

DEPARTMENT OF HOMELAND SECURITY**Office of the Secretary****6 CFR Chs. I and II****[DHS Docket No. OGC-RP-04-001]****Unified Agenda of Federal Regulatory and Deregulatory Actions****AGENCY:** Office of the Secretary, DHS.**ACTION:** Semiannual regulatory agenda.

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

FOR FURTHER INFORMATION CONTACT:*General*

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

Specific

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

SUPPLEMENTARY INFORMATION: This notice is given pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980) and Executive Order (E.O.) 12866, "Regulatory Planning and Review" (September 30, 1993), which require the publication of a semiannual agenda of regulations by the Department. The regulatory agenda is a semiannual summary of all current and projected rulemakings, as well as actions completed since the publication of the last regulatory agenda for the Department. This is DHS' eighth semiannual regulatory agenda since the Department's inception in January 2003. DHS' last semiannual regulatory agenda was published on December 10, 2007, at 72 FR 7006.

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

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), DHS' printed agenda entries include regulatory actions that are in the Department's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities. Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the Internet. In addition, for fall editions of the Agenda, the entire regulatory plan will continue to be printed in the **Federal Register**, as in past years, including DHS' regulatory plan.

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

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

Dated: March 27, 2008.

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

The 265 Regulatory Agendas

Office of the Secretary - Proposed Rule

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Implementation of the United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT); Biometric Requirements for Exit at Air and Sea Ports	1601-AA34
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Office of the Secretary - Final Rule

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Office of the Secretary - Long-term Action

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U.S. Citizenship and Immigration Services - Proposed Rule

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U.S. Citizenship and Immigration Services - Final Rule

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U.S. Citizenship and Immigration Services - Long-term Action

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U.S. Citizenship and Immigration Services - Completed Action

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U.S. Coast Guard - Proposed Rule

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U.S. Coast Guard - Completed Action

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U.S. Customs and Border Protection - Long-term Action

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Transportation Security Administration - Final Rule

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U.S. Immigration and Customs Enforcement - Completed Action

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Disaster Assistance; Public Assistance Insurance Requirements	1660-AA32
Estimating Eligible Cost	1660-AA33
Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program	1660-AA49
Assistance to Firefighters Grant Program	1660-AA50
Case Management	1660-AA52
Transportation Assistance	1660-AA53
Employment of Personnel For Purposes of The Defense Production Act	1660-AA55
Voluntary Agreements Under Section 708 of The Defense Production Act of 1950, As Amended	1660-AA56

Federal Emergency Management Agency - Completed Action

Title	Regulation Identifier Number
Public Assistance; Change in Federal Share for Alternate Projects for Public Facilities	1660-AA59

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

RIN: 1601-AA00

 [View Related Documents](#)

Title: Freedom of Information Act and Privacy Act Procedures

Abstract: This rulemaking action will revise 6 CFR part 5, which contains the Department of Homeland Security's (DHS) Freedom of Information Act (5 U.S.C. 552) (FOIA) and Privacy Act (5 U.S.C. 552a) interim final regulations. The interim final regulations will remain in place during the rulemaking process. This rulemaking action will completely replace DHS's interim final regulations implementing the FOIA, and will change in several respects DHS's interim final regulations implementing the Privacy Act. Changed Privacy Act regulatory provisions will include, among others, those dealing with information subject to Privacy Act exemptions and procedures for verification of the identity of Privacy Act requesters, and a provision will be added regarding the Department's policy decision to extend the administrative protections of the Privacy Act to non- U.S. persons. Every component of the Department will be subject to the FOIA and Privacy Act regulations. FOIA provides for the disclosure of agency records to the public unless that information is exempt under clearly delineated statutory language. The Privacy Act regulates the collection, maintenance, use, and dissemination of Personally Identifiable Information (PII) maintained by agencies and departments of the Executive Branch, including the DHS. The procedures established here assist the Department in satisfying its responsibilities to the public to disclose Departmental information while at the same time safeguarding individual privacy.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 6 CFR 5 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	01/27/2003	
Interim Final Rule	01/27/2003	68 FR 4056
Interim Final Rule Comment Period End	02/26/2003	
NPRM	08/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1601-AA17

 [View Related Documents](#)

Title: Supplemental Standards of Ethical Conduct for Employees of the Department of Homeland Security

Abstract: This regulation will supplement the Executive Branch-Wide Standards of Ethical Conduct for employees of the Department of Homeland Security. This regulation will replace the existing supplemental ethics regulations of other departments, pieces of which 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 by the supplemental regulation are outside employment and the prohibited purchase of Government-owned, seized, or forfeited property by DHS employees.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 5 CFR 4601 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 CFR 2635.105

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1601-AA28

 [View Related Documents](#)

Title: Homeland Security Acquisition Regulation (HSAR): Conformance to the Federal Acquisition Circulars (FACs)

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

Priority: Routine and Frequent

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 48 CFR (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/00/2008	
NPRM Comment Period End	10/00/2008	
Final Action	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

Office of the Secretary (OS)

RIN: 1601-AA31

 [View Related Documents](#)

Title: Public Transportation Security Grants

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

Priority: Economically Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 6 CFR 35 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: sec 3820 of PL 109-59, 119, Stat 1144

Legal Deadline:

Action	Source	Date
NPRM	Statutory	02/00/2006

Timetable:

Action	Date	FR Cite
NPRM	06/00/2008	
NPRM Comment Period End	08/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1601-AA34

 [View Related Documents](#)

Title: Implementation of the United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT); Biometric Requirements for Exit at Air and Sea Ports

Abstract: DHS established the United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT) in accordance with a series of legislative mandates requiring that DHS create an integrated automated entry-exit system that records the arrival and departure of aliens; verifies aliens' identities; and authenticates travel documents. On January 5, 2004, DHS published an Interim Final Rule in the Federal Register at 69 FR 468 authorizing the Secretary of Homeland Security to require, in part, certain aliens to provide fingerprints, photograph[s], or other biometric identifiers, documentation of immigration status in the United States, and other such evidence as may be required to determine the alien's identity and whether he or she has properly maintained immigration status while in the United States at the time of departure from the United States. The Interim Rule authorized the establishment of pilot programs at up to fifteen air and sea ports of entry to evaluate the implementation of this departure procedure. That evaluation pilot has been completed and this proposed rule would establish procedures for collection of biometrics on air and sea departures by aliens. This rule removes the limit on the collection of this information from the 15 locations of the pilot programs and authorizes implementation at all air and sea ports of entry. This rule requires aliens to provide biometric identifiers at entry to provide biometric identifiers upon departure at any air and sea port of entry at which facilities exist to collect such information.

Priority: Economically Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Yes

Unfunded Mandates: Private Sector

CFR Citation: 8 CFR 215.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101 to 1104; 8 USC 1182; 8 USC 1184 to 1185 (pursuant to EO 13323); 8 USC 1221; 8 USC 1365a, 1365b; 8 USC 1379; 8 USC 1731 to 1732

Legal Deadline: None

Regulatory Plan:

Statement of Need: This rule proposes to establish an exit system at all air and sea ports of departure in the United States. This rule proposes to require aliens subject to United States Visitor and Immigrant Status Indicator Technology Program biometric requirements upon entering the United States to also provide biometric identifiers prior to departing the United States from air or sea ports of departure. The rule further proposes to require commercial air and vessel carriers to collect and transmit the biometric information to DHS.

Legal Basis:

Alternatives:

Costs and Benefits: Economic analysis under development.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	05/00/2008	
NPRM Comment Period End	07/00/2008	
Final Action	11/00/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Related RINs:** Previously Reported as 1650-AA04**Agency Contact:** Michael Hardin

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Department of Homeland Security (DHS)**Office of the Secretary (OS)****RIN:** 1601-AA38 [View Related Documents](#)**Title:** Homeland Security Acquisition Regulations (HSAR); Patents, Data, and Copyrights**Abstract:** FAR part 27 implements a number of statutes and Executive orders pertaining to patents, data, and copyrights. The current HSAR for part 3027 will be revised to establish DHS specific policy to supplement the FAR content.**Priority:** Routine and Frequent**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Undetermined**Unfunded Mandates:** No**CFR Citation:** 48 CFR 30 sec 3027; 48 CFR 30 sec 3052 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 41 USC 418a; 35 USC 200 et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	09/00/2008	
NPRM Comment Period End	12/00/2008	
Final Rule	03/00/2009	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Energy Affected:** Undetermined

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

RIN: 1601-AA43

 [View Related Documents](#)

Title: Revision of Department of Homeland Security Acquisition Regulation (HSAR); Notification on Limitation in Subcontracting; HSAR Case 2007-004

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

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 48 CFR 30 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: PL 109-295, sec 692

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/00/2008	
NPRM Comment Period End	09/00/2008	
Final Action	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: Business

Federalism: No

Energy Affected: Undetermined

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

RIN: 1601-AA45

 [View Related Documents](#)

Title: Revision of Department of Homeland Security Acquisition Regulation (HSAR); Limitation on Certain Noncompetitive Contracts; HSAR Case 2007-003

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

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 48 CFR 30 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: PL 109-295, sec 695

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/00/2008	
NPRM Comment Period End	07/00/2008	
Final Action	09/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: Business

Federalism: No

Energy Affected: Undetermined

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

RIN: 1601-AA48

 [View Related Documents](#)

Title: Chemical Facility Anti-Terrorism Standards; Third-Party Auditors

Abstract: The Department will propose standards for the use of third-party auditors to conduct audits and inspections under its Chemical Facility Anti-Terrorism standards found in 6 CFR part 27. The Department will provide details about its proposed use of third-party auditors and will identify those tiers of facilities for which it will use third-party auditors. The Department will also propose standards and requirements for third-party auditors; the Department will consider issues such as the certification, qualifications, independence, objectivity, training, confidentiality, ethical obligations, and conflicts of interest issues of third-party auditors. In addition, the Department will consider the issue of who will pay for third-party auditors.

Priority: Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Undetermined**Unfunded Mandates:** Undetermined**CFR Citation:** 6 CFR 27 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** Sec 550 of the Homeland Security Appropriations Act of 2007, PL 109-295 (October 4, 2006)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	11/00/2008	

Regulatory Flexibility Analysis**Government Levels Affected:** Undetermined**Required:** Undetermined**Federalism:** Undetermined**Agency Contact:** Dennis Deziel

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Department of Homeland Security (DHS)**Office of the Secretary (OS)****RIN:** 1601-AA50 [View Related Documents](#)**Title:** Homeland Security Acquisition Regulation (HSAR); Agency Protests**Abstract:** The Department of Homeland Security (DHS) is proposing to amend the Department of Homeland Security Acquisition Regulation (HSAR) part 3033 to incorporate DHS policy on agency procurement protests. The proposed rule supplements the existing policy of the Federal Acquisition Regulations (FAR), part 33. In conjunction with incorporation of the supplemental policy, a prescribed clause is incorporated in HSAR part 3052.**Priority:** Routine and Frequent**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 48 CFR 30 sec 3033; 48 CFR 30 sec 3052 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 41 USC 418b(a) and (b)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	07/00/2008	
NPRM Comment Period End	09/00/2008	
Final Rule	01/00/2009	

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

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

RIN: 1601-AA35

 [View Related Documents](#)

Title: United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT), Enrollment of Additional Aliens in US-VISIT

Abstract: In 2003, the Department of Homeland Security established the United States Visitor and Immigrant Status Technology Program (US-VISIT), whose objective is to create and maintain an integrated, automated entry-exit system that records the arrival and departure of aliens, verifies their identities, and authenticates their travel documents through comparison of biometric identifiers. The goals of the US-VISIT program are to enhance the security of United States citizens and visitors to the United States, facilitate legitimate travel and trade, ensure the integrity of the United States immigration system, and protect the privacy of visitors to the United States. In its early stages, US-VISIT applied only to nonimmigrants with visas and to those who did not require a visa as they were entering under the Visa Waiver Program. This rule would amend DHS regulations to provide that all aliens, including Lawful Permanent Residents, may be enrolled into US-VISIT, with the exception of Canadian citizens entering the United States as either B-1 visitors for business or B-2 visitors for pleasure, or these categories of alien expressly exempt by statute or regulation.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 8 CFR 215.8; 8 CFR 235.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	07/27/2006	71 FR 42605
NPRM Comment Period End	08/28/2006	
Final Action	07/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

Related RINs: Previously Reported as 1650-AA06

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

RIN: 1601-AA40

 [View Related Documents](#)

Title: Nondiscrimination in Matters Pertaining to Faith-Based and Community Organizations

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

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 6 CFR 19 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: EO 13279; EO 13403; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/14/2008	73 FR 2187
NPRM Comment Period End	02/13/2008	
Final Action	08/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: Organizations

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1601-AA44

 [View Related Documents](#)

Title: Revision of Department of Homeland Security Acquisition Regulation (HSAR); One-Step Turnkey Design-Build Contracts for USCG, HSAR Case 2007-002

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

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 48 CFR 30 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	07/13/2007	72 FR 38548
NPRM Comment Period End	08/13/2007	
Final Action	05/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: Business

Federalism: No

Energy Affected: Undetermined

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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Department of Homeland Security (DHS)

Office of the Secretary (OS)

RIN: 1601-AA49

 [View Related Documents](#)

Title: Homeland Security Acquisition Regulation (HSAR); Lead System Integrators

Abstract: The Department of Homeland Security is proposing to issue changes to the Department of Homeland Security Acquisition Regulation to include implementation of Sec 6405, The U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, Pub. L. 110-28. The changes are planned to add new Lead System Integrator language to provide definitions, policies, prohibitions, and waiver processes for entities having a financial interest in elements of systems.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 48 CFR CH 30 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, PL 110-28

Legal Deadline: The deadline is established by sec 6405 of Pub. L. 110-28. It requires DHS to update the Homeland Security Acquisition Regulations in order to specify fully in such regulations the matters with respect to lead system integrators set forth in section 6405.

Action	Source	Date
Other	Statutory	07/01/2007

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/2008	
Interim Final Rule Comment Period End	08/00/2008	
Final Action	02/00/2009	
Final Action Effective	03/00/2009	

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

Small Entities Affected: No **Federalism:** No

Energy Affected: Undetermined

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

RIN: 1601-AA51

 [View Related Documents](#)

Title: Revision of Department of Homeland Security Acquisition Regulation; Technical Amendments; HSAR Case 2008-0001

Abstract: This document makes technical amendments to the Department of Homeland Security Acquisition Regulation (HSAR) to apply the Federal Acquisition Regulation (FAR) system and the HSAR to the Transportation Security Administration (TSA). The HSAR previously exempted the TSA since it was authorized to use the Federal Aviation Administration's acquisition management system to acquire equipment, supplies, services, and materials. Other amendments include removal of provisions that have expired and a technical edit oversight.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: Consolidated Appropriations Act 2008, PL 110-161, div E, title V, sec 568

Legal Deadline:

Action	Source	Date
Other	Statutory	06/23/2008

Timetable:

Action	Date	FR Cite
Direct final Rule	05/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: No

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

RIN: 1601-AA01

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Title: Production or Disclosure of Official Information in Connection With Legal Proceedings**Abstract:** This action establishes procedures governing the disclosure of information in connection with litigation and certain other types of proceedings.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 6 CFR 5.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** PL 107-296, 116 Stat 2135; 5 USC 301; 5 USC 552 to 552(a)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	01/27/2003	
Interim Final Rule	01/27/2003	68 FR 4070
Interim Final Rule Comment Period End	02/26/2003	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Michael Russell

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

RIN: 1601-AA03

 [View Related Documents](#)
Title: Enforcement of Nondiscrimination on the Basis of Disability in Department of Homeland Security Programs or Activities**Abstract:** This interim final rule establishes for the Department of Homeland Security, procedures for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the Department. The rule establishes standards for what constitutes discrimination on the basis of mental or physical handicap, provides a definition for individuals with handicaps and qualified individuals with handicaps, and establishes a complaint mechanism for resolving allegations of discrimination.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 6 CFR 15.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 107-296, 116 Stat 2135; 5 USC 301; 29 USC 794

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	03/06/2003	68 FR 10886
Interim Final Rule Effective	04/07/2003	
Interim Final Rule Comment Period End	04/07/2003	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

Energy Affected: No

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

RIN: 1601-AA04

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Title: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

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

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 6 CFR 17.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 107-296, 116 Stat 2135; 5 USC 301; 20 USC 1681 to 1683; 20 USC 1685 to 1688

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	03/06/2003	
Interim Final Rule	03/06/2003	68 FR 10892
Interim Final Rule Comment Period End	04/07/2003	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

Energy Affected: No

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

RIN: 1601-AA05

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Title: Regulations Regarding Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 6 CFR 21.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 107-296, 116 Stat 2135; 5 USC 310; 42 USC 2000d to 2000d-7

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	03/06/2003	
Interim Final Rule	03/06/2003	68 FR 10904
Interim Final Rule Comment Period End	04/07/2003	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

Energy Affected: No

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

RIN: 1601-AA12

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Title: Regulations Imposing Restrictions Upon Lobbying

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 6 CFR 9.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	03/06/2003	
Interim Final Rule	03/06/2003	68 FR 10912
Interim Final Rule Comment Period End	04/07/2003	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

Office of the Secretary (OS)

RIN: 1601-AA18

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Title: Uniform Administrative Requirements for Grants and Cooperative Agreements; Administration of Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations

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

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis Required: No **Government Levels Affected:** Local; State

Federalism: No

Energy Affected: No

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

RIN: 1601-AA23

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Title: Collection of Nontax Debts Owed to the Department of Homeland Security

Abstract: This rule implements the Department of Homeland Security's (DHS) debt collection regulations to conform to the Debt Collection Act of 1982, Pub. L. 97-365, 96 Stat. 1749 (October 25, 1982), as amended by the Debt Collection Improvement Act of 1996 (DCIA), Pub. L. 104-134, 110 Stat. 1321, 1358 (April 26, 1996), the Federal Claims Collection Standards, 31 CFR chapter IX (parts 900 through 904), and other laws applicable to the collection of nontax debts owed to DHS entities. DHS adopts the Governmentwide debt collection standards promulgated by the Departments of the Treasury and Justice, known as the Federal Claims Collection Standards (FCCS), as revised on November 22, 2000 (65 FR 70390), and supplements the FCCS by prescribing procedures consistent with the FCCS, as necessary and appropriate for DHS operations. DHS entities may, but are not required to, promulgate additional policies and procedures consistent with this regulation, the FCCS, and other applicable Federal laws, policies, and procedures. This regulation also provides the procedures for the collection of debts owed to other Federal agencies when a request for offset is received by DHS. This regulation does not apply to the collection of tax debts, which is governed by the Internal Revenue Code of 1986 (26 U.S.C. et seq), and regulations, policies, and procedures issued by the Internal Revenue Service or other Federal agency collecting tax debts. Nothing in this regulation precludes the use of collection remedies not contained in this regulation. For example, DHS entities may collect unused travel advances through offset of an employee's pay under 5 U.S.C. 5705. DHS entities and other Federal agencies may simultaneously use multiple collection remedies to collect a debt, except as prohibited by law.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 6 CFR 11.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	01/30/2007	
Interim Final Rule	01/30/2007	72 FR 4189
Interim Final Rule Comment Period End	03/01/2007	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov**Agency Contact:** Michael Russell

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Department of Homeland Security (DHS)**Office of the Secretary (OS)****RIN:** 1601-AA46 [View Related Documents](#)**Title:** Implementation of OMB Guidance on Nonprocurement Debarment and Suspension**Abstract:** The Department of Homeland Security proposes to issue a part 3000 to implement the Office of Management and Budget (OMB) guidance on nonprocurement debarment and suspension. Through this proposed action, the Department of Homeland Security is joining the existing Governmentwide nonprocurement debarment and suspension system. Prior to the creation of the Department of Homeland Security, Agencies, or parts of Agencies, now located within DHS were already participating in that Governmentwide system.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** PL 107-296, 116 Stat 2135; PL 103-355, 108 Stat 3243**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	00/00/0000	

Additional Information: On August 31, 2005, OMB published guidelines (68 FR 66533), which provided that "Federal agencies must submit proposed regulations to OMB for review within nine months of the issuance of these guidelines and issue final regulations within 18 months of these guidelines." See 2 CFR 180.35. The 18th month occurred on February 28, 2007.**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No

Energy Affected: No

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

RIN: 1601-AA37

 [View Related Documents](#)

Title: Minimum Standards for Driver's Licenses and Identification Cards Acceptable to Federal Agencies for Official Purposes

Abstract: The Department of Homeland Security is establishing minimum standards for State-issued driver's licenses and identification cards that Federal agencies would accept for official purposes on or after May 11, 2008, in accordance with the REAL ID Act of 2005. This rule establishes standards to meet the minimum requirements of the REAL ID Act of 2005, including: Information and security features that must be incorporated into each card; application information to establish the identity and immigration status of an applicant before a card can be issued; and physical security standards for locations where driver's licenses and applicable identification cards are issued.

Priority: Economically Significant**Agenda Stage of Rulemaking:** Completed Action**Major:** Yes**Unfunded Mandates:** No

CFR Citation: 6 CFR 37, et seq (New) (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline:

Action	Source	Date
Other	Statutory	05/11/2008

Regulatory Plan:

Statement of Need: • Information and features that must appear on the face of the license, and inclusion of a common machine readable portion of a driver's license or identification card; • Presentation and verification of information an applicant must provide before a license may be issued, including evidence that the applicant is a U.S. citizen or has lawful status in the United States; • Physical security of locations where licenses are produced, the security of document materials and papers from which licenses are produced, and the background check of certain employees involved in the manufacture and production of licenses; and • Physical security of the licenses to prevent tampering, counterfeiting, and duplication of the documents for a fraudulent purpose. DHS is issuing this rule in consultation with the Department of Transportation, other representatives of the Federal government, and representatives from many States, as required under the Act.

Legal Basis: This regulation is needed to assist the Department of Homeland Security in meeting its statutory obligation, under section 202 of the Act, to certify that States are meeting minimum document requirements and issuance standards when issuing driver's licenses and identification cards for official federal purposes.

Alternatives:

Costs and Benefits: Economic analysis under development.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	03/09/2007	72 FR 10820
NPRM Comment Period End	05/08/2007	
Final Action	01/29/2008	73 FR 5272
Final Rule Effective	03/31/2008	73 FR 5272

Regulatory Flexibility Analysis

Required: Governmental Jurisdictions

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

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Government Levels Affected: Federal; Local; State

Public Comment URL: www.regulations.gov

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

RIN: 1601-AA39

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Title: Homeland Security Acquisition Regulation (HSAR); SAFETY Act Implementation

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

Priority: Routine and Frequent**Agenda Stage of Rulemaking:** Completed Action**Major:** Undetermined**Unfunded Mandates:** No**CFR Citation:** 48 CFR 30, sec 3050; 48 CFR 30, sec 3052 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 41 USC 418b(a); 41 USC 418b(b); 6 USC 441 to 444**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Withdrawn	02/22/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Energy Affected:** Undetermined**Agency Contact:** Timothy Frank Department of Homeland Security
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E-Mail: tim.frank@dhs.gov**Department of Homeland Security (DHS)****U.S. Citizenship and Immigration Services (USCIS)****RIN:** 1615-AA55 [View Related Documents](#)**Title:** 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**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.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 103; 8 CFR 202; 8 CFR 212; 8 CFR 214; 8 CFR 245; ... (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a to 1187; 8 USC 1221; 8 USC 1255; ...**Legal Deadline:** None

Timetable:

Action	Date	FR Cite
NPRM	08/00/2008	
NPRM Comment Period End	09/00/2008	

Additional Information: DHS rule 1615-AG11 implemented the American Competitiveness and Workforce Improvement Act (ACWIA); it was the result of a prior rule that was overtaken by new legislation relating to H-1B classification. ACWIA increased the numerical cap on H-1B nonimmigrant aliens; required certain dependent employers to make additional attestations to the Department of Labor (DOL); increased the penalties for employers who have been found to be in violation of DOL's rules; and created a "whistleblower" clause to protect H-1B workers who filed complaints against their employer. In 1190-AA48, the Civil Rights Division, in cooperation with DOL, will implement in the Justice Department's regulations the ACWIA "failure to select" protections--codified in the Immigration and Nationality Act at section 212(n)(5)--by establishing a process under which U.S. workers may file complaints against employers for denying them employment opportunities by improperly hiring temporary foreign professionals on H-1B visas. Under that process, the Secretary is to receive and review these complaints and then--where there is reasonable cause to believe a complainant's allegations--initiate binding arbitration proceedings through the Federal Mediation and Conciliation Service. Transferred from RIN 1115-AG11

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services (USCIS)

RIN: 1615-AA61

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Title: Consent To Reapply for Admission After Removal

Abstract: This rule proposes to amend the provisions regarding consent to reapply after removal to conform with the requirements of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). This rulemaking intends to remove the provisions contained in 8 CFR 212.2(i) relating to a request for consent to reapply in conjunction with an application for admission at a port-of-entry or with an application for adjustment of status. The proposed removal of section 212.2(i) reflects the overall scope of the changes made by IIRIRA and congressional intent to impose severe penalties on aliens who enter illegally or otherwise violate the U.S. immigration laws, by restricting the relief available to them in the United States.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 212; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225 to 1228; 8 USC 1252

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/00/2008	
NPRM Comment Period End	09/00/2008	

Additional Information: CIS No. 2147-01 Transferred from RIN 1115-AG28

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

Small Entities Affected: No **Federalism:** No

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

RIN: 1615-AA90

 [View Related Documents](#)

Title: Implementation of Amendments Affecting Petitions for Employment Creation for Aliens

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 204; 8 CFR 216; 8 CFR 245; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline:

Action	Source	Date
Other	Statutory	03/02/2003

Timetable:

Action	Date	FR Cite
NPRM	07/00/2008	
NPRM Comment Period End	09/00/2008	

Additional Information: CIS No. 2253-03; Regulatory actions announced in 1115-AF27 are merged with this rulemaking. Transferred from RIN 1115-AG93

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

Small Entities Affected: No **Federalism:** No

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

RIN: 1615-AB34

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Title: Employment Based Immigrants--Elimination of Beneficiary Substitution on Approved Labor Certifications and Validity Period of Approved Labor Certifications

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

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 2 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/00/2008	
NPRM Comment Period End	09/00/2008	

Additional Information: CIS No. 2347-05

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Business

Federalism: No

Energy Affected: No

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

RIN: 1615-AB51

 [View Related Documents](#)
Title: Halting Concurrent Filing of Form I-140 Immigrant Petition With a Form I-485 Application

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

Priority: Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No

CFR Citation: 8 CFR 204; 8 CFR 245 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None**Timetable:**

Action	Date	FR Cite
NPRM	06/00/2008	
NPRM Comment Period End	08/00/2008	

Additional Information: CIS No. 2380-06**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Agency Contact:** Kevin Cummings

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

RIN: 1615-AB54

 [View Related Documents](#)
Title: Amendments to Regulatory Provisions Regarding Refugee and Asylee Relative Petitions

Abstract: This rule proposes to amend the Department of Homeland Security (DHS) regulations governing the adjudication of petitions for the spouses and children of refugees and asylees to join the principal refugee or asylee. These changes are intended to eliminate vulnerabilities in the current system by enabling DHS to examine the eligibility of beneficiaries and create a mechanism to suspend the petition while DHS seeks to verify the validity of the petitioner's underlying grant of asylum or refugee admission. The rule proposes to allocate jurisdiction over derivative asylum claims among U.S. Citizenship and Immigration Services and the Department of Justice, Executive Office for Immigration Review, and to clarify the distinction between approval of the petition and conveyance of status upon the beneficiary. The rule also proposes to amend the regulations to reflect changes in derivative eligibility following enactment of the Child Status Protection Act.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 207 to 209 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/00/2008	
NPRM Comment Period End	10/00/2008	

Additional Information: CIS No. 2372-06

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1615-AB57

 [View Related Documents](#)

Title: Classification of Adopted Aliens as Children of United States Citizens Based on Adoptions That Are Not Governed by the Hague Convention

Abstract: This rule proposes to amend Department of Homeland Security (DHS) regulations relating to intercountry adoptions in cases that are not governed by the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, signed at The Hague on May 29, 1993 ("Convention"). First, the rule proposes amendments to the rules governing adoption cases under section 101(b)(1)(E) of the Immigration and Nationality Act ("the Act"). Second, it also proposes amendments to the rules governing the immigration of alien orphans under section 101(b)(1)(F) of the Act. These amendments are needed to clarify the rules for both case types, and to incorporate into the regulations recent statutory amendments. For the orphan cases, these amendments will also improve the ability to assure the protection of the best interests of alien orphans whose adoption is sought by U.S. citizens.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 103; 8 CFR 204; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153 to 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	09/00/2008	
NPRM Comment Period End	10/00/2008	

Additional Information: CIS No. 2406-07**Regulatory Flexibility Analysis Required:** No **Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Lori Scialabba

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

RIN: 1615-AB64

 [View Related Documents](#)
Title: Period of Admission and Stay for Canadian and Mexican Citizens Engaged in Professional Business Activities--TN Nonimmigrants**Abstract:** This rule increases the period of time that may be granted to a TN nonimmigrant upon admission or request for extension of stay from the current 1 year to 3 years. In addition this rule changes the filing instructions in 214.6(h)(1) from the Nebraska Service Center to the Vermont Service Center. Finally, the rule corrects a typographic mistake in 214.6(g)(1) changing the reference from paragraph (e)(3) to (d)(3).**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 1603 NAFTA**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	08/00/2008	
NPRM Comment Period End	10/00/2008	

Additional Information: CIS # 2429-07**Regulatory Flexibility Analysis Required:** No **Government Levels Affected:** No

Small Entities Affected: No**Federalism:** No**Energy Affected:** Undetermined**Agency Contact:** Kevin Cummings

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Department of Homeland Security (DHS)**U.S. Citizenship and Immigration Services (USCIS)****RIN:** 1615-AB67 [View Related Documents](#)**Title:** Changes to Requirements Affecting H-2B Nonimmigrants

Abstract: The Department of Homeland Security is amending its regulations affecting temporary nonagricultural workers within the H-2B nonimmigrant category and their U.S. employers. The changes are designed to improve the efficiency and effectiveness of the H-2B nonimmigrant classification. This rule relaxes the current limitations on the ability of U.S. employers to petition unnamed nonagricultural workers to come to the United States. In addition, this rule creates a process that will allow for issuance of a partial approval notice in the event that a security check generates adverse information on one beneficiary who is part of a multiple beneficiary petition. Finally, this rule provides for employer notification to USCIS within 30 days of the date that the employee leaves employment or is terminated. These proposals will increase the efficiency of the program by eliminating certain regulatory barriers.

Priority: Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Undetermined**Unfunded Mandates:** No**CFR Citation:** 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 8 USC 1101**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	07/00/2008	

Additional Information: 2432-07**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Kevin Cummings

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

RIN: 1615-AB70

 [View Related Documents](#)

Title: Professional Conduct for Practitioners Rules and Procedures, and Representation and Appearances

Abstract: This rule proposes to clarify who is authorized to represent applicants and petitioners in proceedings before U.S. Citizenship and Immigration Services (USCIS) and to change the rules and procedures concerning the standards of professional conduct for attorneys and other practitioners who appear before the Department of Homeland Security (DHS). Current regulations set forth who may represent individuals in immigration proceedings and also set forth the rules and procedures for imposing disciplinary sanctions against attorneys or other practitioners who engage in criminal, unethical, frivolous, or unprofessional conduct before DHS. The proposed revisions are necessary due to the creation of DHS and reflect the adjudication authority of immigration proceedings before both DHS and the United States Department of Justice, Executive Office for Immigration Review (EOIR). The changes proposed are intended to maintain the integrity of the adjudicatory processes for DHS by updating and improving the rules of professional conduct for practitioners.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1; 8 CFR 292 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/00/2008	

Additional Information: CIS # 2446-08

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1615-AB71

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Title: Pre-Registration Requirements for Employment Based Categories Subject to Numerical Limitations

Abstract: The Department of Homeland Security is proposing to amend its regulations governing petitions filed on behalf of alien workers subject to annual numerical limitations. This rule proposes a pre-registration program for petitions subject to numerical limitations contained in the Immigration and Nationality Act (the Act). Initially, the program would be for the H-1B nonimmigrant classification; however, other nonimmigrant classifications will be added as needed. This action is necessary because the demand for H-1B specialty occupation workers by U.S. companies generally exceeds the numerical limitation. This rule is intended to allow USCIS to more efficiently manage the intake and lottery process for these H-1B petitions.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1184(g).

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/00/2008	

Additional Information: 2443-08

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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

RIN: 1615-AA03

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Title: 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

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

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 204; 8 CFR 205; 8 CFR 216; 8 CFR 245; 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	03/26/1996	
Interim Final Rule	03/26/1996	61 FR 13061
Interim Final Rule Comment Period End	05/28/1996	
Interim Final Rule	10/00/2008	
Interim Final Rule Comment Period End	12/00/2008	

Additional Information: New CIS No. 2442-08 CIS No. 1705-95 Transferred from RIN 1115-AE04

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

Small Entities Affected: No **Federalism:** No

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

RIN: 1615-AA16

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Title: Special Immigrant and Nonimmigrant Religious Workers

Abstract: This rule amends DHS regulations regarding the special immigrant and nonimmigrant religious worker visa classifications. This rule addresses concerns about the integrity of the religious worker program by proposing a petition requirement for religious organizations seeking to classify an alien as an immigrant or nonimmigrant religious worker. This rule also proposes including an on-site inspection for religious organizations to ensure the legitimacy of petitioner organizations and employment offers made by such organizations. This rule would also clarify several substantive and procedural issues that have arisen since the religious worker category was created. This rule proposes new definitions that describe more clearly the regulatory requirements, as well as add specific evidentiary requirements for petitioning employers and prospective religious workers. Finally, this rule also proposes to amend how regulations reference the sunset date, the statutory deadline by which special immigrant religious workers, other than ministers, must immigrate or adjust status to permanent residence, so that regular updates to the regulations are not required each time Congress extends the sunset date.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 204 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Regulatory Plan:

Statement of Need: This rule is needed to implement the recommendations contained in the GAO report Issues Concerning the Religious Worker Visa Program, Report GAO/NSIAD-99-67 (March 26, 1999). Finally, to make the nonimmigrant religious worker regulations consistent with the rules governing the immigrant religious worker category to the extent possible, and this rule is necessary to achieve that objective. The changes proposed in this rule, if implemented, would decrease the opportunity for fraud in the religious worker program. Moreover, this rulemaking will further enhance the Department's efforts in deterring fraud and domestic security.

Legal Basis: While this action revises the regulations to reflect Congressional extension of this program, this action is not required in order to give effect to that extension.

Alternatives: None, because the Department has agreed to implement the recommendations contained in the aforementioned GAO report. Also, the risk section below provides further reasons why there are no alternatives.

Costs and Benefits: Currently, there is no petition requirement for religious organizations or bona fide affiliated organizations initially seeking a nonimmigrant religious worker. The rule would add a petition requirement and DHS projects that approximately 15,637 individual organizations will seek religious workers each fiscal year. DHS estimates that there will be approximately 12,407 Form I-129 filings for the nonimmigrant religious worker, and 3,230 for the Form I-360. The current fees for the Form I-129, Petition for Nonimmigrant Worker, and the Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant are \$190. USCIS is proposing to modify these fees in a separate rule. USCIS already has an approved information collection for the Form I-129, OMB 1615-0009, and Form I-360, OMB 1615-0020. The rule proposes to require petitioning organizations to submit additional initial evidence related to their tax-exempt status and an attestation regarding the potential religious worker's qualifications and duties, etc. Information collection costs, therefore, are increased by these requirements, which would increase the existing information collection burden by roughly 15 minutes per respondent for the new attestation for both the Form I-129 and the Form I-360. If there are 15,637 respondents, this increases the information collection burden by approximately 3,908 hours, which at \$16 per hour increases public costs by \$62,528. DHS estimates that the Form I-129 will have 12,407 of the 15,637 estimates filings which would be an increase in information collection burden by approximately 3,101 hours for the attestation which at \$16 per hour increases the public costs for the Form I-129 by \$49,616. DHS estimates that the Form I-360 will have 3,230 of the 15,637 estimates filings (based on the FY05 filings stated earlier) which would be an increase in information collection burden by approximately 807 hours which at \$16 per hour increases the public costs for the Form I-360 by 12,912. The total cost of petitioning under this proposed rule is estimated to be \$6,510,103. (\$5,165,373 for the Form I-129 and \$1,344,730 for the Form I-360). In addition, changes in filing requirements will increase the frequency of filings for extensions or changes of status over a 5-year period, increasing the total costs to the public to \$6,665,503. In addition, several respondents are expected to pay the fee required under Internal Revenue Regulations of (\$750) for obtaining a sec. 501(c)(3) status determination letter from that agency. Since this is a new requirement, USCIS has no data on which to base an estimate of how many will be required to resort to this course of action. Nonetheless, even assuming that all 15,637 religious worker petitions expected to be received per year are required to pay this fee, the total cost of such requests would be less than \$12 million. Together the total cost of these proposed changes are estimated to be \$18,393,253. The cost of the proposed rule's increased information collection is outweighed by the overall benefit to the public of an improved system for processing religious workers. The proposed rule is a vital tool in furthering the protection of the public by: (1) More clearly defining the requirements and process by which religious workers may gain admission to the United States, and (2) increasing the ability of DHS to deter or detect fraudulent petitions and to investigate and refer matters for prosecution. The benefits of decreased fraud and increased national security tend to be intangible, thus, the benefits of such reduction in the high level of fraud in this program are difficult to quantify. On the other hand, the lack of such protections become quite tangible as soon as the lack of protections such as those proposed in this rule are manifested in the tangible economic or societal damage caused by a recipient of a fraudulent religious worker visa. This rule amends requirements for the special immigrant and nonimmigrant religious worker visa classifications. It will not significantly change the

number of persons who immigrate to the United States based on employment-based petitions or temporarily visit based on a nonimmigrant visa petition. This rule is intended to benefit the public by clarifying definitions associated with the religious worker classifications, acceptable evidence, and specific religious worker qualification requirements. Balanced against the costs and the requirements to collect information, the burden imposed by the proposed rule appears to USCIS to be justified by the benefits.

Risks: Failure to promulgate this rule change leaves the religious worker program vulnerable to fraud and compromises DHS and USCIS national security goals.

Timetable:

Action	Date	FR Cite
NPRM	04/25/2007	72 FR 20442
NPRM Comment Period End	06/25/2007	
Commend Period Extended	11/01/2007	72 FR 61821
Comment Period End	11/16/2007	
Final Rule	09/00/2008	

Additional Information: CIS No. 1436-94 Transferred from RIN 1115-AF12

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

Small Entities Affected: No **Federalism:** No

RIN Information URL: www.regulations.gov

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services (USCIS)

RIN: 1615-AA34

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Title: National Interest Waivers for Second Preference Employment-Based Immigrant Physicians Serving in Medically Underserved Areas or at Department of Veterans Affairs Facilities

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

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 204; 8 CFR 245 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/06/2000	65 FR 53889
Other	09/27/2000	65 FR 57943
Interim Final Rule Effective	10/06/2000	
Other	10/20/2000	65 FR 63118
Interim Final Rule Comment Period End	11/06/2000	
Final Action	04/00/2009	

Additional Information: CIS No. 2048-00 Transferred from RIN 1115-AF75

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

Small Entities Affected: No **Federalism:** No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services (USCIS)

RIN: 1615-AA51

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Title: Adjustment of Status for Certain Nationals of Nicaragua, Cuba, and Haiti

Abstract: This final rule implements the provisions of the Legal Immigration Family Equity Act (LIFE Act) and its technical amendments to both the Nicaraguan Adjustment and Central American Relief Act (NACARA), and the Haitian Refugee Immigration Fairness Act (HRIFA) of 1998. Specifically, section 1505 of the amendments to the LIFE Act states that section 241(a)(5) of the Immigration and Nationality Act (INA) does not apply to adjustment applicants under NACARA/HRIFA and that the grounds of inadmissibility under section 212(a)(9)(A) and (C) of the INA may be waived for NACARA/HRIFA adjustment applicants. Section 241(a)(5) of the INA provides for the reinstatement of a removal order against any alien who illegally re-enters the United States after having been removed or after having departed voluntarily under an order of removal. It also bars any alien whose removal order has been reinstated from receiving any relief under the INA, including any waivers of grounds of inadmissibility necessary for the grant of adjustment of status. Sections 212(a)(9)(A) and 212(a)(9)(C) of the INA are grounds of inadmissibility relating to aliens previously removed and aliens who are unlawfully present in the United States after previous immigration violations, respectively. Section 1505 of the amendments to the LIFE Act also states that an alien who has become eligible for benefits under NACARA/HRIFA as a result of the enactment of the LIFE Act may file a motion to reopen his or her removal proceedings in order to apply for adjustment or to apply for cancellation of removal or suspension of deportation.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 241; 8 CFR 245 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule Comment Period End	05/31/2001	
Interim Final Rule	05/31/2001	66 FR 29449

Additional Information: CIS No. 2113-01 Transferred from RIN 1115-AG05

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

Small Entities Affected: No **Federalism:** No

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

RIN: 1615-AA60

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Title: Adjustment of Status to Lawful Permanent Resident for Aliens in T and U Nonimmigrant Status

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

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 204; 8 CFR 214; 8 CFR 245 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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; ...

Legal Deadline: None

Regulatory Plan:

Statement of Need: This rule is necessary to establish how an eligible alien with T nonimmigrant status can adjust his or her status to that of lawful permanent resident. Those with T nonimmigrant status are eligible to be granted lawful permanent residency if they can demonstrate they have complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking or that they will face extreme hardship involving unusual and severe harm if they were removed from the United States. Those with U nonimmigrant status are eligible to be granted lawful permanent residence if they can demonstrate continued compliance with law enforcement in a criminal investigation or prosecution and continuous presence in the United States.

Legal Basis: Public Law 106-386, Victims of Trafficking and Violence Protection Act of 2000.

Alternatives: None.

