

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's 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 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. DHS' last semiannual regulatory agenda was published on May 5, 2008 at 73 FR 24700.

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's 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's 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:, September 5, 2008.

NAME: Mary Kate Whalen,

Associate General Counsel for Regulatory Affairs.

The 252 Regulatory Agendas

Office of the Secretary - PreRule

| Title | Regulation Identifier Number |
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| Secure Handling of Ammonium Nitrate Program | 1601-AA52 |

Office of the Secretary - Proposed Rule

| Title | Regulation Identifier Number |
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Office of the Secretary - Final Rule

| Title | Regulation Identifier Number |
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Office of the Secretary - Long-term Action

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U.S. Citizenship and Immigration Services - Proposed Rule

| Title | Regulation Identifier Number |
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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 - PreRule

| Title | Regulation Identifier Number |
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U.S. Coast Guard - Long-term Action

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U.S. Coast Guard - Completed Action

| Title | Regulation Identifier Number |
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U.S. Customs and Border Protection - Final Rule

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

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Transportation Security Administration - Proposed Rule

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Transportation Security Administration - Final Rule

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Transportation Security Administration - Completed Action

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U.S. Immigration and Customs Enforcement - Proposed Rule

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U.S. Immigration and Customs Enforcement - Long-term Action

| Title | Regulation Identifier Number |
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U.S. Immigration and Customs Enforcement - Completed Action

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Federal Emergency Management Agency - Proposed Rule

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Federal Emergency Management Agency - Final Rule

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| Management Costs | 1660-AA21 |
| Flood Mitigation Grants and Hazard Mitigation Planning | 1660-AA36 |
| Public Assistance Eligibility | 1660-AA45 |
| Organization, Functions, and Delegation of Authority: Technical Amendment | 1660-AA57 |

| | |
|---|---------------------------|
| National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Write-Your-Own Arrangement | 1660-AA58 |
|---|---------------------------|

Federal Emergency Management Agency - Long-term Action

| Title | Regulation Identifier Number |
|---|------------------------------|
| Criminal and Civil Penalties Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act | 1660-AA01 |
| Disaster Assistance; Hazard Mitigation Grant Program | 1660-AA02 |
| National Urban Search and Rescue Response System | 1660-AA07 |
| National Flood Insurance Program (NFIP); Insurance Coverage and Rates | 1660-AA09 |
| National Flood Insurance Program (NFIP); Group Flood Insurance Policy (GFIP) | 1660-AA22 |
| Disaster Assistance; Crisis Counseling Regular Program; Amendment to Regulation | 1660-AA23 |
| National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers | 1660-AA28 |
| National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Extension of Term of Arrangement | 1660-AA29 |
| National Flood Insurance Program; Standard Flood Insurance Policy; Expansion of Increased Cost of Compliance (ICC) Coverage and Prospective Payment of Flood Insurance Premiums | 1660-AA30 |
| Disaster Assistance; Public Assistance Insurance Requirements | 1660-AA32 |
| Estimating Eligible Cost | 1660-AA33 |
| Assistance to Firefighters Grant Program | 1660-AA50 |
| Case Management | 1660-AA52 |
| 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 |
|---|------------------------------|
| Assistance Program Under the 9/11 Heroes Stamp Act of 2001 | 1660-AA34 |
| Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program | 1660-AA49 |
| Transportation Assistance | 1660-AA53 |

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

RIN: 1601-AA52

 [View Related Documents](#)

Title: Secure Handling of Ammonium Nitrate Program

Abstract: This Advance Notice of Proposed Rulemaking seeks comment on the recent amendment to the Homeland Security Act entitled the Secure Handling of Ammonium Nitrate. The amendment requires the Department of Homeland Security to “regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility...to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.”

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

Major: Undetermined

Unfunded Mandates: Undetermined

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

Legal Authority: sec 563 of the 2008 Consolidated Appropriations Act, Subtitle J--Secure Handling of Ammonium Nitrate, PL 110-161

Legal Deadline:

| Action | Source | Description | Date |
|--------|-----------|--|------------|
| NPRM | Statutory | Publication of Notice of Proposed Rulemaking | 05/26/2008 |

Timetable:

| | |
|--|--|
| | |
|--|--|

| Action | Date | FR Cite |
|--------------------------|------------|-------------|
| ANPRM | 10/29/2008 | 73 FR 64280 |
| ANPRM Comment Period End | 12/29/2009 | |

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: Undetermined

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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 | 12/00/2008 | |

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: Substantive, Nonsignificant

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 | 12/00/2008 | |
| NPRM Comment Period End | 02/00/2009 | |
| Final Action | 04/00/2009 | |

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 | Description | Date |
|--------|-----------|--|------------|
| NPRM | Statutory | Legislative deadline--180 days after enactment (2/2006). | 02/00/2006 |

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------|---------|
| NPRM | 04/00/2009 | |
| NPRM Comment Period End | 06/00/2009 | |

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-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: Substantive, Nonsignificant Agenda Stage of Rulemaking: Proposed Rule
 Major: No 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 | 04/00/2009 | |
| NPRM Comment Period End | 07/00/2009 | |
| Final Rule | 10/00/2009 | |

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 Public Law 109-295, title VI, section 692,

Limitations on Tiering of Subcontractors. This limitation applies to any cost-reimbursement type contract or task or delivery order in an amount greater than the simplified acquisition threshold [as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)] entered into to facilitate response to or recovery from a natural disaster, act of terrorism, or other man-made disaster. A contractor is prohibited from using subcontractors for more than 65 percent of the cost of the contract or the cost of any individual task or delivery order (not including overhead or fee), unless the contracting officer determines that the 65 percent limitation is not feasible or practicable.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

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 | 02/00/2009 | |
| NPRM Comment Period End | 05/00/2009 | |
| Final Rule | 08/00/2009 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: Business

Federalism: No

Energy Affected: Undetermined

Agency Contact: Jeremy Olson

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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 Public Law 109-295, title VI, section 695, Limitation on Length of Certain Noncompetitive Contracts. The limitation applies for sole source contracts using the FAR part 6, unusual and compelling urgency exception (above the SAT) for requirements associated with facilitating response and recovery from natural disasters, acts of terrorism, or other man-made disasters. The maximum period of performance is 150 days, unless exceptional circumstances apply.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

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 | 02/00/2009 | |
| NPRM Comment Period End | 05/00/2009 | |
| Final Rule | 08/00/2009 | |

Regulatory Flexibility Analysis Required: No
 Small Entities Affected: Business
 Energy Affected: Undetermined
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Government Levels Affected: Federal
 Federalism: No

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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 418(b)

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------|---------|
| NPRM | 02/00/2009 | |
| NPRM Comment Period End | 04/00/2009 | |
| Final Rule | 07/00/2009 | |

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

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

RIN: 1601-AA34

 [View Related Documents](#)

Title: Collection of Alien Biometric Data Upon Exit from the United States at Air and Sea Ports of Departure; United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT)

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 rule establishes procedures for collection of biometrics from aliens departing the United States from air or sea ports. 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: Final Rule

Major: Yes

Unfunded Mandates: Private Sector

CFR Citation: 8 CFR 215.1; 8 CFR 231.4 (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 establishes an exit system at all air and sea ports of departure in the United States. This rule requires 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.

Legal Basis:

Alternatives:

Costs and Benefits: Economic analysis under development.

Risks:

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------|-------------|
| NPRM | 04/24/2008 | 73 FR 22065 |
| NPRM Comment Period End | 06/23/2008 | |
| Other/Final Rule | 04/00/2009 | |

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

Related RINs: Previously Reported as 1650-AA04

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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

Regulatory Plan:

Statement of Need: On July 27, 2006, DHS published a proposed rule in the Federal Register that outlined DHS' plan to begin enrolling additional groups of aliens into the US-VISIT biometric screening protocol. (US-VISIT is an integrated, automated entry-exit system that records the arrival and departure of aliens, verifies aliens' identities, and authenticates aliens' travel documents through the comparison of biometric identifiers.) The expansion of US-VISIT biometric screening to these additional groups is needed in order to verify the identity and authenticity of aliens presenting United States issued travel documents upon an application for admission. The expansion is consistent with the implementation of the US-VISIT program to date, which has taken an incremental, phased-in approach to the biometric screening of aliens applying for admission to and exiting from the United States. This expansion will encompass the majority of aliens to-date not undergoing biometric screening by the US-VISIT program.

