen, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 800 K Street, NW, Washington, DC 20536
Phone: 202 305-9656

RIN: 1653-AA39

1427. EXECUTION OF REMOVAL ORDERS; COUNTRIES TO WHICH ALIENS MAY BE REMOVED

Priority: Other Significant

Legal Authority: 5 USC 301; 5 USC 552; 5 USC 552a; 8 USC 1103; 8 USC 1182; ...

CFR Citation: 8 CFR 236; 8 CFR 241

Legal Deadline: None

Abstract: The Secretary of Homeland Security and the Attorney General published this combined notice of proposed rulemaking to amend their

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Final Rule Stage

respective agencies' regulations pertaining to removal of aliens.

The Department of Homeland Security proposes to amend its rule to establish that acceptance by a country is not required under specific provisions of section 241(b) of the Immigration and Nationality Act (Act) (8 U.S.C. 1231(b)) in order to remove an alien to that country, and that a "country" for the purpose of removal is not premised on the existence or functionality of a government in that country. This rule clarifies the countries to which an alien may be removed and the situations in which the Secretary of Homeland Security will remove an alien to an alternative or additional country. The rule also implements a screening mechanism to review aliens' claims that they would face persecution or torture in a country of removal that was not identified during their removal proceedings before an immigration judge.

The Department of Justice proposed rule clarifies the procedure for an alien to designate the country to which he would prefer to be removed, provides that the immigration judge shall inform any alien making such a designation that the alien may be removed to another country under section 241(b) of the Act at the discretion of the Secretary of Homeland Security in effecting the foreign policy of the United States, and clarifies the effect of an identification of a country for removal in an immigration judge's order of removal from the United States. The rule clarifies that acceptance by a country is not a factor to be considered by the immigration judge. The Department of Justice

proposed rule also makes technical changes to eliminate unnecessary provisions and update references pursuant to the enactment of the Homeland Security Act of 2002.

Timetable:

Action	Date	FR Cite
NPRM	07/29/04	69 FR 42901
NPRM Comment Period End	08/18/04	
Final Action	04/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Mark Lenox, Deputy Assistant Director, Compliance, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 801 I Street NW., Washington, DC 20536
Phone: 202 305-2734

RIN: 1653-AA41

1428. • 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

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 which incorporates all cost of implementing the recertification process.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/00/05	
Interim Final Rule Comment Period End	04/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Susan Geary, Acting Director, Student and Visitor Exchange Program, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 800 K Street NW., Washington, DC 20536
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RIN: 1653-AA44

Department of Homeland Security (DHS)

Long-Term Actions

Bureau of Immigration and Customs Enforcement (BICE)

1429. 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

DHS—BICE

Long-Term Actions

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

Action	Date	FR Cite
Correction (Interim Final Rule)	10/29/96	61 FR 55840
Interim Final Rule Comment Period End	11/06/96	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: INS Nos. 1737 and 1738

Transferred from RIN 1115-AE21

Agency Contact: 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

Department of Homeland Security (DHS)

Proposed Rule Stage

Directorate of Emergency Preparedness and Response (EP&R)

1430. 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	04/00/05	

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, 500 C Street SW., Washington, DC 20472
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RIN: 1660-AA30

Department of Homeland Security (DHS)

Final Rule Stage

Directorate of Emergency Preparedness and Response (EP&R)

1431. 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 Effective	10/01/02	67 FR 61512
Interim Final Rule Effective	10/01/02	
Interim Final Rule Comment Period End	12/02/02	
Interim Final Rule Effective	10/28/03	68 FR 61368
Interim Final Rule Effective	10/28/03	

Correcting Amendment	11/10/03	68 FR 63738
Correcting Amendment Effective	11/10/03	
Interim Final Rule Comment Period End	12/29/03	
Interim Final Rule Effective	09/13/04	69 FR 55094
Interim Final Rule Effective	09/13/04	
Interim Final Rule Comment Period End	11/12/04	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

DHS—EP&R

Final Rule Stage

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

Additional Information: Transferred from RIN 3067-AD22

Agency Contact: Karen Helbrecht, Mitigation Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

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RIN: 1660-AA17

Department of Homeland Security (DHS)