Costs and Benefits: While there is no precise formula for determining anticipated costs, there will be additional costs for adjudicating applications and investigating cases deemed fraudulent. There may be applications that will not be approved for a variety of reasons, including failure to meet basic adjustment of status requirements. All applications will be reviewed and some will require extensive investigation both here and abroad to determine whether the applicant has complied with any reasonable request for assistance in the investigation and prosecution of the acts of trafficking. The anticipated benefits of these expenditures include: Continued assistance to trafficked victims and their families, increased investigation and prosecution of traffickers in persons, and the elimination of abuses caused by trafficking activities. Benefits that may be attributed to the implementation of this rule are expected to be: (1) an increase in the number of cases brought forward for investigation and/or prosecution; (2) heightened awareness of trafficking-in-persons issues by the law enforcement community; and (3) enhanced ability to develop and work cases in trafficking in persons cross-organizationally and multi-jurisdictionally, which may begin to influence changes in trafficking patterns.

Risks: Risks associated with the implementation of the congressionally mandated new nonimmigrant classification include: Increased workload for adjudicators which may impact overall efficiency and productivity; and increases in fraudulent applications/claims of such victimization in order to obtain lawful permanent residence.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/2008	
Interim Final Rule Comment Period End	09/00/2008	

Additional Information: CIS No. 2134-01 Transferred from RIN 1115-AG21

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

Small Entities Affected: No **Federalism:** No

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Title: Establishment of Fee for Processing Genealogical Research Requests

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.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No

CFR Citation: 8 CFR 103; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1103; 8 USC 1201; 8 USC 1252; 8 USC 1252b**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	04/20/2006	71 FR 20357
NPRM Comment Period End	06/19/2006	
Final Action	09/00/2008	

Additional Information: CIS No. 2074-00 Transferred from RIN 1680-AA01**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov**Agency Contact:** Dominick Gentile

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Department of Homeland Security (DHS)**U.S. Citizenship and Immigration Services (USCIS)****RIN:** 1615-AB35
 [View Related Documents](#)
Title: Interpretation at Asylum Interviews

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

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No

CFR Citation: 8 CFR 208 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/00/2008	
Interim Final Rule Comment Period End	11/00/2008	

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

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

RIN: 1615-AB56

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Title: Removing References to Filing Locations and Obsolete References to Legacy Immigration and Naturalization Service

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

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No

CFR Citation: 8 CFR 100; 8 CFR 103; 8 CFR 204; 8 CFR 207 to 208; 8 CFR 211 to 212; 8 CFR 214; 8 CFR 216; 8 CFR 236; 8 CFR 244 to 245; 8 CFR 248; 8 CFR 264; 8 CFR 274a; 8 CFR 301; 8 CFR 316; 8 CFR 320; 8 CFR 322; 8 CFR 324; 8 CFR 327 to 329; 8 CFR 330; 8 CFR 334; 8 CFR 392 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 8 CFR 2.1**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/00/2008	
Interim Final Rule Comment Period End	09/00/2008	

Additional Information: CIS No. 2405-07**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No

Energy Affected: No**Agency Contact:** Kevin Cummings

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Department of Homeland Security (DHS)**U.S. Citizenship and Immigration Services (USCIS)****RIN:** 1615-AB58 [View Related Documents](#)**Title:** Procedures for Acceptance of Applications for Adjustment of Status to Permanent Residence**Abstract:** This rule amends the Department of Homeland Security (DHS), U.S. Citizenship and Immigrations Services (USCIS) regulations governing dates that USCIS will accept and process an application to adjust status for a person admitted for permanent residence. This rule provides that USCIS will only accept applications when the preference category of the applicant has an immediately available immigrant visa, as determined by the Department of State (DOS). Whether an immigrant visa is considered immediately will be established by DOS, which will notify USCIS through means agreed upon by the two agencies. This rule is intended to streamline immigration benefit application processing by increasing flexibility under which USCIS and DOS may operate their respective programs.**Priority:** Info./Admin./Other**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 245 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1255**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/00/2008	
Interim Final Rule Comment Period End	10/00/2008	

Additional Information: CIS 2414-07**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Kevin Cummings

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

RIN: 1615-AB59

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Title: Modifications to Forwarding of Affirmative Asylum Applications to Department of State**Abstract:** Promulgation of this regulation is intended to alter the process by which U.S. Citizenship and Immigration Services (USCIS) forwards affirmative asylum applications to the Department of State (DOS) under 8 CFR. 208.11(a). An alteration of the regulation would permit USCIS in its discretion to send asylum applications to DOS in those cases where USCIS would like DOS information for our consideration in the adjudication.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 208 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1158**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/00/2008	
Interim Final Rule Comment Period End	10/00/2008	

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

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

RIN: 1615-AB65

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Title: Changes to Requirements Affecting H-2A Nonimmigrants**Abstract:** U.S. Citizenship and Immigration Services is amending the regulations affecting temporary and seasonal agricultural workers within the H-2A nonimmigrant category and their U.S. employers. The rule relaxes the current limitations on the ability of U.S. employers to petition unnamed agricultural workers to come to the United States and makes related changes to the evidentiary requirements for such petitions. In addition, the rule revises the current limitations on agricultural workers' length of stay, including: Redefining "temporary employment;" lengthening the amount of time an agricultural worker may remain in the United States after their H-2A nonimmigrant status has expired; and shortening the time period that an agricultural worker whose H-2A nonimmigrant status has expired must wait before he or she is eligible to obtain H-2A nonimmigrant status again. Finally, this rule provides for temporary employment authorization to agricultural workers seeking an extension of their H-2A nonimmigrant status through a different U.S. employer. These changes are necessary to encourage and facilitate the lawful employment of foreign agricultural workers.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 214; 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 8 USC 1101; 8 USC 1102**Legal Deadline:** None**Regulatory Plan:****Statement of Need:** The rule is intended to increase the flexibility, attractiveness and, consequently, the use by United States employers of H-2A program in lieu of either having to forgo hiring seasonal immigrant labor or hire them illegally.**Legal Basis:** The H-2A nonimmigrant classification applies to aliens who are coming to the United States temporarily to perform agricultural labor or services of a temporary or seasonal nature. INA sec. 101(a)(15)(H)(ii)(a), 8 U.S.C. 1101(a)(15)(H)(ii)(a).**Alternatives:** Make no change.**Costs and Benefits:** There is likely to be a small increase in the usage of H-2A visas although the increase is impossible to estimate accurately. Also, several qualitative changes are expected to result from this rule: 1. Crops will be more likely to be harvested, cows milked, etc. This will result in associated economic benefits that are not quantified at this point. 2. By increasing flexibility, the quality of life for H-2A immigrants will improve. 3. Illegal immigration as measured by the percentage of agricultural workers who are unauthorized to work in the United States will decline. This rule is not estimated to impose any new or increased costs on the Government or public.**Risks:** None.**Timetable:**

Action	Date	FR Cite
NPRM	02/13/2008	73 FR 8230
NPRM Comment Period End	04/14/2008	
Final Action	07/00/2008	

Additional Information: CIS 2428-07**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov**Agency Contact:** Hiroko Witherow

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

RIN: 1615-AB66

 [View Related Documents](#)

Title: Direct Final Rule Updates to Title 8 of the Code of Federal Regulations

Abstract: U.S. Citizenship and Immigration Services (USCIS) is taking direct final action to correct errors and to remove erroneous text from its regulations. By taking this action, USCIS intends to provide correct, up-to-date information to the regulated community with as little delay as possible. Title 8 of the Code of Federal Regulations contains minor inadvertent print errors, references to regulatory passages that no longer exist, and passages that are no longer enforced because they have been invalidated by court decisions. This rule also codifies two existing USCIS practices. The first is the current USCIS practice of considering DNA testing results to establish familial relationships. The second is the current, long-standing USCIS practice of invalidating a visa petition after the petition has been used to support the beneficiary's successful application for an immigrant visa or to adjust status to that of a lawful permanent resident (LPR). Because these are current USCIS practices, codifying them will not constitute a change for the regulated community. USCIS is taking direct final action to codify them solely to provide correct, up-to-date information to the regulated community with as little delay as possible. This rule also eliminates references to the Immigration and Naturalization Service (INS) to reflect the transfer of immigration benefit service functions to USCIS pursuant to the Homeland Security Act of 2002. Similarly, this rule revises the display of control numbers for information collections currently approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act required in title 8 of the Code of Federal Regulations.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No

CFR Citation: 8 CFR 1; 8 CFR 103; 8 CFR 204; 8 CFR 210; 8 CFR 214; 8 CFR 244; 8 CFR 245; 8 CFR 245a; 8 CFR 274; 8 CFR 274a; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
Direct final Rule	07/00/2008	

Additional Information: CIS 2430-07**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Andrew Perry Department of Homeland Security

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Department of Homeland Security (DHS)
U.S. Citizenship and Immigration Services (USCIS)
RIN: 1615-AB68
 [View Related Documents](#)
Title: Petitions Filed on Behalf of H-1B Temporary Workers Subject to the Annual Numerical Limitation

Abstract: The Department of Homeland Security is amending its regulations governing petitions filed on behalf of alien workers subject to the annual numerical limitations applicable to the H nonimmigrant classification. This rule precludes a petitioner from filing more than one petition based on the H 1B nonimmigrant classification on behalf of the same alien temporary worker in a given fiscal year if the alien is subject to a numerical limitation. Additionally, this rule makes accommodations for petitioners seeking to file petitions on behalf of alien workers subject to the annual numerical limitation on the first day on which filings will be accepted for the next fiscal year. This rule also clarifies the treatment of H nonimmigrant petitions incorrectly claiming an exemption from the numerical limitations. Finally, the rule removes from the regulations unnecessary language regarding the annual numerical limitation applicable to the H 1B nonimmigrant classification. These changes are necessary to clarify the regulations and further ensure the fair and orderly adjudication of petitions subject to numerical limitations.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 8 USC 1184

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	03/24/2008	
Interim Final Rule	03/24/2008	73 FR 15389
Interim Final Rule Comment Period End	05/23/2008	

Additional Information: 2434-07

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services (USCIS)

RIN: 1615-AB69

 [View Related Documents](#)

Title: Documents and Receipts Acceptable for Employment Eligibility Verification

Abstract: The Department of Homeland Security is amending its regulations listing the identity and employment authorization documents and receipts that individuals may present to their employers for completion of Form I-9, "Employment Eligibility Verification." This rule changes the list of documents by: requiring that acceptable documents be unexpired, and eliminating several identity (List B) and employment authorization (List C) documents. A copy of the amended Form I-9 reflecting these changes will be published as an attachment to this rule. The purpose of this rule is to improve the integrity of the employment eligibility verification process by simplifying the list of acceptable documents for ease of use by employers, ensuring that the list contains secure and fraud-resistant documents, and adding safeguards to the verification process.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1324a**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/00/2008	
Interim Final Rule Comment Period End	08/00/2008	

Additional Information: On February 2, 1998, former Immigration and Naturalization Service published a proposed rule in the Federal Register at 63 FR 5287, shortening the list of documents acceptable for verification (RIN 1115-AE94). This interim rule expands on the proposed rule.

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**Related RINs:** Previously Reported as 1115-AE94; Merge with 1615-AA01**Agency Contact:** Gregory Francis Department of Homeland Security

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RIN: 1615-AA05

 [View Related Documents](#)**Title:** Definition of the Term "Lawfully Present" for Purposes of Eligibility for Public Benefits

Abstract: Section 401(a) of the Personal Responsibility and Work Reconciliation Act of 1996 (PRWORA) provides that, with limited exceptions, only qualified aliens, as defined under section 431, may receive certain Federal public benefits. Section 401(b)(2) provides an exception that allows aliens who are "lawfully present in the United States" to receive Social Security benefits under title II of the Social Security Act. PRWORA, and other laws, use the term "lawfully present" in other benefit-related contexts as well. The Department of Justice published an interim final rule on September 6, 1996, which amended then-INS regulations to define the term "an alien who is lawfully present in the United States" so that the Social Security Administration may determine which aliens are eligible for benefits under title II of the Social Security Act. DHS now plans to issue a final rule to complete the rulemaking action.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 103 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 5 USC 552; 31 USC 9701; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252B; 8 USC 1304; 8 USC 1356**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	09/06/1996	61 FR 47039
Interim Final Rule Comment Period End	11/05/1996	

Additional Information: CIS No. 1792-96 Transferred from RIN 1115-AE51

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

Small Entities Affected: No **Federalism:** No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services (USCIS)

RIN: 1615-AA12

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Title: Adjustment of Status, Continued Validity of Nonimmigrant Status, and Unexpired Employment Authorization for Applicants Maintaining Nonimmigrant H or L Status

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

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 214; 8 CFR 245 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 8 USC 1101; 8 USC 1282; 8 CFR 2; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1255; 8 USC 1281

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	06/01/1999	64 FR 29208
Interim Final Rule Comment Period End	08/02/1999	

Additional Information: CIS No. 1881-97 Transferred from RIN 1115-AE96

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

Small Entities Affected: No **Federalism:** No

Energy Affected: No

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

RIN: 1615-AA14

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Title: Fingerprinting Applicants and Petitioners for Immigration Benefits; Establishing a Fee for Fingerprinting by the Department of Homeland Security

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

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 299; 8 CFR 316; 8 CFR 335 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	03/17/1998	63 FR 12979
Interim Final Rule Effective	03/29/1998	63 FR 12979
Interim Final Rule	04/09/1998	63 FR 17489
Interim Final Rule Comment Period End	05/18/1998	

Additional Information: CIS No. 1891-97 Transferred from RIN 1115-AF03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1615-AA17

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Title: Suspension of Deportation and Special Rule Cancellation of Removal for Certain Nationals of Guatemala, El Salvador, and Former Soviet Bloc Countries

Abstract: This rule implements section 203 of the Nicaraguan Adjustment and Central American Relief Act (NACARA), enacted as title II of Public Law 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.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No

CFR Citation: 8 CFR 103; 8 CFR 208; 8 CFR 240; 8 CFR 246; 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	11/24/1998	63 FR 64895
NPRM Comment Period End	01/25/1999	
Other	05/21/1999	64 FR 27856
Other	07/20/1999	

Additional Information: CIS No. 1915-98 Transferred from RIN 1115-AF14**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Small Entities Affected:** No**Federalism:** No

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

RIN: 1615-AA19

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Title: Regulations Concerning the Convention Against Torture

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 3; 8 CFR 208; 8 CFR 235; 8 CFR 238; 8 CFR 240 to 8 CFR 241 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline:

Action	Source	Date
Other	Statutory	02/18/1999

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	02/19/1999	64 FR 8478
Other	03/22/1999	64 FR 13881
Interim Final Rule Effective	03/22/1999	
Interim Final Rule Comment Period End	04/20/1999	

Additional Information: CIS No. 1976-99 Transferred from RIN 1115-AF39

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services (USCIS)

RIN: 1615-AA22

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Title: Inadmissibility and Deportability on Public Charge Grounds

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 212; 8 CFR 237 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM	05/26/1999	64 FR 28676
NPRM Comment Period End	07/26/1999	

Additional Information: CIS No. 1989-99 Transferred from RIN 1115-AF45

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

Small Entities Affected: No **Federalism:** No

Energy Affected: No

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

RIN: 1615-AA24

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Title: Application for Refugee Status; Acceptable Sponsorship Agreement Guaranty of Transportation

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

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 207 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1157 to 1158; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	05/21/1999	64 FR 27660
Interim Final Rule Comment Period End	07/20/1999	

Additional Information: CIS No. 1999-99 Transferred from RIN 1115-AF49

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

Small Entities Affected: No **Federalism:** No

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

RIN: 1615-AA29

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Title: Battered and Abused Conditional Residents; Termination of Marriage by Conditional Residents

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

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 216; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	05/16/1991	56 FR 22635

Additional Information: Interim Rule for CIS No. 1423-91 published on May 16, 1991. Transferred from RIN 1115-AF59

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

Small Entities Affected: No **Federalism:** No

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

RIN: 1615-AA30

 [View Related Documents](#)
Title: Revoking Grants of Naturalization

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

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 340 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 8 USC 1103; 8 USC 1443**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/31/2000	65 FR 17127
Interim Final Rule Comment Period End	05/30/2000	
Final Action	06/00/2009	

Additional Information: CIS No.1858-97 Transferred from RIN 1115-AF63**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No

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

RIN: 1615-AA35

 [View Related Documents](#)
Title: Petitioning Requirements for the H-1C Nonimmigrant Classification Under Public Law 106-95

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 214.2 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 8 USC 1101; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	06/11/2001	66 FR 31107
Interim Final Rule Comment Period End	08/10/2001	

Additional Information: CIS No. 2050-00 Transferred from RIN 1115-AF76

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services (USCIS)

RIN: 1615-AA40

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Title: Adjustment of Status to That of Person Admitted for Permanent Residence; Temporary Removal of Certain Restrictions of Eligibility

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 205; 8 CFR 245 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule Effective	03/26/2001	
Interim Final Rule	03/26/2001	66 FR 16383
Interim Final Rule Comment Period End	05/25/2001	

Additional Information: CIS No. 2078-00; This rulemaking supersedes RIN 1615-AA85 Transferred from RIN 1115-AF91

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 1615-AA41

 [View Related Documents](#)

Title: Asylum and Withholding Definitions

Abstract: This rule proposes to amend Department of Homeland Security regulations that govern asylum eligibility by providing guidance on certain issues that have arisen in the context of asylum adjudications. The amendments focus on portions of the regulations that deal with the definitions of membership in a particular social group, the requirements for failure of State protection, and determinations about whether persecution is inflicted on account of a protected ground. This rule codifies long-standing concepts of the definitions. It clarifies that gender can be a basis for membership in a particular social group. It also clarifies that a person who has suffered or fears domestic violence may under certain circumstances be eligible for asylum on that basis. The Department of Justice believed that this issue required further examination after the Board of Immigration Appeals decision, Matter of R-A-, Interim Decision 3403 (BIA 1999) and published a proposed rule. Additionally, the rule clarifies the factors considered in cases in the Court of Appeals for the Ninth Circuit regarding membership in a particular social group are not determinative. Hence, USCIS will publish a final rule which incorporates provisions contained in both an interim rule amending Department of Justice regulations to implement the Illegal Immigration Reform and Immigrant Responsibility Act (62 FR 10312-1997), and the proposed past persecution rule, Executive Office for Immigration Review; New Rules Regarding Procedures for Asylum and Withholding of Removal (63 FR 31945-1998).

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 208 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM	12/07/2000	65 FR 76588
NPRM Comment Period End	01/22/2001	

Additional Information: CIS No. 2092-00 Transferred from RIN 1115-AF92

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

Small Entities Affected: No **Federalism:** No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services (USCIS)

RIN: 1615-AA42

 [View Related Documents](#)

Title: 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

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 204; 8 CFR 245 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	06/20/1991	56 FR 28311
Interim Final Rule Comment Period End	07/20/1991	

Additional Information: See CIS No. 1419-91 Transferred from RIN 1115-AF94

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

Small Entities Affected: No **Federalism:** No

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Department of Homeland Security (DHS)
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RIN: 1615-AA43

 [View Related Documents](#)

Title: Classification of Aliens as Children of United States Citizens Based on Intercountry Adoptions Under the Hague Convention

Abstract: This rule amends Department of Homeland Security, DHS, regulations relating to intercountry adoptions by U.S. citizens. First, to facilitate the ratification of the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, signed at The Hague on May 29, 1993 (Convention), the rule establishes new administrative procedures for the immigration of children who are habitually resident in Convention countries and who are adopted by U.S. citizens. Second, the rule makes other amendments to DHS regulations relating to the immigration of adopted children, to reflect the changes to those provisions necessary to comply with the Convention. The Senate consented to ratification of the Convention in 2000 conditioned on the adoption of the necessary implementing regulations. Accordingly, this rule is necessary to establish the regulations necessary for the United States to ratify the Convention.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 204 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Rule	00/00/0000	
Interim Final Rule	10/04/2007	72 FR 56832
Interim Final Rule Effective	11/05/2007	
Interim Final Rule Comment Period End	12/03/2007	
Other	03/25/2008	73 FR 15635
Commend Period Extended	05/27/2008	

Additional Information: CIS No. 2098-07. Transferred from RIN 1115-AF96

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 1615-AA44

 [View Related Documents](#)

Title: Academic Honorarium for B Nonimmigrant Aliens

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM	05/30/2002	67 FR 37727
NPRM Comment Period End	07/29/2002	

Additional Information: CIS No. 2100-00 Transferred from RIN 1115-AF97

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 1615-AA45

 [View Related Documents](#)

Title: Children Born Outside the United States; Applications for Certificate of Citizenship

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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; ... (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: PL 106-395

Legal Deadline:

Action	Source	Date
Other	Statutory	02/27/2001

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule Effective	06/13/2001	
Interim Final Rule	06/13/2001	66 FR 32138
Interim Final Rule Comment Period End	08/13/2001	

Additional Information: CIS No. 2101-00 Transferred from RIN 1115-AF98

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services (USCIS)

RIN: 1615-AA46

 [View Related Documents](#)

Title: Allowing for the Filing of Form I-140 Visa Petition Concurrently With a Form I-485 Application in Certain Circumstances

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 204; 8 CFR 245 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule Effective	07/31/2002	
Interim Final Rule	07/31/2002	67 FR 49561
Interim Final Rule Comment Period End	09/30/2002	

Additional Information: CIS No. 2104-00 Transferred from RIN 1115-AG00

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 1615-AA49

 [View Related Documents](#)

Title: Establishing Premium Processing Service for Employment-Based Petitions and Applications

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

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 8 USC 1101; 8 USC 1103

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule Effective	06/01/2001	
Interim Final Rule	06/01/2001	66 FR 29682
Interim Final Rule Comment Period End	07/31/2001	

Additional Information: CIS No. 2108-01 Transferred from RIN 1115-AG03

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

Small Entities Affected: No **Federalism:** No

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

RIN: 1615-AA53

 [View Related Documents](#)

Title: Nonimmigrant Classes; Spouses and Children of Lawful Permanent Residents; V Classification

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 204 to 205; 8 CFR 212; 8 CFR 214; 8 CFR 245; 8 CFR 248; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 8 USC 1102; PL 106-553

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule Effective	09/07/2001	
Interim Final Rule	09/07/2001	66 FR 46697
Interim Final Rule Comment Period End	11/06/2001	

Additional Information: CIS No. 2117-01 Transferred from RIN 1115-AG08

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

Small Entities Affected: No **Federalism:** No

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

RIN: 1615-AA56

 [View Related Documents](#)

Title: K Nonimmigrant Classification; Legal Immigration Family Equity Act (LIFE)

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 212; 8 CFR 214; 8 CFR 245; 8 CFR 248; 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: PL 106-553

Legal Deadline:

Action	Source	Date
Other	Statutory	12/21/2000

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	08/14/2001	66 FR 42587
Interim Final Rule Comment Period End	10/15/2001	

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

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

Small Entities Affected: No**Federalism:** No**Agency Contact:** Mark Phillips

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Department of Homeland Security (DHS)**U.S. Citizenship and Immigration Services (USCIS)****RIN:** 1615-AA57 [View Related Documents](#)**Title:** Adjustment of Status for Certain Syrian Nationals Granted Asylum in the United States**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.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** None (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1255**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule Effective	05/17/2001	
Interim Final Rule	05/17/2001	66 FR 27445
Interim Final Rule Comment Period End	07/17/2001	

Additional Information: Transferred from RIN 1115-AG13**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Agency Contact:** Mark Phillips

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

RIN: 1615-AA59

 [View Related Documents](#)

Title: New Classification for Victims of Severe Forms of Trafficking in Persons Eligible for the T Nonimmigrant Status

Abstract: This rule sets forth application requirements for a new nonimmigrant classification. The T classification was created by 107(e) of the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), Public Law 106-386. The T nonimmigrant classification was designed for eligible victims of severe forms of trafficking in persons who aid the Government with their case against the traffickers and who can establish that they would suffer extreme hardship involving unusual and severe harm if they were removed from the United States after having completed their assistance to law enforcement. The rule establishes application procedures and responsibilities for the Department of Homeland Security and provides guidance to the public on how to meet certain requirements to obtain T nonimmigrant status. There is a statutory cap for T nonimmigrant status for victims of a severe form of trafficking (principals), which is set at 5,000 per annum. The law also provides that certain family members can derive T status through the principal's application.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No

CFR Citation: 8 CFR 103; 8 CFR 212; 8 CFR 214; 8 CFR 274a; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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; ...

Legal Deadline: None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	01/31/2002	67 FR 4784
Interim Final Rule Effective	03/04/2002	
Interim Final Rule Comment Period End	04/01/2002	

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

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal; State**Small Entities Affected:** No**Federalism:** No**Agency Contact:** Mark Phillips

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

RIN: 1615-AA63

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Title: Removal of Limitations on the Validity Period for Employment Authorization Documents

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

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	07/30/2004	69 FR 45555
Interim Final Rule Comment Period End	09/28/2004	

Additional Information: CIS No. 2152-01 Transferred from RIN 1115-AG32

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services (USCIS)

RIN: 1615-AA67

 [View Related Documents](#)

Title: New Classification for Victims of Certain Criminal Activity; Eligibility for the U Nonimmigrant Status

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 204; 8 CFR 212; 8 CFR 214; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: Public Law 109-162, Violence Against Women and Department of Justice Reauthorization Act of 2005

Action	Source	Date
Other	Statutory	01/05/2006

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	09/17/2007	72 FR 53013
Interim Final Rule Effective	10/17/2007	
Interim Final Rule Comment Period End	11/17/2007	

Additional Information: Transferred from RIN 1115-AG39

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services (USCIS)

RIN: 1615-AA73

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Title: Requiring Change of Status From B to F-1 or M-1 Nonimmigrant Prior To Pursuing a Course of Study

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Yes

Unfunded Mandates: No

CFR Citation: 8 CFR 214; 8 CFR 248 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1258

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	04/12/2002	67 FR 18061
Interim Final Rule Comment Period End	06/11/2002	

Additional Information: CIS No. 2195-02 Transferred from RIN 1115-AG60

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No**Federalism:** No**Agency Contact:** Kevin Cummings

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Department of Homeland Security (DHS)**U.S. Citizenship and Immigration Services (USCIS)****RIN:** 1615-AA82 [View Related Documents](#)**Title:** Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H-2B)**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.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186(a); 8 USC 1187; 8 USC 1221; 8 USC 1281; 8 USC 1282**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
NPRM	01/27/2005	70 FR 3983
NPRM Comment Period End	02/28/2005	
NPRM Comment Period Extended	03/09/2005	70 FR 11585
NPRM Comment Period End	04/08/2005	

Additional Information: CIS No. 2228-02 Transferred from RIN 1115-AG78**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** Business**Federalism:** No**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov**Agency Contact:** Kevin Cummings

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

RIN: 1615-AA83

 [View Related Documents](#)
Title: Electronic Signature on Applications and Petitions for Immigration and Naturalization Benefits

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 toward fulfilling the mandates of the Government Paperwork Elimination Act.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 103 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 1252 note; ...**Legal Deadline:**

Action	Source	Date
Other	Statutory	09/00/2003

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	04/29/2003	68 FR 23009
Interim Final Rule Effective	05/29/2003	

Additional Information: CIS No. 2224-02 Transferred from RIN 1115-AG79**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No

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

RIN: 1615-AA86

 [View Related Documents](#)
Title: Withholding of Adjudication

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

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 208; 8 CFR 310; 8 CFR 335; 8 CFR 336 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Additional Information: CIS No. 2234-02 Transferred from RIN 1115-AG86

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 1615-AA96

 [View Related Documents](#)

Title: Eliminating the Numerical Cap on Mexican TN Nonimmigrants

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	03/10/2004	69 FR 11287
Interim Final Rule Comment Period End	05/10/2004	

Additional Information: CIS No. 2266-03 Transferred from RIN 1115-AH02

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services (USCIS)

RIN: 1615-AB12

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Title: Requiring Completion of Security Checks Before Issuance of Evidence of Alien Registration

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

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 264 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 8 USC 1103; 8 USC 1201; 8 USC 1303 to 1305

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Additional Information: CIS No. 2291-03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1615-AB14

 [View Related Documents](#)

Title: Classification of Certain Scientists of the Commonwealth of Independent States of the Former Soviet Union and the Baltic States as Employment-Based Immigrants

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

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 204 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	04/25/2005	70 FR 21129
Interim Final Rule Effective	05/25/2005	
Interim Final Rule Comment Period End	06/24/2005	

Additional Information: CIS No. 2277-03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No**RIN Information URL:** www.regulations.gov**Agency Contact:** Kevin Cummings

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Department of Homeland Security (DHS)**U.S. Citizenship and Immigration Services (USCIS)****RIN:** 1615-AB28 [View Related Documents](#)**Title:** Extension of the Deadline for Certain Health Care Workers Required To Obtain Certificates**Abstract:** This rule amends Department of Homeland Security regulations to extend the deadline by which certain health care workers from Canada and Mexico must obtain health care worker certifications. This rule applies only to affected health care workers, who, before September 23, 2003, were previously employed as TN nonimmigrant health care workers (Canadian or Mexican citizens), and held a valid license from a U.S. jurisdiction. This interim rule does not change the licensing requirements for employment purposes. Publication of this rule ensures that the U.S. health care system is not adversely affected by the expiration of the transition period for certain health care workers to present the required certification.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 212; 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 8 USC 1101 to 1103; 8 USC 1182; ...**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	07/22/2004	69 FR 43729
Interim Final Rule Comment Period End	09/20/2004	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**Agency Contact:** Kevin Cummings

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

RIN: 1615-AB36

 [View Related Documents](#)
Title: Application Process for Replacing Forms I-551 Without an Expiration Date

Abstract: The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS), issues Alien Registration Receipt Cards (I-551) to lawful permanent residents to serve as evidence of immigration status, registration, identity and employment authorization, and as an entry document upon return from a trip outside the United States. Currently there is a population of lawful permanent residents who possess cards that do not have expiration dates. USCIS will be terminating the validity of Forms I-551 that do not have expiration dates. This rule establishes a 120-day period for aliens with Forms I-551 that do not bear expiration dates to apply for replacement cards. This rule also amends the regulations to remove references to outdated application procedures for the I-551. The application process required by this rule will enable USCIS to issue more secure Forms I-551 to affected aliens, update cardholder information, conduct background checks, and electronically store applicants' biometric information that can be used for biometric comparison and authentication purposes consistent with the goals of the Enhanced Border Security and Visa Entry Reform Act of 2002. In addition, this rule establishes the mechanism by which USCIS will notify the public of the termination date for forms I-551 that do not have expiration dates. This rule also amends the regulations to add two documents to the list of forms that constitute evidence of registration: Receipt for the Form I-90, Application to Replace Permanent Resident Card, and Receipt for pending Form N-400, Application for Naturalization. Finally, this rule amends the regulations to correct the title and edition date of Form I-551 and Form I-90.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 103; 8 CFR 211; 8 CFR 245; 8 CFR 246; 8 CFR 264; 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 5 USC 301; 5 USC 552; 5 USC 552a; 8 USC 1101**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
NPRM	08/22/2007	72 FR 46922
NPRM Comment Period End	09/21/2007	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov**Agency Contact:** Mark Phillips

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

RIN: 1615-AB44

 [View Related Documents](#)

Title: Authorizing Suspension of Employment Authorization Requirements on the Basis of Severe Economic Hardship for F-1 Students and Emergent Circumstances

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

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	06/10/1998	63 FR 31871
Interim Final Rule Comment Period End	08/10/1998	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

Related RINs: Previously Reported as 1115-AF15

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

RIN: 1615-AB50

 [View Related Documents](#)

Title: Eligibility of Arriving Aliens in Removal Proceedings To Apply for Adjustment of Status and Jurisdiction To Adjudicate Applications for Adjustment of Status

Abstract: The Secretary of Homeland Security and the Attorney General publish these interim final rules to amend their respective agencies' regulations governing applications for adjustment of status filed by paroled arriving aliens seeking to become lawful permanent residents. The Secretary and the Attorney General are also amending the regulations to clarify when United States Citizenship and Immigration Services, or the immigration judges and the Board of Immigration Appeals, Executive Office for Immigration Review, have jurisdiction to adjudicate applications for adjustment of status by such aliens. In addition, the Secretary and the Attorney General are requesting comments on the possibility of adopting further proposals in the future to structure the exercise of discretion in adjudicating these applications for adjustment of status.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1; 8 CFR 25; 8 CFR 1001; 8 CFR 1245 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 8 USC 1255; 8 USC 1225(b)(2); 8 USC 1229a(c)(2)(A); 8 USC 1101(a)(13)(B); ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	05/12/2006	71 FR 27585
Interim Final Rule Comment Period End	06/12/2006	

Additional Information: CIS No. 2387-06

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services (USCIS)

RIN: 1615-AA01

 [View Related Documents](#)

Title: Reduction of the Number of Acceptable Documents and Other Changes to Employment Verification Requirements

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: Yes

Unfunded Mandates: No

CFR Citation: 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline:

Action	Source	Date
Other	Statutory	03/31/1998

Regulatory Plan:

Statement of Need: The Immigration Reform and Control Act of 1986 amended the Immigration and Nationality Act (INA) to require employers to hire only persons who are eligible to work in the United States and to verify the work eligibility of all new hires. Form I-9 was designated for that purpose. Newly hired individuals must attest to the status that makes them eligible to work and present documents that establish their identity and eligibility to work. In its third review of employer sanctions regulations, the GAO reported that employer confusion over the "multiplicity" of acceptable documents contributed to discrimination against authorized workers. See GAO/GGD Report No. 90-62, dated March 29, 1990. Section 412(a) of IIRIRA requires a reduction in the number of documents that may be accepted in the employment verification process. Implementation of these provisions, along with other simplifications and clarifications, will reduce adverse consequences potentially stemming from misapplication of the verification requirements.

Legal Basis: The legal basis of authority for this regulation is set forth above in Legal Authority. Parts of this regulatory action are required by IIRIRA.

Alternatives: The lists of documents for employment verification have been controversial throughout the 20 years that employer sanctions have been in effect. When the Department of Justice (DOJ) first published implementing regulations in 1987, the supplementary information noted that the list of identity documents had been expanded in response to public comment. When the law was new, a consensus emerged that an inclusive list of documents would ensure that all persons who are eligible to work could easily meet the requirements. As early as 1990, there was evidence that some employers found the list confusing. As noted in the "Statement of Need," GAO linked employer confusion over the "multiplicity" of acceptable documents to discrimination against authorized workers. DOJ took steps to address this criticism. In July 1988, DOJ committed to the establishment of a uniform employment authorization policy. First, DOJ limited the number and types of "paper" documents on which employment could be authorized. Second, a standardized Employment Authorization Document (EAD) I-688B was introduced in 1989. In February 1997, a more secure EAD Form (I-766) was produced with state-of-the-art technology.

Costs and Benefits: Employment is often the magnet that attracts individuals to come to or stay in the United States illegally. The employer sanctions provisions help reduce the strength of this magnet by requiring employers to hire only those individuals who may legally work in the United States. By reducing the number of documents that are acceptable for employment eligibility verification purposes and clarifying other requirements, this rule will reduce confusion on the part of employers. This, in turn, will increase employer compliance, preserving jobs for persons who are eligible to work in the United States.

Risks: An employment eligibility verification system that relies on a wide range of documents may result in misapplication of the employment eligibility verification requirements. In addition, a complicated system may encourage fraud and result in individuals who are authorized to work in the United States being displaced by unauthorized individuals.

Timetable:

Action	Date	FR Cite
Other	11/23/1993	58 FR 61846
Other	06/22/1995	60 FR 32472
Other	11/30/1995	60 FR 61630
Other	02/06/1996	61 FR 4378
Other	09/04/1996	61 FR 46534
Interim Final Rule	09/30/1997	62 FR 51001
Other	02/02/1998	63 FR 5287
Merged with	02/22/2008	

Additional Information: The deadline for implementing section 412(a) of IIRIRA was extended to March 31, 1998, by Public Law 105-54. This rulemaking has been delayed by the need to coordinate implementation with other provisions of IIRIRA, by several complex policy and regulatory issues that have taken time to resolve, and by the review required by section 610 of the Regulatory Flexibility Act, and by the need to coordinate policy issues with the Border Security Act of 2002 and, more generally, the post-September 11th environment in which document security is of a paramount concern. Docket No. 1890-97; Public Law 104-208, title 4. Nos. 1399 and 1399S-94, Control of Employment of Aliens, Supplemental Rule; Action for Nos. 1399 and 1399S is canceled as a result of IIRIRA requirements. Docket No. 1399E is an extracted portion of No. 1399, published separately to allow for the production of a new, more secure Employment Authorization Document. Docket No. 1713-95, Demonstration Project for Electronic I-9. Interim Rule No. 1818 was published on September 30, 1997, at 62 FR 51001 to maintain the status quo as much as possible until the Agency completes the more comprehensive document reduction initiative designated by No. 1890-97. CIS 2416-07,NPRM -Employment Verification Document Reduction Transferred from RIN 1115-AB73

Regulatory Flexibility Analysis

Required: Business; Governmental Jurisdictions; Organizations

Government Levels Affected: Federal; Local; State; Tribal

Federalism: No

Related RINs: Merge with 1615-AB69

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

RIN: 1615-AA95

 [View Related Documents](#)

Title: Implementation of the Age Out Protections Afforded Under the Child Status Protection Act

Abstract: On August 6, 2002, President Bush signed into law the Child Status Protection Act (CSPA), Public Law 107-208, 116 Stat. 927. The CSPA amends the Immigration and Nationality Act (the Act) by permitting an applicant for certain benefits to retain classification as a “child” under the Act, even if he or she has reached the age of 21 years. The CSPA also addresses automatic conversions for certain aliens classified as unmarried sons or daughters of lawful permanent residents (LPRs). This proposed rule codifies the Department of Homeland Security’s (DHS’s) application of the provisions of the CSPA by amending the relevant DHS regulations. The CSPA has generated litigation and much confusion among the public. While USCIS has worked tirelessly to communicate a coherent CSPA policy by way of guidance to the field, courts have consistently noted the absence of regulations addressing the issues raised by CSPA. If USCIS is to enjoy deference by the courts, it must publish regulations codifying its interpretation of the CSPA before the issues are decided in binding court decisions. Moreover, USCIS receives numerous comments and questions from the public regarding the CSPA, which the publication of a proposed rule will bring to bear on the actual rulemaking process.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 204; 8 CFR 205 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	02/20/2008	

Additional Information: Transferred from RIN 1115-AH01

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 1615-AB42

 [View Related Documents](#)

Title: Irish Peace Process Cultural and Training Program

Abstract: The Irish Peace Process Cultural and Training Program (IPPCTP) allows young people from Northern Ireland and certain designated counties in the Republic of Ireland to come to the United States temporarily for training, for employment, and to experience coexistence and conflict resolution in a diverse society. On December 10, 2004, legislation, amending and extending the Irish Peace Process Cultural and Training Program Act of 1998, was signed into law. This rule implements certain changes made by this legislation. Other technical and administrative changes have been made to correct or clarify certain sections that were in the initial interim rule published in the Federal Register on March 17, 2000, at 65 FR 14774 that implemented this program. This rule also addresses public comments received following the publication of the initial interim rule. Finally, some elements in the initial interim rule that were specifically related to program requirements, such as eligibility criteria for participation, have been removed and are in a separate Department of State (DOS) program rule.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 8 CFR 212; 8 CFR 214; 8 CFR 248; 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	02/21/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: Undetermined

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

RIN: 1615-AB43

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Title: Foreign Residence Requirement Imposed on Certain Participants in the Irish Peace Process Cultural and Training Program

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

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 8 CFR 103; 8 CFR 212; 8 CFR 245; 8 CFR 248; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 108-449

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	02/21/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: Undetermined

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services (USCIS)

RIN: 1615-AB55

 [View Related Documents](#)

Title: Changing the Period of Time From 30 to 45 Days That a Student With an F-1 Visa May Be Admitted Before Academic Program Start Date

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

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR Part 214; 8 CFR 214.2(f)(5)(i) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	02/22/2008	

Additional Information: CIS No. 2401-06

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1625-AA77

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Title: Commercial Fishing Industry Vessels (USCG-2003-16158)

Abstract: This rulemaking would amend commercial fishing industry vessel requirements to enhance maritime safety. The proposed changes would affect vessel stability and watertight integrity, carriage of immersion suits, training, compliance documentation, and safety equipment. Market or Regulatory Failure Analysis: Currently, the commercial fishing industry remains one of the most hazardous occupations in the United States. Many commercial fishing vessels do not meet suggested stability requirements or maintain adequate safety training and equipment. Without regulatory action, not all individual owners of commercial fishing vessels will voluntarily invest in improved safety due to the short run uncertainty of individual benefits.

Priority: Economically Significant

Agenda Stage of Rulemaking: PreRule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 46 CFR 28 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 46 USC 4502(a) to 4502(d); 46 USC 4505, 4506; 46 USC 6104; 46 USC 10603; DHS Delegation No. 0170.1(92)

Legal Deadline: None

Regulatory Plan:

Statement of Need: Commercial fishing remains one of the most dangerous industries in America. The Commercial Fishing Industry Vessel Safety Act of 1988 ("the Act," codified in 46 U.S.C. chapter 45) gives the Coast Guard regulatory authority to improve the safety of vessels operating in that industry. Although significant reductions in industry deaths were recorded after the Coast Guard issued its initial rules under the Act in 1991, we believe more deaths and serious injury can be avoided through compliance with new regulations in the following areas: Vessel stability and watertight integrity, vessel maintenance and safety equipment including crew immersion suits, crew training and drills, and improved documentation of regulatory compliance.

Legal Basis: The authority for the Coast Guard to prescribe, change, revise, or amend these regulations is provided under 46 U.S.C. 4502, 4505, 4506, 6104, 10603; Department of Homeland Security Delegation 0170.1.