Legal Basis: While the establishment of the US-VISIT program is found in the provisions of several public laws, the abstracts of which have been discussed in several rulemakings (See 69 FR 53318, for example), the authority for the expansion of the program to additional alien groups may be found in section 302(b)(2) of the Enhanced Border Security and Visa Entry Reform Act of 2002, Public Law 107-173, 116 Stat. 543, 552 (May 14, 2002). This section of law requires the United States to install at all ports of entry equipment and software that allows for the biometric comparison and authentication of all United States visas and all machine-readable, tamper-resistant travel and entry documents that are issued to aliens. The installation of the needed equipment and software is complete.

Alternatives:

Costs and Benefits:

Risks:

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------|-------------|
| NPRM | 07/27/2006 | 71 FR 42605 |
| NPRM Comment Period End | 08/28/2006 | |
| Final Rule | 11/00/2008 | |

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 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 Rule | 12/00/2008 | |

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-AA46

 [View Related Documents](#)

Title: Implementation of OMB Guidance on Nonprocurement Debarment and Suspension

Abstract: The Department of Homeland Security proposes to issue a 2 CFR 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: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 2 CFR 3000 (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:

| Action | Source | Description | Date |
|--------|-----------|-------------|------------|
| NPRM | Statutory | | 02/28/2007 |

Timetable:

| Action | Date | FR Cite |
|--------------------|------------|---------|
| Interim Final Rule | 11/00/2008 | |

Additional Information: On August 31, 2005, OMB published guidelines (70 FR 51863), 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

Agency Contact: Van Pace

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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, Public Law 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 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 Public Law 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 | Description | Date |
|--------|-----------|---------------|------------|
| Other | Statutory | Interim Rule. | 07/01/2007 |

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|------------|---------|
| Interim Final Rule | 11/00/2008 | |
| Interim Final Rule Comment Period End | 01/00/2009 | |
| Final Rule | 06/00/2009 | |
| Final Rule Effective | 08/00/2009 | |

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-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. Citizens and non-Lawful Permanent Residents in systems of records that maintain information on U.S. Citizens and Lawful Permanent Residents. 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: Long-term Action

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 |
|---------------------------------------|------------|------------|
| Next Action Undetermined | | |
| 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 | |

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-AA01

 [View Related Documents](#)

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

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

RIN: 1601-AA03

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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: 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: 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

 [View Related Documents](#)

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, Public Law 97-365, 96 Stat. 1749 (October 25, 1982), as amended by the Debt Collection Improvement Act of 1996 (DCIA), Public Law 104-134, 110 Stat. 1321, 1358 (April 26, 1996), the Federal Claims Collection Standards, 31 CFR chapter IX (parts 900 through 904), and other laws applicable to the collection of nontax debts owed to DHS entities. DHS adopts the Governmentwide debt collection standards promulgated by the Departments of the Treasury and Justice, known as the Federal Claims Collection Standards (FCCS), as revised on November 22, 2000 (65 FR 70390), and supplements the FCCS by prescribing procedures consistent with the FCCS, as necessary and appropriate for DHS operations. DHS entities may, but are not required to, promulgate additional policies and procedures consistent with this regulation, the FCCS, and other applicable Federal laws, policies, and procedures. This regulation also provides the procedures for the collection of debts owed to other Federal agencies when a request for offset is received by DHS. This regulation does not apply to the collection of tax debts, which is governed by the Internal Revenue Code of 1986 (26 U.S.C. et seq.), and regulations, policies, and procedures issued by the Internal Revenue Service 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 and 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

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Department of Homeland Security (DHS)

Office of the Secretary (OS)

RIN: 1601-AA53

 [View Related Documents](#)

Title: Department of Homeland Security (DHS) Human Resources Management System

Abstract: The Department of Homeland Security and the Office of Personnel Management are issuing final regulations to establish a new human resources management system within DHS, as authorized by the Homeland Security Act of 2002. The affected subsystems include those governing basic pay, classification, performance management, labor relations, adverse actions, and employee appeals. These changes are designed to ensure the Department's human resources management system aligns with its critical mission requirements without compromising the statutorily protected civil service rights of its employees.

Priority: Other Significant
 Major: No
 CFR Citation: 5 CFR 9701 (To search for a specific CFR, visit the [Code of Federal Regulations](#))
 Legal Authority: PL 107-296
 Legal Deadline: None

Agenda Stage of Rulemaking: Long-term Action
 Unfunded Mandates: No

Timetable:

| Action | Date | FR Cite |
|--------------------------|------------|-------------|
| Next Action Undetermined | | |
| Notice | 10/07/2008 | 73 FR 58435 |

Regulatory Flexibility Analysis Required: No
 Small Entities Affected: No
 Energy Affected: No
 Related RINs: Related to 3206-AK31; Previously Reported as 1601-AA21

Government Levels Affected: Federal
 Federalism: No

Related Agencies: Joint: OPM

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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 Public Law 109-241, title I, section 205, regarding one-step turnkey design-build contracts for the United States Coast Guard.

Priority: Substantive, Nonsignificant
 Major: 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

Agenda Stage of Rulemaking: Completed Action
 Unfunded Mandates: No

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------|-------------|
| NPRM | 07/13/2007 | 72 FR 38548 |
| NPRM Comment Period End | 08/13/2007 | |
| Final Rule Effective | 05/06/2008 | 73 FR 24881 |
| Final Rule | 05/06/2008 | 73 FR 24881 |

Regulatory Flexibility Analysis Required: No
 Small Entities Affected: Business
 Energy Affected: Undetermined
 RIN Information URL: www.regulations.gov
 Agency Contact: Kathy Strouss Department of Homeland Security
 Office of the Secretary

Government Levels Affected: Federal
 Federalism: No
 Public Comment URL: www.regulations.gov

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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: Completed Action

Major: No

Unfunded Mandates: No

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 |
|-----------|------------|---------|
| Withdrawn | 08/11/2008 | |

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-AA51

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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: Completed Action

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 | Description | Date |
|--------|-----------|--|------------|
| Other | Statutory | PL 110-161 revokes sec 114(o) of title 49, codified applic. of AMS to TSA, and requires TSA to follow FAR system and authorities and HSAR requirements for TSA solicitations issued on or after 6/23/08. | 06/23/2008 |

Timetable:

| Action | Date | FR Cite |
|----------------------|------------|-------------|
| Final Rule Effective | 05/27/2008 | 73 FR 30317 |
| Final Rule | 05/27/2008 | 73 FR 30317 |

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-AA90

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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 and 1154; ...

Legal Deadline:

| Action | Source | Description | Date |
|--------|-----------|-------------|------------|
| Other | Statutory | | 03/02/2003 |

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------|---------|
| NPRM | 07/00/2009 | |
| NPRM Comment Period End | 09/00/2009 | |

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 and 1154; 8 USC 1182; ...

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------|---------|
| NPRM | 11/00/2008 | |
| NPRM Comment Period End | 12/00/2008 | |

Additional Information: CIS No. 2347-05

Regulatory Flexibility Analysis Required: Business

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-AB51

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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 and 1154; 8 USC 1182 to 1182a; PL 105-277; ...

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------|---------|
| NPRM | 06/00/2009 | |
| NPRM Comment Period End | 08/00/2009 | |

Additional Information: CIS No. 2380-06

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-AB54

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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 | 02/00/2009 | |
| NPRM Comment Period End | 04/00/2009 | |

Additional Information: CIS No. 2372-06

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Jedidah Hussey

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

RIN: 1615-AB57

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

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------|---------|
| NPRM | 12/00/2008 | |
| NPRM Comment Period End | 02/00/2009 | |

Additional Information: CIS No. 2406-07

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Michael Valverde

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

RIN: 1615-AB70

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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
 Major: 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

Agenda Stage of Rulemaking: Proposed Rule
 Unfunded Mandates: No

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------|---------|
| NPRM | 12/00/2008 | |
| NPRM Comment Period End | 01/00/2009 | |

Additional Information: CIS 2446-08

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

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

RIN: 1615-AB72

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Title: Documents and Receipts Acceptable for Employment Eligibility Verification

Abstract: This rule proposes amendments to regulations governing the types of acceptable identity and employment authorization documents that employees may present to their employers for completion of the Form I-9, Employment Eligibility Verification. The purpose of this proposed rule is to further improve the integrity of the employment eligibility verification process by adding safeguards and ensuring that the list of acceptable identity and employment authorization documents contains secure and fraud-resistant documents.