Long-Term Actions

Directorate of Emergency Preparedness and Response (EP&R)

1432. 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, 500 C Street SW., Washington, DC 20472

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RIN: 1660-AA00

1433. 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, 500 C Street SW., Washington, DC 20472

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RIN: 1660-AA01

1434. 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, 500 C Street SW., Washington, DC 20472

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RIN: 1660-AA02

1435. 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&R

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

Agency Contact: Michael Komack, Financial and Acquisition Management Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472
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RIN: 1660-AA05**1436. 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: This rule would standardize the financing, administration, and operation of the National Urban Search and Rescue Response System; a cooperative effort of FEMA, participating State emergency management agencies, and local public safety agencies across the country. The interim rule addresses the relationship between Urban Search and Rescue Task Forces and FEMA, and funding for preparedness and response activities, including the acquisition of equipment, supplies, and training.

Timetable:

Action	Date	FR Cite
NPRM	12/18/02	67 FR 77627
NPRM Comment Period End	02/03/03	
Final Action	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local, State**Additional Information:** Transferred from RIN 3067-AC93

Agency Contact: Michael Tamillow, Response Division, Department of

Homeland Security, Directorate of Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

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RIN: 1660-AA07**1437. NATIONAL FLOOD INSURANCE PROGRAM (NFIP); INSURANCE COVERAGE AND RATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4001 et seq**CFR Citation:** 44 CFR 61**Legal Deadline:** None

Abstract: This rule would apply full-risk premium rates under the NFIP to structures: 1) that have suffered multiple flood losses; and 2) whose owners decline an offer of funding to eliminate or reduce future flood damage.

Timetable:

Action	Date	FR Cite
NPRM	08/05/99	64 FR 42632
NPRM Comment Period End	09/07/99	
Final Action	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 3067-AD02

Agency Contact: Thomas Hayes, Mitigation Division, Department of Homeland Security, Directorate of Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

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RIN: 1660-AA09**1438. 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**1439. 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 would implement 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

DHS—EP&R

Long-Term Actions

Action	Date	FR Cite
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**1440. 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**1441. 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**1442. 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	11/00/05	

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

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RIN: 1660-AA26**1443. 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

DHS—EP&R

Long-Term Actions

Action	Date	FR Cite
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

1444. 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	

Action	Date	FR Cite
Interim Final Rule Comment Period End	10/06/03	
Interim Final Rule Effective	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

1445. 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

1446. 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, 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

DHS—EP&R

Long-Term Actions

1447. 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	To Be	Determined

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

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RIN: 1660-AA34**1448. • 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**1449. • 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**1450. • FLOOD MITIGATION ASSISTANCE PROGRAM**

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

Unfunded Mandates: Undetermined**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 revise the existing allocations formula for FMA planning, project, and technical assistance funds.

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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DHS—EP&R

Long-Term Actions

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RIN: 1660-AA37

1451. • 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

1452. • 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

1453. • PRE-DISASTER 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 Pre-Disaster 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 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

1454. • 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

DHS—EP&R

Long-Term Actions

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	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: State

Federalism: Undetermined

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RIN: 1660-AA41

Department of Homeland Security (DHS)

Completed Actions

Directorate of Emergency Preparedness and Response (EP&R)

1455. DISASTER ASSISTANCE DEFINITIONS; STATUTORY CHANGE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 5121 to 5204(c)

CFR Citation: 44 CFR 206.2; 44 CFR 206

Legal Deadline: None

Abstract: This rule amends the definitions of "Local government," "State," and "United States," as set forth in the Code of Federal Regulations, to coincide with those definitions established by the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/03/04	69 FR 24082
Interim Final Rule Effective	05/03/04	
Interim Final Rule Comment Period End	07/02/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local, State, Tribal

Additional Information: Transferred from RIN 3067-AD26

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1456. PROGRAM FRAUD CIVIL REMEDIES

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 3801 to 3812

CFR Citation: 44 CFR 20

Legal Deadline: None

Abstract: This interim final rule implements the Program Fraud Civil Remedies Act of 1986, which is codified at 31 U.S.C. 3801-3812.

Timetable:

Action	Date	FR Cite
Withdrawn	09/16/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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