Alternatives: The Coast Guard considered the following alternatives and rejected them for the reasons indicated: Maintaining the regulatory status quo -- rejected because we believe additional regulations will have a favorable impact in reducing industry deaths; Requiring the licensing of commercial fishermen and mandating the inspection of all industry vessels -- rejected because of the probable expense such measures would entail; Requiring vessel operators and crew members to carry certificates issued upon completion of training -- rejected because of questionable legal authority, probable high cost, and probable adverse impact on industry labor supply; and Relying on voluntary compliance with Coast Guard guidance -- rejected because too few vessels voluntarily comply with existing Coast Guard guidance.

Costs and Benefits: The proposed rule is economically significant with the preliminary first-year cost estimate of approximately \$107.9 million or \$112.1 million at 3 or 7 percent discount rates, respectively. The preliminary annual costs of this rulemaking after the first year range between \$25.6 million and \$47.9 million, depending upon the year and the discount rate. These cost estimates may change through further development of the rulemaking and after consideration of public comments. The primary benefit of this rulemaking is improved safety of commercial fishing vessels.

Risks: Commercial fishing continues to rank at or near the top of the most hazardous occupations in the United States. It involves far more casualties than other maritime commercial activities regulated by the Coast Guard, resulting in a significant proportion of the agency's Search and Rescue and marine casualty investigation activities. Commercial fishing industry casualties usually result from the complex interplay of many factors, and accident reconstruction to determine the exact cause of a casualty is usually impossible in the marine environment. Although it is therefore difficult to prove a causal connection between our previous issuance of regulations affecting this industry and the subsequent decrease in the number of industry deaths, we believe those regulations contributed materially to creating a culture of safety in which the prevention of casualties is more likely to occur. Because we know that a vessel's stability, watertight integrity, and overall condition can be critical factors in preventing a casualty, and that safety equipment and the crew's ability to use that equipment can be critical to surviving a casualty, we believe that additional regulations in those areas will strengthen the culture of safety and result in further safety gains.

Timetable:

Action	Date	FR Cite
ANPRM	03/31/2008	73 FR 16815
ANPRM Comment Period End	07/29/2008	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: No

Energy Affected: No

RIN Information URL: www.regulations.gov

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Government Levels Affected: No

Federalism: No

Public Comment URL: www.regulations.gov

Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AA03

 [View Related Documents](#)

Title: Claims Procedures Under the Oil Pollution Act of 1990 (USCG-2004-17697)

Abstract: This rulemaking implements section 1013 (Claims Procedures) and section 1014 (Designation of Source and Advertisement) of the Oil Pollution Act of 1990. An interim rule was published in 1992, and provides the basic requirements for the filing of claims for uncompensated removal costs or damages resulting from the discharge of oil, for the designation of the sources of the discharge, and for the advertisement of where claims are to be filed. The interim rule also includes the processing of natural resource damage (NRD) claims. The NRD claims, however, were not processed until September 25, 1997, when the Department of Justice issued an opinion that the Oil Spill Liability Trust Fund (OSLTF) is available without further appropriation to pay trustee NRD claims under the general claims provisions of the Oil Pollution Act (OPA) of 1990, 33 U.S.C. 2712(a)(4). Release of this more comprehensive notice of proposed rulemaking has been delayed while the Coast Guard gained experience on NRD claims, as well as other OPA damages. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources. Market or Regulatory Failure Analysis: The Oil Pollution Act of 1990 (OPA 90), at 33 U.S.C. 2713(e), requires regulations for the presentation, filing, processing, settlement, and adjudication of claims for reimbursement of uncompensated oil removal costs and damages by the Oil Spill Liability Trust Fund. On August 12, 1992, the Coast Guard published an interim rule with request for comments, at 33 CFR part 136, entitled "Claims Under the Oil Pollution Act of 1990" (57 FR 36314). The provisions in this rulemaking would address public comment on the interim rule and assist claimants in their preparation of a complete OPA 90 claim. We believe that without this regulation there would be inadequate or asymmetric information available to OPA 90 claimants.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 136 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 33 USC 2713 to 2714

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/12/1992	57 FR 36314
Correction	09/09/1992	57 FR 41104
Interim Final Rule Comment Period End	12/10/1992	
NPRM	01/00/2009	

Regulatory Flexibility Analysis

Required: Business; Governmental Jurisdictions; Organizations

Government Levels Affected: Federal; Local; State; Tribal

Federalism: No

Energy Affected: No

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

RIN: 1625-AA06

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Title: State Access to the Oil Spill Liability Trust Fund (USCG-2004-19123)

Abstract: Pursuant to the Oil Pollution Act of 1990 (OPA 90), this action specifies how the authority to obligate the pollution trust fund for oil spill response and clean-up efforts and to enter into agreements with the States will be exercised. The Coast Guard is evaluating the performance of the interim rule. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources. Market or Regulatory Failure Analysis: The Oil Pollution Act of 1990, at 33 U.S.C. 2712(e), requires regulations that detail the manner in which the authority to obligate the Oil Spill Liability Trust Fund for oil spill response and clean-up efforts and to enter into agreements with the States shall be exercised. We do not believe that a market failure exists in this case. This rulemaking, however, improves the functioning of government.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 133 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 33 USC 2712

Legal Deadline:

Action	Source	Date
NPRM	Statutory	02/18/1991

Timetable:

Action	Date	FR Cite
Other	11/13/1992	57 FR 53968
Interim Final Rule Comment Period End	02/11/1993	
Second NPRM	03/00/2009	

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. This rulemaking was formerly docket number CGD92-014.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1625-AA16

 [View Related Documents](#)

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

Abstract: The International Maritime Organization (IMO) comprehensively amended the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978, in 1995. The amendments came into force on February 1, 1997. This project implements those amendments by revising current rules to ensure that the United States complies with their requirements on: The training of merchant mariners, the documenting of their qualifications, and watch-standing and other arrangements aboard seagoing merchant ships of the United States. In addition, the Coast Guard has identified the need for additional changes to the interim rule issued in 1997. This rulemaking has been amended to address the training and assessments necessary to obtain merchant mariner credentials, to propose streamlined regulations for the mariner credential issuance process, and to make several minor editorial and clarification changes throughout title 46 parts 10, 12, and 15. This project supports the Coast Guard's strategic goal of maritime safety. It also supports the goal of the Prevention Directorate by reducing deaths and injuries of crew members on domestic merchant vessels and eliminating substandard vessels from the navigable waters of the United States. Market or Regulatory Failure Analysis: The IMO adopted amendments to the international convention on STCW in 1995. In 1997, we modified the regulations to implement these amendments. Since then, however, we found that more specificity is needed in the STCW regulations. The need for additional clarification resulted in the issuance of several policy guidelines over the past 10 years detailing mariner and training provider compliance to the STCW regulations. This regulatory action proposes to add the specificity from these guidelines, to close other regulatory gaps, and to propose some additional changes to the STCW regulations.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 10; 46 CFR 12; 46 CFR 15 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 46 USC 2103; 46 USC chapters 71 and 73; DHS Delegation 0170.1

Legal Deadline: None

Regulatory Plan:

Statement of Need: The Coast Guard proposes to amend its regulations to implement changes to its interim rule published on June 26, 1997. These proposed amendments go beyond changes found in the interim rule and seek to more fully incorporate the requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW) in the requirements for the credentialing of United States merchant mariners. The new changes are primarily substantive and: (1) Are necessary to continue to give full and complete effect to the STCW Convention; (2) Incorporate lessons learned from implementation of the STCW through the interim rule and through policy letters and NVICs; (3) Attempt to clarify regulations that have generated confusion among USCG offices and industry; and (4) Incorporate security-related requirements to ensure compliance with the 2006 amendments to the STCW Convention.

Legal Basis: The authority for the Coast Guard to prescribe, change, revise, or amend these regulations is provided under 46 U.S.C. 2103 and 46 U.S.C. chapters 71 and 73; and Department of Homeland Security Delegation No. 0170.1

Alternatives: For each proposed change, the Coast Guard has considered various alternatives. We considered using policy statements, but they are not enforceable. We also considered taking no action, but this does not support the Coast Guard's fundamental safety and security mission. Additionally, we considered comments made during our 1997 rulemaking to formulate our alternatives. When we analyzed issues, such as license progression and tonnage equivalency, the alternatives chosen were those that most closely met the requirements of STCW.

Costs and Benefits: Based on preliminary analysis, the first-year (initial) costs of this rulemaking are \$21.5 million or \$22.3 million at 3 or 7 percent discount rates, respectively. The annual costs of this rulemaking after the first year range between \$8.3 million and \$15.4 million, depending upon the year and the discount rate. These cost estimates may change through further development of the rulemaking and after consideration of public comments. The primary benefit of this rulemaking is to specify seafarer

training. There are no preliminary quantifiable benefit estimates for this rulemaking.

Risks: The ultimate goal of the regulation is to increase safety and facilitate consistency of the United States regulations with International Maritime Organization guidelines and requirements.

Timetable:

Action	Date	FR Cite
Other	08/02/1995	60 FR 39306
Supplemental NPRM	09/29/1995	
Other	11/13/1995	60 FR 56970
Comment Period End	01/12/1996	
NPRM	03/26/1996	61 FR 13284
Other	04/08/1996	61 FR 15438
NPRM Comment Period End	07/24/1996	
Other	02/04/1997	62 FR 5197
Interim Final Rule	06/26/1997	62 FR 34505
Interim Final Rule Effective	07/28/1997	
Second NPRM	12/00/2008	

Additional Information: Old Docket Number CGD 95-062.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1625-AA32

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Title: Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters (USCG-2001-10486)

Abstract: This rulemaking would add a performance standard to 33 CFR part 151, subpart D, for all ballast water management methods being used as alternatives to mid-ocean ballast water exchange. It supports the Coast Guard's strategic goals of marine safety and protection of natural resources. This project is significant due to high interest from Congress and several Federal and State agencies. Market or Regulatory Failure Analysis: There exists the potential introduction of new viable invasive species populations into U.S. waters. Commercial users of U.S. waterways (i.e., owners and operators of vessels) will not voluntarily install costly ballast water treatment systems to reduce the introduction of invasive species. We anticipate affected owners and operators cannot internalize the benefits of developing and testing such systems (e.g., receive a positive return on investment or benefit by increasing profits). Without regulation, we do not expect industry to incur the costs to develop, install, and maintain approved technology that can achieve effective ballast water discharge standards.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 33 CFR 151 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 16 USC 4711

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	03/04/2002	67 FR 9632
ANPRM Comment Period End	06/03/2002	
NPRM	12/00/2008	

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Business

Energy Affected: No

RIN Information URL: www.regulations.gov

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Government Levels Affected: No

Federalism: No

Public Comment URL: www.regulations.gov

Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AA98

 [View Related Documents](#)

Title: Financial Responsibility for Water Pollution (Vessels) and Limits of Liability

Abstract: This regulation would amend the "Financial Responsibility for Water Pollution (Vessels)" regulations to reflect the amended limits of liability resulting from enactment of the Coast Guard and Maritime Transportation Act of 2006. This regulation would support the Coast Guard's strategic goal of protection of natural resources. Market or Regulatory Failure Analysis: The Oil Pollution Act of 1990, at 33 U.S.C. 2716(a), requires regulations to implement the requirement for certain vessels to establish and maintain evidence of financial responsibility sufficient to meet or exceed the limits of liability found in 33 U.S.C. 2704(a) (as adjusted from time to time pursuant to 33 U.S.C. 2704(d)(4)). This rulemaking adjusts the financial responsibility applicable amounts to coincide with amended limits of liability resulting from enactment of the Delaware River Protection Act of 2006, increases certificate of financial responsibility (COFR) fees to vessel responsible parties, and removes an antiquated documentation carriage requirement. Without this regulation, we do not expect responsible parties to voluntarily internalize the costs associated with the amended statutory limits of liability.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 138 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 33 USC 2704, 2716

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/05/2008	73 FR 6642
NPRM Comment Period End	05/05/2008	
Final Action	09/00/2008	

Regulatory Flexibility Analysis**Required:** Undetermined**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.regulations.gov**Agency Contact:** Benjamin White

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Government Levels Affected: Undetermined**Public Comment URL:** www.regulations.gov**Department of Homeland Security (DHS)****U.S. Coast Guard (USCG)****RIN:** 1625-AA99 [View Related Documents](#)**Title:** Vessel Requirements for Notices of Arrival and Departure, and Automatic Identification System (USCG-2005-21869)

Abstract: This rulemaking would expand the applicability for Notice of Arrival and Departure (NOAD) and Automatic Identification System (AIS) requirements. These expanded requirements would better enable the Coast Guard to correlate vessel AIS data with NOAD data, enhance our ability to identify and track vessels, detect anomalies, improve navigation safety, and heighten our overall maritime domain awareness. The NOAD portion of this rulemaking would expand the applicability of the NOAD regulations by changing the minimum size of vessels covered below the current 300 gross tons, require that a notice of departure be submitted for all vessels required to submit a notice of arrival, and mandate electronic submission of NOAD notices to the National Vessel Movement Center. The AIS portion of this rulemaking will expand current AIS carriage requirements for the population identified in the Marine Transportation Security Act (MTSA) of 2002. Market or Regulatory Failure Analysis: The NOAD and AIS portions of the NPRM would attempt to close regulatory gaps by having smaller vessels submit Notices of Departure as well as Notices of Arrival and to do this electronically. AIS would help to track and identify the affected vessels (including enhancing situational awareness) and provide synergy with the NOAD portion of this rulemaking. The mandate for AIS is provided by the MTSA 2002.

Priority: Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Undetermined**Unfunded Mandates:** No**CFR Citation:** 33 CFR 160; 33 CFR 161; 33 CFR 164; 33 CFR 165 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 33 USC 1223; 33 USC 1225; 33 USC 1231; 46 USC 3716; 46 USC 8502 and ch 701; sec 102 of PL 107-295**Legal Deadline:** None**Regulatory Plan:**

Statement of Need: We do not have a current mechanism in place to capture vessel, crew, passenger, or specific cargo information on vessels less than or equal to 300 gross tons (GT) intending to arrive at or depart from U.S. ports unless they are arriving with certain dangerous cargo (CDC) or are arriving at a port in the 7th Coast Guard District. The lack of NOA information on this large and diverse population of vessels represents a substantial gap in our maritime domain awareness (MDA). We can minimize this gap and enhance MDA by expanding the applicability of the NOAD regulation beyond vessels greater than 300 GT, cover all foreign commercial vessels and all U.S. commercial vessels coming from a foreign port; and enhance maritime domain awareness by tracking them (and others) with AIS. There is no current Coast Guard requirement for vessels to submit notification of departure information. This information is necessary in order to expand our MDA.

Legal Basis: This rulemaking is based on congressional authority provided in the Ports and Waterways Safety Act and the Maritime Transportation Security Act of 2002.

Alternatives: Our goal is to increase MDA and to identify anomalies by correlating vessel AIS data with NOAD data. NOAD and AIS information from a greater number of vessels would provide even greater MDA than the proposed rule. We considered expanding NOAD and AIS to even more vessels, but we determined we needed additional legislative authority to expand AIS beyond what we propose in this rulemaking; and that it was best to combine additional NOAD expansion with future AIS expansion. Although not in conjunction with a proposed rule, the Coast Guard sought comment regarding expansion of AIS carriage to other waters and other vessels not subject to the current requirements (68 FR 39355-56, and 39370, July 1, 2003; USCG 2003-14878). Those comments were reviewed and considered in drafting this rule and will become part of this docket. To fulfill our agency obligations, the Coast Guard needs to receive AIS reports and NOADs from vessels identified in this rulemaking that currently are not required to provide this information. Policy or other non-binding statements by the Coast Guard addressed to the owners of these vessels would not produce the information required to sufficiently enhance our MDA to produce the information required to fulfill our Agency obligations.

Costs and Benefits: The cost estimate in the first year of implementation is \$20.6 million rounded at either 7 or 3 percent discount rates. The cost estimate in the second year of implementation is \$74.9 million or \$78.0 million at 7 or 3 percent discount rates, respectively. The annual costs after the first 2 years of implementation range between \$6.7 million and \$54.5 million, depending upon the year (of replacement) and the discount rate. These estimates are based in part on available technology. The primary benefit of this proposed rule is to enhance maritime security and safety through navigational and situational awareness. Based on analysis of past marine casualties and potential avoided injuries, the average annual quantifiable benefit from this rulemaking is approximately \$1.5 million (non-discounted). We also estimated there to be additional barrels of oil not spilled by this rulemaking. These estimates may change through further development of the rulemaking and after consideration of public comments.

Risks: Considering the economic utility of U.S. ports, waterways, and coastal approaches, it is clear that a terrorist incident against our U.S. Maritime Transportation System (MTS) would have a disastrous impact on global shipping, international trade, and the world economy. By improving the ability of the Coast Guard both to identify potential terrorists coming to the United States while their vessel is far at sea and to coordinate appropriate responses and intercepts before the vessel reaches a U.S. port, this rulemaking would contribute significantly to the expansion of MDA, and consequently is instrumental in addressing the threat posed by terrorist actions against the MTS.

Timetable:

Action	Date	FR Cite
NPRM	09/00/2008	

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

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov**Agency Contact:** LT Julie Miller

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Department of Homeland Security (DHS)**U.S. Coast Guard (USCG)****RIN:** 1625-AB13 [View Related Documents](#)**Title:** Revision of LNG/LHG Facility Application Requirements

Abstract: This project would revise 33 CFR part 127 requirements for waterfront facilities that handle liquid hazardous gas (LHG) and liquid natural gas (LNG). It would harmonize Coast Guard regulations with those of the Federal Energy Regulatory Commission (FERC) for LNG issues. It would also include requirements for LHG facilities that are similar to those for LNG facilities. Market or Regulatory Failure Analysis: The Coast Guard is codifying a current industry practice for a Waterway Suitability Assessment, which FERC requires for LNG facilities. The requirements for LHG facilities are very similar to LNG facilities. However, current requirements for LHG are not as security-robust as proposed. These security regulations address the potential under-provision of security since operators cannot capture the full marginal social benefits of security.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 33 CFR 127.007 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 33 USC 1225 to 1226; 33 USC 1231; 46 USC 70102 to 70103; 50 USC 191; Department of Homeland Security Delegation No 0170.1**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	09/00/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov

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

RIN: 1625-AB19

 [View Related Documents](#)

Title: Crewmember Identification Documents (USCG-2007-28648)

Abstract: In this project, we would add a new subpart D to 33 CFR part 160. This new subpart would contain requirements that each crewmember have an acceptable identification document in their possession or otherwise securely stored onboard the vessel when it enters U.S. waters. In addition, we would describe the acceptance criteria for an identification document in a way that is consistent with the policies of the U.S. Customs and Border Protection (CBP) and the proposed Western Hemisphere Travel Initiative. We expect documents already held by the majority of U.S. mariners, e.g., merchant mariner's document (MMD), transportation worker identification credential (TWIC), and the proposed merchant mariner credential (MMC) would meet our requirements. To ensure vessel control options, if a crewmember does not comply, we also propose to require the vessel owner to ensure that all crewmembers on the vessel have an acceptable form of identification. We also expect the characteristics of an acceptable crewmember identification document will include a Seafarer's Identification Document (SID) issued by or under the authority of the government of a country that has ratified the International Labour Organization Seafarers' Identity Documents Convention (Revised), 2003 (ILO 185), meeting all the requirements of ILO 185. The United States has not ratified ILO 185, which involves many issues including shore leave. This Coast Guard rulemaking would not confer any immigration status on the holder of a SID--or any other identification that satisfies our proposed regulation. Under DHS regulations in 8 CFR 252.1(d), a passport is required for shore leave. Title 46 U.S.C. 70111 also requires the Secretary to consult with the Attorney General and Secretary of State in the promulgation of this regulation. In delegating this authority to the Coast Guard, the Secretary of DHS has directed us to develop this rule in cooperation with Customs and Border Protection and the Transportation Security Administration. Market or Regulatory Failure Analysis: This regulation addresses potential market failure in that operators cannot internalize marginal social benefits of improved security intended by this regulation and as such would not necessarily do so on their own or would not create a uniform system of identification with recognizable safeguards.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 160 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 33 USC 1223, 1231; 46 USC 70111

Legal Deadline: Under 46 USC 70111, the Secretary, in consultation with the Attorney General and the Secretary of State, shall require crewmembers on vessels calling at United States ports to carry and present on demand any identification that the Secretary decides is necessary.

Action	Source	Date
Other	Statutory	10/13/2007

Timetable:

Action	Date	FR Cite
NPRM	09/00/2008	

Regulatory Flexibility Analysis**Required:** Undetermined**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.regulations.gov**Related RINs:** Related to 1625-AA16; Related to 1625-AA99; Related to 1625-AB02**Agency Contact:** LCDR Jonathan H. Maiorine

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Government Levels Affected: No**Public Comment URL:** www.regulations.gov**Department of Homeland Security (DHS)****U.S. Coast Guard (USCG)****RIN:** 1625-AB20 [View Related Documents](#)**Title:** Increasing Passenger Weight Standard for Passenger Vessels (USCG-2005-22732)

Abstract: The Coast Guard proposes developing a rule that addresses both the stability calculations and the environmental operating requirements for certain domestic passenger vessels. The proposed rule would address the outdated per-person weight averages that are currently used in stability calculations for certain domestic passenger vessels. In addition, the proposed rule would add environmental operating requirements for domestic passenger vessels that could be adversely affected by sudden inclement weather. This rulemaking would increase passenger safety by significantly reducing the risk of certain types of passenger vessels capsizing due to either passenger overloading or operating these vessels in hazardous weather conditions. Market or Regulatory Failure Analysis: These regulations need to be updated to reflect current passenger weights. Standards are often set because owners and operators cannot internalize the benefits of appropriate safety standards. The commercial passenger vessel industry is not capable of voluntarily establishing uniform, nationwide standards for passenger weight. Failure to update the standards to reflect accurate, current passenger weights places passenger vessels at greater risk of capsizing. This NPRM would support the Coast Guard's strategic goal of maritime safety.

Priority: Other Significant**Major:** No**Agenda Stage of Rulemaking:** Proposed Rule**Unfunded Mandates:** No

CFR Citation: 46 CFR 115; 46 CFR 116; 46 CFR 122; 46 CFR 170; 46 CFR 171; 46 CFR 176; 46 CFR 178; 46 CFR 185; 46 CFR 114; 46 CFR 175; 46 CFR 179 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 1321(j); 43 USC 1333; 46 USC 2103, 3205, 3306, 3307, 3703, 6101; 49 USC App 1804; EO 111735; EO 12234; Dept of Homeland Security Delegation No 0170.1

Legal Deadline: None

Regulatory Plan:

Statement of Need: Coast Guard regulations use an assumed average weight per person to calculate the maximum number of passengers and crew permitted on each deck. This assumed weight was established in the 1960s and is 160 pounds per person, except that vessels operating exclusively on protected waters carrying a mix of men, women, and children may use an average of 140 pounds. A recent report from the National Health and Nutrition Examination Survey (NHANES) program of the National Center for Health Statistics shows that there has been a significant increase in the average weights of the U.S. population between 1960 and 2002. Accordingly, the Coast Guard is updating the average passenger weight used in stability tests and evaluations for those vessels that may be at risk of capsizing due to excessive passenger weight.

Legal Basis: The authority for the Coast Guard to prescribe, change, revise, or amend these regulations is provided under 33 U.S.C. 1321(j); 43 U.S.C. 1333; 46 U.S.C. 2103, 3205, 3306, 3307, 3703, and 6101; 49 U.S.C. App. 1804; E.O. 111735, 38 FR 21243, 3 CFR, 1971 to 1975 Comp., p. 743; E.O. 12234; 45 FR 58801, 3 CFR, 1980 Comp., p. 277; and Department of Homeland Security Delegation No. 0170.1.

Alternatives: The Coast Guard advised mariners through a Federal Register notice on April 26, 2006 (71 FR 24732) to voluntarily follow revised procedures to account for increased passenger weight when calculating the maximum number of persons permitted on board. The notice advised owners and operators of all pontoon vessels, and small passenger vessels not more than 65 feet in length, that met simplified stability requirements using either 140 or 160 pounds, to voluntarily restrict the maximum number of passengers permitted on board by: (1) Changing passenger capacity to a reduced number by dividing the total test weight by 185 pounds; or (2) changing passenger capacity to a reduced number equal to 140 divided by 185 times the current number of passengers permitted to be carried. If the total test weight was based on 160 pounds per person, the multiplier may be taken as 160 divided by 185; or (3) weighing persons and effects at dockside prior to boarding and limiting the actual load to the total test weight used in the vessel's SST or PSST. On November 2, 2006, the Coast Guard published a second notice in the Federal Register clarifying the environmental conditions appropriate for operation of small passenger vessels (71 FR 64546). Guidance, though, does not carry the force of law. A regulatory solution is necessary to enact changes to the mandatory passenger weight limitations. The Coast Guard also considered the option of directing Officers in Charge, Marine Inspection, pursuant to 46 CFR 178.210(c), to use a current assumed average passenger weight in stability tests for vessels under 65 feet in length. As with guidance, though, a policy directive is not enforceable and a regulatory change is necessary. A notice and comment rulemaking will be necessary for a comprehensive regulatory change that is based on the views of all interested parties.

Costs and Benefits: The first-year implementation cost estimate is \$4.5 million or \$4.7 million at 3 or 7 percent discount rates, respectively. The annual costs after the first year range between \$1.5 million and \$2.8 million, depending upon the year and the discount rate. These cost estimates may change through further development of the rulemaking and after consideration of public comments. The anticipated benefit is aligning regulation with the actual average passenger weight. We anticipate the revised weight standards would improve stability and reduce the risk of capsizings due either to passenger overloading or operating certain vessels in hazardous weather conditions, but have not assessed the extent of the risk reduction.

Risks: Passenger vessel capsizings can involve significant loss of life and property. This rulemaking would reduce the risk of such incidents by updating the average passenger weight used in stability tests and evaluations of certain vessels. Consequently, this rulemaking would increase passenger safety and

supports the Coast Guard's strategic goal of maritime safety.

Timetable:

Action	Date	FR Cite
NPRM	12/00/2008	

Regulatory Flexibility Analysis

Required: Business

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AB21

 [View Related Documents](#)

Title: Transportation Worker Identification Credential (TWIC); Card Reader Requirements (USCG-2007-28915)

Abstract: The Coast Guard is establishing electronic card reader requirements for maritime facilities and vessels to be used in combination with TSA's Transportation Worker Identification Credential.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 33 CFR subchapter H (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 1226, 1231; 46 USC Ch 701; 50 USC 191, 192; EO 12656

Legal Deadline: The final rule is required 2 years after the start of the pilot program.

Action	Source	Date
Other	Statutory	04/00/2010

Regulatory Plan:

Statement of Need: The Maritime Transportation Security Act (MTSA) of 2002 explicitly required the issuance of a biometric transportation security card to all U.S. merchant mariners and to workers requiring unescorted access to secure areas of facilities and vessels. On May 22, 2006, the Transportation Security Administration (TSA) and the Coast Guard published a Notice of Proposed Rule Making (NPRM) to carry out this statute, proposing a Transportation Worker Identification Credential (TWIC) Program where TSA conducts security threat assessments and issues identification credentials, while the Coast Guard requires integration of the TWIC into the access control systems of vessels, facilities and OCS facilities. This would have included the use of biometric TWIC readers by vessels, facilities, and OCS facilities. Based upon comments received during the public comment period, TSA and the Coast Guard bifurcated the TWIC rule. The final rule, published in January, addressed the issuance of the TWIC and use of the TWIC as a “flash pass” at access control points. The requirement for integration of the TWIC into access control systems via TWIC card readers was deliberately excluded from the first TWIC Final Rule due to technology, operational and economic feasibility concerns. While the private sector has employed biometrics for a number of years in controlled, office-like environments, very few studies have examined how biometric card readers will withstand the comparatively harsh environments of vessels and facilities. The standard for the design and issuance of the TWIC did not provide for the card to be read without inserting it into an open slot reader, which commenters felt was operationally insufficient for the rigors of application in the maritime environment. Also, several commenters stated that the cost of biometric card readers would be extremely detrimental for small entities. With this in mind, Congress enacted several statutory requirements within the Security and Accountability for Every (SAFE) Port Act of 2006 to guide regulations pertaining to TWIC card readers. This rulemaking is necessary to comply with the SAFE Port Act and to complete the implementation of the TWIC Program in our ports. By requiring electronic card readers at vessels and facilities, the Coast Guard will further enhance port security and improve access control measures.

Legal Basis: The statutory authorities for the Coast Guard to prescribe, change, revise, or amend these regulations are provided under 33 U.S.C. 1226, 1231; 46 U.S.C. chapter 701; 50 U.S.C. 191, 192; Executive Order 12656, 3 CFR 1988 Comp., p. 585; 33 CFR 1.05-1, 6.04-11, 6.14, 6.16, and 6.19; Department of Homeland Security Delegation No. 0170.1. The SAFE Port Act requires a final rule within two years of “commencement” of the TWIC pilot program. The SAFE Port Act also requires that the pilot program begin within 180 days from signature of the Act (October 13, 2006). This means our final rule must be promulgated by April of 2009.

Alternatives: Alternative 1: Use several, if not all, of the concepts introduced in the first TWIC rule NPRM to address card reader requirements. This would mean that every facility and vessel regulated by 33 CFR subchapter H would need to purchase or have access to at least one reader. Alternative 2: Don't implement a reader requirement, and instead have the Coast Guard do spot checks on regulated facilities and vessels using hand-held biometric card readers, while TWICs are used as flash passes. Alternative 3: Require the use of card readers at regulated facilities and vessels based upon the risk of an access control related Transportation Security Incident taking place. No non-regulatory alternatives are available at this time.

Costs and Benefits: The Coast Guard and TSA are in the process of revising earlier reader technology and compliance cost analysis from the Regulatory Evaluation used in support of the 2006 NPRM. Based on the 2006 Regulatory Evaluation, the average initial costs for affected owners and operators of vessels and facilities to acquire and install reader technology was approximately \$225.5 million in the first year (non- discounted) with technology replacement occurring every five years. Based on public comments and mandates from the SAFE Port Act, we plan to revise the 2006 cost estimates associated with reader technology by incorporating data and findings from the pilot program. The pilot program discussed in the SAFE Port Act focuses on business processes, measurements of available technology, and operational impacts of readers. As of the publication date of this Regulatory Plan, data has not been collected from the pilot program. The Coast Guard and TSA anticipate reader technology deployed at vessels and facilities will further enhance port security and improve access control measures.

Risks: During the rulemaking process, we will take into account the various conditions in which TWIC

card readers may be employed. For example, we will consider the types of vessels and facilities that will use TWIC readers, locations of secure and restricted areas, operational constraints, and need for accessibility. As part of this consideration, we are using the analytical hierarchy approach to incorporate Maritime Security Risk Analysis Model maximum consequence data, criticality, and TWIC utility factors to determine the level of TWIC authentication necessary at each type of facility and vessel. This will tie TWIC reader use requirements with facility and vessel risk, criticality, and TWIC utility. Recordkeeping requirements, amendments to security plans, and the requirement for data exchanges (i.e., TWIC hotlist) between TSA and vessel and facility owners/operators will also be addressed in this rulemaking. The MTSA of 2002 further required the TWIC to be applicable to vessel pilots (46 U.S.C. 70105(b)(2)(C)). Most vessel pilots are already included in the first TWIC Final Rule as many hold federally issued merchant mariner credentials. In this proposed rulemaking, we will propose extending the TWIC applicability to vessel pilots holding only state commissions or credentials. Similarly, MTSA required the TWIC to be applicable to "an individual engaged on a towing vessel that pushes, pulls, or hauls alongside a tank vessel" (46 U.S.C. 70105(b)(2)(D)). While we have included individuals working on towing vessels subject to 33 CFR part 104 in the first TWIC Final Rule, we will propose extending TWIC applicability to those individuals who work on towing vessels that push, pull, or haul alongside a tank vessel. Another vital part of this rulemaking will be the vessel crew size limitations described in the SAFE Port Act. We are currently evaluating minimum crew size options as a component of proposed electronic reader requirements aboard vessels. Finally, we will also revisit the concept of recurring unescorted access which was introduced in the first TWIC rule. As stated in the NPRM, published on May 22, 2006, "As a result of this desire to provide flexibility, we propose the concept of 'recurring unescorted access,' which is intended to allow an individual to enter on a continual basis, without repeating the personal identity verification piece." We will examine the risks and benefits of this provision and propose an appropriate solution for vessels and facilities with small contingents of regular employees.

Timetable:

Action	Date	FR Cite
NPRM	09/00/2008	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Business**Energy Affected:** Undetermined**RIN Information URL:** www.regulations.gov**Related RINs:** Related to 1625-AB02; Related to 1652-AA41**Agency Contact:** LCDR Jonathan H. Maiorine

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

RIN: 1625-AB24

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Title: Definition of Marine Debris for Purposes of the Marine Debris Research, Prevention, and Pollution Act

Abstract: This rulemaking project will propose a joint Coast Guard and NOAA definition of the term "marine debris" as required by the Marine Debris Research, Prevention, and Reduction Act, Pub. L. 109-449 sec. 5(b) (the Act). This definition will be added to 33 CFR part 151 and 15 CFR part 909 and will fulfill the statutory requirement in the Act. The Act does not authorize NOAA or the Coast Guard to undertake regulatory actions other than the promulgation of this definition, and the proposed definition of marine debris does not affect the regulatory or management activities of other federal agencies.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 151.3000 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: PL109-449(5)(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

Related Agencies: Joint : NOAA

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AB25

 [View Related Documents](#)

Title: Consumer Price Index Adjustments of Oil Pollution Act of 1990 Limits of Liability--Vessels, Deepwater Ports, and Certain Transportation-Related Onshore Facilities

Abstract: Pursuant to 33 U.S.C. 2704(d), this regulatory project will propose new regulations to adjust limits of liability provided under the Oil Pollution Act of 1990, at 33 U.S.C. 2704, to reflect significant increases in the Consumer Price Index (CPI). This rulemaking supports the Coast Guard's Strategic Goals of Maritime Stewardship and Maritime Safety. Market Failure: This regulation will allow affected industry to adequately respond to costs associated with marine pollution incidents as a result of adjusting limits of liability to include significant increases in CPI.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 138 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 33 USC 2704(d)

Legal Deadline: 33 USC 2704(d) requires development of regulations no later than July 10, 2009.

Action	Source	Date
Other	Statutory	07/10/2009

Timetable:

Action	Date	FR Cite
NPRM	09/00/2008	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Business**Energy Affected:** No**RIN Information URL:** www.regulations.gov**Agency Contact:** Benjamin White

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Government Levels Affected: Undetermined**Federalism:** No**Public Comment URL:** www.regulations.gov**Department of Homeland Security (DHS)****U.S. Coast Guard (USCG)****RIN:** 1625-AA18 [View Related Documents](#)**Title:** Outer Continental Shelf Activities (USCG-1998-3868)

Abstract: The Coast Guard is the lead Federal agency for workplace safety and health, other than for matters generally related to drilling and production that are regulated by the Minerals Management Service (MMS), on facilities and vessels engaged in the exploration for, or development or production of, minerals on the OCS. This project would revise the regulations on Outer Continental Shelf (OCS) activities to: 1) Add new requirements for fixed OCS facilities for lifesaving, fire protection, training, hazardous materials used as stores, and accommodation spaces; 2) require foreign vessels engaged in OCS activities to comply with requirements similar to those imposed on U.S. vessels similarly engaged; 3) allow all mobile inland drilling units to operate on the OCS out to a defined boundary line if they meet requirements for lifesaving, firefighting, and operations similar to those for fixed OCS facilities; and 4) add a Congressionally mandated component concerning notices of arrivals of foreign vessels on the OCS. This project would affect the owners and operators of facilities and vessels engaged in offshore activities associated with the exploration for, development of, or production of the resources of the OCS. In order to increase maritime domain awareness and security on the OSC, and pursuant to the SAFE Port Act (Pub. L. 109-347), this rule would also establish notice of arrival requirements for foreign vessels arriving on the OCS. It supports the Coast Guard's strategic goal of marine safety and environmental protection. Market or Regulatory Failure Analysis: Regulations need to be updated to account for technological change. The original regulations were intended for OCS activity in shallower water and closer to land. The regulations are also needed to better reflect current industry practices. A few owners and operators may not be able to internalize the benefits of these safety measures. Further, the diverse industry on the OCS is not capable of establishing uniform regulations.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 33 CFR 140 to 147 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 43 USC 1333(d)(1); 43 USC 1348(c); 43 USC 1356; PL 109-347, sec 109; Department of Homeland Security Delegation No. 0170.1.

Legal Deadline: The SAFE Port Act requires that, not later than 180 days after the date of the enactment of this Act, the Secretary shall update and finalize the rulemaking on notice of arrival for foreign vessels on the Outer Continental Shelf. To promulgate those rules as expeditiously as possible, the Coast Guard has inserted them into this rulemaking project.

Action	Source	Date
Other	Statutory	04/11/2007

Regulatory Plan:

Statement of Need: The last major revision of Coast Guard OCS regulations occurred in 1982. At that time, the offshore industry was not as technologically advanced as it is today. Offshore activities were in relatively shallow water near land, where help was readily available during emergency situations. The equipment regulations required only basic equipment, primarily for lifesaving appliances and hand-held portable fire extinguishers. Since 1982, the requirements in 33 CFR chapter I, subchapter N, have not kept pace with the changing offshore technology or the safety problems it creates as OCS activities extend to deeper water (10,000 feet) and move farther offshore (150 miles). This rulemaking reassesses all of our current OCS regulations in light of past experiences and new improvements in order to help make the OCS a safer workplace. Additionally, the rule would comply with Section 109 of the SAFE Port Act (Pub.L. 109-347) by including notice of arrival requirements for foreign vessels operating on the OCS.

Legal Basis: The authority for the Coast Guard to prescribe, change, revise or amend these regulations is provided under 14 U.S.C. 85; 43 U.S.C. 1333(d)(1), 1347(c), 1348(c), 1356; Public Law 109-347, Section 109; and Department of Homeland Security Delegation No. 0170.1. Section 145.100 also issued under 14 U.S.C. 664 and 31 U.S.C. 9701.

Alternatives: The Coast Guard considered filling the shortfall in existing OCS regulations by extending the current vessel and MODU regulations. This approach was rejected after concluding that the differences between fixed and floating units made this approach impractical. We also considered requiring compliance with industry standards. Those standards, though, do not cover all of the areas needing regulation. The new rule would adopt available consensus standards where appropriate. Nonregulatory alternatives, such as agency policy documents and voluntary acceptance of industry standards were also considered. They were also rejected, however, because enforceable regulations are necessary in order to carry out the relevant statutes.

Costs and Benefits: The first-year implementation cost estimate is \$64 million or \$67 million at three or seven percent discount rates, respectively. The annual costs after the first year range between \$7.5 million and \$19.2 million, depending upon the year and the discount rate. These cost estimates may change through further development of the rulemaking and after consideration of public comments. The anticipated benefit is to improve safety for OCS activities and align current regulations with current industry practice. Based on analysis of past marine casualties, the average annual benefit estimate from this rulemaking is \$1.3 million (non-discounted).

Risks: The extensive revisions to health and safety requirements for OCS units in this rule would substantially reduce the risk of injury or illness on those units. Additionally, a terrorist attack against a large OCS production facility could have a significant negative effect on the U.S. economy. By improving the ability of the Coast Guard to identify potential terrorists bound for the OCS and coordinate appropriate responses before they arrive, this rulemaking will expand maritime domain awareness and reduce the risk of terrorist actions against OCS units.