Priority: Other Significant
 Major: No
 CFR Citation: 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#).)
 Legal Authority: 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1324a
 Legal Deadline: None

Agenda Stage of Rulemaking: Proposed Rule
 Unfunded Mandates: No

Regulatory Plan:

Statement of Need: To further improve the integrity of the employment eligibility verification process, and to ensure that the list of acceptable identity and employment authorization documents contain secure and fraud-resistant documents.

Legal Basis: All employers and agricultural recruiters and referrers for a fee (collectively referred to as "employer(s)") are required to verify the identity and employment authorization of each individual they hire for employment in the United States, regardless of the individual's citizenship. (See Immigration and Nationality Act (INA) section 274A(a)(1)(B), 8 U.S.C. 1324a(a)(1)(B)). As part of the verification process, employers must complete Form I-9, Employment Eligibility Verification, retain the form for a statutorily-established period of time, and make the form available for inspection by certain government

officials. (See INA section 274A(b), 8 U.S.C. 1324a(b); 8 CFR 274a.2). The documents designated as acceptable for the Form I-9 are divided among three lists: · List A—documents that establish both identity and employment authorization; · List B—documents that establish only identity; and · List C—documents that establish only employment authorization. (See INA sections 274A(b)(1)(B),(C) and (D), 8 U.S.C. 1324a(b)(1)(B),(C); 8 CFR 274a.2(B)(1)(v)(A), B) and (C)). Additionally, DHS possesses statutory authority to prohibit or place conditions on the use of documents establishing the employment authorization or identity of individuals for Form I-9 purposes if DHS finds, by regulation, that such documents do not reliably establish employment authorization or identity or are being used fraudulently to an unacceptable degree. (See INA section 274A(b)(1)(E), 8 U.S.C. 1324a(b)(1)(E)). The changes proposed in this rule are not required by statute or court order.

Alternatives: This proposed rule requests input from the public on what alternatives, if any, DHS should consider. The proposed rule also requests that any alternatives suggested should include the costs and benefits of those alternatives, as well as the effect on small entities.

Costs and Benefits: There are significant unquantifiable benefits. The proposal provides details and specificity on acceptable identity and employment authorization documents, which are not present in the legislation or current regulations.
Cost Analysis. The cost benefit analysis of this proposed rule will be provided to the Office of Management and Budget (OMB) and will be available for review in the public docket for this rulemaking at www.regulations.gov once this proposed rule is published in the Federal Register.

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 |
|-------------------------|------------|---------|
| NPRM | 11/00/2008 | |
| NPRM Comment Period End | 12/00/2008 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Business

Energy Affected: No

Related RINs: Related to 1615-AB69

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Government Levels Affected: No

Federalism: No

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

RIN: 1615-AB75

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Title: Commonwealth of the Northern Mariana Islands Transitional Nonimmigrant Investor Classification

Abstract: On May 8, 2008, Public Law 110-229, Commonwealth Natural Resources Act, established a transitional period for the application of the Immigration and Nationality Act (INA) to the Commonwealth of the Northern Mariana Islands (CNMI). Although the CNMI is subject to most U.S. laws, the CNMI has administered its own immigration system under the terms of its 1976 covenant with the United States. The Department of Homeland Security is proposing to amend its regulations by creating a new E2 CNMI Investor classification for the duration of the transition period. These temporary provisions are necessary to reduce the potential harm to the CNMI economy before these foreign workers and investors are required to convert into U.S. immigrant or nonimmigrant visa classifications.

Priority: Other Significant

Major: No

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

Legal Authority: 8 U.S.C. 1101; 8 U.S.C. 1102; 8 U.S.C. 1103; 8 U.S.C. 1182; 8 U.S.C. 1184; 8 U.S.C. 1186a

Agenda Stage of Rulemaking: Proposed Rule

Unfunded Mandates: No

Legal Deadline: None

Regulatory Plan:

Statement of Need: This proposed rule responds to a Congressional mandate that requires the Federal Government assume responsibility for visas for entry to CNMI by foreign investors. This proposed rule will reduce the degree of fraud in visas to CNMI and the threat to homeland security posed by terrorists trying to enter CNMI with fraudulent visas as a gateway to the continental United States.

Legal Basis: This proposed rule is based upon a Congressional mandate to publish regulations to implement the nonimmigrant investor visa provisions of the Consolidated Natural Resources Act of 2008 (Pub.L. 110-229). This public law extends the immigration laws of the United States to the CNMI. Public Law 110-229 authorizes the Secretary of Homeland Security to classify an alien as a CNMI-only nonimmigrant under section 101(a)(15)(E)(ii) of the Immigration and Nationality Act (Act) (8 U.S.C. 1101(a)(15)(E)(ii)) if the alien meets the requirements of the Act.

Alternatives: In light of the potential adverse economic impact of such limitations and the goal of limiting adverse economic impact on the CNMI, such limiting options were not chosen. DHS chose the broadest interpretation possible, whereby long-term business investors, perpetual foreign investors and foreign retiree investors would be eligible for CNMI E-2 Investor status, because it believes such an interpretation is most in keeping with the mandate to limit adverse economic impact.

Costs and Benefits: Public Costs: This rule reduces the employer's annual cost by \$200 per year (\$500 - \$300), plus any further reduction caused by eliminating the paperwork burden associated with the CNMI's process. In 2006 – 2007, there were 464 long-term business entry permit holders and 20 perpetual foreign investor entry permit holders and retiree investor permit holders, totaling 484, or approximately 500 foreign registered investors. The total savings to employers from this rule is thus expected to be \$100,000 per year (\$500 x \$200). Cost to the Federal Government: The yearly Federal Government cost is estimated at \$42,310. Benefits: The potential abuse of the visa system by those seeking to illegally emigrate from the CNMI to Guam or elsewhere in the United States reduces the integrity of the United States immigration system by increasing the ease by which aliens may unlawfully enter the United States through the CNMI. Federal oversight and regulations of CNMI foreign investors should help reduce abuse by foreign employees in the CNMI, and should help reduce the opportunity for aliens to use the CNMI as an entry point into the United States. Conclusion: This proposed rule responds to a Congressional mandate that requires the Federal Government to assume responsibility for all immigration to the CNMI by foreign investors, whether temporary or permanent. This proposed rule will implement this mandate and thus contribute to U.S. homeland security.

Risks: This proposed regulation attempts to mitigate potential harm to the CNMI economy before the CNMI foreign investors are required to convert into United States immigrant or nonimmigrant visa classifications. The regulation is intended to assist CNMI investment permit holders to convert from their current status to a status covered under the Act during the transition period while considering their contributions to the well-being of the CNMI economy. Data gathered by the GAO suggests that perpetual foreign investors and long-term business permit holders invested at least \$72 million in the CNMI in 2006 and 2007. The proposed regulation attempts to reduce the risk of losing substantial investments by including a majority of CNMI's current investor categories under the new E2 CNMI classification.

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------|---------|
| NPRM | 11/00/2008 | |
| NPRM Comment Period End | 12/00/2008 | |

Additional Information: CIS No. 2458-08

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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 [View Related Documents](#)

Title: Commonwealth of the Northern Mariana Islands Transitional Workers Classification

Abstract: This rule proposes to implement provisions of the Consolidated Natural Resources Act of 2008 to provide for a transition for a sizable population of temporary workers in the Commonwealth of Northern Mariana Islands (CNMI) to workers admitted under the Immigration and Nationality Act.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

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: PL 110-229

Legal Deadline: None

Regulatory Plan:

Statement of Need: This rule is required by a statute that requires the Federal Government to assume responsibility for visas for entry to the CNMI by non-resident workers.

Legal Basis: The Consolidated Natural Resources Act of 2008 (CNRA), P.L. 110-229, enacted on May 8, 2008, extends the Immigration and Nationality Act (INA) in full to the Commonwealth of Northern Mariana Islands.

Alternatives: This rule is required by statute and alternatives were not considered.

Costs and Benefits: Each of the estimated 22,000 CNMI transitional workers will be required to pay a \$320 fee per year, for an annualized cost to the affected public of \$7 million.

Risks: The effect of this rule on the CNMI economy is uncertain at this point. The Senate Report of Public Law 110-229 states that there are risks to the homeland security as a result of the lack of integrity in the CNMI immigration system that resulted in the passage of the legislation requiring this rule's promulgation.

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------|---------|
| NPRM | 12/00/2008 | |
| NPRM Comment Period End | 01/00/2009 | |

Regulatory Flexibility Analysis

Government Levels Affected: State

Required: Undetermined

Federalism: No

Energy Affected: No

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

RIN: 1615-AB77

 [View Related Documents](#)

Title: Revisions to Federal Immigration Regulations for the Commonwealth of the Northern Mariana Islands; Conforming Regulations

Abstract: This proposed rule implements various CNMI provisions of the Consolidated Natural Resources Act of 2008 (CNRA) by removing reference to the CNMI as a territory or possession of the United State and inserting CNMI in all references to the geographical "United States." This rule also proposes that employers in CNMI be permitted for employment eligibility verification purposes to accept certain CNMI-issued documents as evidence of both identity and work authorization for a 2-year period starting from the Transition Program effective date. This rule further proposes to specify that the provisions of section 208

and section 209(b) of the Immigration Nationality Act (the Act) shall not apply to persons present or arriving in the CNMI during the transition period. Furthermore, this rule proposes specifications to the inspection, admission and/or removal of aliens as it pertains to referral to an immigration judge in the CNMI during and after the transition period. These conforming regulations are necessary to ensure proper implementation of and regulatory compliance with the statute.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 208 and 209; 8 CFR 214 and 215; 8 CFR 217; 8 CFR 235; 8 CFR 248; 8 CFR 264; 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-229

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------|---------|
| NPRM | 12/00/2008 | |
| NPRM Comment Period End | 01/00/2009 | |

Additional Information: CIS 2460-08

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-AA03

 [View Related Documents](#)

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 and 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 | 07/00/2009 | |
| Interim Final Rule Comment Period End | 09/00/2009 | |

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

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|------------------------------|------------|-------------|
| NPRM (CIS No. 1436-94) | 04/25/2007 | 72 FR 20442 |
| NPRM Comment Period End | 06/25/2007 | |
| NPRM Comment Period Extended | 11/01/2007 | 72 FR 61821 |
| NPRM Comment Period End | 11/16/2007 | |
| Final Rule | 11/00/2008 | |

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-AA42

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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: 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: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153 and 1154; ...

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|------------|-------------|
| Interim Final Rule | 06/20/1991 | 56 FR 28311 |
| Interim Final Rule Comment Period End | 07/20/1991 | |
| Final Action | 07/00/2009 | |

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

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 U.S. 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: 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 and 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|------------|-------------|
| 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 | |
| Interim Rule; Reopening | 03/25/2008 | 73 FR 15635 |
| Comment Period Extended | 05/27/2008 | |
| Final Action | 04/00/2009 | |

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-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: Final Rule

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 to 1227; 8 USC 1252 to 1252a; 22 USC 7101; 22 USC 7105; ...

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|------------|------------|
| 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 | |
| Final Action | 07/00/2009 | |

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

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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 to 1227; 8 USC 1252 to 1252a; 8 USC 1255; 22 USC 7101; 22 USC 7105; ...

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|------------|---------|
| Interim Final Rule | 11/00/2008 | |
| Interim Final Rule Comment Period End | 06/00/2009 | |

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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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: Final Rule

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 | Description | Date |
|--------|-----------|--|------------|
| Other | Statutory | Regulations need to be promulgated by July 5, 2006 | 01/05/2006 |

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|------------|-------------|
| 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 | |
| Final Action | 07/00/2009 | |

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-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 | 02/00/2009 | |
| Interim Final Rule Comment Period End | 04/00/2009 | |

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)
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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 and 208; 8 CFR 211 and 212; 8 CFR 214; 8 CFR 216; 8 CFR 236; 8 CFR 244 and 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 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 | 06/00/2009 | |
| Interim Final Rule Comment Period End | 07/00/2009 | |

Additional Information: CIS No. 2405-07

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-AB59

 [View Related Documents](#)

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 | 12/00/2008 | |
| Interim Final Rule Comment Period End | 01/00/2009 | |

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 and 1102

Legal Deadline: None

Regulatory Plan:

Statement of Need: The final rule removes certain limitations on H-2A employers and adopts streamlining measures in order to encourage and facilitate the lawful employment of foreign temporary and seasonal agricultural workers. The final rule also addresses concerns regarding the integrity of the H-2A program and sets forth several conditions to prevent fraud and to protect laborers' rights. The purpose of the final rule is to provide agricultural employers with an orderly and timely flow of legal workers, thereby decreasing their reliance on unauthorized workers, while protecting the rights of laborers.

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 section 101(a)(15)(H)(ii)(a), 8 U.S.C. 1101(a)(15)(H)(ii)(a).

Alternatives: Since DHS does not foresee the rule having a significant economic impact on small entities, this rule does not put forth significant alternatives to minimize impacts.

Costs and Benefits: USCIS funds the cost of processing applications and petitions for immigration and naturalization benefits and services, and USCIS' associated operating costs, by charging and collecting fees. For each Form I-129 USCIS charges a filing fee of \$320. This rule does not change that fee, thus, the fee impacts of this rule on each petitioning firm are neutral. The enhancements in this rule are expected to increase the number of H-2A petitions per year by an estimated 3,600. Thus aggregate petition fees for H-2A employees as a result of this rule are expected to increase by \$1,152,000. This rule will benefit applicants by: -- Reducing delays caused by IBIS checks holding up the petition application process. -- Reducing disruption of the life and affairs of H-2A workers in the United States. -- Protecting laborers' rights by precluding payment of fees by the alien. -- Preventing the filing of requests for more workers than needed, visa selling, coercion of alien workers and their family members, or other practices that exploit workers and stigmatize the H-2A program. -- Encouraging employers who currently hire seasonal agricultural workers who are not properly authorized to work in the United States to replace those workers with legal workers. -- Minimizing immigration fraud and human trafficking.

Risks: Since DHS does not foresee the rule having a significant economic impact on small entities, this rule does not put forth significant alternatives to minimize impacts.

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------|------------|
| NPRM | 02/13/2008 | 73 FR 8230 |
| NPRM Comment Period End | 04/14/2008 | |
| Final Action | 11/00/2008 | |

Additional Information: CIS 2428-07

Regulatory Flexibility Analysis Required: No

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. Citizenship and Immigration Services (USCIS)

RIN: 1615-AB67

 [View Related Documents](#)

Title: Changes to Requirements Affecting H-2B Nonimmigrants and Their Employers

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: 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 1101

Legal Deadline: None

Regulatory Plan:

Statement of Need: The final rule removes certain limitations on H-2B employers and adopts streamlining measures in order to facilitate the lawful employment of foreign temporary nonagricultural workers. The final rule also addresses concerns regarding the integrity of the H-2B program and sets forth several conditions to prevent fraud and protect laborers' rights. The final rule will benefit U.S. businesses by facilitating a timely flow of legal workers while ensuring the integrity of the program.

Legal Basis: The H-2B classification applies to aliens who are coming to the United States to perform nonagricultural labor or services of a temporary nature. INA section 101(a)(15)(H)(ii)(b); 8 U.S.C. 1101(a)(15)(H)(ii)(b).

Alternatives: This rule does not propose alternatives to minimize impacts. What cost increases occur due to the revised requirements are not expected to significantly affect entities and thus will not have a measurable impact on their ability to carry out their business activities.