Timetable:

Action	Date	FR Cite
Other	06/27/1995	60 FR 33185
Comment Period End	09/25/1995	
NPRM	12/07/1999	64 FR 68416
NPRM	02/22/2000	65 FR 8671
NPRM Comment Period Extended	03/16/2000	65 FR 14226
NPRM	06/30/2000	65 FR 40559
NPRM Comment Period End	11/30/2000	
Interim Final Rule	09/00/2008	
Interim Final Rule Comment Period End	12/00/2008	
Final Action	12/00/2009	

Additional Information: Docket Numbers: 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.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1625-AA19

 [View Related Documents](#)

Title: Salvage and Marine Firefighting Requirements; Vessel Response Plans for Oil (USCG-1998-3417)

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 to 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. Market or Regulatory Failure Analysis: This rule addresses potentially inadequate levels of equipment/preparedness since operators do not

internalize the full marginal social costs of their actions. Uniform industry standards are required, and industry is incapable of establishing acceptable standards on a nationwide basis.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: Private Sector

CFR Citation: 33 CFR 155 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 33 USC 1321

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Other	02/12/1998	63 FR 7069
Other	01/17/2001	66 FR 3876
NPRM	05/10/2002	67 FR 31868
Other	06/12/2002	67 FR 40254
NPRM Comment Period Extended	08/07/2002	67 FR 51159
Other	08/07/2002	67 FR 51159
NPRM Comment Period End	10/18/2002	
Final Action	01/23/2004	69 FR 3236
Notice	01/03/2006	71 FR 125
Final Rule	02/09/2007	72 FR 6168
Final Action	12/00/2008	

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.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AA26

 [View Related Documents](#)

Title: Vessel and Facility Response Plans for Oil: 2003 Removal Equipment Requirements and Alternative Technology Revisions (USCG-2001-8661)

Abstract: This rulemaking will make changes to certain requirements for Vessel Response Plans and Marine Transportation Facility Response Plans, and revise the language in the Code of Federal Regulations concerning methods and procedures for removing oil from coastal waters. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources. Market or Regulatory Failure Analysis: The Coast Guard sets a minimum standard for the amount of cleanup capability an oil transportation company must maintain. The most promising new technology for mitigating the damage done by oil spills has been dispersants. Without regulation, industry would not overcome the high startup costs for implementing a new aerial dispersant system since they cannot internalize all the marginal social benefits of doing so. However, if all industry participants are required to provide dispersant capability, a large consortium can deliver the capability at a lower cost to the individual firm.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 154 to 155 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 1321

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	10/11/2002	67 FR 63331
NPRM Comment Period Extended	11/19/2002	67 FR 69697
NPRM Comment Period End	01/09/2003	
NPRM Comment Period End	04/08/2003	
Final Action	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AA92

 [View Related Documents](#)

Title: Alternate Compliance Program: Vessel Inspection Alternatives (USCG-2004-19823)

Abstract: This rulemaking would: Update the list in 46 CFR 2.01-25 of those SOLAS certificates required to be carried onboard and certificates that may be issued by an authorized classification society; Add, in 46 CFR 8.320(b), the following safety certificates to the list of international certificates that can be issued by an authorized classification society: SOLAS Passenger Ship Safety Certificate (PSSC); IMO High-Speed Craft (HSC) Safety Certificate; Add a condition to 46 CFR 8.420(c) stating that, in order for a recognized class society to be fully eligible to participate in the ACP, it must first be delegated issuing authority for the following certificates: SOLAS Cargo Ship Safety Construction Certificate; SOLAS Cargo Ship Safety Equipment Certificate; International Load Line Certificate; International Tonnage Certificate; International Oil Pollution Prevention Certificate; Extend eligibility in the ACP to Oceanographic Research Vessels by adding a new section 46 CFR 189.15-5 to reference part 8; and, remove references to the American Bureau of Shipping (ABS) throughout the ACP regulations and replace them with references to "authorized classification society." This rulemaking is intended to expand the benefits available under the ACP. This project supports the Coast Guard's strategic goals of facilitating maritime safety and mobility. Market or Regulatory Failure Analysis: No market failure was identified. ACP is a voluntary scheme. The justification for the regulation is the improved functioning of government.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 2; 46 CFR 8; 46 CFR 189 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/22/2007	72 FR 28650
NPRM Comment Period End	07/23/2007	
Final Action	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AB00

 [View Related Documents](#)

Title: Long Range Identification and Tracking of Ships (USCG-2005-22612)

Abstract: This rulemaking would require, consistent with international law, certain vessels to report identifying and position data electronically. The requirements would better enable the Coast Guard to correlate Long Range Identification and Tracking (LRIT) data with data from other sources, detect anomalies, and heighten our overall Maritime Domain Awareness (MDA). This rulemaking will implement an International Maritime Organization amendment to chapter V of the International Convention for the Safety of Life at Sea (SOLAS). This project is consistent with the Coast Guard's strategic goal of maritime security, maritime safety, and the Department's strategic goals of awareness, prevention, protection, and response. Market or Regulatory Failure Analysis: Cargo vessels 300 gross tons or more, passenger vessels that carry more than 12 passengers and MODUs that transit within 1,000 nm of the U.S. (including vessels on an innocent passage) would be required to submit the electronic position of the vessel through existing onboard equipment. This is an effort to track vessels that may or may not call on a U.S. port as authorized under the MTSA 2002. These security regulations address the fact that markets do not provide security because owners of ships cannot capture the full marginal benefits of security.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 33 CFR 169 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: sec 102 of PL 107-295; 33 USC 1231; 46 USC 70115

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

Action	Source	Date
Other	Statutory	04/01/2007

Timetable:

Action	Date	FR Cite
NPRM	10/03/2007	72 FR 56600
NPRM Comment Period End	01/02/2008	
Final Rule	11/00/2008	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AB12

 [View Related Documents](#)

Title: Tank Level or Pressure Monitoring Devices: Removal of Regulations

Abstract: This rulemaking would remove the requirements found in title 33 Code of Federal Regulations (CFR) parts 155 and 156 for tank level or pressure monitoring (TLPM) devices as published in the Federal Register of September 17, 2002 (67 FR 58515). Authority to remove these regulations comes from section 702 of Public Law 108-293. Market or Regulatory Failure Analysis: No market failure was identified. Since the Coast Guard published the final rule in September 2002, no TLPM devices have been submitted to the Coast Guard for approval, and there are currently no devices on the market that meet the performance requirements of 33 CFR 150.490 for a TLPM device. The justification is improved functioning of government.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 155; 33 CFR 156 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/2008	
Interim Final Rule Comment Period End	07/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AB16

 [View Related Documents](#)

Title: Large Passenger Ship Crew Requirements (USCG-2007-27761)

Abstract: The Coast Guard proposes to create a Merchant Mariner's Document (MMD) citizenship exemption for stewards who will be working aboard large passenger vessels. This action has been mandated by Congress in 46 U.S.C. 8103(k). The rulemaking would support the Coast Guard's strategic goal of Maritime Safety. Market or Regulatory Failure Analysis: Owners of such U.S. flagged vessels have informed Congress and the Coast Guard that the current U.S. citizenship requirements are impeding their ability to hire and retain stewards. Foreign competition is forcing some of these cruise vessels to reflag with foreign states. This action has been mandated by Congress in 46 U.S.C. 8103(k). Justification is improved functioning of government inasmuch as policy change reflects market realities and adapts MMDs to capture this.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 10, 12 and 15 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 46 USC 8103(k); 14 USC 633; 31 USC 9701; 46 USC 2101, 2103, 2110; 46 USC ch 71; 46 USC 7502, 7505, 7701, 8906; Department of Homeland Security Delegation No 0170.1

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Other	04/24/2007	72 FR 20278
Interim Final Rule Comment Period End	07/23/2007	
Final Rule	09/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AB26

 [View Related Documents](#)

Title: Implementation of Vessel Security Officer Training and Certification Requirements--International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978

Abstract: The Coast Guard proposes to amend its regulations to implement the vessel security officer training and certification amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, and the Seafarers' Training, Certification and Watchkeeping Code. These proposed amendments seek to incorporate the training and qualifications requirements for vessel security officer into the requirements for the credentialing of United States Merchant Mariners.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR part 104; 46 CFR parts 10 and 15 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 33 USC 1226, 1231; 46 USC 701; 50 USC 191; 33 CFR 1.05 to 1, 6.04 to 11, 6.14, 6.16, 6.19; DHS Security Delegation No 0170.0

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov**Related RINs:** Related to 1625-AA16

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Department of Homeland Security (DHS)
U.S. Coast Guard (USCG)
RIN: 1625-AA00
 [View Related Documents](#)
Title: Safety Zone Regulations

Abstract: The Coast Guard uses these routine and frequent regulations to establish control of access to areas to ensure the safety of events, vessels, or individuals. Many of these zones are of short duration, ranging from a few hours to a few days, and all are geographically limited in area. Safety zones, defined in 33 CFR 165.20, are established for events such as fireworks displays, high-speed races, bridge repairs, dredging, or salvage operations, or the transit of dangerous cargoes such as explosives or liquefied petroleum gas. Safety zones are promulgated by Captains of the Port or District Commanders. These routine and frequent rulemakings support the Coast Guard's strategic goals of marine safety, maritime mobility, and protection of natural resources. Safety zones under the Outer Continental Shelf Lands Act are also included in these routine and frequent regulations. The total actions expected is 150 annually.

Priority: Routine and Frequent**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 33 CFR 165 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 33 USC 1226; 33 USC 1231; 33 USC 1333; 50 USC 191; 50 USC 195; 14 USC 85**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Other	00/00/0000	

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

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

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

RIN: 1625-AA01

 [View Related Documents](#)
Title: Special Anchorage Areas/Anchorage Grounds Regulations

Abstract: These routine and frequent regulations are established where maritime and commercial interests require them for safety of navigation. Special anchorage areas are areas in which vessels of not more than 65 feet may anchor without displaying the required lights or sound signals. These special anchorage areas are limited geographically, and depending upon the purpose, establish both long- and short-term anchorages. Anchorage grounds are limited geographically, delineate the types and size of vessel which may use the anchorage, and may place time and other restrictions on its use. Special anchorage areas and anchorage grounds are promulgated by District Commanders in response to requests from appropriate officials. These routine and frequent rulemakings support the Coast Guard's strategic goal of marine safety. The total actions expected is 15 annually.

Priority: Routine and Frequent**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 33 CFR 110 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 33 USC 471; 33 USC 2030; 33 USC 2035; 33 USC 2071**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Other	00/00/0000	

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

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

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

RIN: 1625-AA02

 [View Related Documents](#)
Title: Discharge-Removal Equipment for Vessels Carrying Oil (CGD 90-068)

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. Market or Regulatory Failure Analysis: Without regulation, we do not expect industry to incur the costs to develop, install, and maintain such equipment. Potential environmental costs of discharge are not internalized by vessel owners. This regulation is needed to ensure owners/operators costs reflect the marginal social costs of their actions.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 33 CFR 155 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 33 USC 1321**Legal Deadline:**

Action	Source	Date
Other	Statutory	08/18/1992

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
ANPRM	08/30/1991	56 FR 43534
ANPRM Comment Period End	10/16/1991	
NPRM	09/29/1992	57 FR 44912
NPRM Comment Period End	10/29/1992	
NPRM Comment Period Extended	10/26/1992	57 FR 48489
NPRM	11/16/1992	
Interim Final Rule	12/22/1993	58 FR 67988
Correction	01/26/1994	59 FR 3749
Interim Final Rule Effective	01/21/1994	
Interim Final Rule Comment Period End	02/22/1994	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**Agency Contact:** David A. DuPont

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Department of Homeland Security (DHS)**U.S. Coast Guard (USCG)****RIN:** 1625-AA08 [View Related Documents](#)**Title:** Regatta and Marine Parade Regulations

Abstract: These routine and frequent, special local regulations ensure the safety of participants and spectators during regattas and marine parades. The regulations or rules specify such controls as separate participant and spectator areas, separation schemes for watercraft in the area of the event, and temporary restrictions on waterways to accommodate the event. These rules are short-term in nature, usually applying to a single event not exceeding 8 hours in duration, and usually encompass only a small portion of a navigable waterway. These rules are promulgated by District Commanders in response to a request from an event-sponsoring organization. These routine and frequent rulemakings support the Coast Guard's strategic goals of maritime safety and maritime mobility of commercial and recreational vessel traffic. The total actions expected is about 70 annually.

Priority: Routine and Frequent**Agenda Stage of Rulemaking:** Long-term Action

Major: No**Unfunded Mandates:** No**CFR Citation:** 33 CFR 100 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 33 USC 1233**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Other	00/00/0000	

Additional Information: Routine and frequent rulemakings issued under this RIN will have individual docket numbers.**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** Business; Organizations**Federalism:** No**Agency Contact:** George Detweiler

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Department of Homeland Security (DHS)**U.S. Coast Guard (USCG)****RIN:** 1625-AA09 [View Related Documents](#)**Title:** Drawbridge Regulations**Abstract:** These routine and frequent regulations establish operating schedules and notice requirements for drawbridges across navigable waterways. Drawbridge regulations establish the permanent draw operation schedules for bridges and specify what notice mariners must give to request an opening. Short-term deviations from the permanent schedule may be issued for bridge repairs or to test the effectiveness of a proposed new opening schedule. Drawbridge regulations are promulgated by District Commanders usually at the request of the bridge owner or operator, or of local officials or local Coast Guard bridge administration officials. These routine and frequent rulemakings support the Coast Guard's strategic goals of maritime safety and maritime mobility of commercial and recreational vessel traffic. The total actions expected is 140 annually.**Priority:** Routine and Frequent**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 33 CFR 117 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 33 USC 499**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Other	00/00/0000	

Additional Information: Routine and frequent rulemakings issued under this RIN will have individual docket numbers.**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** Business; Governmental Jurisdictions**Federalism:** No

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

RIN: 1625-AA10

 [View Related Documents](#)

Title: Escort Vessels in Certain U.S. Waters (CGD 91-202a)

Abstract: This rule would designate those U.S. waters, other than Prince William Sound and Puget Sound, where tankers and other vessels must be escorted by a towing vessel or other appropriate vessel. This project supports the Coast Guard's Prevention Program's goal to reduce the amount of oil discharged into the marine environment and the Coast Guard's strategic goal of protecting natural resources. It is significant because of substantial public and State government interest. Market or Regulatory Failure Analysis: Regulations need to be updated. This rule would provide requirements where tankers and other vessels must be escorted by a towing vessel or other appropriate vessel. Owners and operators may not be able to internalize the benefits of such measures. These measures are expected to reduce the amount of oil discharged into the marine environment and to protect natural resources. This regulation is needed to ensure that owners'/operators' costs reflect the marginal social costs of their actions.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 168 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
ANPRM	04/27/1993	58 FR 25766
ANPRM Comment Period End	06/28/1993	
Other	12/21/1994	59 FR 65741
NPRM Comment Period End	02/13/1995	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: Undetermined

Energy Affected: No

Related RINs: Related to 2115-AE10

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

RIN: 1625-AA11

 [View Related Documents](#)

Title: Regulated Navigation Areas

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 are 11 annually.

Priority: Routine and Frequent

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 165 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Other	00/00/0000	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 1625-AA12

 [View Related Documents](#)

Title: Marine Transportation-Related Facility Response Plans for Hazardous Substances (USCG-1999-5705)

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. Market or Regulatory Failure Analysis: Industry response plans for incidents involving hazardous and noxious liquid substance at facilities lack timely and adequate measures to clean spills due to the high cost of retaining the service of qualified and equipped professionals for emergency response. Since individual firms cannot internalize the benefit and costs for implementing a hazardous substance response system are high, a capable response program has not been established. However, if all industry participants are required to provide a minimum response capability, a large consortium can deliver the capability at a manageable cost to the individual firm.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 154 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
ANPRM	05/03/1996	61 FR 20084
Other	07/03/1996	61 FR 34775
ANPRM Comment Period End	09/03/1996	
NPRM	03/31/2000	65 FR 17416
NPRM Comment Period End	06/29/2000	

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.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: dms.dot.gov

Public Comment URL: dms.dot.gov

Related RINs: Related to 1625-AA13

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

RIN: 1625-AA13

 [View Related Documents](#)
Title: Tank Vessel Response Plans for Hazardous Substances (USCG-1998-4354)

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. Market or Regulatory Failure Analysis: Industry response plans for incidents involving hazardous and noxious liquid substance from vessels lack timely and adequate measures to clean spills due to the high cost of retaining the service of qualified and equipped professionals for emergency response. Since individual firms cannot internalize the benefit and costs for implementing a hazardous substance response system are high, a capable response program has not been established. However, if all industry participants are required to provide a minimum response capability, a large consortium can deliver the capability at a manageable cost to the individual firm.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 155 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
ANPRM	05/03/1996	61 FR 20084
Other	07/03/1996	61 FR 34775
ANPRM Comment Period End	09/03/1996	
NPRM	03/22/1999	64 FR 13734
NPRM Comment Period Extended	06/15/1999	64 FR 31994
Other	06/15/1999	64 FR 31994
NPRM Comment Period End	06/21/1999	
Other	08/30/1999	

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.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: dms.dot.gov

Public Comment URL: dms.dot.gov

Related RINs: Related to 1625-AA12

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

RIN: 1625-AA14

 [View Related Documents](#)

Title: Numbering of Undocumented Barges (USCG-1998-3798)

Abstract: Title 46 U.S.C. 12301, as amended by the Abandoned Barge Act of 1992, requires that all undocumented barges of more than 100 gross tons operating on the navigable waters of the United States be numbered. This rulemaking would establish a numbering system for these barges. The numbering of undocumented barges will allow identification of owners of barges found abandoned and help prevent future marine pollution. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources. Market or Regulatory Failure Analysis: Unnumbered barges are often abandoned in America's waterways, causing potential environmental damage or property damage if they drift away. Such barges need to be properly disposed of by their owners. Owners and operators may not be able to internalize the benefits of these measures.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 189 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 46 USC 12301

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Other	10/18/1994	59 FR 52646
Comment Period End	01/17/1995	
ANPRM	07/06/1998	63 FR 36384
ANPRM Comment Period End	11/03/1998	
NPRM	01/11/2001	66 FR 2385
NPRM Comment Period End	04/11/2001	
NPRM	08/12/2004	69 FR 49844
NPRM Comment Period End	11/10/2004	

Additional Information: Old Docket Number CGD 93-091.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1625-AA17

 [View Related Documents](#)

Title: Limited Service Domestic Voyage Load Lines for River Barges on Lake Michigan (USCG-1998-4623)

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. Market or Regulatory Failure Analysis: The load line regime is a voluntary scheme to allow qualified non-load line river barges to operate on the Great Lakes. This provides an economic advantage to those river barge operators that choose to follow this scheme.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 45 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 46 USC 51

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	11/02/1998	63 FR 58679
NPRM Comment Period Extended	12/28/1998	63 FR 71411
NPRM Comment Period End	01/04/1999	
NPRM Comment Period End	03/04/1999	
Interim Final Rule	04/23/2002	67 FR 19685
Interim Final Rule Effective	05/23/2002	
Other	06/20/2002	
Interim Final Rule	06/20/2002	67 FR 41847
Interim Final Rule Comment Period End	10/23/2002	

Additional Information: Old Docket Number CGD 95-015.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business; Organizations

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1625-AA21

 [View Related Documents](#)

Title: Commercial Diving Operations (USCG-1998-3786)

Abstract: This project involves reviewing and updating the commercial diving regulations, which were first adopted in 1977. A review of the commercial diving regulations is needed to determine what parts should be updated or changed based on the current standards of safety, technology, and industry practices and to evaluate and minimize any significant economic impact of the rules upon small entities. The project supports the Coast Guard Marine Safety, Security and Environmental Protection Program's goal to reduce deaths and injuries on U.S. commercial vessels and the Coast Guard's strategic goal of maritime safety. Market or Regulatory Failure Analysis: Currently, the commercial diving industry remains one of the most hazardous occupations in the United States. Many commercial diving companies do not meet basic diving safety standards as outlined by ADCI or other consensus standards. Without regulatory action, not all individual owners of commercial diving companies will voluntarily invest in improved safety due to the inability to internalize the benefit.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 197 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	
ANPRM	06/26/1998	63 FR 34840
Other	09/23/1998	63 FR 50848
ANPRM Comment Period End	11/09/1998	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1625-AA22

 [View Related Documents](#)
Title: Improvements to Maritime Safety in Puget Sound-Area Waters (USCG-1998-4501)

Abstract: This rulemaking would promulgate measures to improve maritime safety in Puget Sound-Area waters including Puget Sound, the Strait of Juan de Fuca, passages around and through the San Juan Islands, and the Olympic Coast National Marine Sanctuary. Based on a determination by the Secretary of Transportation regarding the status of maritime safety in the Puget Sound area, the Coast Guard has initiated a comprehensive cost-benefit analysis to study the feasibility of implementing new safety measures, including extended tug escort requirements and a dedicated response vessel. Public input will help focus this cost-benefit analysis and develop any future proposed rules, if deemed necessary. This rulemaking supports the Coast Guard Prevention Program's goal to reduce the amount of oil discharged into the marine environment and the Coast Guard's strategic goal of protection of natural resources. This is a significant action due to substantial public interest. Market or Regulatory Failure Analysis: The Coast Guard is addressing the potential for an increase in vessel collisions and allisions in the Puget Sound area due to the volume of traffic using these waters. Certain safety measures discussed in the rulemaking will improve maritime safety while accommodating the current volume of traffic. Public input is expected to assist the Coast Guard in sharpening this cost-benefit analysis, and to determine to what degree a market failure exists with respect to vessel operators not internalizing the full marginal social costs of their actions.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 33 CFR ch 1 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 33 USC 1223 to 1224**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
ANPRM	11/24/1998	63 FR 64937
ANPRM Comment Period End	05/24/1999	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** Business**Federalism:** Undetermined**Energy Affected:** No**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov**Agency Contact:** LCDR Vivianne Louie

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

RIN: 1625-AA25

 [View Related Documents](#)
Title: Cargo Securing on Vessels Operating in U.S. Waters (USCG-2000-7080)

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 priorities of strengthening regimes for the U.S. maritime domain and developing a national capacity for MTS recovery. Market or Regulatory Failure Analysis: Coast Guard regulations need to be updated in this area. Improper stowage or securing of cargo can lead to damage or loss of cargo and affect stability of the vessel. The rules are expected to increase maritime safety and protection of natural resources. The regulation addresses market failure of operators not fully internalizing the marginal benefits of security or the marginal social costs of inadequate environmental protection.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 97 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 46 USC 3306

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM	12/01/2000	65 FR 75201
NPRM Comment Period End	03/01/2001	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1625-AA48

 [View Related Documents](#)

Title: 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)

Abstract: This rulemaking will propose amendments to the existing traffic separation schemes (TSS): in the Strait of Juan de Fuca and its approaches; in Puget Sound and its approaches; in Haro Strait, Boundary Pass, and in the Strait of Georgia. These amendments are approved by the International Maritime Organization and have been validated by several recent vessel routing studies. With the amendments in place, commercial vessels would be routed farther offshore when entering or departing the TSS, providing an extra margin of safety and environmental protection in the Olympic Coast National Marine Sanctuary and adjacent waters. This rulemaking will incorporate the modified TSS into the Code of Federal Regulations. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources. Market or Regulatory Failure Analysis: Current volume and pattern of vessel traffic operating in this area indicates a need to impose safety measures on vessel movements such as traffic separation schemes to reduce potential for collisions and allisions. This addresses market failure of operators not being able to internalize the potential environmental costs of current practices.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 167 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 33 USC 1223

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	08/27/2002	67 FR 54981
NPRM Comment Period End	10/28/2002	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

Small Entities Affected: Business

Federalism: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AA58

 [View Related Documents](#)

Title: Vessel Traffic Service Lower Mississippi River (USCG-1998-4399)

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 Above Head of Passes (AHP). Unlike traditional VTSeS, 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. Market or Regulatory Failure Analysis: Due to the diversity of vessel traffic operating in the Lower Mississippi River, maritime industry is not capable of imposing uniform traffic control measures and enforcing compliance on all users. The justification is improved functioning of government and that it addresses the market failure resulting from potentially inadequate vessel safety and mobility.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 26; 33 CFR 161; 33 CFR 165 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 33 USC 1223(a)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Second NPRM	00/00/0000	
NPRM	04/26/2000	65 FR 24616
NPRM Comment Period End	07/25/2000	
NPRM COmment Period Reopened	08/18/2000	65 FR 50479
NPRM Comment Period End	12/01/2000	

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).

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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U.S. Coast Guard (USCG)

RIN: 1625-AA59

 [View Related Documents](#)

Title: Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard (USCG 1998-3472)

Abstract: The Coast Guard maintains two separate sets of procedural rules: (1) The administrative adjudication rules against merchant mariners' licenses, certificates of registry, and documents; (2) and those for the adjudication of class II civil penalties. The rules for suspension and revocation, contained in part 5 of title 46 of the Code of Federal Regulations (CFR), date from 1948, and are based on criminal procedure. The rules for class II civil penalties, contained in part 20 of title 33 of the CFR, date from 1994, and are based on the Model Rules of Administrative Procedure and on other modern rules for civil procedure. Neither set implements the authority of the Oil Pollution Act of 1990 (OPA 90), which provides for the temporary suspension of a license, certificate of registry, or document for up to 45 days without a hearing, in certain circumstances, and a hearing within 30 days of any such suspension. This rulemaking would consolidate all procedural rules for administrative adjudications for class II civil penalties, and allow the Coast Guard to promulgate regulations implementing the OPA 90 authority. This project supports the strategic goal of the Coast Guard to promote marine safety. It would also align our rules with the Coast Guard and Maritime Transportation Act of 2004. Market or Regulatory Failure Analysis: The Coast Guard is updating its rules of procedure in these areas to conform to statutory requirements and improve administrative due process. The justification of the regulation is improved functioning of government.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 20; 46 CFR 5 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Supplemental NPRM	00/00/0000	
NPRM	04/06/1998	63 FR 16731
NPRM Comment Period End	05/06/1998	
NPRM COmment Period Reopened	05/20/1998	63 FR 27700
NPRM Comment Period End	06/19/1998	
Interim Final Rule	05/24/1999	64 FR 28054
Other	06/28/1999	64 FR 34540
Interim Final Rule Effective	06/23/1999	
Interim Final Rule Comment Period End	07/23/1999	
Other	10/05/1999	64 FR 53970
Interim Final Rule Comment Period End	04/03/2000	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1625-AA81

 [View Related Documents](#)

Title: Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Documents (MMDs) (USCG-2003-14500)

Abstract: This rulemaking describes enhancements to the application procedures for the "Merchant Mariners Documents" required for ocean-going and Great Lakes vessels of over 100 gross tons. This includes showing up physically at a Regional Exam Center (REC) at least once during each application and furnishing proof of identity, fingerprinting, and a background check. Market or Regulatory Failure Analysis: The proposed rulemaking would require mariners seeking to renew their merchant mariner document to visit a regional exam center and furnish fresh fingerprints enabling a criminal record review. The change would enhance maritime security by increasing the likelihood that MMDs would only go to persons eligible to receive them. Without regulation, the market would not transmit to mariners the benefits of the enhanced security resulting from the REC visit. As a result, most mariners would not voluntarily visit the REC and the benefits would not be realized.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** Undetermined**Unfunded Mandates:** No**CFR Citation:** 46 CFR 12 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 46 USC 21; 46 USC 73; 46 USC 75; 46 USC 77**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
Public meeting	02/20/2003	68 FR 8326
Notice	04/08/2003	68 FR 17064
Interim Final Rule	01/06/2004	69 FR 526
Correction	02/11/2004	69 FR 6575
Interim Final Rule Comment Period End	04/05/2004	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov**Related RINs:** Related to 1625-AA85; Related to 1625-AA41; Related to 1625-AB02**Agency Contact:** Mr. Gerald P. Mianta

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

RIN: 1625-AA83

 [View Related Documents](#)

Title: Review and Update of Standards for Marine Equipment (USCG-2003-16630)

Abstract: This project incorporates 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. Market or Regulatory Failure Analysis: The rule updates national standards for marine equipment. Industry is not able to develop and maintain consistent uniform national standards that are compliant with international conventions. This not only improves the functioning of government, but also addresses the issue of the marginal social benefits provided by uniform standards.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 32; 46 CFR 50; 46 CFR 52; 46 CFR 53 to 54; 46 CFR 56; 46 CFR 58 to 59; 46 CFR 61 to 63; 46 CFR 76; 46 CFR 92; 46 CFR 110 to 111; 46 CFR 113; 46 CFR 162; 46 CFR 170; 46 CFR 175; 46 CFR 182 to 183 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 46 USC 3306; 46 USC 4102; 46 USC 4302

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	06/30/2004	69 FR 39742
NPRM Comment Period End	09/28/2004	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1625-AA85

 [View Related Documents](#)

Title: Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Licenses and Certificates of Registry (USCG-2004-17455)

Abstract: This rule imposes certain security-related requirements on merchant mariners in order to obtain a license or certificate of registry (COR). Applicants would be required to appear in person at least once during the application process, to provide two acceptable forms of identification, and be fingerprinted by Coast Guard personnel. This appearance requirement is intended to be an interim measure until the appearance requirement in the Transportation Worker Identification Credential rulemaking is fully implemented. Market or Regulatory Failure Analysis: The proposed rulemaking would require mariners seeking to renew their license or certificate of registry to visit a regional exam center (REC) and furnish fresh fingerprints enabling a criminal record review. The change would enhance maritime security by increasing the likelihood that licenses and CORs would only go to persons eligible to receive them. Without regulation, the market would not transmit to mariners the benefits of the enhanced security resulting from the REC visit. As a result, most mariners would not voluntarily visit the REC and the benefits would not be realized.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 10 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule Effective	01/13/2006	
Interim Final Rule	01/13/2006	71 FR 2154
Interim Final Rule Comment Period End	04/13/2006	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

Related RINs: Related to 1625-AA81; Related to 1625-AB02

Related Agencies: Common: TSA

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

RIN: 1625-AA87

 [View Related Documents](#)

Title: Security Zone Regulations

Abstract: The Coast Guard uses these routine and frequent regulations to establish control of access to areas to ensure the security of vessels, waterfront facilities, or individuals. Many of these zones are of short duration, a few hours to a few days, and all are geographically limited in area. Security zones are established for Presidential or Vice Presidential visits, high profile events such as the Olympics, controversial events such as transport of spent nuclear fuel, and in response to the threat of terrorist attacks. Some security zones are implemented only at heightened security levels and only for the duration of the heightened alert. Security zones are promulgated by Captains of the Port or District Commanders. These routine and frequent rulemakings support the Coast Guard's strategic goals of marine security, mobility, protection of natural resources, and national defense. The total actions expected is 100 annually.

Priority: Routine and Frequent

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 165 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Case Opened	00/00/0000	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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Department of Homeland Security (DHS)

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RIN: 1625-AA89

 [View Related Documents](#)

Title: Dry Cargo Residue Discharges in the Great Lakes (USCG-2004-19621)

Abstract: The historical practice of bulk dry cargo vessels on the Great Lakes is to wash or otherwise deposit cargo residues (“dry cargo residue” or “cargo sweepings”) overboard. Dry cargo residue is cargo left on the deck or cargo spaces after loading or unloading operations. Generally, these residues include limestone and other clean stone, iron ore (such as taconite), coal and salt, and cement. These substances are primarily inorganic and thought to be non-toxic and non-hazardous. Dry cargo residues from conveyor belts and cargo holds are collected and deposited overboard and the post-loading residues are washed off the deck and other working spaces to eliminate unsafe conditions onboard the vessel, without requiring alternatives that could involve time delays or added cost. The implementing regulations for the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL Annex V) prohibits the discharge of “garbage,” which these sweepings are considered, into the Great Lakes. However, under an “interim enforcement policy” (IEP) first adopted by the USCG’s Ninth District in 1993, and revised/reissued in 1995 and again in 1997, these requirements were not enforced so as to allow the continuation of cargo sweeping under certain conditions. Public Law 108-293 also directs the Coast Guard to undertake any environmental assessment that would be necessary to support new regulations; this assessment is in progress. Market or Regulatory Failure Analysis: The Coast Guard is currently governing the discharge of dry cargo residues (DCR) into the Great Lakes through the Interim Enforcement Policy (IEP), in which certain DCR discharges are allowed in certain designated areas. Following expiration of the IEP on September 30, 2008, if the Coast Guard does not promulgate new regulations, the stricter provisions of MARPOL Annex V and APPS would take full effect, resulting in the prohibition of DCR discharges into the Great Lakes. The Coast Guard is currently studying if the IEP results in a market failure (i.e., over-provision of discharge and marginal social costs greater than industry costs). If so, a new regulation is needed to provide a balance between the need to protect the Great Lakes environment and the need for safe and reasonable operation of Great Lakes commercial dry bulk carriers.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 151 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: PL 108-293

Legal Deadline: Public Law 108-293 directs the Coast Guard to continue implementation of an existing enforcement policy that regulates incidental dry cargo residue on the Great Lakes, until September 30, 2008, or until the promulgation of new regulations that would replace the existing policy.

Action	Source	Date
Other	Statutory	09/30/2008

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: Undetermined

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1625-AA90

 [View Related Documents](#)

Title: Pollution Prevention Equipment (USCG-2004-18939)

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. Market or Regulatory Failure Analysis: MARPOL Annex I has been updated due to improved technology in pollution prevention equipment, which will reduce the adverse impacts of maritime industry operations on the environment. Older systems had difficulty separating emulsified contaminants and were often subject to tampering due to malfunctioning alarms. The proposed rule updates the required equipment standards and is necessary to align Coast Guard standards with MARPOL. Potential environmental costs of pollution are not internalized by vessel owners. Regulation needed to ensure owners/operators costs reflect the marginal social costs of their actions.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 33 CFR 155; 33 CFR 157; 46 CFR 162 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 33 USC 1903; 46 USC 3703; DHS Delegation No. 0170.1

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/0000	
NPRM	11/03/2005	70 FR 67066
NPRM Comment Period End	02/01/2006	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: Business; Governmental Jurisdictions; Organizations

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1625-AA93

 [View Related Documents](#)

Title: Notification of Arrival in U.S. Ports; Certain Dangerous Cargoes; Electronic Submission (USCG-2004-19963)

Abstract: This rulemaking project would permanently revise the Notice of Arrival (NOA) regulation, 33 CFR part 160, subpart C, by: 1) Adding to the list of certain dangerous cargo (CDC) ammonium nitrate and certain ammonium nitrate-based fertilizers, in bulk, as well as propylene oxide, alone or mixed with ethylene oxide, in bulk; 2) adding two options for vessels to submit NOAs electronically, and 3) and define CDC residue. In addition, the proposed rule would clarify that foreign, but not U.S., recreational vessels must submit NOAs. This rulemaking would also permanently revise 33 CFR parts 104 and 105 as necessary. This project supports the Coast Guard's strategic goals of maritime safety, maritime security, and protection of natural resources. Market or Regulatory Failure Analysis: This rulemaking clarifies that certain chemicals would no longer be classified as CDC if found in residual amounts after cargo has been transferred. The justification for the regulation is the improved functioning of government and lifting a burden on the affected economic sector.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 160; 33 CFR 104; 33 CFR 105 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	
Interim Final Rule	12/16/2005	70 FR 74663
Interim Final Rule Effective	01/17/2006	
Interim Final Rule Comment Period End	03/16/2006	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

Related RINs: Related to 1625-AA41; Related to 1625-AA96; Related to 1625-AA99

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

RIN: 1625-AB02

 [View Related Documents](#)
Title: Consolidation of Merchant Mariner Qualification Credentials (USCG-2006-24371)

Abstract: The Coast Guard proposes to streamline the existing merchant mariner qualification credentialing process to minimize redundant requirements and simplify the credentialing program. This rulemaking works in tandem with the joint Final Rule published by the Coast Guard and the Transportation Security Administration entitled "Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License," RIN 1652-AA41. It proposes to combine the individual Merchant Mariner Document, License, Certificate of Registry, and STCW endorsement into a single certificate termed the Merchant Mariner Credential (MMC), which will be endorsed to reflect a mariner's level of qualification. The Coast Guard also proposes to streamline the application process for the MMC by removing the requirement that all mariners appear at least once at one of 17 Regional Exam Centers. Instead, the information previously submitted by the applicant at the REC would be obtained in the TWIC enrollment process and shared with the Coast Guard by the Transportation Security Administration. Market or Regulatory Failure Analysis: The existing regulations require revision in order to reflect recent changes in mariner credentialing resulting from the Transportation Worker Identification Credential (TWIC) rulemaking. In general, regulation is needed because industry cannot internalize the benefits of the enhanced maritime safety and security that would be created by assuring that only eligible and qualified persons serve as mariners, thus the benefits would not be realized without regulation.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No

CFR Citation: 33 CFR 1; 33 CFR 14; 33 CFR 20; 33 CFR 70; 33 CFR 95; 33 CFR 101; 33 CFR 110; 33 CFR 125; 46 CFR 1; 46 CFR 4; 46 CFR 5; 46 CFR 10 to 15 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	05/22/2006	71 FR 29462
NPRM Comment Period End	07/06/2006	
Notice	01/25/2007	72 FR 3605

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

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

Energy Affected: No**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov**Related RINs:** Related to 1652-AA41**Related Agencies:** Joint: TSA**Agency Contact:** LCDR Derek A. Dorazio

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Department of Homeland Security (DHS)**U.S. Coast Guard (USCG)****RIN:** 1625-AB06 [View Related Documents](#)**Title:** Inspection of Towing Vessels (USCG-2006-24412)

Abstract: This rulemaking would add Coast Guard regulations to implement a program of inspection for towing vessels, which were previously uninspected. It would prescribe standards for design, construction, subdivision, and stability, alteration and repair of superstructures, hulls, fittings, equipment, appliances, propulsion machinery, auxiliary machinery, boilers, unfired pressure vessels, piping, electrical installations, accommodations, lifesaving equipment and its use, firefighting equipment and its use, precautionary measures to guard against fire, inspections and tests related to the above list, and use of vessel stores and other supplies of a dangerous nature. Market or Regulatory Failure Analysis: Sec. 415 of the Coast Guard and MTA 2004 added all towing vessels to the list of vessels subject to inspection for certification. As a result, thousands of towing vessels and a significant number of other vessels that engage in various towing activities, will become subject to inspection by the CG for the first time for compliance with appropriate marine safety requirements. As the law is not self-executing, regulations for the inspection to certify towing vessels must be developed so the public, the towing industry, and Coast Guard personnel would understand the specific requirements applicable to these vessels. The justification is improved functioning of government. Also, it address potential under-provision of inspection for safety issues, which may result in higher marginal social costs than industry costs.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 33 CFR 156, 157, 163 and 164; 46 CFR 135 to 146 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 46 USC 3301, 3305, 3306, and 3103; 46 USC 3703 [DHS Delegation No 0170.1]**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State**Small Entities Affected:** Business; Governmental Jurisdictions; Organizations**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov

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

RIN: 1625-AB10

 [View Related Documents](#)

Title: Training and Service Requirements for Merchant Marine Officers

Abstract: This project would make the following changes to merchant mariner training and service requirements: 1. Radar Endorsement: Remove the requirement for placing the date of the radar-observer endorsement on a merchant mariner's license. This change would eliminate the confusion arising from having two conflicting expiration dates on the face of the license. 2. Training Programs: Allow an apprentice mate of towing vessels to reduce sea-service time required to qualify for mate (pilot) of towing vessels by successfully completing a Coast Guard-approved training program. 3. Alternate Progression: Provide an alternate path to qualify as mate (pilot) of towing vessels for master of steam and motor vessels of not more than 200 gross register tons (GRT). Market or Regulatory Failure Analysis: 1. Radar Endorsement: Changing the requirement would simplify the process of issuing the license and ease the burden on the Coast Guard, industry, and schools providing the training; 2. Training Programs: The requirements for an apprentice mate to become a mate (pilot) of towing vessels are so restrictive they unnecessarily restrict the development of comprehensive long-term training programs, which dampens interest in the development of such programs. The proposed action would provide flexibility within the regulations to allow the development of company training programs that the Coast Guard could accept as meeting a portion of the service requirements for apprentice mate (steersman); 3. Alternate Progression: An alternate path could provide relief regarding a shortage of qualified personnel, as well as, provide alternatives to companies that operate diverse fleets of vessels (e.g., OSVs and towing vessels). By and large, this would improve the functioning of government.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 10.465; 46 CFR 10.480; 46 CFR 10, subpart C; 46 CFR 15.815 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 14 USC 633; 31 USC 9701; 46 USC 2101; 46 USC 2103; 46 USC 2110; 46 USC 3306; 46 USC 3703; 46 USC 7502; 46 USC 7505; 46 USC 7701; 46 USC 8101 to 8102; 46 USC 8104 to 8105; 46 USC 8301; 46 USC 8304; 44 USC 3507; 46 USC 8502 to 8503; 46 USC 8701 to 8702; 46 USC 8901 to 8904; 46 USC 8905(b) to 8906; 46 USC 9102 ch 71; 44 USC 3507; DHS Delegation 0170.1

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	09/17/2007	72 FR 52841
NPRM Comment Period End	12/17/2007	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov**Public Comment URL:** www.regulations.gov**Agency Contact:** LCDR Derek A. Dorazio

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Department of Homeland Security (DHS)**U.S. Coast Guard (USCG)****RIN:** 1625-AB23 [View Related Documents](#)**Title:** 2008 Rates for Pilotage on the Great Lakes (USCG-2007-0039)**Abstract:** The Coast Guard is proposing to update the rates for pilotage on the Great Lakes for the 2008 shipping season. Based on our review, we propose to adjust the pilotage rates an average of 8.17 percent to generate sufficient revenue to cover allowable expenses, target pilot compensation, and returns on investment. We also are proposing a clarification of the duty of pilots and pilot associations to cooperate with lawful authority. This rulemaking promotes the Coast Guard strategic goal of maritime safety.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 46 CFR 401 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 46 USC 9303(f)**Legal Deadline:** The statutory deadline ensures that current pilotage rates for the Great Lakes are in place at the beginning of each shipping season.

Action	Source	Date
Other	Statutory	03/01/2008

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	02/01/2008	73 FR 6085
Interim Final Rule Effective	03/21/2008	
Interim Final Rule	03/21/2008	73 FR 15092
Interim Final Rule Comment Period End	04/21/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov

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

RIN: 1625-AA50

 [View Related Documents](#)

Title: Protection for Whistle Blowers in the Coast Guard (USCG-2002-13016)

Abstract: This rulemaking would amend 33 CFR part 53 by extending coverage to uniformed members of the Coast Guard who make "protected" communications either to an organization within the Department the Coast Guard is operating in, when the communication relates to an audit, inspection, or law enforcement, or to any other person or organization (including any person or organization in the chain of command) designated to receive such communications. The rulemaking would also expand protected communications to include complaints of: (a) Violations of statute or regulation prohibiting sexual harassment; (b) unlawful discrimination; and (c) gross mismanagement. This project supports the Coast Guard's strategic goals of maritime safety, maritime security, protection of natural resources, maritime mobility, and national defense. Market or Regulatory Failure Analysis: The rule provides protections that currently do not explicitly exist for members of the Coast Guard, but exist for other members of other services. This results in improved functioning of government.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 53 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 10 USC 1034

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	02/21/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1625-AA70

 [View Related Documents](#)

Title: Changes to Standard Numbering System, Vessel Identification System, and Boating Accident Report Database (USCG-2003-14963)

Abstract: This rulemaking would amend Coast Guard regulations relating to vessel identification and boating accident reporting. It would align terminology used by the Standard Numbering System (SNS), Vessel Identification System (VIS), and Boating Accident Report Databases (BARD); require a boat incident report (BAR) to be reported to the State where an accident occurs; require the assignment of a valid Hull Identification Number (HIN) to SNS-numbered vessels that currently lack a valid HIN; and require the collection of additional identification information for SNS boat owners. These changes would improve our ability to collect, process, and use SNS and VIS data in support of boating safety, law enforcement, and homeland security efforts at the National, State, and local levels. Market failure: This rulemaking would improve the functioning of government and assist Federal and State agencies in responding to boating accidents.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 173; 33 CFR 174; 33 CFR 181 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	02/21/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1625-AA91

 [View Related Documents](#)

Title: Navigation Equipment; SOLAS Chapter V Amendments and Electronic Chart System (USCG-2004-19588)

Abstract: This rulemaking project would add new, and clarify existing, navigation safety equipment regulations in 33 CFR part 164 including electronic chart system regulations. This project would also create a new 46 CFR part 165, and a new subpart: 46 CFR part 159, subpart 159.008. These new title 46 regulations would provide for specific type-approval procedures and quality assurance processes, respectively, to require uniform function and capability of equipment across a myriad of manufacturers. These changes would reconcile existing domestic safety of navigation regulations with SOLAS chapter V navigation safety regulations amended in 2000. By making these revisions to 33 CFR and 46 CFR, we would fulfill the United States' obligations as an International Maritime Organization Contracting Government to implement SOLAS chapter V as amended for U.S. flag vessels and other vessels operating on navigable waters of the United States. This project supports the Coast Guard's strategic goals of maritime safety and mobility. Market or Regulatory Failure Analysis: The commercial vessel industry does not have uniform, nationwide carriage requirements for navigational equipment. The NPRM would require certain domestic vessels, based on tonnage thresholds, to have navigational equipment consistent with the requirements in SOLAS chapter V for vessels that transit beyond the baseline. This provision of the NPRM affects a very small population of domestic vessels. This is an effort to close the regulatory gap between what is currently required for domestic vessels and the requirements contained in SOLAS V in order to harmonize U.S. standards with international standards. ECS is required, as a congressional mandate, for essentially the same vessel population as AIS. This provision applies to both U.S. and foreign vessels that transit U.S. waters.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 164; 46 CFR 32; 46 CFR 96; 46 CFR 159; 46 CFR 165; 46 CFR 167; 46 CFR 195 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 1223(a)(3); 46 USC 3306(a)(1); 46 USC 3703; PL 108-293, sec 410; 33 USC 1231; DHS Delegation 0170.1

Legal Deadline: This rulemaking implements section 410 of the Coast Guard and Maritime Transportation Act of 2004, PL 108-293, wherein Congress directed the Secretary to prescribe regulations before January 1, 2007, for certain commercial vessels to be equipped with and operate electronic charts.