Costs and Benefits: This rule eliminates the "extraordinary circumstances" restriction on periods of temporary need longer than one year and provides that such a period could last up to three years. This change will greatly benefit employers that utilize the H-2B program and that often need workers for specific long-term, but temporary projects. The fee impacts of this rule are neutral. Only those petitions received before the maximum annual number is reached are adjudicated and the fee check deposited. Petitions not received before the maximum annual number is reached are rejected. Because the total number of H-2B visas available per year will not increase and the total number of workers requested already greatly exceeds the number of H-2B visas available, fees will not increase because there will be no increase in Form I-129 filings that are processed.

Risks: None. The amendments to the regulations affecting H-2B nonimmigrant workers and their U.S. employers are designed to improve the efficiency and effectiveness of the H-2B nonimmigrant classification while ensuring that the rights and interests of U.S. and H-2B workers are protected.

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------|-------------|
| NPRM | 08/20/2008 | 73 FR 49109 |
| NPRM Comment Period End | 09/19/2008 | |
| Final Rule | 11/00/2008 | |

Additional Information: 2432-07

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

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

RIN: 1615-AB69

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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 affect 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 | 11/00/2008 | |
| Interim Final Rule Comment Period End | 01/00/2009 | |

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; Related to 1615-AB72

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

RIN: 1615-AB73

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Title: Immigration Benefit Fee Waivers for Aliens in T or U Nonimmigrant Status

Abstract: This document amends regulations governing the fees charged by U.S. Citizenship and Immigration Services (USCIS) regarding fee waiver eligibility for aliens who are victims of a severe form of trafficking in persons and who are assisting law enforcement in the investigation or prosecution of the acts of trafficking (T Visa) and aliens who are victims of certain crimes and are being helpful to the investigation or prosecution of those crimes (U Visa). This rule amends the USCIS fee schedule to permit the submission of an application for a fee waiver by such applicants in relation to USCIS Form I-192, Application for Advance Permission to Enter as a Nonimmigrant, and/or Form I-193, Application for Waiver of Passport and/or Visa. This rule is intended to assist these victims in being able to afford their immigration benefits.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1304; 8 USC 1356

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|------------|---------|
| Interim Final Rule | 12/00/2008 | |
| Interim Final Rule Comment Period End | 01/00/2009 | |

Additional Information: CIS 2450-08

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-AA05

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

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 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 Correction | 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 to 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 (CIS No. 1915-98) | 11/24/1998 | 63 FR 64895 |
| NPRM Comment Period End (CIS No. 1915-98) | 01/25/1999 | |
| Interim Rule (CIS No. 1915-98) | 05/21/1999 | 64 FR 27856 |
| Interim Rule Comment Period End | 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 | Description | Date |
|--------|-----------|---|------------|
| Other | Statutory | Requirements promulgated under the Immigration and Nationality Act. | 02/18/1999 |

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|------------|-------------|
| Final Action | 00/00/0000 | |
| Interim Final Rule | 02/19/1999 | 64 FR 8478 |
| Interim Final Rule Corrections | 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 and 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.

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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 |
|---------------------------------------|------------|-------------|
| Final Action | 00/00/0000 | |
| Interim Final Rule | 03/31/2000 | 65 FR 17127 |
| Interim Final Rule Comment Period End | 05/30/2000 | |

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-AA34

 [View Related Documents](#)

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

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|------------|-------------|
| Next Action Undetermined | | |
| Interim Final Rule | 09/06/2000 | 65 FR 53889 |
| Correction to Interim Final Rule | 09/27/2000 | 65 FR 57943 |
| Interim Final Rule Effective | 10/06/2000 | |
| Correction to Interim Final Rule | 10/20/2000 | 65 FR 63118 |
| Interim Final Rule Comment Period End | 11/06/2000 | |

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-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

 [View Related Documents](#)

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-AA44

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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 | Description | Date |
|--------|-----------|-------------------------------|------------|
| Other | Statutory | Child Citizenship Act of 2000 | 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 and 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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RIN: 1615-AA51

 [View Related Documents](#)

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: Long-term Action

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-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 finalizes the Interim Rule published November 6, 2001.

Priority: Other Significant Agenda Stage of Rulemaking: Long-term Action
 Major: No Unfunded Mandates: No
 CFR Citation: 8 CFR 103; 8 CFR 204 and 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, finalizes the Interim Rule that created 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 | Description | 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 | |

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

RIN: 1615-AA63

 [View Related Documents](#)

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 to 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-AA73

 [View Related Documents](#)

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

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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 to 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; ...

Legal Deadline:

| Action | Source | Description | Date |
|--------|-----------|---------------------|------------|
| Other | Statutory | Public Law 105-277. | 09/00/2003 |

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
| | | |

| | | |
|------------------------------|------------|-------------|
| Final Action | 00/00/0000 | |
| 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 and 336 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 552 to 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 | | |
| 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: 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

 [View Related Documents](#)

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.

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-AB28

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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
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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 and 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 to 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

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

RIN: 1615-AB44

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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 and 1282

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|------------|-------------|
| Final Action | 00/00/0000 | |
| Interim Final Rule--(CIS No. 1914-98) | 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-AB66

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Title: 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: Long-term Action

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 to 245a; 8 CFR 274 to 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 |
|---------------------|------------|---------|
| Direct Final Action | 00/00/0000 | |

Additional Information: CIS 2430-07

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-AB68

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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: 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 1184

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|------------|-------------|
| Final Action | 00/00/0000 | |
| 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-AB71

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Title: 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 an electronic 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.

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: Completed Action
 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 |
|-----------|------------|---------|
| Withdrawn | 08/08/2008 | |

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-AA82

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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: Completed 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 and 1282

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|------------------------------|------------|-------------|
| 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 | |
| Withdrawn | 08/20/2008 | 73 FR 49122 |

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.govPublic Comment URL: www.regulations.gov

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services (USCIS)

RIN: 1615-AB19

 [View Related Documents](#)

Title: Establishment Of A Genealogical Program

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: Completed 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 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 | 05/15/2008 | 73 FR 28026 |

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

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

RIN: 1615-AB58

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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: Completed Action

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 |
|-----------|------------|---------|
| Withdrawn | 08/07/2008 | |

Additional Information: CIS 2414-07

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-AB64

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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: Completed 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: 1603 NAFTA

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------|-------------|
| NPRM | 05/09/2008 | 73 FR 26340 |
| NPRM Comment Period End | 06/09/2008 | |
| Final Action Effective | 10/16/2008 | |
| Final Rule | 10/16/2008 | 73 FR 61332 |

Additional Information: CIS 2429-07

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. 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: Substantive, Nonsignificant

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 and 4506; 46 USC 6104; 46 USC 10603; DHS Delegation No. 0170.1(92)

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|--------------------------|------------|-------------|
| ANPRM | 03/31/2008 | 73 FR 16815 |
| ANPRM Comment Period End | 12/15/2008 | |

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-AB21

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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: PreRule

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 | Description | Date |
|--------|-----------|--|------------|
| Other | Statutory | SAFE Port Act, codified at 46 USC 70105(k) | 08/00/2010 |

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 of 2007, 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.

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. We plan to revise the 2006 cost estimates associated with reader technology by incorporating data and findings from the pilot program and soliciting public comments. 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. Based on preliminary analysis that does not include pilot data and information, we estimate the discounted first-year costs of this rulemaking to be \$189 million or \$204 million at a seven or three percent discount rate, respectively. The recurring annual costs after the first year, without technology replacement, range between \$13.3 million and \$6.9 million, depending on year and discount rate. The annual cost of this rulemaking with technology replacement in 2014 (five years after installation) is about \$36 million or \$47 million at a seven or three percent discount rate, respectively. The annualized cost over a ten-year period is \$42.6 million or \$40.6 million per year at a seven percent or three percent interest rate, respectively. We also estimate the total discounted ten-year cost of this rulemaking to be approximately \$299 million at a seven percent discount rate and \$347 million at a three percent discount rate.