Action	Source	Date
NPRM	Statutory	01/01/2007

Regulatory Plan:

Statement of Need: The United States is a contracting government to the International Maritime Organization (IMO) International Convention for the Safety of Life at Sea, 1978 (SOLAS) and, thus, has an obligation to incorporate SOLAS regulations into domestic regulations for vessels subject to SOLAS. The navigation safety regulations in SOLAS chapter V were revised in 2000. Since 2000, the Coast Guard has been ensuring U.S. vessels on an international voyage comply with SOLAS primarily through our inspection process and policy decisions to minimize the potential that a U.S. vessel would be delayed or face penalties in a foreign port for non-compliance. In this rulemaking, we are also proposing regulations for electronic charts to meet Congress' mandate in section 410 of the Coast Guard and Maritime Transportation Act of 2004 (the Act), which amended the Ports and Waterways Safety Act and added section 1223a to title 33 of the U.S. Code. Regulations for electronic charts and the systems that are used to display them are needed to foster continual improvement in the tools that provide situational awareness for mariners navigating in U.S. waters.

Legal Basis: The authority for the Coast Guard to prescribe, change, revise, or amend these regulations is provided in 33 U.S.C. 1223(a)(3) and 1231; 46 U.S.C. 3306(a)(1) and 3703; Pub. L. 108-293, Sec 410; and Department of Homeland Security Delegation No. 0170.1.

Alternatives: Our goals through this rulemaking are to harmonize domestic regulations with international standards and, thereby, promote navigation safety and ensure that U.S. vessels visiting foreign ports are not subjected to scrutiny and possible penalties for being non-compliant. We considered the scope of the 2000 SOLAS chapter V amendments and the latitude granted contracting

governments with respect to application of chapter V provisions to vessels operating landward of the baseline. We determined that existing regulations for navigation equipment are sufficient for these vessels. We also considered continuing to grant approvals for navigation equipment through the existing policy structure instead of regulations in title 46 CFR. In this case, we determined that publishing regulations for equipment approvals is critical to maintaining oversight, quality control, and enforceability. With regard to electronic charts, we considered the latitude granted by Congress to determine which vessels, other than those specified in the Act, would be required to install and operate electronic charts. We considered adopting the same applicability for automatic identification systems (AIS) and electronic chart systems (ECS) because the two interact in a beneficial and synergistic manner, but determined there was a need for different treatment because ECS and AIS have different purposes. For example, the utility of AIS may be greater than the utility of an ECS for a vessel or platform that is primarily stationary.

Costs and Benefits: The initial cost estimate is \$3.1 million or \$3.2 million in the first year and \$70.9 million or \$76.6 million in the second year at 3 or 7 percent discount rates, respectively. The annual costs after the first 2 years of implementation range between \$9.0 million and \$13.3 million, depending upon the year and the discount rate. These estimates are based on technology that is currently available for ECS. These estimates may change through further development of the rulemaking and after consideration of public comments. The primary benefit of this NPRM is navigational and situational awareness. There are no preliminary quantifiable benefit estimates for this rulemaking.

Risks: By implementing SOLAS chapter V amendments and the electronic charts provisions of the Maritime Transportation Act of 2004, navigation equipment requirements will be further standardized and improved as the Coast Guard fulfills these international and Congressional mandates. Consequently, we expect some reduction in the risks of loss of life and property associated with navigation safety errors, and a reduction in the risk of sanctions being imposed by foreign governments against visiting-U.S. vessels for non-compliance with SOLAS.

Timetable:

Action	Date	FR Cite
Withdrawn	02/21/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: Governmental Jurisdictions

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

Related RINs: Related to 1625-AA99

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

RIN: 1625-AA97

 [View Related Documents](#)
Title: Waiver for Marking Sunken Vessels With Light at Night (USCG-2005-20488)

Abstract: The proposed rulemaking would reflect the implementation of new legislation that allows the Coast Guard the option to waive the requirement for an owner of a vessel wrecked and sunk in a navigable channel to mark it with a light at night. The proposed rulemaking would meet the Commandant's objectives of maritime safety, maritime mobility, and protection of natural resources. Market or Regulatory Failure Analysis: Vessel owners are currently required to mark sunken vessels with a lighted buoy at night. For many western rivers with faster currents the lighted buoy is an impracticable method due to their weight. The proposed rule is necessary to align the current requirement with natural restrictions. The justification for the regulation is the improved functioning of government.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 33 CFR 64 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 33 USC 409**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Withdrawn	02/21/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov**Agency Contact:** LT Cristian Munoz

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

RIN: 1625-AB01

 [View Related Documents](#)
Title: Marine Vapor Control Systems (USCG-1999-5150)

Abstract: This project will revise the facility marine vapor control systems (VCS) safety regulations and the vessel VCS safety regulations. These existing regulations require revision to reflect new Federal and State air emissions control requirements, VCS technology developments, and to evaluate and minimize any significant economic impacts of the rules upon small entities. The revisions will also incorporate Coast Guard policies and guidelines developed to support the existing regulations and a Navigation and Vessel Inspection Circular which provides safety guidelines for the design and operation of a marine VCS at tank barge cleaning facilities. This project supports the Coast Guard Marine Safety and Environmental Protection Program's goal to reduce crewmember deaths and injuries on U.S. commercial vessels, seeks to reduce the amount of oil and chemicals discharged into the Nation's waterways, and promotes the Coast Guard's strategic goal of marine safety. Market or Regulatory Failure Analysis: In general, this regulation is needed because the benefits of enhanced maritime safety are diffuse, while the cost of acceptably safe operation of a VCS would be borne by industry. Industry would not voluntarily operate their VCS in such a way as to provide the socially desired level of maritime safety (i.e., individual benefits less than marginal social benefits).

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 154 to 156; 46 CFR 35; 46 CFR 39 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	02/21/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

Related RINs: Related to 1625-AA41; Related to 1625-AA81; Related to 1625-AA85

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

RIN: 1625-AB04

 [View Related Documents](#)

Title: Carbon Dioxide Fire Suppression Systems on Commercial Vessels

Abstract: The Coast Guard proposes to amend the current regulations for carbon dioxide fire suppression systems on commercial vessels. The proposal would amend existing regulations to clarify that approved alternatives to carbon dioxide systems may be used, add new regulations to set general parameters for those approved alternatives, and add a new requirement for lockout valves in manned spaces using carbon dioxide systems. Market or Regulatory Failure Analysis: Carbon dioxide fire suppression systems are relatively inexpensive and effective, but pose a safety risk in occupied spaces. Current CG regulations lead industry to believe that alternatives to CO2 are not approved. Clarifying alternatives to carbon dioxide and mandating a lockout valve for occupied spaces would reduce the risk of casualties and provide flexibility for vessel owners. The justification is the improved functioning of government.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 25; 46 CFR 27; 46 CFR 34; 46 CFR 76; 46 CFR 95; 46 CFR 108; 46 CFR 118; 46 CFR 132; 46 CFR 167; 46 CFR 181; 46 CFR 193; 46 CFR 194 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	02/21/2008	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Energy Affected: Undetermined

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1625-AB09

 [View Related Documents](#)

Title: Landowner Defenses From Liability Under the Oil Pollution Act of 1990: Standards and Practices for Conducting All Appropriate Inquiries

Abstract: This regulation establishes the standards and practices for conducting all appropriate inquiries to qualify for liability protection under OPA 90. In this rulemaking, the Coast Guard has established standards and practices concerning the “all appropriate inquiries” element of a defense to liability of an owner or operator of a facility that is the source of a discharge or substantial threat of discharge of oil into the navigable waters or adjoining shorelines or the exclusive economic zone. To be entitled to the defense, those persons must show, among other elements not addressed in this rulemaking, that, before acquiring the property, they had made all appropriate inquiries into the previous ownership and uses of the property to determine the presence or likely presence of oil. This rulemaking supports the Coast Guard's strategic goals of Maritime Mobility and Protection of Natural Resources. Market or Regulatory Failure Analysis: The Oil Pollution Act of 1990 (OPA 90), as amended by the Coast Guard and Maritime Transportation Act of 2004, at 33 U.S.C. 2703(d)(4)(B), requires regulations establishing the standards and practices for satisfying the all appropriate inquiries requirements of 33 U.S.C. 2703(d)(4)(A). This rule would allow persons planning to acquire real property on which a facility is located to protect them from liability should unknown oil that is the subject of a discharge or a substantial threat of discharge be found at the facility after they acquire it. We believe that without this regulation there would be inadequate or asymmetric information available to responsible parties with respect to their ability to avail themselves of a defense to liability under OPA 90.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 137 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 33 USC 2703

Legal Deadline:

Action	Source	Date
NPRM	Statutory	08/00/2006

Timetable:

Action	Date	FR Cite
NPRM	06/12/2007	72 FR 32232
NPRM Comment Period End	09/10/2007	
Final Action	01/14/2008	73 FR 2146
Final Action Effective	02/13/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1625-AB14

 [View Related Documents](#)

Title: Approval of Classification Societies (USCG-2007-27668)

Abstract: This proposed rulemaking would implement the requirements of 46 U.S.C. 3316(c), as amended by section 413 of the Coast Guard and Maritime Transportation Authorization Act of 2004. Under this section, a classification society (including an employee or agent of that society) may not review, examine, survey, or certify, the construction, repair, or alteration of a vessel in the U.S. unless it is either a full member of the International Association of Classification Societies (IACS) or is approved by the Coast Guard. Although the Coast Guard already has reviewed applications from classification societies under 46 U.S.C. 3316(c), we determined that the requirements, procedures, and criteria the Coast Guard is using to review and approve classification societies should be made part of title 46, Code of Federal Regulations, part 2, in order to have a specific basis for approval determinations. This rulemaking has no statutory mandate and no deadline. Market or Regulatory Failure Analysis: This rulemaking would harmonize requirements and procedures for approval of classification societies. This will improve efficiency and effectiveness of Coast Guard approvals and ultimately improve service to vessel owners and operators. Justification for the regulation is the improved functioning of government.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 2 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 46 USC 3306; 46 USC 3316; EO 12234; 45 FR 58801; 3 CFR; 1980 Comp p 277; Department of Homeland Security Delegation No 0170.1

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	02/21/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AB15

 [View Related Documents](#)

Title: Lifesaving Equipment; Production Testing and Harmonization With International Standards (USCG-2007-27669)

Abstract: Through this project, the manufacturers of lifesaving equipment would be required to use inspectors from independent laboratories, instead of Coast Guard inspectors, for witnessing required production tests and inspections. This new requirement would reduce the potential for costly delivery delays that manufacturers and vessel owners and operators might experience when our inspectors are unavailable, reduce the cost of inspections by allowing the use of locally based, qualified surveyors, and allow the Coast Guard more latitude in the use of its personnel resources. In this project, we would also update technical requirements for some lifesaving equipment by harmonizing our design, performance, and testing requirements with current practice and international regulatory requirements. Market or Regulatory Failure Analysis: Currently manufacturers experience costly delays in having their lifesaving equipment approved by the Coast Guard due to unavailability of Coast Guard inspectors. Inspections by independent laboratories will reduce these delays, ensuring the use of the latest lifesaving equipment and improving maritime safety. Justification is improved functioning of government.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 160 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 46 USC 2103 to 2104; 46 USC subtitle II 3301, 3305, 3306, 3703, 4102, 4302,4502; Department of Homeland Security Delegation 0170.1, paragraph 92

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	02/21/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1651-AA45

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Title: Cargo Information (Manifest) Discrepancy Reporting Requirements and Penalty Guidelines

Abstract: Amendment to parts 4, 18, 113, 122, 123, 146, and 158 of the Customs and Border Protection regulations concerning cargo information (manifest) discrepancy reporting requirements for all modes of commercial transportation (air, sea, rail, and truck). Amendment sets forth corresponding guidelines for the assessment of penalties or claims for liquidated damages for manifesting violations. Amendment would require that any discrepancy from previously filed cargo information be reported to CBP by the responsible party immediately upon discovery and that such reports, with limited exceptions, be submitted to CBP in an electronic format. Amendment would eliminate Customs Form 5931 and require that cargo declaration information be kept for a period of 5 years after conveyance arrival. Also provides (as Appendices to the regulations) guidelines for the assessment of penalties for failing to reporting discrepancies.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No**Unfunded Mandates:** No**CFR Citation:** 19 CFR 4; 19 CFR 18; 19 CFR 113; 19 CFR 122 to 123; 19 CFR 146; 19 CFR 158 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 5 USC 301; 19 USC 66; 19 USC 1431; 19 USC 1433 to 1434; 19 USC 1436; 19 USC 1581; 19 USC 1584; 19 USC 1498; 46 USC app 3; 46 USC app 91**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	10/00/2008	

Additional Information: Transferred from RIN 1515-AD26**Regulatory Flexibility Analysis Required:** No **Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Pete Flores

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Department of Homeland Security (DHS)
U.S. Customs and Border Protection (USCBP)
RIN: 1651-AA68 [View Related Documents](#)**Title:** Land Border Carrier Initiative Program**Abstract:** Amendment to remove from the CBP regulations the regulatory provisions pertaining to the Land Border Carrier Initiative Program (LBCIP). The LBCIP regulations enlist the voluntary cooperation of commercial carriers as part of CBP's effort to prevent the smuggling of controlled substances into the United States. Since the promulgation of the LBCIP regulations, CBP has developed a more comprehensive voluntary industry partnership known as the Customs-Trade Partnership Against Terrorism (C-TPAT). C-TPAT builds upon the best practices of LBCIP, while providing greater border and supply chain security with expanded benefits to approved participants. For this reason, CBP intends to terminate the LBCIP and focus its partnership efforts on the further development of C-TPAT.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 19 CFR 123; 19 CFR 142 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 19 CFR 66; 19 CFR 1202; 19 CFR 1431; 19 CFR 1433; 19 CFR 1436; 19 CFR 1448; 19 CFR 1624**Legal Deadline:** None

Timetable:

Action	Date	FR Cite
NPRM	10/00/2008	

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

Federalism: No

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

RIN: 1651-AA73

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Title: International Registered Traveler Programs

Abstract: In order to comply with the Intelligence Reform Terrorism Prevention Act of 2004 (IRPTA), CBP proposes to establish a permanent International Registered Traveler (IRT) Program by rulemaking which will consolidate and simplify its international registered travel (IRT) programs and pilot projects with the goals of reducing confusion of the various programs and increasing transparency and participation in the available programs. CBP proposes to revise its existing regulations for all IRTs under part 235 of title 8 of the Code of Federal Regulations (8 CFR part 235). Specifically, the intended regulatory changes will redesignate the existing regulations at 8 CFR 235.7 that cover PORTPASS IRT programs as regulations in a new 8 CFR 235.0. This new section would propose to also include the I-68 program (small pleasure boats), currently at 8 CFR 235.1(e), NEXUS, a US-Canada IRT described on the CBP Web site, and other successfully concluded pilot programs.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR part 235 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 8 USC 1365b(k)(3)

Legal Deadline:

Action	Source	Date
NPRM	Statutory	01/01/2008

Timetable:

Action	Date	FR Cite
NPRM	12/00/2008	

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

Federalism: No

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

RIN: 1651-AA74

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Title: Customs Broker License Examination Individual Eligibility Requirements

Abstract: This document proposes amendments to title 19 of the Code of Federal Regulations with respect to the requirements an individual must satisfy in order to take the written examination for an individual customs broker's license, which is administered by Customs and Border Protection.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 19 CFR 111.13 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 19 USC 1641; 19 USC 66; 19 USC 1202 (general note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)); 19 USC 1624

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1651-AA75

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Title: Issuance of an Arrival and Departure Form (I-94) Valid for Multiple Entries for Certain Aliens

Abstract: Under the current regulations, CBP is required to issue a new Arrival and Departure form (I-94) to an alien who has been granted an extended period of parole upon each entry to the United States. This document announces that Customs and Border Protection (CBP) is proposing to amend current regulations regarding the parole granted aliens for humanitarian reasons and for the purpose of significant public benefit to allow CBP to issue one I-94 that would be valid multiple times to aliens granted extended parole. Under this proposal, the I-94 would be valid for a specified pre-authorized period, rather than requiring CBP to continue to re-issue subsequent I-94 multiple times during the specified parole period.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 212.5(e)(1)(i) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1182(d)(5)(A); 8 USC 1101 and note; 8 USC 1102; 8 USC 1103; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1651-AA11

 [View Related Documents](#)

Title: Extension of 25-Mile Limit at Select Arizona Ports-of-Entry

Abstract: This rule amends the DHS regulations to extend the distance Mexican nationals with border crossing cards may travel into the United States without obtaining additional immigration documentation at selected ports-of-entry (POEs) along the United States and Mexico border. The selected POEs are located in the State of Arizona at Sasabe, Nogales, Mariposa, Douglas, and Naco. Once visitors to Arizona meet the inspection requirements of legal entry to the United States, they will be able to travel within the 75-mile border region of Arizona. This rule is intended to promote commerce in the southern Arizona border area while still ensuring that sufficient safeguards are in place to prevent illegal entry to the United States.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 235 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/08/1999	64 FR 68616
Interim Final Rule Comment Period End	02/07/2000	
Final Action	10/00/2008	

Additional Information: INS No. 2026-99 Transferred from RIN 1115-AF60

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

Small Entities Affected: No **Federalism:** No

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

RIN: 1651-AA38

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Title: Access to Customs Security Areas at Airports

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 19 CFR 122 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1433; 19 USC 1436; 19 USC 1448 to 1459; 19 USC 1590; 19 USC 1594; 19 USC 1623 to 1624; 19 USC 1644; 19 USC 1644a

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	07/29/2002	
Interim Final Rule	07/29/2002	67 FR 48977
Interim Final Rule Comment Period End	09/27/2002	
Final Action	10/00/2008	

Additional Information: Transferred from RIN 1515-AD04

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

Federalism: No

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

RIN: 1651-AA40

 [View Related Documents](#)

Title: Passenger Name Record Information Required for Passengers on Flights in Foreign Air Transportation To or From the United States

Abstract: Amendment to part 122 of the Customs and Border Protection regulations implements a provision of the Aviation and Transportation Security Act, which requires that air carriers make Passenger Name Record (PNR) information available to CBP upon request. The availability of PNR information is necessary for purposes of ensuring aviation safety and protecting national security.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 19 CFR 122 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1431; 19 USC 1433; 19 USC 1436; 19 USC 1448; 19 USC 1459; 19 USC 1590; 19 USC 1594; 19 USC 1623 to 1624; 19 USC 1644 to 1644a; 49 USC 44909(c)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	06/25/2002	
Interim Final Rule	06/25/2002	67 FR 42710
Interim Final Rule Comment Period End	08/26/2002	
Final Action	10/00/2008	

Additional Information: Transferred from RIN 1515-AD06

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

Federalism: No

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

RIN: 1651-AA41

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Title: Advance Information on Private Aircraft Arriving and Departing the United States

Abstract: This rule would amend Title 19 of the Code of Federal Regulations to require that the pilot of any private aircraft arriving in the United States from a foreign location or departing the United States for foreign provide an advance electronic transmission of information to Customs and Border Protection (CBP) regarding each individual traveling onboard the aircraft. In addition, the rule would add data elements to the existing notice of arrival requirements and proposes a new notice of departure requirement. The notice of arrival and notice of departure information would be required to be submitted to CBP via an approved electronic data interchange system in the same transmission as the corresponding arrival or departure manifest information. The means of transmission for these data elements must be via an electronic data interchange system approved by CBP. Under the proposed rule, the transmission of the data must be accomplished so that CBP receives the data prior to the private aircraft departing from a foreign airport, and prior to a private aircraft departing a United States airport for a foreign port or place.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 19 CFR 122 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1433; 19 USC 1436; 19 USC 1448; 19 USC 1459; 19 USC 1590; 19 USC 1594; 19 USC 1623 to 1624; 19 USC 1644 to 1644a

Legal Deadline: None

Regulatory Plan:

Statement of Need: Current regulations do not provide CBP the capability to assess potential threats posed by private aircraft entering and departing the United States. Private aircraft currently are not required to electronically transmit to CBP advance notice of arrival through an approved electronic data interchange system. In addition, private aircraft are not currently required to electronically transmit identifying information for all individuals onboard the aircraft (manifest data) before arriving in or departing from the United States. The existing regulations lack clarity in the procedures for requesting permission to land at landing rights airports. Private aircraft are also currently not required to obtain clearance or provide notice of departure prior to departing the United States. To adequately and accurately assess potential threats posed by private aircraft entering and departing the United States, CBP needs sufficient and timely information about the impending arrival or departure of a private aircraft, the passengers and crew onboard, and clear procedures regarding landing rights and departure clearance. Without these tools, CBP does not currently have the capability to perform risk assessments on passengers traveling on private aircraft. Under this rule, CBP would receive advance electronic information of notice of arrival combined with passenger manifest data for those aboard private aircraft that arrive in and depart from the United States. This would provide critical information in a sufficient time to fully pre-screen information on all individuals intending to travel onboard private aircraft to or from the United States. Moreover, these changes would enable CBP to minimize potential threats posed by private aircraft by identifying high-risk individuals and aircraft and allowing CBP to coordinate with airport personnel and domestic or foreign government authorities to take appropriate action when warranted by a threat. This rule serves to provide the nation, private aircraft operators, and the international traveling public, additional security from the threat of terrorism and enhance CBP's ability to carry out its border enforcement mission.

Legal Basis:

Alternatives: This proposed rule is not economically significant under Executive Order 12866. Therefore, CBP did not consider regulatory alternatives.

Costs and Benefits: Currently, pilots of private aircraft must submit information regarding themselves, their aircraft, and any passengers prior to arrival into the United States from a foreign airport. Depending on the location of the foreign airport, the pilot provides the arrival information 1 hour prior to crossing the U.S. coastline or border (areas south of the United States) or during the flight (other areas). The information that would now be required for the pilot is similar to what is already required; it would now need to be submitted earlier (60 minutes prior to departure). The information that would now be required for passengers is more extensive than what is currently required and would also have to be submitted

earlier. No notice of departure information is currently required for private aircraft departing the United States for a foreign airport. CBP estimates that 138,559 private aircraft landed in the United States in 2006 based on current notice of arrival data. These aircraft collectively carried 455,324 passengers; including the 138,559 pilots of the aircraft, this totals 593,883 individuals arriving in the United States aboard private aircraft. CBP estimates that approximately two-thirds are U.S. citizens and the remaining one-third is composed of non-U.S. citizens. CBP does not currently compile data for departures, as there are currently no requirements for private aircraft departing the United States. For this analysis, we assume that the number of departures is the same as the number of arrivals. Thus, we estimate that 140,000 private aircraft arrivals and 140,000 departures will be affected annually as a result of the rule. While the current data elements for pilots are very similar to the proposed requirements, the data elements for passengers are more extensive. Based on the current information collected and accounting for proposed changes in the data elements, CBP estimates that one submission, which includes the arrival information and the passenger manifest data, will require 15 minutes of time (0.25 hours) to complete. Currently, private aircraft arriving from areas south of the United States must provide advance notice of arrival at least 1 hour before crossing the U.S. coastline or border. There are no such timing requirements for other areas. Thus, some pilots and their passengers may decide that in order to comply with the new requirements, including submitting information through eAPIS and waiting for a response from CBP, they must convene at the airport earlier than they customarily would. To estimate the costs associated with the time required to input data into eAPIS, we use the value of an hour of time as reported in the Federal Aviation Administration's (FAA) document on critical values, \$28.60. This represents a weighted cost for business and leisure travelers in the air environment. The cost to submit advance notice of arrival data through eAPIS would be approximately \$1 million (140,000 arrivals * 0.25 hours * \$28.60 per hour). Similarly, costs to submit advance notice of departure data would be \$1 million, for a total cost to submit the required data elements of \$2 million annually. To estimate the costs of arriving earlier than customary, we again use the value of time of \$28.60 per hour. As noted previously, we assume that 301,000 pilots and passengers may choose to arrive 0.25 hours earlier than customary. This would result in a cost of approximately \$2 million for arrivals and \$2 million for departures, a total of \$4 million annually (301,000 individuals * 0.25 hours * \$28.60 per hour * 2). Thus, the total annual cost of the proposed rule is expected to be \$6 million. Over 10 years, this would total a present value cost of \$47 million at a 7 percent discount rate (\$55 million at a 3 percent discount rate). As noted previously, the benefit of this proposed rule is enabling CBP to identify high-risk individuals and aircraft prior to their arrival in the United States, thus allowing CBP to coordinate with airport personnel and government authorities to take the action warranted by the threat. CBP would receive more information earlier to better assess risks of specific flights to national security and to take appropriate action in order to prevent security threats.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	09/18/2007	72 FR 53393
NPRM Comment Period End	11/19/2007	
Final Action	07/00/2008	

Additional Information: Transferred from RIN 1515-AD10

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1651-AA58

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Title: Changes to the Administrative Process for Petitions for Relief Regarding Seizures and Forfeitures Resulting From Violations of Immigration and Naturalization Laws

Abstract: Amendment of the former Immigration and Naturalization Service Regulations to bring them into confluence with the Customs and Border Protection (CBP) preforfeiture petition process as provided in the CBP Regulations. The Homeland Security Act of 2002 gives CBP the authority to coordinate and unify the administrative petition process CBP uses for seizures and forfeitures based on violations of immigration laws with that process used by CBP for violations of customs laws. Amendment is also made to the CBP Regulations to state that seizures effected by Immigration and Customs Enforcement under the customs and navigation laws will continue to be processed under the CBP Regulations.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 274; 19 CFR 162 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 6 USC 101; 8 USC 1103; 8 USC 1324(b); 19 USC 66; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	02/19/2008	73 FR 9010
Interim Final Rule Comment Period End	04/21/2008	
Final Action	01/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1651-AA70

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Title: Importer Security Filing and Additional Carrier Requirements

Abstract: This rule would amend DHS regulations to provide that Customs and Border Protection (CBP) must receive, by way of a CBP-approved electronic data interchange system, additional information from carriers and importers pertaining to cargo before the cargo is brought into the United States by vessel. The information required is that which is reasonably necessary to enable high-risk shipments to be identified so as to prevent smuggling and ensure cargo safety and security pursuant to the laws enforced and administered by CBP. The amendment is specifically intended to implement the provisions of section 203 of the Security and Accountability for Every Port Act of 2006.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: Private Sector

CFR Citation: 19 CFR 4 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: PL 109-347, sec 203; 5 USC 301; 19 USC 66, 1431, 1433, 1434, 1624, 2071 note; 46 USC 60105

Legal Deadline: None

Regulatory Plan:

Statement of Need: Vessel carriers are currently required to transmit certain manifest information by way of the CBP Vessel Automated Manifest System (AMS) 24 hours prior to lading of containerized and non-exempt break bulk cargo at a foreign port. For the most part, this is the ocean carrier's or non-vessel operating common carrier (NVOCC)'s cargo declaration. CBP analyzes this information to generate its risk assessment for targeting purposes. Internal and external government reviews have concluded that more complete advance shipment data would produce even more effective and more vigorous cargo risk assessments. In addition, pursuant to Section 203 of the Security and Accountability for Every Port Act of 2006 (Pub. L. 109-347, 6 U.S.C. 943) (SAFE Port Act), the Secretary of Homeland Security, acting through the Commissioner of CBP, must promulgate regulations to require the electronic transmission of additional data elements for improved high-risk targeting, including appropriate security elements of entry data for cargo destined to the United States by vessel prior to loading of such cargo on vessels at foreign seaports. Based upon its analysis, as well as the requirements under the SAFE Port Act, CBP is proposing to require the electronic transmission of additional data for improved high-risk targeting. Some of these data elements are being required from carriers (Container Status Messages and Vessel Stow Plan) and others are being required from "importers," as that term is defined for purposes of the proposed regulations. This rule will improve CBP's risk assessment and targeting capabilities, while at the same time, enabling the agency to facilitate the prompt release of legitimate cargo following its arrival in the United States. The information will assist CBP in increasing the security of the global trading system and, thereby, reducing the threat to the United States and world economy.

Legal Basis: Pursuant to Section 203 of the Security and Accountability for Every Port Act of 2006 (Pub. L. 109-347, 6 U.S.C. 943) (SAFE Port Act), the Secretary of Homeland Security, acting through the Commissioner of CBP, must promulgate regulations to require the electronic transmission of additional data elements for improved high-risk targeting, including appropriate security elements of

entry data for cargo destined to the United States by vessel prior to loading of such cargo on vessels at foreign seaports.

Alternatives: CBP considered requiring an importer security filing for bulk cargo as well as for containerized and break-bulk cargo. If bulk cargo were not exempt from an importer security filing, the annualized costs of the rule would be increased by approximately \$10 million.

Costs and Benefits: As of the projected effective date of the regulation, CBP estimates that approximately 11 million import shipments conveyed by 1,200 different carrier companies operating 50,000 unique voyages or vessel-trips to the United States will be subject to the rule. Annualized costs range from \$390 million to \$630 million (7 percent discount rate over 10 years). The annualized cost range results from varying assumptions about the estimated security filing transaction costs or fees charged to the importers by the filing parties, the potential for supply chain delays, and the estimated costs to carriers for transmitting additional data to CBP. Ideally, the quantification and monetization of the benefits of this regulation would involve estimating the current level of risk of a successful terrorist attack, absent this regulation, and the incremental reduction in risk resulting from implementation of the regulation. We would then multiply the change by an estimate of the value individuals place on such a risk reduction to produce a monetary estimate of direct benefits. However, existing data limitations and a lack of complete understanding of the true risks posed by terrorists prevent us from establishing the incremental risk reduction attributable to this rule. As a result, CBP undertakes a “break-even” analysis to inform decision-makers of the necessary incremental change in the probability of such an event occurring that would result in direct benefits equal to the costs of the proposed rule. Our analysis finds that the incremental costs of this regulation are relatively small compared to the median value of a shipment of goods despite the rather large absolute estimate of present value cost. The proposed regulation may increase the time shipments are in transit, particularly for shipments consolidated in containers. For such shipments, the supply chain is generally more complex and the importer has less control of the flow of goods and associated security filing information. Foreign cargo consolidators may be consolidating multiple shipments from one or more shippers in a container destined for one or more buyers or consignees. In order to ensure that the security filing data is provided by the shippers to the importers (or their designated agents) and is then transmitted to and accepted by CBP in advance of the 24-hour deadline, consolidators may advance their cut-off times for receipt of shipments and associated security filing data. These advanced cut-off times would help prevent a consolidator or carrier from having to unpack or unload a container in the event the security filing for one of the shipments contained in the container is inadequate or not accepted by CBP. For example, consolidators may require shippers to submit, transmit, or obtain CBP approval of their security filing data before their shipments are stuffed in the container, before the container is sealed, or before the container is delivered to the port for lading. In such cases, importers would likely have to increase the times they hold their goods as inventory and thus incur additional inventory carrying costs to sufficiently meet these advanced cut-off times imposed by their foreign consolidators. The high end of the cost ranges presented assumes an initial supply chain delay of 1 day (24 hours) for the first year of implementation (2008) and a delay of 12 hours for years 2 through 10 (2009 to 2017).

Risks:

Timetable:

Action	Date	FR Cite
NPRM	01/02/2008	73 FR 90
NPRM Comment Period Extended	02/01/2008	73 FR 6061
NPRM Comment Period End	03/03/2008	
NPRM Comment Period End	03/18/2008	
Final Action	09/00/2008	

Regulatory Flexibility Analysis

Required: Business

Federalism: No

Government Levels Affected: No

Energy Affected: No**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov**Agency Contact:** Richard DiNucci Department of Homeland Security

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Department of Homeland Security (DHS)**U.S. Customs and Border Protection (USCBP)****RIN:** 1651-AA71 [View Related Documents](#)**Title:** Issuance of a Visa and Authorization for Temporary Admission Into the United States for Certain Nonimmigrant Aliens Afflicted With HIV Infection**Abstract:** Amendment of Department of Homeland Security (DHS) regulations pertaining to immigration and naturalization to authorize issuance of certain short-term nonimmigrant visas and temporary admission to the United States for aliens who are inadmissible to the United States solely due to their affliction with etiologic agent for acquired immune deficiency syndrome (referred to as human immunodeficiency virus or "HIV"). The amendment would provide, on a limited and categorical basis, a more streamlined process to authorize these nonimmigrant aliens to enter the United States as visitors (for business or pleasure) for up to 30 days, subject to certain conditions to ensure the control and return of such aliens.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 100; 8 CFR 212 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 8 USC 1182(a); 8 USC 1182(d)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	11/06/2007	72 FR 62593
NPRM Comment Period End	12/06/2007	
Final Action	05/00/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov**Agency Contact:** Michael D. Olszak Department of Homeland Security

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Department of Homeland Security (DHS)**U.S. Customs and Border Protection (USCBP)****RIN:** 1651-AA72

 [View Related Documents](#)

Title: Changes to the Visa Waiver Program To Implement the Electronic Travel System For Authorization ESTA Program

Abstract: This document amends title 8 of the Code of Federal Regulations (CFR) on an interim basis to implement the Electronic Travel System For Authorization (ESTA) procedures for aliens who wish to travel to the United States under the Visa Waiver Program (VWP) by air or sea. This rule is specifically intended to fulfill the requirements of section 711 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act). The rule requires that each alien traveling to the United States under the VWP must obtain electronic travel authorization via the ESTA System in advance of such travel. VWP travelers may obtain the required ESTA authorization by electronically submitting to U.S. Customs and Border Protection (CBP) biographic and other information as currently required by the I-94W Nonimmigrant Alien Arrival/Departure Form (I-94W). By procedurally shifting the paper form to an electronic form and requiring the data in advance of travel, CBP will be able to determine, before the alien departs for the U.S., the eligibility of nationals from VWP countries and whether such travel poses a law enforcement or security risk. In addition to fulfilling a statutory mandate, the interim final rule serves the twin goals of promoting border security and legitimate travel to the United States. By modernizing the VWP, the ESTA is intended to both increase national security and provide for greater efficiencies in the screening of international travelers by allowing for vetting of subjects of potential interest well before boarding, thereby reducing traveler delays based on lengthy processes at ports of entry.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 217.5 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1651-AA76

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Title: Coastwise Transportation of Passengers

Abstract: This interim rule amends the Department of Homeland Security's (DHS') current regulations relating to the transportation of passengers by non-coastwise-qualified vessels on voyages that begin and end at a U.S. port and stop at intervening U.S. and foreign port(s). Under this interim final rule, voyages that begin and end at a U.S. port and stop at a foreign port(s) and at intervening U.S. port(s) where a large U.S.-flag coastwise-qualified passenger vessel engages in regular service are in violation of the Passenger Vessel Services Act (PVSA) unless the cumulative length of stay(s) at intervening foreign port(s) is more than 50 percent of the total amount of time spent at the intervening U.S. port(s) and passengers are permitted to go ashore at the foreign port(s). The purpose of this amendment is to ensure that the Congressional purpose in enacting the PVSA, which is to preserve the economic benefits of U.S. coastwise trade to U.S.-flag coastwise-qualified vessels, is properly implemented.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 19 CFR 4.80a(b)(4) (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1431; 19 USC 1433; 19 USC 1434; 19 USC 1624; 19 USC 2071 note; 46 USC 501; 46 USC 60105

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1651-AA00

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Title: Visa Waiver Program

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 217 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM	05/07/1991	56 FR 21101
Other	07/18/1991	56 FR 32952
Other	09/13/1991	56 FR 46716
Other	07/29/1993	58 FR 40581
Other	02/21/1995	60 FR 9699
Other	03/28/1995	60 FR 15855
Other	07/08/1996	61 FR 35598
Other	07/29/1996	61 FR 39721
Other	09/30/1997	62 FR 50998
Other	12/30/1998	63 FR 71726
Other	08/03/1999	64 FR 42006
Interim Final Rule	02/21/2002	67 FR 7943
Interim Final Rule	03/07/2003	68 FR 10954

Additional Information: Transferred from RIN 1115-AB93

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

Small Entities Affected: No **Federalism:** No

Related RINs: Merge with 1115-AG25

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

RIN: 1651-AA04

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Title: Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings

Abstract: Many of the provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) became effective April 1, 1997. Some provisions of the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) that were not superseded by IIRIRA became effective November 1, 1996. On March 6, 1997, INS and The Executive Office of Immigration Review (EOIR) published an interim final rule revising the asylum process; providing a mechanism for the determination and review of certain applicants who demonstrate a credible fear of persecution if returned to their own country; defining the inspection and admission process including new expedited removal procedures for aliens attempting to enter the United States through fraud or misrepresentation by apprehension, detention, and removal of aliens; addressing conduct of removal proceedings; and revising many other sections of the regulations to conform with the new laws. On December 6, 2000, INS and EOIR published the rule "Asylum Procedures" (INS No. 1865-97; RIN 1115-AE93), which finalized the asylum portions of this interim rule. DHS intends to publish a final rule to finalize the portions of this rulemaking relating to inspection and expedited removal of aliens, detention and deportation and removal of aliens, and the conduct of removal proceedings.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No

CFR Citation: 8 CFR 1; 8 CFR 3; 8 CFR 103; 8 CFR 204; 8 CFR 207; 8 CFR 209; 8 CFR 211 to 214; 8 CFR 216 to 217; 8 CFR 221 to 223 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: 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.