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 |
|--------|------------|---------|
| ANPRM | 12/00/2008 | |

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

Government Levels Affected: Undetermined

Federalism: Undetermined

Public Comment URL: www.regulations.gov

Related Agencies: Common: TSA

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

RIN: 1625-AA03

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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 and 2714

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|---------------------------------|------------|-------------|
| Interim Rule | 08/12/1992 | 57 FR 36314 |
| Correction | 09/09/1992 | 57 FR 41104 |
| Interim Rule Comment Period End | 12/10/1992 | |
| NPRM | 06/00/2009 | |

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: None

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|------------|-------------|
| Interim Rule | 11/13/1992 | 57 FR 53968 |
| Interim Final Rule Comment Period End | 02/11/1993 | |
| Supplementary NPRM | 09/00/2009 | |

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

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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 makes several minor editorial and clarification changes throughout title 46 parts 10, 11, 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; and (3) Attempt to clarify regulations that have generated confusion among USCG offices and industry.

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: We estimate the non-discounted first-year and annual recurring costs of this proposed rule to be \$14.6 million and \$11.4 million, respectively. We estimate the annualized cost over a ten-year period to be at \$11.9 million per year at either a seven percent or a three percent discount rate. We estimate the total discounted ten-year cost of this rulemaking to be \$83.8 million at a seven percent discount rate and \$101.1 million at a three percent discount rate. The primary benefit of this rulemaking is to specify seafarer training.

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 |
|--------------------------------------|------------|-------------|
| Notice of Meeting | 08/02/1995 | 60 FR 39306 |
| Supplemental NPRM Comment Period End | 09/29/1995 | |
| Notice of Inquiry | 11/13/1995 | 60 FR 56970 |
| Comment Period End | 01/12/1996 | |
| NPRM | 03/26/1996 | 61 FR 13284 |
| Notice of Public Meetings | 04/08/1996 | 61 FR 15438 |
| NPRM Comment Period End | 07/24/1996 | |
| Notice of Intent | 02/04/1997 | 62 FR 5197 |
| Interim Final Rule | 06/26/1997 | 62 FR 34505 |
| Interim Final Rule Effective | 07/28/1997 | |
| Supplemental NPRM | 01/00/2009 | |

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

Regulatory Plan:

Statement of Need: The unintentional introductions of nonindigenous species into U.S. waters via the discharge of vessels' ballast water has had significant impacts to the nation's aquatic resources, biological diversity, and coastal infrastructures. This rulemaking would amend the ballast water management requirements (33 CFR part 151 subpart D) and establish a standard that specifies the level of biological treatment that must be achieved by a ballast water treatment system before ballast water can be discharged into U.S. waters. This would increase the Coast Guard's ability to protect U.S. waters against the introduction of nonindigenous species via ballast water discharges.

Legal Basis: Congress has directed the Coast Guard to develop ballast water regulations to prevent the introduction of nonindigenous species into U.S. waters under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 and reauthorized and amended it with the National Invasive Species Act of 1996. This is not a statutory rulemaking.

Alternatives: We would use the standard rulemaking process to develop regulations for a ballast water discharge standard. Nonregulatory alternatives such as navigation and vessel inspection circulars and the Marine Safety Manual have been considered and may be used for the development of policy and directives to provide the maritime industry and our field offices guidelines for implementation of the regulations. Nonregulatory alternatives cannot be substituted for the standard we would develop with this rule.

Costs and Benefits: We estimate the first-year (initial) cost of this rulemaking to be \$241 million based on a seven percent discount rate and \$250 million based on a three percent discount rate. Over the 10-year period of analysis (2012-2021), the total cost for the U.S. vessels is approximately \$1.37 billion using the 3 percent discount rate and \$1.19 billion using the 7 percent discount rate. Our cost assessment includes existing and new vessels. We anticipate damages avoided from nonindigenous invasive species are the benefits of this rulemaking. Based on preliminary analysis, our primary annualized estimate of damages avoided range from \$165 million to \$282 million at a seven percent interest rate or \$194 million to \$330 million at a three percent discount rate. Estimated mid-point total benefits over a ten-year period of analysis, adjusted for the phase-in schedule, range from \$1,161 million to \$2,813 million depending on effective factors and discount rates.

Risks: The rate at which nonindigenous species are unintentionally introduced into U. S. waters via ballast water continues to increase, and is estimated to cost the United States \$7.98 billion annually (source: 2005 Pimental et al). It is estimated that for areas such as the Great Lakes, San Francisco Bay, and Chesapeake Bay, one nonindigenous species becomes established per year. At this time, it is difficult to estimate the reduction of risk that would be accomplished by promulgating this rulemaking; however, it is expected a major reduction will occur.

Timetable:

| Action | Date | FR Cite |
|--------------------------|------------|------------|
| ANPRM | 03/04/2002 | 67 FR 9632 |
| ANPRM Comment Period End | 06/03/2002 | |
| NPRM | 03/00/2009 | |

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)

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RIN: 1625-AA99

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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: We estimate the non-discounted first-year cost of this proposed rule to be about \$94.4 million. We estimate the annualized cost over the 10-year period of analysis to be about \$28.0 million at either a seven or a three percent discount rate. We estimate the total discounted 10-year cost of this proposed rule to be about \$199.6 million at a seven percent discount rate and about \$235.9 million at a three percent discount rate. We estimate the annualized benefit to be about \$3.8 million at either a seven or a three percent 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. 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 | 11/00/2008 | |

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

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

RIN: 1625-AB13

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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 and 1226; 33 USC 1231; 46 USC 70102 and 70103; 50 USC 191; Department of Homeland Security Delegation No 0170.1

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|--------|------------|---------|
| NPRM | 11/00/2008 | |

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-AB20

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Title: Passenger and Inspected Vessel Stability Requirements (USCG-2007-0030)

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

Agenda Stage of Rulemaking: Proposed Rule

Major: No

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 11735; 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. 11735, 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.

Costs and Benefits: We estimate the non-discounted first-year and recurring costs of this proposed rule to be about \$10 million and \$2.5 million, respectively. We estimate the annualized cost over the ten-year period at about \$3.5 million per year at either a seven percent or a three percent discount rate. We estimate the total discounted ten-year cost of this rulemaking to be \$24.6 million at a seven percent discount rate and \$28.7 million at a three percent 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 | 08/20/2008 | 73 FR 49244 |
| NPRM Comment Period End | 11/18/2008 | |

Regulatory Flexibility Analysis Required: Business Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.govPublic Comment URL: www.regulations.gov

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RIN: 1625-AB25

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Title: Consumer Price Index Adjustments of Oil Pollution Act of 1990 Limits of Liability--Vessels and Deepwater Ports

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 | Description | Date |
|--------|-----------|-------------|------------|
| Other | Statutory | | 07/10/2009 |

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------|-------------|
| NPRM | 09/24/2008 | 73 FR 54997 |
| NPRM Comment Period End | 11/24/2008 | |
| Final Action | 06/00/2009 | |

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Small Entities Affected: Business

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.govPublic Comment URL: www.regulations.gov

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U.S. Coast Guard (USCG)

RIN: 1625-AB27

 [View Related Documents](#)

Title: Nontank Vessel Response Plans and Other Vessel Response Plan Requirements [USCG-2008-1070]

Abstract: This rulemaking would establish regulations requiring owners or operators of nontank vessels to prepare and submit oil spill response plans. The Federal Water Pollution Control Act defines nontank vessels as self-propelled vessels of 400 gross tons or greater that operate on the navigable waters of the United States, carry oil of any kind as fuel for main propulsion, and are not tank vessels. The rulemaking would specify the content of a response plan, and among other issues, address the requirement to plan for responding to a worst case discharge and a substantial threat of such a discharge. Additionally, this rulemaking would update international Shipboard Oil Pollution Emergency Plan (SOPEP) requirements that apply to certain nontank vessels and tank vessels. Finally, this rulemaking would require vessel owners and operators to submit their vessel response plan control number as part of the notice of arrival information. This project supports the Coast Guard's strategic goals of protection of natural resources and maritime mobility.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 33 CFR 151; 33 CFR 155 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 3 USC 301 to 303; 33 USC 1223; 33 USC 1231; 33 USC 3121; 33 USC 1903; 33 USC 1908; 46 USC 6101

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|--------|------------|---------|
| NPRM | 11/00/2008 | |

Regulatory Flexibility Analysis
Required: Undetermined

Government Levels Affected: Undetermined

Small Entities Affected: Business

Federalism: Undetermined

Energy Affected: No

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RIN: 1625-AB28

 [View Related Documents](#)

Title: Notice of Arrival on the Outer Continental Shelf

Abstract: Currently, foreign vessels arriving at a place on the Outer Continental Shelf (OCS) need not provide any advance notice to any federal agency. In order to improve Maritime Domain Awareness and security on the OCS, the rule would require each foreign vessel intending to arrive at a place on the OCS to provide the National Vessel Movement Center (NVMC) with an advance notice of arrival (NOA). The data to be included in the notices, and the times at which the notices must be submitted, would be similar to the existing requirements, in 33 CFR part 160, for NOAs from ships arriving at a port or place in the United States.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 146 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 109-347, sec 109

Legal Deadline: Section 109 of the SAFE Port Act requires the Coast Guard to promulgate NOA regulations for foreign vessels on the OCS within 180 days of passage of the Act. The President signed the Act on October 13, 2006, and the deadline passed on April 11, 2007.

| Action | Source | Description | Date |
|--------|-----------|---------------------------------|------------|
| Other | Statutory | Public Law 109-347, section 109 | 04/11/2007 |

Timetable:

| Action | Date | FR Cite |
|--------|------------|---------|
| NPRM | 02/00/2009 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

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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: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

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 |
|--|------------|-------------|
| Final Rule--Partial Suspension | 02/12/1998 | 63 FR 7069 |
| Final Rule--Partial Suspension | 01/17/2001 | 66 FR 3876 |
| NPRM | 05/10/2002 | 67 FR 31868 |
| Public Meeting 7/9/02, 7/17/02, 7/25/02 | 06/12/2002 | 67 FR 40254 |
| NPRM Comment Period Extended | 08/07/2002 | 67 FR 51159 |
| Public Meeting 9/26/02 | 08/07/2002 | 67 FR 51159 |
| NPRM Comment Period End | 10/18/2002 | |
| Final Rule--Partial Suspension | 01/23/2004 | 69 FR 3236 |
| Notice of Availability & Request for Comment | 01/03/2006 | 71 FR 125 |

| | | |
|--------------------------------|------------|------------|
| Final Rule--Partial Suspension | 02/09/2007 | 72 FR 6168 |
| Final Rule | 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

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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 navigable waters of the United States adjoining shorelines and the Exclusive Economic Zone. 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 in areas with pre-authorization for use, 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 and 155 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 1231; 33 USC 1321(j)(1)(C), 1321(j)(5), 1321(j)(6), 1321(m)(2); 33 USC 2735; EO 12777; EO 11735; DHS Delegation No. 0170.1; ...

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 | |
| Extended 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-AA48

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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 allissions. 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: Final Rule

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 |
|-------------------------|------------|-------------|
| NPRM | 08/27/2002 | 67 FR 54981 |
| NPRM Comment Period End | 10/28/2002 | |
| Final Rule | 06/00/2009 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Tribal

Small Entities Affected: Business

Federalism: No

RIN Information URL: www.regulations.govPublic Comment URL: www.regulations.gov

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Department of Homeland Security (DHS)
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RIN: 1625-AA81

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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: Final Rule

Major: No

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 |
|---------------------------------------|------------|-------------|
| Notice of Meeting | 02/20/2003 | 68 FR 8326 |
| Notice of Policy | 04/08/2003 | 68 FR 17064 |
| Interim Final Rule | 01/06/2004 | 69 FR 526 |
| Correction to Interim Final Rule | 02/11/2004 | 69 FR 6575 |
| Interim Final Rule Comment Period End | 04/05/2004 | |
| Final Rule | 10/31/2008 | 73 FR 65155 |
| Final Rule Effective | 12/01/2008 | |

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-AA85; Related to 1625-AA41; Related to 1625-AB02

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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: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 32; 46 CFR 50; 46 CFR 52 to 54; 46 CFR 56; 46 CFR 58 and 59; 46 CFR 61 to 63; 46 CFR 76; 46 CFR 92; 46 CFR 110 and 111; 46 CFR 113; 46 CFR 162; 46 CFR 170; 46 CFR 175; 46 CFR 182 and 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 |
|-------------------------|------------|-------------|
| NPRM | 06/30/2004 | 69 FR 39742 |
| NPRM Comment Period End | 09/28/2004 | |
| Final Rule | 11/00/2008 | |

Regulatory Flexibility Analysis Required: No

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-AA89

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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 that remains 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, 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 Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL Annex V), prohibits the discharge of "garbage," which these sweepings are defined as, into the navigable waters of the U.S. However, under an "interim enforcement policy" (IEP) adopted by the USCG's Ninth District in 1993 (and revised/reissued in 1995 and 1997) and adopted by Congress beginning in 1998, these requirements were not enforced, thereby allowing the continuation of cargo sweeping in specified areas of the Great Lakes. Under the Coast Guard's permanent regulatory authority over Great Lakes dry cargo residue discharges (Pub. L. 108-293, sec. 623), the Coast Guard has proposed a rule that adopts the IEP, adds six sensitive and protected areas where discharge is restricted, and mandates recordkeeping and reporting of dry cargo residue discharges. The voluntary use of dry cargo residue control measures will be encouraged. Market or Regulatory Failure Analysis: This rulemaking is a first step towards amending Coast Guard regulations in accordance with an existing Coast Guard policy that allows the discharge of non-toxic and non-hazardous bulk dry cargo residues (DCR) like limestone, iron ore, and coal in limited areas of the Great Lakes. The rule does not require any DCR discharge control measures but only sets recordkeeping requirements and designates additional special protected areas. The recordkeeping requirements are meant to inform a later rule that would address actual control measures for reducing the impact of DCR discharges on the environment. This proposed rule also encourages carriers to adopt voluntary control measures for reducing discharges.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

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 section 623 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 | Description | Date |
|--------|-----------|---|------------|
| Other | Statutory | Existing interim enforcement policy expires | 09/30/2008 |

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|------------|-------------|
| NPRM | 05/23/2008 | 73 FR 30014 |
| NPRM Comment Period End | 07/22/2008 | |
| Interim Final Rule | 09/29/2008 | 73 FR 56492 |
| Interim Final Rule Comment Period End | 01/15/2009 | |

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)

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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.govPublic Comment URL: www.regulations.gov

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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: Final Rule

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 and 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 71; 46 USC 7502; 46 USC 7505; 46 USC 7701; 46 USC 8906; EO 10173

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------|-------------|
| NPRM | 05/22/2006 | 71 FR 29462 |
| NPRM Comment Period End | 07/06/2006 | |
| Supplemental NPRM | 01/25/2007 | 72 FR 3605 |
| Final Rule | 11/00/2008 | |

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.govPublic Comment URL: www.regulations.gov

Related RINs: Related to 1652-AA41

Related Agencies: Joint: TSA

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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: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 155 and 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 |
|-------------------------|------------|-------------|
| Final Rule; Suspension | 05/05/2008 | 73 FR 24497 |
| NPRM | 06/30/2008 | 73 FR 36825 |
| NPRM Comment Period End | 08/29/2008 | |
| Final Rule | 03/00/2009 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.govPublic 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; 46 CFR 12; 46 CFR 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 |
|---------------------------------------|------------|-------------|
| Interim Rule | 04/24/2007 | 72 FR 20278 |
| Interim Final Rule Comment Period End | 07/23/2007 | |
| Final Rule | 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-AB19

 [View Related Documents](#)

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

Abstract: This rulemaking would require each crewmember on a foreign commercial vessel en route to a U.S. port or place of destination or at a U.S. port or place, or on a U.S. commercial vessel coming from a foreign port or place of departure to a U.S. port or place of destination, to carry and present upon demand an acceptable identification when in U.S. navigable waters. The vessel operator would also be required to ensure that crewmembers comply with this requirement. We expect the following five documents would be considered acceptable identification for crewmembers: a passport; a U.S. Permanent Resident Card; a U.S. Merchant Mariner's Document (MMD); a Transportation Worker Identification Credential (TWIC); and a Seafarer's Identification Document (SID) meeting all the requirements of International Labour Organization Seafarers' Identity Documents Convention (Revised), 2003 (ILO 185). We expect that most crewmembers already have one or more of these five documents. Should the proposed U.S. merchant mariner credential (MMC) rule (1625-AB02) become effective before a crewmember identification documents final rule is issued, we expect that the MMC would also be considered an acceptable identification document.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final 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; 33 USC 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 | Description | Date |
|--------|-----------|-------------|------------|
| Other | Statutory | | 10/13/2007 |