Action	Source	Date
Other	Statutory	03/01/1997

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Final Action	03/22/1996	61 FR 11717
NPRM	01/03/1997	62 FR 444
Interim Final Rule	03/06/1997	62 FR 10312
Interim Final Rule	04/09/1997	62 FR 17048
Other	04/01/1997	62 FR 15362
Other	07/22/1998	63 FR 39217

Additional Information: Transferred from RIN 1115-AE47**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Agency Contact:** Paul M. Morris

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

RIN: 1651-AA06

 [View Related Documents](#)
Title: Establishment of Preinspected Automated Lane (PAL) Program

Abstract: This rule amends the DHS regulations by establishing a Preinspected Automated Lane (PAL) Program for the use of eligible persons and vehicles at immigration checkpoints within the United States. This rule will facilitate the passage of people and vehicles through DHS checkpoints while safeguarding the integrity of law enforcement objectives at the checkpoints.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No

CFR Citation: 8 CFR 287; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	04/18/1997	62 FR 19024
Interim Final Rule Comment Period End	06/17/1997	

Additional Information: Transferred from RIN 1115-AE80

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

Small Entities Affected: No **Federalism:** No

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

RIN: 1651-AA07

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Title: Amendment of the Regulatory Definition of Arriving Alien

Abstract: This rule amends the DHS regulations by changing the regulatory definition of an arriving alien. Under section 235(b)(1)(A)(i) of the Immigration and Nationality Act, which was effective on April 1, 1997, certain arriving aliens are subject to expedited removal procedures. The existing regulatory definition of arriving aliens includes parolees. As a matter of policy, the Department has decided that it is appropriate to exempt from the new expedited removal procedures aliens who were paroled into the United States before April 1997. This rule clarifies that these aliens, as well as certain other aliens who were paroled into the United States pursuant to advance parole, will not be subjected to expedited removal upon termination at parole. The rule also makes several changes in the ordering of 1.1(q) to use language that is clearer and more consistent with the wording of the statute.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 8 USC 1101; 8 CFR 2

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	04/20/1998	63 FR 19382
Interim Final Rule Comment Period End	06/19/1998	

Additional Information: Transferred from RIN 1115-AE87

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

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

RIN: 1651-AA08

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Title: Elimination of Immigration and Naturalization Service-Issued Mexican and Canadian Border Crossing Cards

Abstract: This rule amends the DHS regulations to eliminate the use of Form I-175, Application for Nonresident Alien Canadian Border Crossing Card, and Form I-190, Application for Nonresident Alien Mexican Border Crossing Card. It also terminates the production of Form I-185, Nonresident Alien Canadian Border Crossing Card, and Form I-586, Nonresident Alien Mexican Border Crossing Card. In addition, this rule prohibits the use of Form I-186 (previous version of Mexican Border Crossing Card), Form I-185, and Form I-586 Border Crossing Cards (BCCs) after September 30, 2002, for required use of a card containing a machine-readable biometric identifier for entry (such as the fingerprint or handprint of the alien). Under the provisions of this rulemaking, an alien seeking entry into the United States by presentation of a BCC must complete a biometric verification upon each entry.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline:

Action	Source	Date
Other	Statutory	10/01/2002

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule Effective	10/01/2002	
Interim Final Rule	12/02/2002	67 FR 71442
Interim Final Rule Comment Period End	01/31/2003	

Additional Information: INS No. 1931-98 Transferred from RIN 1115-AF24

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

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

RIN: 1651-AA23

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Title: Removal of Visa and Passport Waiver for Certain Permanent Residents of Canada and Bermuda

Abstract: Currently, certain permanent residents of Canada and Bermuda are permitted to enter the United States without a passport or visa. Many of these former British Commonwealth countries have high rates of fraud and abuse, and the documents presented by these permanent residents, for entry to the United States, do not meet current document security standards. This rule amends the USCIS regulations by providing that a passport and visa will be required for permanent residents of Canada and Bermuda having a common nationality with Canadian Nationals or with British subjects in Bermuda. These permanent residents of Canada and Bermuda will be required to present a passport and visa to enter the United States. This rule also amends several other sections of the regulations that provide exceptions for these individuals based on the prior passport and visa exemption. DHS is taking this action in conjunction with the Department of State. This rule is intended to increase security and safeguard the United States.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 2; 8 CFR 212; 8 CFR 231; 8 CFR 235; 8 CFR 286 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	01/31/2003	68 FR 5189
Interim Final Rule Effective	03/17/2003	
Interim Final Rule Comment Period End	04/01/2003	

Additional Information: Transferred from RIN 1115-AG68

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 1651-AA29

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Title: Nonimmigrant Visa Exemption for Nationals of the British Virgin Islands Entering the United States Through St. Thomas, U.S. Virgin Islands

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 212 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	02/18/1999	64 FR 7989
Interim Final Rule Comment Period End	04/18/1999	64 FR 7989

Additional Information: Transferred from RIN 1115-AF28

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State

Small Entities Affected: No

Federalism: No

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

RIN: 1651-AA35

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Title: Procedures Governing the Border Release Advanced Screening and Selectivity (BRASS) Program

Abstract: Amendment to part 142 of the Customs and Border Protection Regulations to provide for the Border Release Advanced Screening and Selectivity (BRASS) Program, an improved automated and electronic system that will replace the Line Release method of processing certain repetitive and high volume shipments of merchandise into the United States.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 19 CFR 24; 19 CFR 123; 19 CFR 132; 19 CFR 142 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 19 USC 66; 19 USC 1448; 19 USC 1484; 19 USC 1624

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM	02/01/2002	67 FR 4930
NPRM Comment Period End	04/02/2002	

Additional Information: Transferred from RIN 1515-AC92

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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

RIN: 1651-AA42

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Title: Prior Disclosure and Lost Duty or Revenue Demands When Penalty Claim Not Issued

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

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 19 CFR 162 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1592 to 1593a; 19 USC 1624

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Additional Information: Transferred from RIN 1515-AD13

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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

RIN: 1651-AA50

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Title: Air Transit Program

Abstract: The Immediate and Continuous Transit program, also known as the Transit Without Visa (TWOV) program and the International-to-International (ITI) program allowed an alien to be transported in-transit through the United States to another foreign country without first obtaining a nonimmigrant visa from the Department of State overseas, provided the carrier had entered into an Immediate and Continuous Transit Agreement on Form I-426, pursuant to section 233(c) of the Immigration and Nationality Act. Both the TWOV and ITI programs were suspended due to security concerns in an interim rule published in August 2003. The Department of Homeland Security in this rule would be terminating these programs and establishing a new program allowing in-transit travelers that will incorporate necessary security measures.

Priority: Economically Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Yes

Unfunded Mandates: No

CFR Citation: 8 CFR 212; 8 CFR 214; 8 CFR 231; 8 CFR 233 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	08/02/2003	
Interim Final Rule	08/07/2003	68 FR 46926
Interim Final Rule Comment Period End	09/22/2003	

Additional Information: Transferred from RIN 1515-AD36

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

Small Entities Affected: No **Federalism:** No

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

RIN: 1651-AA57

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Title: Remittance of Immigration User Fee

Abstract: Amendment to change address to which remittances of immigration user fees are sent.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 286 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 8 USC 1103; 8 USC 1356

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	

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

Federalism: No

Energy Affected: No

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

RIN: 1651-AA60

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Title: Extension of Time Limit on Admission of Certain Mexican Nationals**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.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 235 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1183; 8 USC 1185; ...**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	08/13/2004	69 FR 50051
Interim Final Rule Comment Period End	10/12/2004	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Federalism:** No**Agency Contact:** Diane Hinckley

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

RIN: 1651-AA64

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Title: Use of Sampling Methods in CBP Audits and Offsetting of Overpayments and Over-Declarations in 19 U.S.C. 1592 Penalty Cases**Abstract:** Amendment to provide for the use of sampling methods by CBP auditors and for offsetting of overpayments and over-declarations when an audit involves a calculation of lost revenue or monetary penalty under 19 U.S.C. 1592.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 19 CFR 163 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 5 USC 301; 19 USC 66; 19 USC 1484; 19 USC 1508 to 1510; 19 USC 1624**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	00/00/0000	

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

Federalism: No

Energy Affected: No

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

RIN: 1651-AA65

 [View Related Documents](#)

Title: Consolidation of Collections for Reimbursable Services

Abstract: Amendment to 19 CFR to expand the list of services for which CBP can seek reimbursement to account for the addition of immigration inspection services to the expanded border-related functions of the Agency. Amendment will eliminate the inconsistencies in the existing collection procedures for customs and immigration inspection reimbursable services, allowing CBP to unify collections into a single reimbursable billing system.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 19 CFR 24 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 USC 301; 19 USC 58a to 58c; 19 USC 66; 19 USC 1202; 19 USC 1505; 19 USC 1520; 19 USC 261; 19 USC 267; 6 USC 1; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

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

Federalism: No

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

RIN: 1651-AA67

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Title: Abbreviation or Waiver of Training for State or Local Law Enforcement Officers Authorized To Enforce Immigration Law During a Mass Influx of Aliens

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 65 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: PL 98-473; 8 USC 1101; PL 102-410

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule Effective	02/26/2003	
Interim Final Rule	02/26/2003	68 FR 8820
Interim Final Rule Comment Period End	04/28/2003	

Additional Information: Transferred from RIN 1115-AG84

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

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

RIN: 1651-AA55

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Title: Letters and Documents; Advanced Electronic Presentation of Cargo Data

Abstract: Pursuant to section 343(a) of the Trade Act of 2002, as amended by the Maritime Transportation Security Act of 2002, CBP requires that it receive electronically information pertaining to cargo before the cargo is either brought into or sent from the United States by any mode of commercial transportation. This rule concerns letters and documents that are being transported by air transportation. The rule exempts from full manifesting requirements flat documents and letters not exceeding 16 ounces.

Priority: Economically Significant

Agenda Stage of Rulemaking: Completed Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 19 CFR 122 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline:

Action	Source	Date
Other	Statutory	10/01/2003

Timetable:

Action	Date	FR Cite
Withdrawn	04/22/2008	

Regulatory Flexibility Analysis**Required:** Business**Federalism:** No**Energy Affected:** No**Related RINs:** Split From 1651-AA49

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Government Levels Affected: No**Department of Homeland Security (DHS)****U.S. Customs and Border Protection (USCBP)****RIN:** 1651-AA69
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Title: Documents Required for Travelers Entering the United States at Sea and Land Ports-of-Entry From Within the Western Hemisphere

Abstract: Amendment to require U.S. citizens who previously were exempt from presenting a passport or other authorized travel document to present such documents that denote identity and citizenship when entering the United States. The amendment would require that United States citizens and nonimmigrant aliens from Canada, Bermuda, and Mexico entering the United States at sea and land ports-of-entry from Western Hemisphere countries would be required to present an authorized travel document that denotes identity and citizenship in circumstances where travel was previously permitted without such a document.

Priority: Economically Significant**Agenda Stage of Rulemaking:** Completed Action**Major:** Yes**Unfunded Mandates:** Private Sector

CFR Citation: 8 CFR 212; 8 CFR 235 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 108-458; PL 109-295**Legal Deadline:**

Action	Source	Date
Other	Statutory	06/01/2009

Regulatory Plan:

Statement of Need: The Western Hemisphere Travel Initiative (WHTI) will reduce vulnerabilities identified in the final report of the National Commission on Terrorist Attacks Upon the United States, also known as the 9/11 Commission. WHTI is intended not only to enhance security efforts at the borders, but is also intended to expedite the movement of legitimate travel within the Western Hemisphere. The land border, in particular, presents complex operational challenges, in that a tremendous amount of traffic must be processed in a short amount of time. For example, there are often several passengers in a vehicle, and multiple vehicles arriving at one time at each land border port-of-entry. Many of the people encountered crossing at the land border ports-of-entry are repeat crossers, who travel back and forth across the border numerous times a day. The historical absence of standard travel document requirements for the travel of Canadian and U.S. citizens across our northern and southern borders has resulted in the current situation, where a multiplicity of documents can be presented at ports-of-entry by Canadian and U.S. travelers. As a result, those individuals who seek to enter the United States or Canada illegally or who pose a potential threat could falsely declare themselves as U.S. or Canadian citizens. They can do this through several methods: presenting fraudulent documents that cannot be validated; presenting facially valid documentation that cannot be validated against the identity of the holder; assuming the identity of the legitimate authentic document holder; or undocumented false claims. These same vulnerabilities exist for individuals purporting to be U.S. citizens crossing back and forth across the southern border with Mexico. U.S. travel document requirements for Mexican nationals already addressed most of these vulnerabilities prior to the passage of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA). Generally, Mexican nationals are required to present either a Mexican passport with a visa or a biometric Border Crossing Card (BCC) when entering the United States. Mexican nationals can also apply for membership in DHS Trusted Traveler Programs such as FAST (Free and Secure Trade) and SENTRI (Secure Electronic Network for Travelers Rapid Inspection). The current documents presented by U.S., Canadian, and Bermudian citizens arriving from within the Western Hemisphere vary widely in terms of the security and reliability as evidence of identity, status, and nationality. This variety poses challenges for accurate identity and admissibility determinations by border officials and has been identified as a security vulnerability for cross-border travel between these countries. It is recognized that national passports of Canada, Mexico, Bermuda (whether Bermudian or British passports), and the United States do currently, and will continue to, provide reliable evidence of identity and nationality for the purposes of cross-border travel. Standardizing documentation requirements for travelers entering the United States in the land border environment would enhance our national security and secure and facilitate the entry process into the United States. Limiting the number of acceptable, secure documents would allow border security officials to quickly, efficiently, accurately, and reliably review documentation, identify persons of concern to national security, and determine eligibility for entry of legitimate travelers without disrupting the critically important movement of people and goods across our land borders. Standardizing travel documents for citizens of the United States, Canada, Bermuda, and Mexico entering the United States in the land border environment would also reduce confusion for the travel industry and make the entry process more efficient for CBP officers and the public alike.

Legal Basis: This rule is required pursuant to section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by the Department of Homeland Security Appropriations Act of 2007.

Alternatives: CBP considered a number of regulatory alternatives to the rule. 1) Require all U.S. travelers (including children) to present a valid passport book. This alternative would require all U.S. citizens, including minors under 16 and all cruise passengers, to present a valid passport book. The passport card, CBP trusted traveler documents, the MMD, and documents from DHS-approved pilot programs would not be accepted. This would be a more stringent alternative, and it was rejected as potentially too costly and burdensome for low-risk populations of travelers. While the traditional passport book will always be an acceptable document for a U.S. citizen to present upon entry to the United States, DHS and DOS believe that the cost of a traditional passport book may be too burdensome for some U.S. citizens, particularly those living in border communities where land-border crossings are an integral part of everyday life. DHS and DOS believe that children under the age of 16 pose a low security threat in the land and sea environments and will be permitted to present a certified copy of a birth certificate when arriving in the United States at all land and sea ports-of-entry from within the

Western Hemisphere. Additionally, DHS and CBP have developed an alternative procedure for children traveling in groups. DHS and DOS have also determined that exempting certain cruise passengers from a passport requirement is the best approach to balance security and travel efficiency considerations in the cruise ship environment. 2) Require all U.S. travelers (including all children) to present a valid passport book, passport card, or other approved document. The second alternative is similar to the proposed rule, though it includes children and does not exempt cruise passengers. It is again more stringent than the proposed rule. While this alternative incorporates the low-cost passport card and CBP trusted traveler cards as acceptable travel documents, this alternative was ultimately rejected as potentially too costly and burdensome for low-risk populations of travelers (certain cruise passengers and minors under 16).

Costs and Benefits: The analysis summarized here considered U.S. travelers entering the United States via land ports-of-entry on the northern and southern borders (including arrivals by ferry and pleasure boat) as well as certain cruise ship passengers. The period of analysis is 2005 to 2014 (10 years). CBP calculates costs beginning in 2005 because although the full suite of WHTI rules is not yet in place, DOS has already seen a dramatic increase in passport applications since the WHTI plan was announced in early 2005. We account for those passports obtained prior to full implementation to more accurately estimate the economic impacts of the rule as well as to incorporate the fairly sizable percentage of travelers that currently hold passports in anticipation of the new requirements. In addition to the traditional passport book, the Secretary of Homeland Security is designating the passport card, CBP trusted traveler cards (NEXUS, SENTRI, FAST), the Merchant Mariner Document, and specified documents from a DHS-approved WHTI pilot program as generally acceptable travel documents for U.S. citizens to enter the United States at land and sea ports-of-entry. Because DHS and DOS believe that children under the age of 16 pose a low security threat in the sea and land environments, U.S. children may present a certified copy of a birth certificate in lieu of the designated documents. Additionally, DHS and DOS have determined that exempting certain cruise passengers from a passport requirement is the best approach to balance security and travel efficiency considerations in the cruise ship environment. To meet the cruise exemptions, a passenger must board the cruise ship at a port or place within the United States and the passenger must return on the same ship to the same U.S. port or place from where he or she originally departed. For the summary of the analysis presented here, CBP assumes that only the passport, trusted traveler cards, and the MMD are available in the first years of the analysis (recalling that the period of analysis begins in 2005 when passport cards and pilot-program documents were not yet available). CBP also assumes that most children under 16 will not obtain a passport or passport card but will instead use alternative documentation (birth certificates). The estimates reflect that CBP trusted traveler cards would be accepted at land and sea ports-of-entry. Finally, CBP assumes that most of the U.S. cruise passenger population will present alternative documentation (government-issued photo ID and certified copy of birth certificate) because they meet the waiver criteria proposed. To estimate the costs of the rule, we follow this general analytical framework— -Determine the number of U.S. travelers that will be covered. -Determine how many already hold acceptable documents. -Determine how many will opt to obtain passports or passport cards, and estimate their lost “consumer surplus.” -Determine how many will forgo travel instead of obtaining passports or passport cards, and estimate their lost “consumer surplus.” Building on the work conducted for the 2005 DOS passport study, CBP distilled approximately 300 million annual crossings into the number of frequent (defined as at least once a year), infrequent (once every 3 years), and rare (once every 10 years) “unique U.S. adult travelers.” We then estimate the number of travelers without the documentation this rulemaking proposes to be required and estimate the cost to obtain such documents. The fee for the passport varies depending on the age of the applicant, whether or not the applicant is renewing a passport, whether or not the applicant is requesting expedited service, and whether or not the applicant obtains a passport or a passport card. Additionally, we consider the amount of time required to obtain the document and the value of that time. We use the 2005 DOS passport demand study and CBP statistics on the trusted traveler programs to estimate how many unique U.S. travelers already hold acceptable documents. We estimate covered cruise passengers using data from the Maritime Administration (MARAD, 2006 data) and itineraries available on the cruise line Web sites (for 2007). The overwhelming majority of Western Hemisphere cruise passengers—92 percent—would fall under the proposed cruise-passenger waiver. Passengers not covered by the waiver fall into four trade markets—Alaska (72 percent), Trans-Panama Canal (16 percent), U.S. Pacific Coast (8 percent),

and Canada/New England (4 percent). We estimate that these passengers will have to obtain a passport rather than one of the other acceptable documents because these travelers will likely have an international flight as part of their cruise vacation, and only the passport is a globally accepted travel document. We use a comment to the August 2006 Notice of Proposed Rulemaking (NPRM) for implementation of WHTI in the air and sea environments (71 FR 46155) from the International Council of Cruise Lines to estimate how many unique U.S. cruise travelers already hold acceptable documentation. Based on CBP's analysis, approximately 3.2 million U.S. travelers are affected by the proposed rule in the first year of analysis (2005). Of these, approximately 2.9 million enter through a land-border crossing (via privately owned vehicle, commercial truck, bus, train, on foot) and ferry and recreational boat landing sites. An estimated 0.3 million are cruise passengers that do not meet the waiver criteria in the NPRM (note that over 90 percent of U.S. cruise passengers are expected to meet the proposed waiver criteria). CBP estimates that the traveling public acquired approximately 3.2 million passports in the first year of the analysis, in the anticipation of the passport requirements, at a direct cost of \$417 million. To estimate potential forgone travel in the land environment, we derive traveler demand curves for access to Mexico and Canada based on survey responses collected in the DOS passport study. We estimate that when the rule is implemented, the number of unique U.S. travelers to Mexico who are frequent travelers decreases by 6.5 percent, the unique U.S. travelers who are infrequent travelers decreases by 7.3 percent, and the unique U.S. travelers who are rare travelers decreases by 17.8 percent. The number of U.S. travelers visiting Canada who are frequent travelers decreases by 3.7 percent, the unique U.S. travelers who are infrequent travelers decreases by 10.7 percent, and the unique U.S. travelers who are rare travelers decreases by 10.9 percent. These estimates account for the use of a passport card for those travelers who choose to obtain one. For unique travelers deciding to forgo future visits, their implied value for access to these countries is less than the cost of obtaining a passport card. To estimate potential forgone travel in the relatively small number of cruises affected in the sea environment, we use a study from Coleman, Meyer, and Scheffman (2003), which described the Federal Trade Commission investigation into potential impacts of two cruise-line mergers and estimated a demand elasticity for cruise travel. We estimate that the number of travelers decreases by 24.4 percent, 13.4 percent, 7.0 percent, and 5.6 percent for travelers on short (1 to 5 nights), medium (6 to 8 nights), long (9 to 17 nights), and very long cruises (over 17 nights) once the rule is implemented. Costs of the rule (expressed as losses in consumer surplus) are summed by year of the analysis. We then add the government costs of implementing WHTI over the period of analysis. Ten-year costs are \$3.3 billion at the 3 percent discount rate and \$2.8 billion at 7 percent. Annualized costs are \$384 million at 3 percent and \$406 million at 7 percent. Finally, because the benefits of homeland security regulations cannot readily be quantified using traditional analytical methods, we conduct a "breakeven analysis" to determine what the reduction in risk would have to be given the estimated costs of the implementation of WHTI (land environment only). Using the Risk Management Solutions U.S. Terrorism Risk Model (RMS model), we estimated the critical risk reduction that would have to occur in order for the costs of the rule to equal the benefits—or break even. The RMS model has been developed for use by the insurance industry and provides a comprehensive assessment of the overall terrorism risk from both foreign and domestic terrorist organizations. The RMS model generates a probabilistic estimate of the overall terrorism risk from loss estimates for dozens of types of potential attacks against several thousand potential targets of terrorism across the United States. For each attack mode-target pair (constituting an individual scenario) the model accounts for the probability that a successful attack will occur and the consequences of the attack. RMS derives attack probabilities from a semi-annual structured expert elicitation process focusing on terrorists' intentions and capabilities. It bases scenario consequences on physical modeling of attack phenomena and casts target characteristics in terms of property damage and casualties of interest to insurers. Specifically, property damages include costs of damaged buildings, loss of building contents, and loss from business interruption associated with property to which law enforcement prohibits entry immediately following a terrorist attack. RMS classifies casualties based on injury-severity categories used by the worker compensation insurance industry. The results in the figure below are for the cost estimates presented above and casualty costs based on willingness-to-pay estimates and a \$3 million value of a statistical life (VSL). These results show that a decrease in perceived risk leads to a smaller annualized loss and a greater critical risk reduction, and an increase in perceived risk leads to a greater annualized loss and a smaller critical risk reduction. The total range in critical risk reduction is a factor of four and ranges from 6.6 to 26 percent, with a critical risk reduction of 13 percent required for the

standard risk scenario.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	06/26/2007	72 FR 35088
NPRM Comment Period End	08/27/2007	
Final Rule	04/03/2008	73 FR 18384
Final Rule Effective	06/01/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Related RINs: Related to 1651-AA66

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

RIN: 1652-AA38

 [View Related Documents](#)

Title: Aircraft Repair Station Security

Abstract: The Transportation Security Administration (TSA) will propose to add a new regulation to improve the security of domestic and foreign aircraft repair stations, as required by the section 611 of Vision 100--Century of Aviation Reauthorization Act. The NPRM will propose general requirements for security programs to be adopted and implemented by repair stations certified by the Federal Aviation Administration (FAA). Regulations originally were to be promulgated by August 8, 2004. A Report to Congress was sent August 24, 2004, explaining the delay.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 49 CFR 1554 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 49 USC 114; 49 USC 44924

Legal Deadline: Sec. 611(b)(1) of Vision 100--Century of Aviation Reauthorization Act (Pub. L. 108-176; 12/12/2003; 117 Stat. 2490), codified at 49 USC 44924, requires TSA to issue "final regulations to ensure the security of foreign and domestic aircraft repair stations" within 240 days from date of enactment of Vision 100.

Action	Source	Date
Other	Statutory	08/08/2004
Other	Statutory	08/03/2008

Regulatory Plan:

Statement of Need: The Transportation Security Administration (TSA) is proposing regulations to improve the security of domestic and foreign aircraft repair stations. The proposed regulations will require repair stations that are certificated by the Federal Aviation Administration to adopt and carry out a security program. The proposal will codify the scope of TSA's existing inspection program. The proposal also will provide procedures for repair stations to seek review of any TSA determination that security measures are deficient.

Legal Basis: Sec. 611(b)(1) of Vision 100—Century of Aviation Reauthorization Act (Pub.L. 108-176; 12/12/2003; 117 Stat. 2490), codified at 49 U.S.C. 44924, requires TSA to issue “final regulations to ensure the security of foreign and domestic aircraft repair stations” within 240 days from date of enactment of Vision 100. Sec. 1616 of Pub.L. 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266) requires that the FAA may not certify any foreign repair stations if the regulations are not issued within one year after the date of enactment of the 9/11 Commission Act unless the repair station was previously certified or is in the process of certification.

Alternatives:

Costs and Benefits: The proposed rule would enhance aviation security by supplementing existing safety regulations with requirements for repair stations to implement specific security measures to protect aircraft from commandeering, tampering, or sabotage. The proposed security measures will mitigate the potential threat that an aircraft could be used as a weapon or be destroyed. Using a 7 percent discount rate, TSA estimated the 10-year cost impacts for the primary scenario of this rulemaking would total \$242.4 million. This total is distributed among domestic repair stations, which would incur total costs of \$119.7 million; foreign repair stations, which would incur costs of \$68.9 million; and TSA-projected Federal Government costs, which would be \$53.7 million. As of March 2007, the FAA reported that there are 4,227 domestic repair stations and 694 repair stations located outside the U. S. that have an FAA certificate under part 145 of the FAA's rules.

Risks:

Timetable:

Action	Date	FR Cite
Public meeting	02/24/2004	69 FR 8357
Other	08/24/2004	
NPRM	07/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

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

RIN: 1652-AA53

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Title: Large Aircraft Security Program, Other Aircraft Operator Security Programs, and Airport Operator Security Program

Abstract: The Transportation Security Administration (TSA) proposes to amend current aviation transportation security regulations to enhance the security of general aviation by expanding the scope of current requirements and by adding new requirements for certain large aircraft operators and airports serving those aircraft. TSA is proposing that all aircraft operations, including corporate and private charter operations, with aircraft with a maximum certificated takeoff weight (MTOW) above 12,500 pounds ("large aircraft") be required to adopt a large aircraft security program. TSA also proposes to require that certain airports that serve large aircraft to adopt security programs.

Priority: Economically Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Yes

Unfunded Mandates: Private Sector

CFR Citation: 49 CFR 1515; 49 CFR 1520; 49 CFR 1522; 49 CFR 1540; 49 CFR 1542; 49 CFR 1544; 49 CFR 1550 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 6 USC 469; 18 USC 842; 18 USC 845; 46 USC 70102 to 70106; 46 USC 70117; 49 USC 114; 49 USC 5103; 49 USC 5103a; 49 USC 40113; 49 USC 44901 to 44907; 49 USC 44913 to 44914; 49 USC 44916 to 44918; 49 USC 44932; 49 USC 44935 to 44936; 49 USC 44942; 49 USC 46105

Legal Deadline: None

Regulatory Plan:

Statement of Need: This NPRM would apply security measures currently in place for operators of certain types of aircraft to operators of other aircraft and enhance those measures. While the focus of TSA's existing aviation security programs has been on air carriers and commercial operators, TSA is aware that general aviation aircraft with a maximum certificated takeoff weight (MTOW) of over 12,500 pounds ("large aircraft") may be vulnerable to terrorist activity. These aircraft are of sufficient size and weight to inflict significant damage and loss of lives if they are hijacked and used as missiles. TSA has current regulations that apply to large aircraft operated by air carriers and commercial operators, including the twelve five program, partial program, and the private charter program. However, the current regulations do not cover all general aviation operations, such as those operated by corporations and individuals, and such operations do not have all the features that we believe are necessary to enhance their security.

Legal Basis:

Alternatives:

Costs and Benefits: The proposed rule would yield benefits in the areas of security and quality governance. The security and governance benefits are four-fold. First, the rule would enhance security by expanding the mandatory use of security measures to certain operators of large aircraft that are not

currently required to have a security plan. These measures would deter malicious individuals from perpetrating acts that might compromise transportation or national security by using large aircraft for these purposes. Second, it would harmonize, as appropriate, security measures used by a single operator in its various operations and between different operators. Third, the new periodic audits of security programs would augment TSA's efforts to ensure that large aircraft operators are in compliance with their security programs. Finally, it would consolidate the regulatory framework for large aircraft operators that currently operate under a variety of security programs, thus simplifying the regulations and allowing for better governance. TSA estimated the total 10-year cost of the program would be \$1.2 billion, discounted at 7 percent. Aircraft operators, airport operators, and the Transportation Security Administration would incur costs to comply with the requirements of the proposed Large Aircraft Security Program rule. Aircraft operator costs comprise 88.6 percent of all estimated expenses. TSA estimated approximately 9,000 general aviation aircraft operators use aircraft with a maximum takeoff weight exceeding 12,500 pounds and would thus newly be subject to the proposed rule.

Risks:**Timetable:**

Action	Date	FR Cite
NPRM	05/00/2008	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** Local**Federalism:** No**Energy Affected:** No**Public Comment URL:** www.regulations.gov**Related RINs:** Related to 1652-AA03; Related to 1652-AA04**Agency Contact:** Michal C Morgan

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Department of Homeland Security (DHS)
Transportation Security Administration (TSA)
RIN: 1652-AA54
 [View Related Documents](#)
Title: Sensitive Security Information: Disclosure in Federal Civil Court Proceedings

Abstract: The Transportation Security Administration (TSA) is proposing to revise its regulations governing the protection of Sensitive Security Information (SSI) to implement sec. 525(d) of the U.S. Department of Homeland Security (DHS) Appropriations Act of 2007, which grants civil litigants or their counsel who do not currently have a need to know SSI access to specific SSI in Federal district court proceedings, if certain requirements are met. Sensitive Security Information is primarily information that would be detrimental to transportation security or safety if publicly disclosed. This proposed rule would establish an administrative process by which a limited number of individuals representing parties in Federal civil court proceedings would apply to TSA for access to SSI for use in the litigation.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 49 CFR 1515; 49 CFR 1520 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; PL 109-295, sec 525

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/00/2008	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

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

RIN: 1652-AA62

 [View Related Documents](#)

Title: Revision of Enforcement Procedures; Reporting of Security Issues

Abstract: The Transportation Security Administration (TSA) proposes to amend its investigative and enforcement procedures to conform their scope to the changes in TSA's civil enforcement authority enacted in the Implementing Recommendations of the 9/11 Commission Act of 2007. Specifically, the proposed rule would establish procedures by which TSA could issue civil money penalties for violations of any statutory requirement administered by TSA, including surface transportation security requirements, as well as requirements governing the use of Transportation Worker Identification Credentials. This proposed rule also would add new procedures by which members of the public could report to TSA a problem, deficiency, or vulnerability regarding transportation security, including the security of aviation, maritime, railroad, motor carrier vehicle, or pipeline transportation, or any mode of public transportation, such as mass transit.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 49 CFR 1503 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; PL 110-53, sec 1302, 1304, 1413, 1415, 1521, 1536

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/00/2008	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: Undetermined

Energy Affected: No

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

RIN: 1652-AA45

 [View Related Documents](#)

Title: Secure Flight Program

Abstract: The Transportation Security Administration (TSA) is issuing a rule to implement the requirement in section 4012 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) (Pub. L. 108-458; 12/17/2004) that TSA assume from aircraft operators the performance of the passenger screening function of comparing passenger information to appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: Private Sector

CFR Citation: 49 CFR 1560 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; 49 USC 40113; 49 USC 44901 to 44903

Legal Deadline: Sec 4012 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) (Pub. L. 108-458; 12/17/2004) requires that not later than January 1, 2005, TSA commence testing of an advanced passenger prescreening system; and that not later than 180 days after completion of testing, TSA begin to assume the performance of the passenger prescreening function.

Action	Source	Date
Other	Statutory	09/00/2005

Regulatory Plan:

Statement of Need: The Secure Flight program will fulfill the requirement of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) (Pub. L. 108-458) that TSA begin to assume the pre-flight watch list matching function currently carried out by air carriers. The rule would establish the regulatory basis for initiation of the Secure Flight program.

Legal Basis:

Alternatives:

Costs and Benefits: Secure Flight operational testing would exercise and validate TSA's ability to connect with the aircraft operators and the Terrorist Screening Center, receive passenger and non-traveler information, conduct watch list matching, and transmit watch list results back to the aircraft operators using live passenger data. Once the testing results achieve the program's desired efficacy levels, Secure Flight would be implemented and TSA would receive the primary responsibility for airline passenger watch list matching. Benefits could include more accurate, timely, and comprehensive screening, and a reduction in false positives. This would occur because Secure Flight would have access to more data than airlines with which to distinguish passengers from records in the watch lists. Further, the airlines would be relieved of watch list matching responsibilities, and TSA would be relieved of distributing the watch lists. Other benefits would include increased security due to the watch list matching of non-traveling individuals who request access to a sterile area. TSA estimated the discounted 10-year costs of this rulemaking discounted at 7 percent would total from \$1.648 billion to \$2.536 billion. Air carriers would incur total costs of \$92.7 to \$297.0 million, and travel agents would incur costs of \$86.5 to \$257.4 million. TSA projected Federal Government costs would be from \$1.114 to \$1.326 billion. The total cost of outlays would be from \$1.293 billion to \$1.880 billion. Additionally, the cost to individuals (value of time) would be between \$354.4 and \$655.7 million.

Risks:

Timetable:

Action	Date	FR Cite
Notice	09/24/2004	69 FR 57342
Notice	11/15/2004	69 FR 65619
NPRM	08/23/2007	72 FR 48355
Notice	09/05/2007	72 FR 50916
NPRM Comment Period End	10/22/2007	
NPRM	10/24/2007	72 FR 60307
Notice	10/22/2007	
NPRM Comment Period End	11/21/2007	
Final Rule	07/00/2008	

Regulatory Flexibility Analysis

Required: Undetermined

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Government Levels Affected: No

Related RINs: Related to 1652-AA48

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

RIN: 1652-AA51

 [View Related Documents](#)

Title: Rail Transportation Security

Abstract: The Transportation Security Administration (TSA) will be issuing requirements in this rulemaking action to enhance the security of our Nation's rail transportation system. Regulated entities would include freight railroad carriers; intercity, commuter, and short-haul passenger train service providers; rail transit systems; and operators of certain fixed-site facilities that ship or receive specified categories and quantities of rail security-sensitive materials by rail. This rulemaking will codify the scope of TSA's existing inspection program and require regulated parties to allow TSA and Department of Homeland Security (DHS) officials to enter, inspect, and test property, facilities, conveyances, and records relevant to rail security. This action will also require that regulated parties designate rail security coordinators and report significant security concerns to DHS. TSA further will identify a list of rail sensitive-security materials and require that freight rail carriers and certain facilities handling rail security-sensitive materials be equipped to report location and shipping information to TSA upon request and to implement chain of custody requirements to ensure a positive and secure exchange of specified hazardous materials. In this action, TSA will also clarify and extend the sensitive security information (SSI) protections to cover certain information associated with rail transportation. This action will allow TSA to enhance rail security by coordinating its activities with other Federal agencies, which would also avoid duplicative inspections and minimize the compliance burden on the regulated parties. This rule is intended to augment existing rail transportation laws and regulations that the Department of Transportation (DOT) administers.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No**Unfunded Mandates:** No**CFR Citation:** 49 CFR 1520; 49 CFR 1580 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 46 USC 70102 to 70106; 46 USC 70117; 49 USC 114; 49 USC 40113; 49 USC 44901 to 44907; 49 USC 44913 to 44914; 49 USC 44916 to 44918; 49 USC 44935 to 44936; 49 USC 44942; 49 USC 46105; PL 110-53, sec 1501; PL 107-71; PL 107-296**Legal Deadline:** None**Regulatory Plan:**

Statement of Need: The Transportation Security Administration (TSA) is issuing a final rule to establish security requirements for freight railroad carriers; intercity, commuter, and short-haul passenger train service providers; rail transit systems; and rail operations at certain fixed-site facilities that ship or receive specified hazardous materials by rail. This rule codifies the scope of TSA's existing inspection program and requires regulated parties to allow TSA and Department of Homeland Security (DHS) officials to enter, inspect, and test property, facilities, and records relevant to rail security. This rule also requires that regulated parties designate rail security coordinators and report significant security concerns to DHS. This final rule focuses on shipments of certain hazardous materials, establishing chain of custody and control procedures, reporting of location and shipping information to TSA upon request, and other measures for rail cars that pose the greatest security vulnerabilities. TSA also clarifies and amends the sensitive security information (SSI) protections to cover certain information associated with rail transportation.

Legal Basis: TSA has the responsibility for enhancing security in all modes of transportation. Under ATSA, and delegated authority from the Secretary of Homeland Security, TSA has broad responsibility and authority for "security in all modes of transportation * * * including security responsibilities" over modes of transportation that are exercised by the Department of Transportation. TSA's authority with respect to transportation security is comprehensive and supported with specific powers related to the development and enforcement of regulations, security directives, security plans, and other requirements. Accordingly, under this authority, TSA may assess a security risk for any mode of transportation, develop security measures for dealing with that risk, and enforce compliance with those measures.

Alternatives:

Costs and Benefits: The primary estimate of the total ten-year cost of the final rule discounted at 7 percent is from \$153 million to \$174 million. The main costs are from the chain of custody and location reporting requirements. The final rule will enhance rail transportation security by imposing national requirements to appoint rail security coordinators, report significant security concerns, and implement location reporting and chain of custody requirements. In addition, the broad inspection authorities codified in the final rule may help identify vulnerabilities in rail transportation that should be addressed in future rulemakings or through other mechanisms. Finally, changes to the SSI provisions will allow access to information by State, local, and tribal authorities that may assist them in addressing security threats.

Risks:**Timetable:**

Action	Date	FR Cite
NPRM	12/21/2006	71 FR 76852
Notice	01/19/2007	72 FR 2488
Supplemental NPRM	02/15/2007	72 FR 7376
Supplemental NPRM	02/20/2007	
NPRM Comment Period End	02/20/2007	
Final Action	07/00/2008	

Regulatory Flexibility Analysis Required: No **Government Levels Affected:** Local; State

Federalism: Yes

Energy Affected: No

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

RIN: 1652-AA63

 [View Related Documents](#)

Title: Airport Access Controls and Background Checks

Abstract: The Transportation Security Administration (TSA) will issue a rule requiring airports to issue biometric credentials, and implement biometric access controls, for workers who have access to specified areas of airports. Individuals required to obtain credentials will need to pay a fee and undergo background checks. The rule will include provisions for redress for some individuals who are denied a credential.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 49 CFR 1542 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 49 USC 114

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/2008	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Local

Federalism: No

Energy Affected: No

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

RIN: 1652-AA64

 [View Related Documents](#)

Title: Certified Cargo Screening Program

Abstract: The Transportation Security Administration (TSA) will establish the Certified Cargo Screening Program that will certify shippers, manufacturers, and other entities to screen air cargo intended for transport on a passenger aircraft. This will be the primary means through which TSA will meet the requirements of sec. 1602 of the Implementing Recommendations of the 9/11 Commission Act of 2007 that mandates that 100 percent of air cargo transported on passenger aircraft, operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation, must be screened by August 2010, to ensure the security of all such passenger aircraft carrying cargo. Under this rulemaking, each certified cargo screening facility (CCSF) and their employees and authorized representatives that will be screening cargo must successfully complete a security threat assessment. The CCSF must also submit to an audit of their security measures by third party auditors, screen cargo using TSA-approved methods, and initiate strict chain of custody measures to ensure the security of the cargo throughout the supply chain prior to tendering it for transport on passenger aircraft.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 49 CFR 1520; 49 CFR 1522; 49 CFR 1540; 49 CFR 1544; 49 CFR 1548; 49 CFR 1549
 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: PL 110-53, sec 1602; 49 USC 114; 49 USC 40113; 49 USC 44901 to 44905; 49 USC 44913 to 44914; 49 USC 44916; 49 USC 44935 to 44936; 49 USC 46105

Legal Deadline: Sec 1602 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110-53, 121 Stat. 266, 478, Aug. 3, 2007) requires that the Secretary of Homeland Security establish a system to screen 50 percent of cargo on passenger aircraft not later than 18 months after the date of enactment and 100 percent of such cargo not later than 3 years after the date of enactment.

Action	Source	Date
Other	Statutory	02/00/2009
Other	Statutory	08/00/2010

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/2008	

Regulatory Flexibility Analysis**Required:** Business**Government Levels Affected:** Federal**Federalism:** No**Energy Affected:** No**Agency Contact:** Victor Parker

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

RIN: 1652-AA65

 [View Related Documents](#)
Title: False Statements Regarding Security Background Checks

Abstract: The Transportation Security Administration (TSA) will issue a final rule codifying the provisions of the Implementing Recommendations of the 9/11 Commission Act of 2007, to ensure that public transportation agencies, railroad carriers, and their respective contractors and subcontractors do not knowingly misrepresent Federal guidance concerning security background checks of covered individuals.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** Undetermined**Unfunded Mandates:** No**CFR Citation:** 49 CFR 1515 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** PL 110-53, sec 1414(e); PL 110-53, sec 1522(e)

Legal Deadline: Sections 1414(e) and 1522(e) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110-53, 121 Stat. 266, 421, 449, Aug. 3, 2007) requires that, within 1 year of enactment, the Secretary of Homeland Security issue a regulation that prohibits public transportation and railroad carrier employers and their contractors from making false statements to their employees regarding security background checks as incorporated in TSA regulations, directives, or guidance.

Action	Source	Date
Other	Statutory	08/00/2008

Timetable:

Action	Date	FR Cite
Final Action	08/00/2008	

Regulatory Flexibility Analysis Required: No **Government Levels Affected:** Local; State

Federalism: No

Energy Affected: No

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

RIN: 1652-AA00

 [View Related Documents](#)

Title: Imposition and Collection of Passenger Civil Aviation Security Service Fees

Abstract: The Transportation Security Administration (TSA) will take final action on the December 31, 2001, interim final rule (IFR) by completing an economic analysis and responding to comments received. That IFR established passenger civil aviation security service fees, known as the "September 11th Security Fee" in the amount of \$2.50 per enplanement on passengers of domestic and foreign carriers in air transportation, foreign air transportation, and intrastate air transportation originating in the United States, up to \$5.00 per one-way trip and \$10.00 per round trip. The fees are required under 49 U.S.C. 44940 to pay TSA for the costs of providing Federal civil aviation security services.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 49 CFR 1510 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 44940

Legal Deadline: Sec. 118 of the Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; 11/19/2001), codified at 49 USC 44940, requires that within 60 days of ATSA's enactment, or as soon as possible thereafter, TSA impose uniform security service fees on passengers of domestic and foreign air carriers in air transportation; publish notice of these fees in the Federal Register; and exempt the agency (TSA) from procedural rulemaking requirements of 5 USC 553 and the user fees requirements from 31 USC

Action	Source	Date
Other	Statutory	01/19/2002

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	12/31/2001	
Interim Final Rule	12/31/2001	66 FR 67698
Notice	01/31/2002	67 FR 4866
Notice	02/19/2002	67 FR 7582
Interim Final Rule Comment Period End	03/01/2002	
Other	03/28/2002	67 FR 14879
Comment Period End	04/30/2002	
Notice	07/10/2002	67 FR 45784
Notice	05/06/2005	70 FR 24108
Notice	07/27/2005	70 FR 43441

Additional Information: Transferred from RIN 2110-AA01

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1652-AA01; Related to 1652-AA43

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**Title:** Aviation Security Infrastructure Fees (ASIF)

Abstract: The Transportation Security Administration (TSA) will take final action on the February 20, 2002, interim final rule (IFR) by completing an economic analysis and responding to comments received. The IFR established the Aviation Security Infrastructure Fee (ASIF) imposed on air carriers and foreign air carriers in air transportation, foreign air transportation, and intrastate air transportation to help defray TSA's costs of providing U.S. civil aviation security services. The Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; 11/19/2001), codified at 49 U.S.C. 44940, requires TSA to impose a uniform fee, the "September 11th Security Fee," on certain aviation passengers at no more than \$2.50 per enplanement originating in the United States, up to \$5.00 per one-way trip and \$10.00 per round trip. To the extent that TSA estimates that the September 11th Security Fee will not cover TSA's estimated annual costs for providing specified security services, ATSA authorizes TSA to impose a second fee, the ASIF, on carriers based on the costs they incurred for screening passengers and property in calendar year 2000. Beginning in fiscal year 2005, TSA may change the way the ASIF is apportioned among air carriers according to a carrier's market share or other appropriate measure, in lieu of the carrier's actual screening costs in calendar year 2000. See 49 U.S.C. 44940(2)(B)(iii). Reapportionment of the ASIF will not be the subject of this rulemaking and may be the subject of a separate rulemaking.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** Undetermined**Unfunded Mandates:** No**CFR Citation:** 49 CFR 1511 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 49 USC 114; 49 USC 40113; 49 USC 44901; 49 USC 44940**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	02/18/2002	
Notice	02/28/2002	67 FR 9355
Correction	02/25/2002	67 FR 8579
Interim Final Rule	02/20/2002	67 FR 7926
Interim Final Rule Comment Period End	03/18/2002	
Commend Period Extended	03/20/2002	67 FR 12954
Comment Period End	04/02/2002	
Notice	05/01/2002	67 FR 21582
Notice	01/27/2004	69 FR 3938
Notice	05/18/2004	69 FR 28141
Notice	05/09/2007	72 FR 26417
Notice	09/06/2007	72 FR 51238

Additional Information: Transferred from RIN 2110-AA02**Regulatory Flexibility Analysis****Government Levels Affected:** No**Required:** Undetermined**Federalism:** No**Energy Affected:** No**Related RINs:** Related to 1652-AA00; Related to 1652-AA43

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

RIN: 1652-AA02

 [View Related Documents](#)

Title: Civil Aviation Security Rules

Abstract: On February 22, 2002, the Transportation Security Administration (TSA) published a final rule, with a request for comments, transferring the Federal Aviation Administration's (FAA) rules (14 CFR) governing civil aviation security to TSA (49 CFR). That rulemaking also amended those rules to enhance security as required by ATSA, codified at 49 U.S.C. 44940. ATSA requires that by November 19, 2002, the responsibility for inspecting persons and property carried by aircraft operators and foreign air carriers be transferred to TSA and that TSA make a number of improvements to aviation security screening in the United States; including that screening of individuals and property be conducted by TSA employees and companies under contract with TSA; enhanced qualifications and training of screeners; and that Federal law enforcement officers be present at screening locations. It was intended to improve the quality of screening conducted by aircraft operators and foreign air carriers; to improve the qualifications of individuals performing screening, and thereby to improve the level of security in air transportation. The rule helped ensure a smooth transition of aviation security from the FAA to TSA, and avoided disruptions in air transportation due to any shortage of qualified screeners. TSA has conducted a number of other rulemakings that have addressed issues raised in many of the 2002 rule comments.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

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 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: The Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; 11/19/2001), mandated that not later than 3 months after the date of enactment of this Act, TSA assume civil aviation security functions and responsibilities under chapter 449 of 49 USC, in accordance with a schedule to be developed by the Secretary of Transportation, in consultation with air carriers, foreign air carriers, and the Administrator of the Federal Aviation Administration.

Action	Source	Date
Other	Statutory	02/19/2002

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Final Rule Effective	12/28/2001	
Final Rule	12/28/2001	66 FR 67117
Other	02/17/2002	
Final Rule	02/22/2002	67 FR 8340
Other	03/25/2002	

Additional Information: Transferred from RIN 2110-AA03

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1652-AA03

 [View Related Documents](#)
Title: Security Programs for Aircraft Weighing 12,500 Pounds or More

Abstract: On February 22, 2002, the Transportation Security Administration (TSA) published the interim final rule, known as the "Twelve-Five Rule," which requires operators of aircraft with a maximum certificated takeoff weight of 12,500 pounds or more to implement a TSA-approved security program, known as the "Twelve-Five Security Program." The rule also requires that certain aircraft operators conduct criminal history records checks on their flight crew members, and restrict access to the flight deck. These measures were necessary to comply with congressional mandates and to enhance security in air transportation. Security programs constitute sensitive security information (SSI), which is disclosed only to persons with a need to know, in accordance with 49 CFR part 1520. Therefore, the proposed Twelve-Five Security Program was distributed for comment only to the operators subject to the rule and comments received which contained SSI were responded to, but not made public. TSA received comments on the proposed security program and amended the program, where appropriate, to accommodate the comments received. TSA provided the final security program to affected entities, and completed a training program for the operators to use to ensure that they operate in accordance with the final security program. In addition, TSA developed a fingerprint collection process that enables all affected operators to complete the fingerprint-based criminal history records checks of their flight crew members, as required by the Twelve-Five Rule. Affected operators were required to be in compliance with the rule by April 1, 2003.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 49 CFR 1540; 49 CFR 1544 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: Sec. 132(a) of the Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; 11/19/2001), codified at 49 USC 44940, requires that within 90 days of ATSA's enactment, TSA implement an aviation security program for charter air carriers (as defined in sec. 40102(a)(13) of title 49, United States Code) with a maximum certificated takeoff weight of 12,500 pounds or more.

Action	Source	Date
Other	Statutory	02/19/2002

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Final Rule	02/22/2002	67 FR 8205
Other	04/23/2002	
Other	06/24/2002	
Notice	08/28/2002	67 FR 55308
Notice	09/30/2002	
Notice	11/08/2002	67 FR 68227
Notice	02/05/2003	68 FR 5974
Notice	11/26/2003	68 FR 66473
Notice	02/11/2004	69 FR 6683

Additional Information: Transferred from RIN 2110-AA04

Regulatory Flexibility Analysis
Government Levels Affected: No

Required: Undetermined

Small Entities Affected: Business**Federalism:** No**Energy Affected:** No**Related RINs:** Related to 1652-AA04**Agency Contact:** Lon M. Siro

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**Department of Homeland Security (DHS)
Transportation Security Administration (TSA)****RIN:** 1652-AA08 [View Related Documents](#)**Title:** Protection of Sensitive Security Information (SSI)

Abstract: The Transportation Security Administration (TSA) will take final action on the May 18, 2004, interim final rule (IFR) by responding to comments received. In the IFR, published jointly with the Office of the Secretary of Transportation (OST) in May 2004, TSA revised its sensitive security information (SSI) regulations to expand the 2002 regulatory framework governing information generally related to aviation security to cover information related to security in maritime transportation, consistent with the security framework required by the U.S. Coast Guard's regulations implementing the Maritime Transportation Security Act (MTSA). This expansion was the main theme of the IFR. However, the IFR also continued TSA's 2002 regulations coverage for vulnerability assessments and, with some changes, certain other SSI for all modes. TSA and OST issued a technical amendment to the IFR in January 2005 to address provisions of the regulations that inadvertently restricted sharing of SSI. Specifically, the amendment removed the limiting words "aviation or maritime" from 49 CFR 15.11 and 49 CFR 1520.11 in order to clearly permit the sharing of vulnerability assessments and other documents properly designated as SSI with covered persons who meet the need to know requirements regardless of mode of transportation.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No

CFR Citation: 49 CFR 15; 49 CFR 1520 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	05/18/2004	69 FR 28066
Interim Final Rule Effective	06/17/2004	
Interim Final Rule Comment Period End	07/19/2004	
Final Rule	01/07/2005	70 FR 1379

Additional Information: Joint rulemaking with Department of Transportation, Office of the Secretary (RIN No. 2105-AD33) Transferred from RIN 2110-AA10

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1652-AA05; Related to 1652-AA49

Related Agencies: Joint: OST

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

RIN: 1652-AA11

 [View Related Documents](#)

Title: Criminal History Records Checks (CHRC)

Abstract: This rule, published by the Federal Aviation Administration (FAA) on December 6, 2001, required each airport operator and aircraft operator that had adopted a security program under 14 CFR parts 107 or 108 to conduct fingerprint-based criminal history record checks (CHRC) for individuals, if they had not already undergone CHRCs. The rule applied to those who either have, or apply for unescorted access authority to the Security Identification Display Area (SIDA) of an airport; authority to authorize others to have unescorted access; and screening functions. The FAA determined the rule was needed because the then current employment investigation method was not adequate and to ensure that individuals in these positions did not have disqualifying criminal offenses. Rules governing civil aviation security were transferred from the FAA to the Transportation Security Administration (TSA). Parts 107 and 108 of title 14 of the Code of Federal Regulations (CFR) on Airport Security and Aircraft Operator Security, respectively, are now codified in 49 CFR parts 1540, 1542, and 1544. TSA will complete any further action required in this rulemaking. TSA plans to amend parts 1542 and 1544 to make technical changes and improve organization and clarity.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 49 CFR 1540; 49 CFR 1542; 49 CFR 1544 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; 49 USC 40113; 49 USC 44936

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Final Rule Effective	12/06/2001	
Other	12/06/2001	66 FR 63474
Comment Period End	01/07/2002	
Other	01/25/2002	67 FR 3810
Other	03/11/2002	

Additional Information: Transferred from RIN 2110-AA11

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Small Entities Affected: Business

Federalism: Undetermined

Energy Affected: No

Related RINs: Related to 2120-AH53; Related to 1652-AA09; Related to 1652-AA10

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

RIN: 1652-AA16

 [View Related Documents](#)

Title: Transportation of Explosives From Canada to the United States via Commercial Motor Vehicle and Railroad Carrier

Abstract: This Interim Final Rule (IFR), published by the Transportation Security Administration (TSA) on February 6, 2003, addressed security issues regarding transportation of explosives by commercial motor vehicles and railroads. It established requirements applicable to all motor carriers, motor private carriers, and railroad carriers not using U.S. citizens or lawful permanent aliens as drivers or railroad crews licensed in Canada to transport explosives to the United States. In August 2006, TSA issued an IFR superseding this February 2003 IFR as it relates to motor carriers (See RIN No. 1652-AA50). This was further amended by the Transportation Worker Identification Credential (TWIC) final rule, issued January 25, 2007 (RIN No. 1652-AA41). In the future, TSA plans to issue a rulemaking action for the rail sector.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 49 CFR 1570; 49 CFR 1572 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 49 USC 114; 49 USC 5103; 49 USC 5103a; 49 USC 40113; 49 USC 46105

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	02/03/2003	
Interim Final Rule	02/06/2003	68 FR 6083
Interim Final Rule Comment Period End	03/10/2003	

Additional Information: Transferred from RIN 2110-AA18

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: No

Energy Affected: No

Related RINs: Related to 1652-AA41; Related to 1652-AA50

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

RIN: 1652-AA17

 [View Related Documents](#)

Title: Security Threat Assessment for Individuals Applying for a Hazardous Materials Endorsement for a Commercial Driver's License

Abstract: The Transportation Security Administration (TSA) will take final action on the November 24, 2004, interim final rule by responding to comments. This action, initiated with a rule published on May 5, 2003, implements requirements in the Safe Explosives Act and the USA Patriot Act, relating to security threat assessments of commercial truck drivers who are authorized to transport hazardous materials. This rule amends the May 5th rule by providing additional guidance to the States and industry on the process for collecting fingerprints and information from commercial drivers who apply to obtain or renew a hazardous materials endorsement. In addition, the rule requires the States to formally decide whether they will collect this information or whether TSA will complete the collection. TSA has added definitions and made organizational and substantive changes to the current standards codified at 49 CFR part 1572.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 49 CFR 1572 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 49 USC 114; 49 USC 5103a; 49 USC 40113; 49 USC 46105

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	05/05/2003	
Interim Final Rule	05/05/2003	68 FR 23852
Interim Final Rule Comment Period End	07/07/2003	
Interim Final Rule Effective	11/03/2003	
Interim Final Rule	11/07/2003	68 FR 63033
Final Rule Effective	04/06/2004	
Final Rule	04/06/2004	69 FR 17969
Interim Final Rule Effective	11/24/2004	
Interim Final Rule	11/24/2004	69 FR 68720
Interim Final Rule Comment Period End	12/27/2004	

Additional Information: Transferred from RIN 2110-AA19

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State

Small Entities Affected: Governmental Jurisdictions

Federalism: No

Energy Affected: No

Related RINs: Related to 1652-AA33

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

RIN: 1652-AA35

 [View Related Documents](#)

Title: Flight Training for Aliens and Other Designated Individuals; Security Awareness Training for Flight School Employees

Abstract: The Transportation Security Administration (TSA) will take final action on the September 20, 2004, interim final rule (IFR) by completing a regulatory analysis, amending the rule to incorporate the exemptions and interpretations, and responding to comments received. The IFR was published on September 20, 2004 (69 FR 56324). After comments were received, new exemptions and interpretations were issued. The IFR created a new part 1552, Flight Schools, in title 49 of the Code of Federal Regulations (CFR). This IFR applies to flight schools and to individuals who apply to obtain flight training. The IFR is requiring flight schools to notify TSA when aliens and other individuals designated by TSA apply for flight training. TSA has established standards relating to the security threat assessment process that TSA will conduct to determine whether such individuals are a threat to aviation or national security, and thus prohibited from receiving flight training. In addition, TSA has established a fee to cover a portion of the costs of the security threat assessments that TSA will perform under this rule. Finally, TSA has established standards relating to security awareness training for certain flight school employees. These requirements will help ensure that individuals who intend to use aircraft to perform terrorist attacks in the United States do not obtain flight training that would enable them to do so. These requirements also will improve security at flight schools.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 49 CFR 1552 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 49 USC 114; 49 USC 44939; 49 USC 46105

Legal Deadline: Requires Transportation Security Administration (TSA) to promulgate an interim final rule (IFR) implementing the requirements of Sec. 612 of Vision 100—Century of Aviation Reauthorization Act (Pub. L. 108-176, December 12, 2003; 117 Stat. 2490), including the fee provisions, not later than 60 days after the enactment of the Act.

Action	Source	Date
Other	Statutory	02/10/2004

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	09/20/2004	
Interim Final Rule	09/20/2004	69 FR 56324
Interim Final Rule Comment Period End	10/20/2004	
Notice	11/26/2004	69 FR 68952
Notice	03/30/2005	70 FR 16298
Notice	04/16/2008	73 FR 20699

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Johannes (Johan) Knudsen

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

RIN: 1652-AA39

 [View Related Documents](#)

Title: Maryland Three Airports: Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC, Metropolitan Area Flight Restricted Zone

Abstract: This Interim Final Rule (IFR), published by the Transportation Security Administration (TSA) on February 10, 2005, creates a new part 1562, subpart A, for General Aviation, in title 49 of the Code of Federal Regulations (CFR). The IFR transfers responsibility for ground security requirements and procedures at three Maryland airports: College Park Airport (CGS), Potomac Airfield (VKX), and Washington Executive/Hyde Field (W32) that are located within the Washington, DC, Metropolitan Area Flight Restricted Zone (FRZ); and for individuals operating aircraft to and from these airports, from the Federal Aviation Administration (FAA) to TSA. These airports are referred to as the "Maryland Three Airports." These requirements and procedures were previously issued by the FAA, in coordination with TSA, in Special Federal Aviation Regulation (SFAR) 94. TSA assumed responsibility for these requirements and procedures because TSA and FAA agree that they are best handled under TSA's authority over transportation security. These requirements and procedures will continue to enhance the security of the critical infrastructure and Federal Government assets in the Washington, DC, Metropolitan Area.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** Undetermined**Unfunded Mandates:** No**CFR Citation:** 49 CFR 1562 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 49 USC 114; 49 USC 40113**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	02/13/2005	
Interim Final Rule	02/10/2005	70 FR 7150
Interim Final Rule Comment Period End	04/11/2005	
Notice	06/07/2005	70 FR 33188
Notice	09/26/2005	70 FR 56179

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**Agency Contact:** Michal C Morgan

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

RIN: 1652-AA41

 [View Related Documents](#)
Title: Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector;
 Hazardous Materials Endorsement for a Commercial Driver's License

Abstract: The Department of Homeland Security (DHS), through the Transportation Security Administration (TSA) and the United States Coast Guard (Coast Guard), issued a final rule on January 25, 2007, implementing provisions of the Maritime Transportation Security Act of 2002. The rule requires credentialed merchant mariners and workers with unescorted access to secure areas of vessels and facilities to undergo a security threat assessment and receive a biometric credential, known as a Transportation Worker Identification Credential (TWIC). After enrollment in a Captain of the Port Zone is complete, persons without TWICs will not be granted unescorted access to secure areas at affected maritime facilities or on vessels. The final rule enhances the security of ports by requiring security threat assessments of persons with unescorted access to secure areas. In the final rule, TSA applies its security threat assessment standards that apply to commercial drivers authorized to transport hazardous materials to merchant mariners and workers who require unescorted access to secure areas on vessels and at maritime facilities. To minimize redundant background checks of workers, TSA amended the threat assessment standards to include a process by which TSA determines if a background check conducted by another governmental agency is comparable to the standards in this rule. TSA expanded existing appeal and waiver provisions to apply to TWIC applicants and air cargo employees who undergo a security threat assessment. These modifications include a process for the review of adverse waiver decisions and certain disqualification cases by an administrative law judge. TSA also extends the time period in which applicants may apply for an appeal or waiver. The rule establishes the user fee and card replacement fee for the TWIC. The standard TWIC fee total is \$132.50, and is valid for five years. Workers with current, comparable background checks will pay a reduced fee of \$105.25. The cost of a replacement TWIC, if the original is lost, stolen, or damaged is \$60.

Priority: Economically Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Yes

Unfunded Mandates: Private Sector

CFR Citation: 33 CFR 101; 33 CFR 103 to 106; 33 CFR 125; 46 CFR 10; 46 CFR 12; 46 CFR 15; 49 CFR 1515; 49 CFR 1570; 49 CFR 1572 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Notice	04/05/2004	69 FR 17703
Notice	04/05/2004	69 FR 17704
Notice	07/27/2004	69 FR 44675
Notice	07/27/2004	69 FR 44675
Public meeting	05/26/2006	71 FR 30352
NPRM	05/22/2006	71 FR 29396
NPRM Comment Period End	07/06/2006	
Notice	08/21/2006	71 FR 48527
Final Rule	01/25/2007	72 FR 3492
Correction	02/07/2007	72 FR 5632
Comment Period End	02/26/2007	
Final Rule	03/26/2007	72 FR 14049
Final Rule	03/20/2007	72 FR 13026
Final Rule Effective	03/26/2007	
Final Rule	03/30/2007	72 FR 15195
Notice	09/20/2007	72 FR 53784
Final Rule	09/28/2007	72 FR 55043
Notice	10/09/2007	72 FR 57342
Notice	10/26/2007	72 FR 60871

Notice	11/06/2007	72 FR 62667
Notice	11/08/2007	72 FR 63106
Notice	11/19/2007	72 FR 65054
Notice	11/16/2007	72 FR 64662
Notice	11/13/2007	72 FR 63919
Notice	11/28/2007	72 FR 67312
Notice	11/21/2007	72 FR 65586
Notice	12/04/2007	72 FR 68174
Notice	12/03/2007	72 FR 67945
Notice	12/14/2007	72 FR 71143
Notice	12/13/2007	72 FR 70877
Notice	12/10/2007	72 FR 69698
Notice	12/26/2007	72 FR 73040
Notice	01/03/2008	73 FR 496
Notice	01/17/2008	73 FR 3261
Notice	01/11/2008	73 FR 2058
Notice	01/29/2008	73 FR 5204
Notice	02/15/2008	73 FR 8893
Notice	02/25/2008	73 FR 10044
Notice	02/25/2008	73 FR 10043
Notice	02/20/2008	73 FR 9347
Notice	03/06/2008	73 FR 12186
Correction	03/12/2008	73 FR 13244
Correction	03/12/2008	73 FR 13155
Notice	04/04/2008	73 FR 18550
Notice	04/18/2008	73 FR 21149
Notice	04/11/2008	73 FR 19859

Additional Information: Joint rulemaking with Department of Homeland Security, United States Coast Guard (Docket No. Coast Guard-2006-24196)

Regulatory Flexibility Analysis

Required: Business; Governmental Jurisdictions

Government Levels Affected: Federal; Local; State

Federalism: Yes

Energy Affected: No

Related RINs: Merge with 1652-AA27; Related to 1652-AA47; Related to 1625-AB02

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

RIN: 1652-AA43

 [View Related Documents](#)

Title: Modification of the Aviation Security Infrastructure Fee (ASIF) (Market Share)

Abstract: This rulemaking will seek comment on a proposed revision to the method for apportioning the Aviation Security Infrastructure Fee (ASIF) among air carriers. The ASIF is a fee imposed on air carriers and foreign air carriers to help pay the Government's costs of providing civil aviation security services. Starting in fiscal year 2005, the Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; 11/19/2001), authorizes TSA to change the methodology for imposing the ASIF on air carriers and foreign air carriers from a system based on their 2000 screening costs to a system based on market share or other appropriate measures. On November 5, 2003, the Transportation Security Administration (TSA) published a notice requesting comment on possible changes in order to allow for open industry and public input before beginning the formal rulemaking process for changing this fee. TSA sought comments on issues regarding how to impose the ASIF, and whether, when, and how often the ASIF should be adjusted. The comment period was extended on the notice for an additional 30 days, until February 5, 2004. TSA is considering a market share methodology for implementation.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 49 CFR 1511 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 49 USC 44901; 49 USC 44940

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Notice	11/05/2003	68 FR 62613
Commend Period Extended	12/31/2003	68 FR 75611
Comment Period End	01/05/2004	
Comment Period End	02/05/2004	

Regulatory Flexibility Analysis

Required: Business

Government Levels Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1652-AA00; Related to 1652-AA01

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

RIN: 1652-AA49

 [View Related Documents](#)

Title: Ronald Reagan Washington National Airport: Enhanced Security Procedures for Certain Operations

Abstract: This Interim Final Rule (IFR), published by the Transportation Security Administration (TSA) on July 19, 2005, creates a new part 1562, subpart B, for General Aviation, in title 49 of the Code of Federal Regulations (CFR). This final rule restores access to Ronald Reagan Washington National Airport (DCA) for certain aircraft operations, while maintaining the security of critical Federal Government and other assets in the Washington, DC, Metropolitan Area. Since September 11, 2001, general aviation aircraft operations have been prohibited at DCA. This rule applies to all passenger aircraft operations into or out of DCA, except foreign air carrier operations operating under 49 CFR part 1546.101(a) or (b) and U.S. air carrier operations operating under a full security program required by 49 CFR part 1544. The rule establishes security procedures for aircraft operators and gateway airport operators, and security requirements relating to crewmembers, passengers, and law enforcement officers onboard aircraft operating to or from DCA.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 49 CFR 1520; 49 CFR 1540; 49 CFR 1562 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 46 USC 70102 to 70106; 46 USC 70117; 49 USC 114; 49 USC 5103; 49 USC 40113 to 40114; 49 USC 44901 to 44907; 49 USC 44913 to 44914; 49 USC 44916 to 44918; 49 USC 44935 to 44936; 49 USC 44942; 49 USC 46105

Legal Deadline: None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	07/19/2005	70 FR 41586
Interim Final Rule Effective	08/18/2005	
Notice	08/26/2005	70 FR 50391
Interim Final Rule Comment Period End	09/19/2005	
Notice	10/26/2005	70 FR 61831

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

Small Entities Affected: Business; Organizations **Federalism:** No

Energy Affected: No

Related RINs: Related to 1652-AA08

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

RIN: 1652-AA50

 [View Related Documents](#)

Title: Drivers Licensed in Canada or Mexico Transporting Hazardous Materials Within the United States

Abstract: This Interim Final Rule (IFR), published by the Transportation Security Administration (TSA) on August 7, 2006, announced that a commercial motor vehicle driver licensed in Canada or Mexico who holds a Free and Secure Trade (FAST) program card may use that card as an acceptable credential to transport placarded amounts of hazardous materials or any quantity of a material listed as a select agent or toxin in 42 CFR part 73 within the United States. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) requires that, as of August 10, 2006, commercial motor vehicle drivers licensed in Canada or Mexico who transport hazardous materials in the United States must undergo a background check similar to the one required of U.S.-licensed operators with a hazardous materials endorsement (HME) on a commercial drivers license (CDL). This rule announced TSA's determination that the background check required to obtain a credential under the FAST program meets the background check requirements of SAFETEA-LU. This interim rule also removed TSA's pre-existing 49 CFR 1572.201 procedures for commercial drivers licensed in Canada who transport explosives into the United States (See RIN No. 1652-AA16).

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 49 CFR 1572.201 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 49 USC 5103a(h)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	08/07/2006	71 FR 44874
Interim Final Rule Effective	08/10/2006	
Interim Final Rule Comment Period End	10/06/2006	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1652-AA16

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

RIN: 1652-AA55

 [View Related Documents](#)

Title: Public Transportation--Security Training of Employees

Abstract: The Transportation Security Administration (TSA) will add a new regulation to improve the security of public transportation in accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007. This rulemaking will propose general requirements for a public transportation security training program to prepare public transportation employees, including frontline employees, for potential security threats and conditions.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Yes

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 49 USC 114; PL 110-53, sec 1408

Legal Deadline: According to sec. 1408 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266), interim final regulations are due 90 days after the date of enactment (Nov. 3, 2007), and final regulations are due 1 year after the date of enactment of this Act.

Action	Source	Date
Other	Statutory	11/03/2007
Other	Statutory	08/03/2008

Regulatory Plan:

Statement of Need: A public transportation security training program is proposed to prepare public transportation employees, including frontline employees, for potential security threats and conditions.

Legal Basis: 49 U.S.C. 114; Sec. 1408 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266).

Alternatives:

Costs and Benefits: Economic analysis under development.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

**Regulatory Flexibility Analysis
 Required:** Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Energy Affected: No

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

RIN: 1652-AA56

 [View Related Documents](#)

Title: Public Transportation--Security Plan

Abstract: The Transportation Security Administration (TSA) will propose new regulations to enhance security in public transportation in accordance with sec. 1405 of the Implementing Recommendations of the 9/11 Commission Act of 2007. This rulemaking will propose general requirements to require high-risk public transportation agencies to develop comprehensive security plans. Technical assistance and guidance will be provided to these agencies in preparing and implementing the security plans.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 49 USC 114; PL 110-53, sec 1405

Legal Deadline: None

Regulatory Plan:

Statement of Need: The rulemaking will propose general requirements for the development of comprehensive security plans by high-risk public transportation agencies to deter security threats.

Legal Basis: 49 U.S.C. 114; Sec. 1405 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266).

Alternatives:

Costs and Benefits: Economic analysis under development.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Energy Affected:** No**Agency Contact:** Thomas L Farmer

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

RIN: 1652-AA57

 [View Related Documents](#)
Title: Railroads--Security Training of Employees

Abstract: The Transportation Security Administration (TSA) will add new regulations to improve the security of railroads in accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007. The rulemaking will propose general requirements for a security training program to prepare railroad frontline employees for potential security threats and conditions. The regulations will take into consideration any current security training requirements or best practices.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** Undetermined**Unfunded Mandates:** Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 49 USC 114; PL 110-53, sec 1517

Legal Deadline: According to sec 1517 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266), TSA must issue a regulation no later than 6 months after the date of enactment of this Act.

Action	Source	Date
NPRM	Statutory	02/03/2008

Regulatory Plan:

Statement of Need: The rulemaking will propose general requirements for a security training program to prepare railroad frontline employees for potential security threats and conditions.

Legal Basis: 49 U.S.C. 114; sec. 1517 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266).

Alternatives:

Costs and Benefits: Economic analysis under development.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis

Required: Undetermined

Federalism: Undetermined

Energy Affected: No

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Government Levels Affected: Undetermined

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

RIN: 1652-AA58

 [View Related Documents](#)

Title: Railroads--Vulnerability Assessment and Security Plan

Abstract: The Transportation Security Administration (TSA) will add new regulations to improve the security of rail transportation in accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007. This rulemaking will propose general requirements for each high-risk railroad carrier to conduct a vulnerability assessment; implement a security plan that addresses security performance requirements; and establish standards and guidelines for developing and implementing these vulnerability assessments and security plans.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; PL 110-53, sec 1512

Legal Deadline: According to sec 1512 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266), TSA must issue a regulation no later than 12 months after date of enactment of this Act.

Action	Source	Date
NPRM	Statutory	08/03/2008

Regulatory Plan:

Statement of Need: The rulemaking will propose general requirements for each high-risk railroad carrier to conduct a vulnerability assessment; implement a security plan that addresses security performance requirements; and establish standards and guidelines for developing and implementing these vulnerability assessments and security plans.

Legal Basis: 49 U.S.C. 114; sec 1512 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266).

Alternatives:

Costs and Benefits: Economic analysis under development.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Energy Affected: No

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Title: Over-the-Road Buses--Security Training of Employees

Abstract: The Transportation Security Administration (TSA) will add new regulations to improve the security of over-the-road buses in accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007. The rulemaking will propose an over-the-road bus security training program to prepare over-the-road bus frontline employees for potential security threats and conditions. The regulations will take into consideration any current security training requirements or best practices.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; PL 110-53, sec 1534

Legal Deadline: According to sec. 1534 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007); 121 Stat. 266), TSA must issue a regulation no later than 6 months after date of enactment of this Act.

Action	Source	Date
NPRM	Statutory	02/03/2008

Regulatory Plan:

Statement of Need: The rulemaking will propose an over-the-road bus security training program to prepare over-the-road bus frontline employees for potential security threats and conditions.

Legal Basis: 49 U.S.C. 114; sec. 1534 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266).

Alternatives:

Costs and Benefits: Economic analysis under development.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Energy Affected: No

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

RIN: 1652-AA60

 [View Related Documents](#)**Title:** Over-the-Road Buses--Vulnerability Assessment and Security Plan**Abstract:** The Transportation Security Administration (TSA) will add new regulations to improve the security of over-the-road bus operators in accordance with sec. 1531 of the Implementing Recommendations of the 9/11 Commission Act of 2007. The rulemaking will propose general requirements for each high-risk over-the-road bus operator to conduct a vulnerability assessment and implement a security plan.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** Undetermined**Unfunded Mandates:** Undetermined**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 49 USC 114; PL 110-53, sec 1531**Legal Deadline:** According to sec 1531 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266), TSA must issue a regulation no later than 18 months after date of enactment (Feb. 3, 2009) of this Act.

Action	Source	Date
Other	Statutory	02/03/2009

Regulatory Plan:**Statement of Need:** The rulemaking will propose general requirements for each high-risk over-the-road bus operator to conduct a vulnerability assessment and implement a security plan.**Legal Basis:** 49 U.S.C. 114; sec 1531 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266).**Alternatives:****Costs and Benefits:** Economic analysis under development.**Risks:****Timetable:**

Action	Date	FR Cite
NPRM	00/00/0000	

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

Energy Affected: Undetermined

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

RIN: 1652-AA61

 [View Related Documents](#)

Title: Security Threat Assessments of Certain Transportation Personnel

Abstract: The Transportation Security Administration (TSA) will propose new regulations to conduct security threat assessments on all frontline employees for public transportation agencies, railroads, and over-the-road buses in accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007. TSA will also propose user fees to cover the cost of the security treat assessments and redress. Under the Implementing Recommendations of the 9/11 Commission Act of 2007, the regulation must include limitations on how employers may use the information, prohibitions on making false statements about requirements, and a redress process.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; PL 110-53, sec 1411, 1414, 1520, 1522, 1602

Legal Deadline: None

Regulatory Plan:

Statement of Need: Sections of the Implementing Recommendation of the 9/11 Commission Act of 2007 require TSA to complete security threat assessments and provide a redress process for all frontline employees for public transportation agencies, railroads, and over-the-road buses. There could be a further need for threat assessments on transportation personnel that could be addressed under this rule.

Legal Basis: 49 U.S.C. 114; secs. 1411, 1414, 1520, 1522, and 1602 of Public Law 110-53, Implementing Recommendation of the 9/11 Commission Act of 2007.

Alternatives:

Costs and Benefits: Economic analysis under development.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis

Required: Undetermined

Federalism: Undetermined

Energy Affected: No

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Government Levels Affected: Undetermined

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

RIN: 1652-AA04

 [View Related Documents](#)

Title: Private Charter Security Rules

Abstract: The Transportation Security Administration (TSA) published the final rule, known as the "Private Charter Rule," on December 31, 2002, which amends the requirements applying to private charter passenger aircraft by increasing the level of security required in private charter operations. TSA adopted an international security standard, in which private charter operations in aircraft with a maximum certificated takeoff weight (MTOW) greater than 45,500 kg (100,309.3 pounds), or with a passenger seating configuration of 61 or more, are required to ensure that passengers and their accessible property are screened prior to boarding. In response to section 132(a) of the Aviation and Transportation Security Act (ATSA) requirement that TSA implement an aviation security program for charter air carriers, TSA published a final rule on February 22, 2002, known as the "Twelve-Five Rule." The rule required operators of aircraft with a maximum certificated takeoff weight of 12,500 pounds or more to implement a TSA-approved security program, known as the "Twelve-Five Security Program." In June 2002, TSA issued another final rule request for comments, which required private charter operators using aircraft with a maximum certificated takeoff weight of 95,000 pounds or more, to ensure that passengers and their carry-on baggage are screened prior to boarding. However, in response to the comments received from this rule and after further analysis, TSA determined that this threshold did not adequately capture the appropriate group of aircraft, so TSA published a further amendment in December 2002, adopting the international security standard above for private charter operations. As a result of this current amendment, additional aircraft are now covered by the rule that were not previously subject to it. TSA established a new compliance date for operators of these aircraft, in order to provide them sufficient time to develop procedures required by this rule and the security program. Also, in response to comments received, TSA is permitting the use of non-TSA screeners in certain circumstances. Security programs constitute sensitive security information (SSI), which can be disclosed only to persons with a need to know, in accordance with 49 CFR part 1520. Therefore, the proposed private charter security program was distributed for comment only to the operators subject to the rule. TSA received comments on the proposed security program and amended the program, where appropriate, to accommodate the comments received. TSA provided the final security program to affected entities, and completed a training program for the operators to use to ensure that they operate in accordance with the security program. Affected operators were required to be in compliance with the rule by April 1, 2003.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 49 CFR 1540; 49 CFR 1544 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: Section 132(a) of the Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; 11/19/2001), codified at 49 U.S.C. 44940, requires that within 90 days of ATSA's enactment, TSA implement an aviation security program for charter air carriers (as defined in sec. 40102(a)(13) of title 49, United States Code) with a maximum certificated takeoff weight of 12,500 pounds or more.

Action	Source	Date
Other	Statutory	02/19/2002

Timetable:

Action	Date	FR Cite
Final Rule	02/22/2002	67 FR 8205
Comment Period End	04/23/2002	
Final Rule	06/19/2002	67 FR 41635
Final Rule Effective	06/24/2002	
Other	07/19/2002	
Other	08/19/2002	
Notice	08/28/2002	67 FR 55309
Notice	09/30/2002	
Final Action	12/31/2002	67 FR 79881
Final Action Effective	02/01/2003	
Notice	02/05/2003	68 FR 5975
Notice	11/26/2003	68 FR 66473
Notice	02/11/2004	69 FR 6683

Additional Information: Transferred from RIN 2110-AA05

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

Related RINs: Related to 1652-AA03

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

RIN: 1652-AA52

 [View Related Documents](#)**Title:** Air Cargo Security Requirements; Compliance Dates; Amendment

Abstract: The Transportation Security Administration (TSA) is further extending the compliance dates for Air Cargo Security requirements. Since extension of the security threat assessment (STA) deadlines in October 2006, TSA has encountered technical problems that will delay TSA's ability to process the large number of STA applications for air cargo employees, agents and indirect air carrier (IAC) proprietors, general partners, officers, directors, and certain owners of the entity (IAC proprietors). While TSA is working diligently on these problems, we are unable to determine at this time when these technical problems will be resolved. Accordingly, by Interim Final Rule, request for comments issued March 20, 2007, TSA is extending the compliance deadlines for STAs for employees of aircraft operators, foreign air carriers, and IACs under sections 1544.228, 1546.213, 1548.15, and for IAC proprietors, general partners, officers, directors, and certain owners of the entity under 1548.16 from March 15, 2007, to a requirement that the operators submit names and other identifying information to TSA by May 15, 2007. Also, the STAs for agents under sections 1544.228, 1546.213, and 1548.15 is extended from June 15, 2007, to a requirement that the operators submit names and other identifying information to TSA by July 15, 2007. The date that all covered individuals must have successfully completed the STAs is extended to a date that TSA will specify in a future rule in the Federal Register. In the Interim Final Rule (IFR), request for comments (published October 25, 2006), TSA amended the Air Cargo Security Requirements final rule published May 26, 2006 (71 FR 30478), corrected June 2, 2006 (71 FR 31964) and June 8, 2006 (71 FR 33254), and effective October 23, 2006, by extending the compliance dates. TSA concluded that the regulated community would be unable to meet some deadlines in the Air Cargo final rule because of the large number of employees and agents subject to the requirements. This action extended the compliance dates for STAs for employees of aircraft operators, foreign air carriers, and IACs under sections 1544.228, 1546.213, 1548.15, and IAC proprietors, general partners, officers, directors, and certain owners of the entity under section 1548.16 to March 15, 2007. TSA also extended the compliance date for STAs for agents of these entities to June 15, 2007.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 49 CFR 1544.228; 49 CFR 1546.213; 49 CFR 1548.11; 49 CFR 1548.15 to 1548.16 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 49 USC 114; 49 USC 5103; 49 USC 40113; 49 USC 44901 to 44905; 49 USC 44913 to 44914; 49 USC 44916 to 44917; 49 USC 44932; 49 USC 44935 to 44936; 49 USC 46105**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	10/23/2006	
Interim Final Rule	10/25/2006	71 FR 62546
Interim Final Rule Comment Period End	12/26/2006	
Interim Final Rule	03/20/2007	72 FR 13023
Interim Final Rule	03/20/2007	72 FR 13023
Interim Final Rule	05/21/2007	72 FR 13023

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1652-AA23

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Department of Homeland Security (DHS)

U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA50

 [View Related Documents](#)

Title: Safe-Harbor Procedures for Employers Who Receive a No-Match Letter; Clarification; Initial Regulatory Flexibility Analysis

Abstract: The Department of Homeland Security (DHS) is proposing to amend its regulations that provide a “safe harbor” from liability under section 274A of the Immigration and Nationality Act for employers who follow certain procedures after receiving a notice from the Social Security Administration (SSA) – called a “no-match letter” – or from DHS – called a “notice of suspect document” – that casts doubt on the employment eligibility of their employees. The prior final rule was published on August 15, 2007 (the August 2007 Final Rule). Implementation of that rule was preliminarily enjoined by the United States District Court for the Northern District of California on October 10, 2007. The district court based its preliminary injunction on three findings. This supplemental proposed rule clarifies certain aspects of the August 2007 Final Rule and responds to the three findings underlying the district court’s injunction.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 274a.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1324a

Legal Deadline: Implementation of Final Rule was preliminarily enjoined; deadline is next status conference before the court.

Action	Source	Date
Other	Judicial	03/28/2008

Timetable:

Action	Date	FR Cite
NPRM	06/14/2006	71 FR 34281
NPRM Comment Period End	08/14/2006	
Final Rule	08/15/2007	72 FR 45611
Supplemental NPRM	03/26/2008	73 FR 15944
NPRM Comment Period End	04/25/2008	
Second NPRM	05/00/2008	
Final Action	10/00/2008	

Regulatory Flexibility Analysis

Required: Business; Governmental Jurisdictions; Organizations **Government Levels Affected:** No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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Department of Homeland Security (DHS)**U.S. Immigration and Customs Enforcement (USICE)**

RIN: 1653-AA54

 [View Related Documents](#)

Title: Adjusting Program Fees and Establishing Procedures for Out-of-Cycle Review and Recertification of Schools Certified by the Student and Exchange Visitor Program to Enroll F or M Nonimmigrant Students

Abstract: The Department of Homeland Security (DHS) is proposing to amend the Student and Exchange Visitor Program (SEVP) school certification petition fee and the application fee for nonimmigrants seeking to become academic (F visa) or vocational (M visa) students, or exchange visitors (J visa). This proposed rule would: adjust the fees for schools seeking to admit F or M students; adjust the fees paid by individual F, M, or J nonimmigrants; implement mandatory review of fees collected by SEVP; set the fee for submitting a school certification petition at \$1700, plus \$655 for each site; set the fee for each F or M student at \$200; for most J exchange visitors at \$180; and for exchange visitors seeking admission as au pairs, camp counselors, and summer work/travel program participants at \$35. DHS proposes to make this rule effective at the beginning of fiscal year 2009, on October 1, 2008. DHS proposes also to establish oversight and recertification of schools for attendance by F or M students. The proposed rule would establish procedures for schools to submit their recertification petitions, add a provision allowing a school to voluntarily withdraw from its certification, and clarify procedures for school operation with regard to F or M students during recertification and following a denial of recertification or a withdrawal of certification. Further, the proposed rule would remove obsolete provisions used prior to implementation of the Student and Exchange Visitor Information System (SEVIS), a Web-enabled database that provides current information on F, M, and J nonimmigrants in the United States.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 8 CFR 103, 214 and 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/21/2008	73 FR 21260
NPRM Comment Period End	06/20/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1653-AA23; Related to 1115-AG71

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Department of Homeland Security (DHS)

U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA05

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Title: Requiring Aliens Ordered Removed From the United States To Surrender to the Department of Homeland Security for Removal

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.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 240.13 to 240.19 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 8 USC 1103; 8 USC 1231; 8 USC 1253**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	09/04/1998	63 FR 47205
NPRM Comment Period End	11/03/1998	
Supplemental NPRM	05/09/2002	67 FR 31157
Other	06/10/2002	
Final Action	11/00/2008	

Additional Information: Transferred from RIN 1115-AE82**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Agency Contact:** Bryan Wilcox

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E-Mail: bryan.wilcox@dhs.gov**Department of Homeland Security (DHS)****U.S. Immigration and Customs Enforcement (USICE)****RIN:** 1653-AA56 [View Related Documents](#)**Title:** Extending Period for Optional Practical Training for 17 Months for Qualified F-1 Students

Abstract: Current regulations allow certain F-1 nonimmigrant students to be authorized a temporary employment benefit, referred to as optional practical training, while they are in the United States. The employment does not need to be a requirement of their degree or academic program, but must be directly related to the student's field of study. This rule makes becoming an F-1 student in the United States much more attractive to talented and productive foreign nationals, while fortifying Department of Homeland Security capabilities to ensure continued national security and compliance with immigration law. The Department of Homeland Security, through this rulemaking, seeks to strengthen its regulations, close current vulnerabilities related to national security, and improve tracking and monitoring of F-1 students and school reporting during OPT. In addition, this regulation responds to requests from the business community and their representatives to improve current regulations by extending the current authorization limit of 12 months of OPT for F-1 students to a 29-month option. Recognizing the immediate need to eliminate potentially significant immigration enforcement and national security vulnerabilities, and acknowledging the expressed public interest, the Department of Homeland Security submits this rulemaking as interim final and exercises the Good Cause exemption of the Administrative Procedures Act in this rulemaking. Delaying implementation of this rule would not be in the interest of the United States.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule

Major: Undetermined**Unfunded Mandates:** No**CFR Citation:** 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184 to 1187; 8 USC 1221; 8 USC 1281 to 1282; 8 USC 1301 to 1305**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/08/2008	73 FR 18944
Interim Final Rule Comment Period End	06/09/2008	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Federalism:** No**RIN Information URL:** www.dhs.gov/sevis/**Agency Contact:** Louis Farrell

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Department of Homeland Security (DHS)**U.S. Immigration and Customs Enforcement (USICE)****RIN:** 1653-AA06 [View Related Documents](#)**Title:** Early Release for Removal of Criminal Aliens in State Custody for Nonviolent Offenses**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.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 241 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**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**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	07/12/1999	64 FR 37461
NPRM Comment Period End	09/10/1999	

Additional Information: INS No.1848-97 Transferred from RIN 1115-AE83**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State; Federal**Small Entities Affected:** No**Federalism:** No

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Department of Homeland Security (DHS)
U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA08

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Title: Power of Secretary of the Department of Homeland Security To Terminate Deportation Proceedings and Initiate Removal Proceedings

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.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 309 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** PL 104-208**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	11/30/2000	65 FR 71273
NPRM Comment Period End	01/29/2001	

Additional Information: INS No. 2083-00 Transferred from RIN 1115-AF87**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No

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Department of Homeland Security (DHS)
U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA09

 [View Related Documents](#)

Title: Protection and Assistance for Victims of Trafficking

Abstract: This rule amends 28 CFR and sets forth implementing guidance for section 107(c) of the Victims of Trafficking and Violence Protection Act of 2000. The Secretary, the Attorney General, and the Secretary of State are promulgating these regulations for federal law enforcement and Department of State (DOS) officials regarding the protection of victims of severe forms of trafficking who are in custody, the access of such victims to information about their rights and translation services, and the training of appropriate DHS and DOS personnel in identifying and protecting such victims. The rule also addresses the authority of Federal law enforcement officials to permit the continued presence in the United States of certain victims of severe forms of trafficking who are potential witnesses in order to aid prosecutions.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 1100 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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; ...

Legal Deadline:

Action	Source	Date
Other	Statutory	04/28/2001

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	07/24/2001	66 FR 38514
Interim Final Rule Comment Period End	10/22/2001	

Additional Information: INS No. 2133-01 Transferred from RIN 1115-AG20

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)
U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA12

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Title: Procedures for Detainee Hunger Strikes

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 241 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1251; 8 USC 1253; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Additional Information: INS No. 2142-01 Transferred from RIN 1115-AG26

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

Small Entities Affected: No **Federalism:** No

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Department of Homeland Security (DHS)
U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA13

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Title: Detention of Aliens Subject to Final Orders of Removal

Abstract: This rule addresses comments received upon publication of the interim rule on November 14, 2001. The rule was to be published as a proposed rule as significant structural changes were made to custody review procedures governing the detention of aliens who are the subject of an administratively final order of removal, exclusion, or deportation. The rule was initially revised in light of the U.S. Supreme Court decision of Zadvydas v. Davis. With a new decision by the Supreme Court, Clark v. Martinez, the rule requires further substantive revisions to conform to the ruling in Martinez. In this case, the Supreme Court has refined its interpretation of INA 241(a)(6) and further limited detention of certain aliens subject to administratively final orders of removal, exclusion or deportation where the alien's removal is not significantly likely in the reasonably foreseeable future.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 241 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1231; 8 USC 1253; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	11/14/2001	66 FR 56967
Interim Final Rule Comment Period End	01/14/2002	

Additional Information: INS No. 2156-01 Transferred from RIN 1115-AG29

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

Small Entities Affected: No **Federalism:** No

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Department of Homeland Security (DHS)
U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA14

 [View Related Documents](#)
Title: Custody Procedures

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.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 287 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; ...**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule Effective	09/17/2001	66 FR 48334
Interim Final Rule	09/20/2001	66 FR 48334
Interim Final Rule Comment Period End	11/19/2001	

Additional Information: INS No 2171-01 Transferred from RIN 1115-AG40**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No

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Department of Homeland Security (DHS)
U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA20

 [View Related Documents](#)
Title: Technical Amendments Relating to Immigration Surety Bonds

Abstract: When DHS receives a cash bond, it is deposited into an account where interest is accumulated from the date the bond is posted, to the date that the bond is paid out. If a cancelled cash bond is unclaimed after a year, the principal and any accumulated interest are transferred to the U.S. Department of the Treasury, account entitled "Payments of Unclaimed Moneys of Individuals Whose Whereabouts are Unknown." This regulation concerns the computation of interest on cash bonds. It does not mention the Treasury Department requirement concerning the disposition of funds from unclaimed cash bonds. Since some cash bonds obligors have questioned the curtailment of interest a year after the bond is cancelled, we believe that this regulation should include language that clarifies the Department's requirement to comply with Treasury's regulation.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 293 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 8 USC 1103; 31 USC 1322; 31 USC 9308

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Additional Information: INS No. 2258-03 Transferred from RIN 1115-AG97

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)
U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA29

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Title: Changes in Registration Policies and Monitoring of Certain Nonimmigrants

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 264 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 8 USC 1184; 8 USC 1185; 8 USC 1302; 8 USC 1303; 8 USC 1305

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	12/02/2003	68 FR 67578
Interim Final Rule Comment Period End	02/02/2004	

Additional Information: ICE No. 2301-03

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

Small Entities Affected: No **Federalism:** No

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Department of Homeland Security (DHS)

U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA30

 [View Related Documents](#)

Title: Extending the Period of Duration of Status for Certain F and J Nonimmigrant Aliens

Abstract: This interim rule amended DHS regulations to provide that the Secretary may publish a notice to extend the duration of status, under specified conditions, of certain F-1 and J-1 nonimmigrant aliens who may be affected adversely because the numerical limit (cap) on H-1B nonimmigrant aliens has been reached prior to the end of a given fiscal year. This rule was a necessary stopgap measure because of a large number of F-1 and J-1 nonimmigrant aliens seeking a change of nonimmigrant status to that of H-1B after completion of their studies or their program. However, many of these aliens were unable to change their nonimmigrant status for the remainder of a given fiscal year because of the cap on H-1B petitions. This rule allows such aliens to avoid a lapse in their status because of a circumstance that is not under their control.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	06/15/1999	64 FR 32146
Interim Final Rule Comment Period End	08/16/1999	

Additional Information: CIS No. 1992-99 Transferred from RIN 1615-AA27

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

Small Entities Affected: No **Federalism:** No

Related RINs: Previously Reported as 1115-AF54

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Department of Homeland Security (DHS)
U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA31

 [View Related Documents](#)

Title: Requiring Certification of All Service-Approved Schools for Enrollment in the Student and Exchange Visitor Information System (SEVIS)

Abstract: This rule continues the implementation of the process by which schools may be approved to obtain access to the Student and Exchange Visitor Information System (SEVIS). On October 30, 2001, the President issued Homeland Security Directive No. 2 requiring DHS to conduct periodic reviews of all institutions certified to receive nonimmigrant students. The Enhanced Border Security and Visa Entry Reform Act of 2002, Public Law 107-173 enacted May 14, 2002, also requires a periodic review of school approvals. This rule governs the review and certification process that DHS uses to approve schools to enroll foreign students. While DHS had in place an existing process for certifying and decertifying schools, DHS requires all previously approved schools to apply for certification in accordance with these new mandates cited above, prior to being allowed to enroll in SEVIS.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule Effective	09/25/2002	
Interim Final Rule	09/25/2002	67 FR 60107
Interim Final Rule Comment Period End	11/25/2002	

Additional Information: CIS No. 2217-02 Transferred from RIN 1615-AA77

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Previously Reported as 1115-AG71

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Department of Homeland Security (DHS)
U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA33

 [View Related Documents](#)

Title: School Appeals Process Regarding Adjudications by the Student and Exchange Visitor Program To Deny or Withdraw Department of Homeland Security Certification

Abstract: DHS amends its regulations to clarify its procedures for denial of applications by schools for approval to enroll nonimmigrant students. DHS also streamlines and aligns the withdrawal process with the denial and appeal process. Finally, DHS assumes the authority to suspend a school's approval to issue Forms I-20, Certificate of Eligibility for Nonimmigrant Status for Academic and Language Students, during denial or withdrawal proceedings.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Additional Information: CIS No. 2239-02 Transferred from RIN 1615-AA85

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)
U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA37

 [View Related Documents](#)

Title: Implementation of the Border Commuter Student Act of 2002

Abstract: This rule implements recent legislation creating new visa classifications applicable to part-time students who commute across the border. Previously, DHS created an option for F-1 and M-1 nonimmigrant students to enroll in a reduced course load if the nonimmigrant maintained residence in their home country of Mexico or Canada and commuted to schools within 75 miles of the border. These special F-1 and M-1 nonimmigrants were required to pursue a full course of study albeit at part-time enrollment. This rule has been drafted to effect congressional legislation that created new visa classifications, F-3 and M-3, for border commuter student nonimmigrants. The F-3 and M-3 visa categories replace the option of reduced course load for border commuter students within the F-1 and M-1 visa categories. When this rule is made effective, any student from Canada or Mexico wishing to enroll in a reduced course load for purposes of commuting must obtain an F-3 or an M-3 visa accordingly. The F-3 and M-3 visa holders will be tracked in the Student and Exchange Visitor Information System (SEVIS) administered by DHS and the Student and Exchange Visitor Program (SEVP), a component of U.S. Immigration and Customs Enforcement.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

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; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Additional Information: CIS No. 2290-03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)
U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA43

 [View Related Documents](#)

Title: Transfer of Flight Training Programs Under the Department of State Oversight to the Department of Homeland Security

Abstract: Department of State (DOS) has 10 flight training programs that are validated to enroll exchange visitors. This number is so small that it is administratively inefficient and resource-intensive to manage. DHS has between 100 to 200 flight training programs, which are certified by the Student and Exchange Visitor Program (SEVP). DOS has requested that its 10 programs be incorporated into DHS. As a group that is of special interest for national security, it is important that DHS provide efficient and effective oversight of flight training programs. The DOS programs concern J visa; the DHS programs are in F and M visa categories. Rules between SEVP and DOS programs differ significantly and need to be modified accordingly.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 214; 22 CFR 62 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** Not Yet Determined**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** Federal**Small Entities Affected:** Business**Federalism:** No**Agency Contact:** Louis Farrell

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Department of Homeland Security (DHS)**U.S. Immigration and Customs Enforcement (USICE)****RIN:** 1653-AA44 [View Related Documents](#)**Title:** Clarification of Criteria for Certification, Oversight, and Recertification of Schools by the Student and Exchange Visitor Program (SEVP) To Enroll F or M Nonimmigrant Students**Abstract:** On October 30, 2001, the President issued Homeland Security Directive No. 2, requiring periodic reviews of all institutions certified to accept nonimmigrant students. The Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act), enacted May 12, 2004, also requires a periodic review of approved schools every two years. This rule proposes to amend DHS regulations governing certification, oversight and recertification of schools approved by the Student and Exchange Visitor Program (SEVP) for attendance by F or M nonimmigrant students. The proposed rule clarifies criteria for initial certification and for recertification of SEVP certified schools every two years. The rule sets the fee amount for certification at a rate that incorporates all cost of implementing the certification process.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** Yes**Unfunded Mandates:** No**CFR Citation:** 8 CFR 103; 8 CFR 214.3; 8 CFR 214.4 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 8 USC 1356(m); PL 107-56; PL 107-173**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Related RINs:** Related to 1653-AA42

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Department of Homeland Security (DHS)
U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA45

 [View Related Documents](#)

Title: Strengthening Control Over Immigration Surety Bonds

Abstract: The Department continues to experience problems collecting the funds for breached surety bonds. Several surety companies and/or their bonding agents continue to circumvent administrative remedies to address immigration surety bond claims sent out by the Department and have evaded the judicial review process. This rule proposes to strengthen the Department's control over the collection of immigration surety bonds by improving current DHS procedures and by providing the Department with stronger enforcement measures. Specifically, this rule will require surety companies and bonding agents to exhaust administrative remedies by using the Department's appeal procedures, as a prerequisite to challenging the Department's actions under the Administrative Procedures Act, before seeking judicial review of DHS actions. Also, this rule limits the exposure of the Department in cases where bonding agents have acted improperly or where authorities have been denied by their corporate principals; and encourages surety companies and bonding agents to respond early if there are any issues or disputes with the Department's claim. Further, the rule formalizes DHS' reporting requirements to the Department of Treasury and provides notification to the Treasury of high dollar volume of unpaid debt over 90 days old. Lastly, the rule adds an enforcement measure to suspend acceptance of surety bonds from bonding agents and/or surety companies that have large unpaid balances or who do not otherwise respond to DHS invoices. This rule is necessary to ensure that the Department receives funds owed by the surety companies.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 8 CFR 103 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1103; 8 USC 1356; 31 USC 9701; 31 USC 9305; PL 104-208

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Additional Information: Prior RIN 1653-AA16 was withdrawn in Spring 2004 Agenda

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)
U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA47

 [View Related Documents](#)
Title: Electronic Signature and Storage of Form I-9, Employment Eligibility Verification

Abstract: This interim rule amends Department of Homeland Security (DHS) regulations to provide that employers and recruiters or referrers for a fee required to complete and retain Forms I-9, Employment Eligibility Verification, may sign and retain these forms electronically. This rule implements statutory changes to the Form I-9 retention requirement that President George W. Bush signed into law on October 30, 2004. In implementing these changes, this rule sets standards for electronic signatures and the electronic retention of the Form I-9.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1324a; 8 CFR 2**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	06/15/2006	
Interim Final Rule	06/15/2006	71 FR 34510
Interim Final Rule Comment Period End	08/14/2006	

Additional Information: ICE 2345-05**Regulatory Flexibility Analysis****Government Levels Affected:** Federal; Local; State; Tribal**Required:** Business**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov

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Department of Homeland Security (DHS)
U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA51

 [View Related Documents](#)
Title: Removal of Obsolete Procedures and Requirements for F and M Nonimmigrant Students for Schools Authorized To Enroll F and M Nonimmigrant Students

Abstract: On October 30, 2001, the President issued Homeland Security Directive No. 2, requiring periodic reviews of all institutions certified to accept nonimmigrant students. The Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act), enacted May 12, 2004, also requires a periodic review of approved schools every two years. This proposed rule amends DHS regulations governing certification and recertification of schools approved by the Student and Exchange Visitor Program (SEVP) for attendance by F or M nonimmigrant students. The rule deletes obsolete, pre-SEVIS policies and procedures in various regulations. The continued presence of this outdated verbiage contributes to confusion, inefficiency, and misunderstanding by students and academic institutions.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1356; PL 107-56; PL 107-173

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)
U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA52

 [View Related Documents](#)

Title: Custody and Bond Eligibility of Aliens Designated for Expedited Removal

Abstract: This proposed rule would revise the jurisdiction of immigration judges, to provide that aliens in removal proceedings who have been detained for expedited removal are not eligible for bond or bond redetermination before an immigration judge.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 208; 8 CFR 235; 8 CFR 1003; 8 CFR 1235 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)
U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA55

 [View Related Documents](#)

Title: A Voluntary Program To Reduce the Employment of Unauthorized Aliens, the ICE Mutual Agreement Between Government and Employers (IMAGE)

Abstract: On July 26, 2006, the U.S. Department of Homeland Security announced a new initiative to help employers, through voluntary partnerships with the government, ensure they are employing a legal workforce. The ICE Mutual Agreement between Government and Employers (IMAGE) program is designed to foster cooperative relationships between government and business, strengthen hiring practices, and provide employers with additional means, above what is required by current law, to reduce the unlawful employment of aliens. The initiative also seeks to accomplish greater industry compliance and corporate due diligence through enhanced Federal training and employer education. The DHS U.S. Immigration and Customs Enforcement (USICE) proposes to amend the regulations relating to the unlawful employment of aliens. The proposed rule states the requirements and application procedures for program participation, the program benefits, the circumstances under which employers may be terminated from the program, and a procedure for employers to appeal termination. IMAGE "best practice" guidelines, including participation in the Employment Eligibility Verification (E-Verify) program, a program that enables employers to verify through the Internet, the work authorization of employees.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** Undetermined**Unfunded Mandates:** Private Sector**CFR Citation:** 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 5 USC 301; 8 USC 1101; 8 USC 1103; 8 USC 1324a; 8 CFR part 2; EO 12989**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		

Regulatory Flexibility Analysis**Government Levels Affected:** Undetermined**Required:** Undetermined**Small Entities Affected:** Business; Organizations**Federalism:** Undetermined**Energy Affected:** Undetermined**Related RINs:** Related to 1653-AA50**Related Agencies:** Common: USCIS

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Department of Homeland Security (DHS)
U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA42

 [View Related Documents](#)

Title: Establishing Procedures for Recertification of Schools Approved by the Student and Exchange Visitor Program (SEVP) To Enroll F or M Nonimmigrant Students

Abstract: This interim final rule amends DHS regulations governing recertification of schools approved by the Student and Exchange Visitor Program (SEVP) for attendance by F or M nonimmigrant students. It establishes petition procedures, supporting documentation requirements, and sets the fee payment for recertification, adds a provision to allow a school to voluntarily withdraw from its certification, and clarifies procedures for school operation regarding nonimmigrant students during the review process and following withdrawal of certification. On October 30, 2001, the President issued Homeland Security Directive No. 2, requiring periodic reviews of all institutions certified to receive nonimmigrant students. The Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act), Public Law 107-173, enacted May 14, 2002, also requires a periodic review of approved schools every two years. This rule is being promulgated consistent with these mandates.

Priority: Other Significant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No

CFR Citation: 8 CFR 103; 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 107-173, sec 502; 8 USC 1356(m); PL 107-56

Legal Deadline: The Uniting and Strengthening America by Providing Appropriate Controls Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), Public Law 107-56, mandated that SEVIS be completely implemented before January 1, 2003. Both Directive No. 2 and the Border Security Act require DHS to conduct periodic reviews of all schools within 2 years of the initial approval of their SEVP certification, and every two years thereafter. DHS acknowledges this mandate and recognizes

Action	Source	Date
NPRM	Statutory	10/00/2004

Timetable:

Action	Date	FR Cite
Withdrawn	03/06/2008	

Additional Information: ICE No. 2329-04**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No

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Department of Homeland Security (DHS)
U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA57

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Title: Inflation Adjustment for Civil Monetary Penalties Under Sections 274A, 274B, and 274C of the Immigration and Nationality Act

Abstract: As required by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, the Department of Homeland Security and the Department of Justice are publishing these rules adjusting for inflation the civil monetary penalties assessed or enforced by those two Departments under sections 274A, 274B, and 274C of the Immigration and Nationality Act (INA). The adjusted civil monetary penalties are calculated according to the specific formula laid out by law, and will be effective for violations occurring on or after the effective date of these rules.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 270; 8 CFR 274a; 8 CFR 280; 8 CFR 1274a; 28 CFR 68 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1324a; 8 USC 1324b; 8 USC 1324c; 28 USC 2461; 8 CFR 270; 28 CFR 68

Legal Deadline: Under the Federal Civil Penalties Adjustment Act of 1990, inflation adjustments to civil penalties should be made every 5 years. These penalties were last adjusted in 1999, see 64 FR 7066 (2/12/1999) for 28 CFR 68 and 64 FR 47099 (8/30/1999) for 8 CFR 270 and 274a, among others. This inflation adjustment is 25.35 percent.

Action	Source	Date
Other	Statutory	04/26/1996

Timetable:

Action	Date	FR Cite
Final Action	02/26/2008	73 FR 10130
Final Rule Effective	03/27/2008	73 FR 10130

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Previously Reported as 1653-AA39; Related to 1125-AA61

Related Agencies: Common: EOIR

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**Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)**

RIN: 1660-AA44

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Title: Special Community Disaster Loans Program

Abstract: The Federal Emergency Management Agency (FEMA) proposes to amend its interim rules regarding the Special Community Disaster Loans Program authorized in the Community Disaster Loan Act of 2005 and the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006. Specifically, the purpose of this proposed change is to implement cancellation provisions for Special Community Disaster Loans as authorized by the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007.

Priority: Economically Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 44 CFR 206 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 42 USC 5121 to 5606

Legal Deadline: None

Regulatory Plan:

Statement of Need: This rulemaking is needed to implement statutory requirements and address the needs of the communities affected by Hurricanes Katrina and Rita in 2005. The Community Disaster Loan Act of 2005 (Pub. L. 109-88) authorized FEMA to transfer \$750 million from the funds appropriated in the Second Emergency Supplemental Appropriations Act To Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005, (Pub. L. 109-62), to provide up to \$1 billion in loan authority. The Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Pub. L. 109-234), authorized an additional \$371,733,000 in loans authorized under the Community Disaster Loan Act of 2005. The U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, (Pub. L. 110-28) removes the loan cancellation prohibitions contained in the 2005 and 2006 Acts.

Legal Basis: This rulemaking is authorized by the Community Disaster Loan Act of 2005 (Pub. L. 109-88), the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006, (Pub. L. 109-234), and the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Pub. L. 110-28).

Alternatives: While this rulemaking implements statutory requirements, the public has already been afforded an opportunity to provide comments on the interim rule for the Community Disaster Loan Act of 2005, and the public will be afforded an opportunity to provide comments on the loan cancellation provisions authorized in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Pub. L. 110-28) when FEMA publishes the rulemaking in the Federal Register.

Costs and Benefits: Preliminary estimates of the anticipated costs of this regulatory action have not been determined at this time and will be determined at a later date.

Risks: This action does not adversely affect public health, safety, or the environment.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	10/18/2005	
Interim Final Rule	10/18/2005	70 FR 60443
Interim Final Rule Comment Period End	12/19/2005	
NPRM	07/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State; Tribal

Small Entities Affected: No

Federalism: No

Energy Affected: No

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**Department of Homeland Security (DHS)
 Federal Emergency Management Agency (FEMA)**

RIN: 1660-AA47

 [View Related Documents](#)

Title: Disaster Assistance; Public Assistance Repetitive Damage

Abstract: FEMA is publishing this proposed rule to implement subsection 205(b) of the Disaster Mitigation Act of 2000, which amends section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to create a Federal cost-share reduction for eligible public facilities that have been damaged on more than one occasion within the preceding 10-year period and the owner of which failed to implement appropriate mitigation measures. To meet the requirements of this amendment, the proposed regulation reduces the Federal share of eligible funding to 25 percent if appropriate mitigation measures have not been accomplished on a repetitively damaged facility.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 44 CFR 206.226 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 42 USC 5172

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/00/2009	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Energy Affected: Undetermined

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**Department of Homeland Security (DHS)
 Federal Emergency Management Agency (FEMA)**

RIN: 1660-AA48

 [View Related Documents](#)

Title: National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Compensation for FIRA Implementation

Abstract: FEMA is changing the current Financial Assistance/Subsidy Arrangement (the Arrangement) to provide compensation to companies that are signatory to the Arrangement for expenses incurred in implementing the provisions of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act (FIRA) of 2004. In recognition of these additional expenses, the Write-Your-Own expense allowance will be increased.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 44 CFR 62 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 42 USC 4011

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/00/2009	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

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Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)

RIN: 1660-AA51

 [View Related Documents](#)

Title: Update of FEMA's Public Assistance Regulations

Abstract: These proposed regulations would update 44 CFR part 206 subpart G "Public Assistance Project Administration" and Subpart H "Public Assistance Eligibility" to reflect the Post-Katrina Emergency Management Reform Act of 2006 and the Security and Accountability for Every Port Act of 2006 and to make other corrections/revisions. Among other corrections/revisions, the proposed changes will expand eligibility to include performing arts and community arts facilities; include educational facilities as eligible facilities for restoration funding; and include household pets and service animals in essential assistance.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Yes

Unfunded Mandates: Undetermined

CFR Citation: 44 CFR 206 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 42 USC 5121-5206

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/00/2009	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** No**Agency Contact:** James A. Walke

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**Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)**
RIN: 1660-AA01 [View Related Documents](#)**Title:** Criminal and Civil Penalties Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act**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.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 44 CFR 206 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 5157(d); PL 101-410; 28 USC 2461; PL 104-134, sec 31001(s)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	02/10/1997	62 FR 5957
NPRM Comment Period End	04/11/1997	
Final Action	04/00/2009	

Additional Information: Transferred from RIN 3067-AC61**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Jordan Fried

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Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)

RIN: 1660-AA21

 [View Related Documents](#)
Title: Management Costs

Abstract: This rule implements the management costs provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, simplifies and clarifies the method by which FEMA contributes to costs incurred by grantees and subgrantees in implementing the Public Assistance and Hazard Mitigation Grant programs, and establishes fixed management cost rates for compensating eligible grantees and subgrantees while adequately protecting Federal financial interests.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No

CFR Citation: 44 CFR 206; 44 CFR 207 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 42 USC 5165(b)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	08/30/2002	67 FR 56130
NPRM Comment Period End	09/30/2002	
Interim Final Rule	10/11/2007	72 FR 57869
Interim Final Rule Comment Period End	11/13/2007	
Interim Final Rule Effective	11/13/2007	
Final Action	04/00/2009	

Additional Information: Transferred from RIN 3067-AD29**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Local; State; Tribal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No

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Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)

RIN: 1660-AA34

 [View Related Documents](#)
Title: Assistance Program Under the 9/11 Heroes Stamp Act of 2001

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. The interim final rule established the mechanism through which FEMA distributed these funds. As of July 2007 all funds had been distributed, and the agency is working to finalize this rulemaking project.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 153 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: PL 107-67

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/26/2005	70 FR 43214
Interim Final Rule Comment Period End	08/25/2005	
Interim Final Rule Effective	08/25/2005	
Final Action	07/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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**Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)**

RIN: 1660-AA36

 [View Related Documents](#)

Title: Flood Mitigation Grants and Hazard Mitigation Planning

Abstract: This rule implements 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 identifies program requirements including eligibility and matching requirements, as well as procedures for grant application, evaluation, award, and appeals. It also implements provisions of the law that set forth implications for property owners who decline a mitigation offer under the Pilot Program.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 44 CFR 59; 44 CFR 61; 44 CFR 78; 44 CFR 79; 44 CFR 80; 44 CFR 201; 44 CFR 206
(To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 4102a**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/31/2007	72 FR 61720
Interim Final Rule Effective	12/03/2007	
Interim Final Rule Comment Period End	12/31/2007	
Final Action	04/00/2009	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Local; State; Tribal**Small Entities Affected:** No**Federalism:** No**Agency Contact:** Cecelia Rosenberg

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Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)

RIN: 1660-AA45

 [View Related Documents](#)
Title: Public Assistance Eligibility**Abstract:** The interim final rule allows FEMA to reimburse State, tribal, and local governments within an area designated under a Presidential emergency or major disaster declaration for sheltering and evacuation costs incurred outside of the designated area.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 44 CFR 206 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 5121 to 5206**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	07/14/2006	
Interim Final Rule	07/14/2006	71 FR 40025
Interim Final Rule Comment Period End	09/12/2006	
Final Action	04/00/2009	

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

Energy Affected: No**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov

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**Department of Homeland Security (DHS)
 Federal Emergency Management Agency (FEMA)**

RIN: 1660-AA57

 [View Related Documents](#)
Title: Organization, Functions, and Delegation of Authority: Technical Amendment**Abstract:** This technical and conforming amendment will update title 44 CFR to conform FEMA's regulations to the Agency's existing organization and functions as established by the Post-Katrina Emergency Management Reform Act of 2006.**Priority:** Info./Admin./Other**Agenda Stage of Rulemaking:** Final Rule**Major:** Undetermined**Unfunded Mandates:** No**CFR Citation:** 44 CFR 1 to 2; 44 CFR 4 to 12; 44 CFR 14 to 16; 44 CFR 59 to 68; 44 CFR 70; 44 CFR 73; 44 CFR 75; 44 CFR 78; 44 CFR 150 to 152; 44 CFR 201; 44 CFR 204; 44 CFR 206; 44 CFR 208; 44 CFR 209; 44 CFR 295; 44 CFR 300; 44 CFR 302; 44 CFR 304; 44 CFR 312; 44 CFR 321; 44 CFR 327; 44 CFR 330 to 332; 44 CFR 334; 44 CFR 350; 44 CFR 352; 44 CFR 354; 44 CFR 360 to 362 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 5 USC 552; 6 USC 311 et seq; EO 12127; Reorganization Plan No 3 of 1978, 5 USC app 1; EO 12148, as amended**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	09/00/2008	

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

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Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)

RIN: 1660-AA58

 [View Related Documents](#)

Title: National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Write-Your-Own Arrangement

Abstract: This interim final rule would amend portions of the Financial Assistance/Subsidy Arrangement (Arrangement) between Write-Your-Own (WYO) Companies and the Federal Emergency Management Agency (FEMA). In this rule, FEMA expects to add a provision to the Arrangement to maintain WYO Companies' cooperation in helping ensure that property insurance agents writing flood insurance under the NFIP avail themselves of the training opportunities needed to meet the minimum NFIP training requirements called for in the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004. In addition, FEMA would amend the way it communicates changes to the Unallocated Loss Adjustment Expenses (ULAE) compensation rate to WYO Companies. Finally, FEMA expects to revise the Arrangement to clarify situations when there are no funds available in the National Flood Insurance Fund (NFIF) to be drawn down through the company letter of credit.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 62 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 42 USC 4001 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	04/03/2008	73 FR 18182
Interim Final Rule Effective	05/05/2008	
Interim Final Rule Comment Period End	06/02/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)

RIN: 1660-AA02

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Title: Disaster Assistance; Hazard Mitigation Grant Program

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No**Unfunded Mandates:** No**CFR Citation:** 44 CFR 206 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 42 USC 5121 et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	05/01/1998	63 FR 24143
NPRM Comment Period End	07/01/1998	

Additional Information: Transferred from RIN 3067-AC69**Regulatory Flexibility Analysis Required:** No **Government Levels Affected:** Local; State; Tribal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Cecelia Rosenberg

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Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)

RIN: 1660-AA07

 [View Related Documents](#)
Title: National Urban Search and Rescue Response System

Abstract: The Department of Homeland Security published a proposed Maximum Pay Rate Table (Table) in conjunction with its interim rule for the National Urban Search and Rescue Response (US&R) System, which was also published in the same edition of the Federal Register. The interim rule standardizes the financing, administration, and operation of the US&R System, and standardizes the relationships between DHS and “Sponsoring Agencies” of the US&R System--those State or local government agencies that agree to organize and administer a US&R Task Force. The notice seeks comment on the proposed Table, which establishes the maximum rates that DHS will pay for US&R Task Force physicians, engineers, and canine handlers as “Affiliated Personnel” or for backfill positions for activated US&R System Members employed by or otherwise associated with a for-profit “Participating Agency.”

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 44 CFR 208 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 42 USC 5121 et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	12/18/2002	67 FR 77627
NPRM Comment Period End	02/03/2003	
Interim Final Rule Effective	02/24/2005	
Interim Final Rule	02/24/2005	70 FR 9182
Interim Final Rule Comment Period End	04/11/2005	

Additional Information: Transferred from RIN 3067-AC93

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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**Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)**

RIN: 1660-AA09

 [View Related Documents](#)

Title: National Flood Insurance Program (NFIP); Insurance Coverage and Rates

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 61 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 42 USC 4001 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	08/05/1999	64 FR 42632
NPRM Comment Period End	09/07/1999	

Additional Information: Transferred from RIN 3067-AD02

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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**Department of Homeland Security (DHS)
 Federal Emergency Management Agency (FEMA)**

RIN: 1660-AA18

 [View Related Documents](#)

Title: Disaster Assistance; Federal Assistance to Individuals and Households

Abstract: This rulemaking implements section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. It would also make further revisions to 44 CFR part 206, subparts D (the Individuals and Households Program (IHP)) and E. Among other things, it would implement section 686 of the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA) to remove the IHP subcaps; section 685 regarding semi-permanent and permanent housing construction eligibility; revise FEMA's regulations pursuant to PKEMRA section 689; and revise FEMA's regulations to allow for the payment of security deposits and the costs of utilities, excluding telephone service, in accordance with section 689d of PKEMRA.

Priority: Economically Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Yes

Unfunded Mandates: No

CFR Citation: 44 CFR 206 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 42 USC 5174

Legal Deadline:

Action	Source	Date
Other	Statutory	10/15/2002

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	01/23/2002	67 FR 3412
NPRM Comment Period End	03/11/2002	
Interim Final Rule	09/30/2002	67 FR 61446
Other	10/09/2002	
Other	10/09/2002	67 FR 62896
Interim Final Rule Effective	10/15/2002	
Interim Final Rule Comment Period End	04/15/2003	

Additional Information: Transferred from RIN 3067-AD25

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)

RIN: 1660-AA22

 [View Related Documents](#)

Title: National Flood Insurance Program (NFIP); Group Flood Insurance Policy (GFIP)

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 61 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 42 USC 4001 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule Effective	09/30/2002	
Interim Final Rule	09/30/2002	67 FR 61460
Interim Final Rule Comment Period End	04/15/2003	

Additional Information: Transferred from RIN 3067-AD31

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)

RIN: 1660-AA23

 [View Related Documents](#)

Title: Disaster Assistance; Crisis Counseling Regular Program; Amendment to Regulation

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 206 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 42 USC 5121 to 5206

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Other	09/11/2001	
Interim Final Rule Effective	03/03/2003	
Interim Final Rule	03/03/2003	68 FR 9899
Interim Final Rule Comment Period End	05/02/2003	

Additional Information: Transferred from RIN 3067-AD32

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

Federal Emergency Management Agency (FEMA)

RIN: 1660-AA28

 [View Related Documents](#)

Title: National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers

Abstract: This interim final rule amends the Financial Assistance/Subsidy Arrangement (the Arrangement) between FEMA and the private sector insurers that sell and service flood insurance regarding the rules pertaining to when FEMA is responsible for litigation costs and when the insurers are responsible. It also clarifies issues of jurisdiction and choice of law when the insurers are sued and makes some other changes to the Arrangement.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 62 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 42 USC 4001 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	10/14/2003	68 FR 59146
NPRM Comment Period End	11/13/2003	
Interim Final Rule	07/30/2004	69 FR 45607
Interim Final Rule Comment Period End	09/28/2004	
Interim Final Rule Effective	10/01/2004	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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**Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)**

RIN: 1660-AA29

 [View Related Documents](#)

Title: National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Extension of Term of Arrangement

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 42 CFR 62 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 42 USC 4001 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	09/05/2003	68 FR 52700
Interim Final Rule Comment Period End	10/06/2003	
Interim Final Rule Effective	10/01/2003	
Interim Final Rule	12/31/2003	68 FR 75453
Interim Final Rule Effective	01/01/2004	
Interim Final Rule Comment Period End	03/01/2004	
Interim Final Rule	04/30/2004	69 FR 23657
Interim Final Rule Effective	05/02/2004	
Interim Final Rule Comment Period End	06/29/2004	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)

RIN: 1660-AA30

 [View Related Documents](#)

Title: National Flood Insurance Program; Standard Flood Insurance Policy; Expansion of Increased Cost of Compliance (ICC) Coverage and Prospective Payment of Flood Insurance Premiums

Abstract: This interim final rule would amend the National Flood Insurance Program regulations to incorporate the statutory changes in the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Pub. L. 108-264) enacted on June 30, 2004. Specifically, this rule would address sections 105 (Amendments to Additional Coverage for Compliance with Land Use and Control Measures) and 209 (Prospective Payment of Flood Insurance Premiums). Section 105 authorizes the extension of Increased Cost of Compliance coverage, which currently applies when a community is enforcing its substantial damage or cumulative substantial damage ordinance, to also include those properties for which an offer of mitigation assistance is made under a variety of FEMA-funded mitigation programs. Section 209 directs that if a policyholder is determined to be paying a lower premium than is required due to an error in the floodplain determination, the higher premium may only be charged prospectively.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 61 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 42 USC 4011(b)(4); 42 USC 4015(f)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/0000	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)

RIN: 1660-AA32

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Title: Disaster Assistance; Public Assistance Insurance Requirements

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.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 206 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 5121 to 5206

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State; Tribal

Small Entities Affected: No

Federalism: No

Energy Affected: No

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**Department of Homeland Security (DHS)
 Federal Emergency Management Agency (FEMA)**

RIN: 1660-AA33

 [View Related Documents](#)
Title: Estimating Eligible Cost

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.

Priority: Economically Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** Yes**Unfunded Mandates:** No**CFR Citation:** 44 CFR 206 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 42 USC 5172(e)(3)(C)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	00/00/0000	

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

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**Department of Homeland Security (DHS)
 Federal Emergency Management Agency (FEMA)**

RIN: 1660-AA49

 [View Related Documents](#)
Title: Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program

Abstract: This proposed action provides interested parties an opportunity to comment on the Staffing for Adequate Fire and Emergency Response (SAFER) grant program. The purpose of these grants is to award grants to hire new firefighters and to recruit and retain volunteer firefighters. Specifically, there are two funding activities under this program: Hiring of New Firefighters Activity grants would be made directly to volunteer, combination, and career fire departments to help communities meet industry minimum standards and increase the number of active firefighters; and Recruitment and Retention of Volunteer Firefighters Activity grants would be made directly to volunteer and combination fire departments and to local and Statewide organizations that represent the volunteer firefighters' interests to create or expand incentive programs to increase and maintain volunteer firefighter staffing levels.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 2229(a)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; Tribal

Small Entities Affected: Governmental Jurisdictions; Organizations

Federalism: No

Energy Affected: No

Related RINs: Previously Reported as 1601-AA32

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**Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)**

RIN: 1660-AA50

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Title: Assistance to Firefighters Grant Program

Abstract: To update existing guidance on grants made directly to fire departments and non-affiliated emergency medical service (EMS) organizations of a State for the purpose of enhancing their ability to protect the health and safety of the public as well as that of firefighting personnel facing fire and fire-related hazards, and on grants made to eligible organizations and fire departments for fire prevention and firefighter safety research activities.

Priority: Economically Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Yes

Unfunded Mandates: No

CFR Citation: 44 CFR 152 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis

Required: Governmental Jurisdictions;
Organizations

Government Levels Affected: Local; Tribal

Federalism: No

Energy Affected: No

Related RINs: Previously Reported as 1601-AA30

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Department of Homeland Security (DHS)
Federal Emergency Management Agency (FEMA)

RIN: 1660-AA52

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Title: Case Management

Abstract: This regulation would implement section 689f of the Post-Katrina Emergency Management Reform Act of 2006 to provide case management services to individuals and households pursuant to section 426 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. It would include financial assistance to government agencies or qualified private organizations to address unmet needs.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: PL 109-295

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

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**Department of Homeland Security (DHS)
 Federal Emergency Management Agency (FEMA)**

RIN: 1660-AA53

 [View Related Documents](#)

Title: Transportation Assistance

Abstract: This regulation would implement section 689f of the Post-Katrina Emergency Management Reform Act of 2006 by authorizing assistance to relocate individuals displaced from their predisaster primary residence, to and from alternate locations for short-or long-term accommodations.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: PL 109-295

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

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**Department of Homeland Security (DHS)
 Federal Emergency Management Agency (FEMA)**

RIN: 1660-AA55

 [View Related Documents](#)

Title: Employment of Personnel For Purposes of The Defense Production Act

Abstract: This notice of proposed rulemaking would provide guidance for Federal departments and agencies to employ persons with special qualifications to carry out the purposes of section 710 of the Defense Production Act of 1950, as amended.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 44 CFR 328 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 50 USC app 2061 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Department of Homeland Security (DHS)

Federal Emergency Management Agency (FEMA)

RIN: 1660-AA56

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Title: Voluntary Agreements Under Section 708 of The Defense Production Act of 1950, As Amended

Abstract: This notice of proposed rulemaking would provide guidance and procedures to be followed by all persons involved in the making of voluntary agreements and plans of action to help provide for the national defense of the United States through the development of preparedness programs and the expansion of productive capacity and supply.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 44 CFR 332 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 50 USC app 2158

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: No

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**Department of Homeland Security (DHS)
 Federal Emergency Management Agency (FEMA)**

RIN: 1660-AA59

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Title: Public Assistance; Change in Federal Share for Alternate Projects for Public Facilities

Abstract: This final rule makes a conforming amendment to FEMA's Public Assistance regulations to reflect two changes to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) made by the Security and Accountability for Every Port Act of 2006 (SAFE Port Act). The first change amends the percentage of State and local government contribution for alternate projects from 75 to 90 percent of the Federal share of the Federal estimate of eligible costs. The second change removes language that provided for Federal funding of 90 percent of the Federal share of the approved Federal estimate of eligible costs for alternate projects in areas with unstable soil. These changes are technical and conforming amendments that revise FEMA's regulations to conform with amendments to the Stafford Act.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 206.203 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 42 USC 5172; 6 USC 101 et seq.

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Rule Effective	04/16/2008	
Final Rule	04/16/2008	73 FR 20549

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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