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------|-------------|
| NPRM | 05/14/2008 | 73 FR 27778 |
| NPRM Comment Period End | 07/14/2008 | |
| Final Rule | 01/00/2009 | |

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

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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-AB24

 [View Related Documents](#)

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

Abstract: This rulemaking proposes a joint Coast Guard and NOAA definition of the term "marine debris" as required by the Marine Debris Research, Prevention, and Reduction Act, Public Law 109-449 section 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: Final 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 | 05/27/2008 | 73 FR 30322 |
| NPRM Comment Period End | 07/28/2008 | |
| Final Rule | 02/00/2009 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.govPublic 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-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 |
|---|------------|---------|
| Action Will Continue Through 2008 to 2009 | 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 3-5 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 |
|--|------------|---------|
| Actions Will Continue Through 2008 to 2009 | 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)
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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 | Description | 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 Comment Period Extended | 11/16/1992 | 57 FR 48489 |
| 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

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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 |
|---|------------|---------|
| Action Will Continue Through 2008 to 2009 | 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
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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 |
|--|------------|---------|
| Actions Will Continue Through 2008 to 2009 | 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 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 (USCG-2006-23556; formerly 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: Substantive, Nonsignificant

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 | |
| Request for Comments | 12/21/1994 | 59 FR 65741 |
| NPRM Comment Period End | 02/13/1995 | |
| Notice of Withdrawal | 04/15/2008 | 73 FR 20232 |

Additional Information: This rulemaking is a companion to RIN 1625-AA05, which concerns Prince William Sound and Puget Sound. The former docket number is CDG 91-202a.

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 5-10 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 |
|--|------------|---------|
| Actions Will Continue Through 2008 to 2009 | 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 substances at facilities have not incorporated timely and adequate measures to implement an emergency response to clean spills. Since individual firms cannot internalize the benefit of implementing a hazardous substance response system, a capable response program has not been established in the absence of a regulatory program.

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 |
| Notice of Public Hearings | 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: www.regulations.gov
 Related RINs: Related to 1625-AA13
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Public Comment URL: www.regulations.gov

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 substances from vessels have not incorporated timely and adequate measures to implement an emergency response to clean spills. Since individual firms cannot internalize the benefit of implementing a hazardous substance response system, a capable response program has not been established in the absence of a regulatory program.

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 |
| Notice of Public Hearings | 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 |
| Notice of Public Hearing | 06/15/1999 | 64 FR 31994 |
| NPRM Comment Period End | 06/21/1999 | |
| NPRM Extended Comment Period End | 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: www.regulations.gov

Public Comment URL: www.regulations.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 | | |
| Request for Comments | 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 Reopening of Comment Period | 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 | |
| Collection of Information Sections Effective | 06/20/2002 | |
| Interim Final Rule--Announcement of Effective Date of COI Sections | 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.govPublic Comment URL: www.regulations.gov

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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; and 3) allow all mobile inland drilling units to operate on the OCS out to a defined boundary line if they meet requirements for lifesaving, firefighting, and operations similar to those for fixed OCS facilities. This project would affect the owners and operators of facilities and vessels engaged in offshore activities. 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.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

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; Department of Homeland Security Delegation No. 0170.1.

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|------------------------------|------------|-------------|
| Next Action Undetermined | | |
| Request for Comments | 06/27/1995 | 60 FR 33185 |
| Comment Period End | 09/25/1995 | |
| NPRM | 12/07/1999 | 64 FR 68416 |
| NPRM Correction | 02/22/2000 | 65 FR 8671 |
| NPRM Comment Period Extended | 03/16/2000 | 65 FR 14226 |
| NPRM Comment Period Extended | 06/30/2000 | 65 FR 40559 |
| NPRM Comment Period End | 11/30/2000 | |

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-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 Stewardship 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 |
|-------------------------------|------------|-------------|
| Second ANPRM | 00/00/0000 | |
| ANPRM | 06/26/1998 | 63 FR 34840 |
| ANPRM Comment Period Extended | 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 develop any future proposed rules, if deemed necessary. This rulemaking supports the Coast Guard Marine Safety, Security and Stewardship 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 and maritime safety. 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 may improve maritime safety while accommodating the current volume of traffic. A market failure may exist 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 1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 1223 and 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

Small Entities Affected: Business

Energy Affected: No

RIN Information URL: www.regulations.gov

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Government Levels Affected: No

Federalism: Undetermined

Public Comment URL: www.regulations.gov

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

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-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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Department of Homeland Security (DHS)
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; and (2) 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 and 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 |
| Interim Final Rule Correction | 06/28/1999 | 64 FR 34540 |
| Interim Final Rule Effective | 06/23/1999 | |
| Interim Final Rule Comment Period End | 07/23/1999 | |
| Interim Final Rule Comment Period Reopened | 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-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
 Major: 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
 Small Entities Affected: No
 Energy Affected: No
 RIN Information URL: www.regulations.gov
 Related RINs: Related to 1625-AA81; Related to 1625-AB02

Government Levels Affected: No
 Federalism: No

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Public Comment URL: www.regulations.gov
 Related Agencies: Common: TSA

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
 Major: 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

Agenda Stage of Rulemaking: Long-term Action
 Unfunded Mandates: No

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
| | | |

| | | |
|--|------------|--|
| Actions Will Continue Through 2008 to 2009 | 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)

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 rulemaking 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 and 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 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.govPublic 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-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 certification of towing vessels, which were previously uninspected. It would prescribe standards for safety management systems and third party entities along with standards for construction, operation, vessel systems, safety equipment and recordkeeping. Market or Regulatory Failure Analysis: section 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 and certification of towing vessels must be developed so the public, the towing industry, and Coast Guard personnel understand the specific requirements applicable to these vessels. The justification is improved functioning of government. The market failure is the inability to internalize the benefits of safety improvements, and asymmetric information on vessel safety between operators and the general public.

Priority: Economically Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Yes

Unfunded Mandates: No

CFR Citation: 33 CFR 156 and 157; 33 CFR 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, 46 USC 3305, 46 USC 3306, and 46 USC 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-AB23

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Title: 2008 Rates for Pilotage on the Great Lakes (USCG-2007-0039)

Abstract: The Coast Guard has issued an interim rule updating the rates for pilotage on the Great Lakes for the 2008 shipping season an average of 8.17 percent. The increase should generate sufficient revenue to cover allowable expenses, target pilot compensation, and returns on investment. The interim rule is to be followed by a final rule. 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 | Description | Date |
|--------|-----------|--|------------|
| Other | Statutory | The statutory deadline is March 1 of each year | 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

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-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: Long-term Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 33 USC 1226; 33 USC 1231; 46 USC 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 Security Delegation No 0170.0

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|------------|-------------|
| Next Action Undetermined | | |
| Interim Final Rule | 05/20/2008 | 73 FR 29060 |
| Interim Final Rule Effective | 06/19/2008 | |
| Interim Final Rule Comment Period End | 07/21/2008 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Related RINs: Related to 1625-AA16

Government Levels Affected: No

Federalism: No

Public Comment URL: www.regulations.gov

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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 internalize the costs associated with the amended statutory limits of liability.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

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; 33 USC 2716

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------|-------------|
| NPRM | 02/05/2008 | 73 FR 6642 |
| NPRM Comment Period End | 05/05/2008 | |
| Final Rule | 09/17/2008 | 73 FR 53691 |
| Final Rule Effective | 10/17/2008 | 73 FR 53691 |

Regulatory Flexibility Analysis
 Required: Governmental Jurisdictions

Government Levels Affected: Local; State; Tribal

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: Completed Action

Major: No

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 | Description | Date |
|--------|-----------|------------------------------|------------|
| Other | Statutory | PL 109-347 and 46 USC 70115. | 04/01/2007 |

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------|-------------|
| NPRM | 10/03/2007 | 72 FR 56600 |
| NPRM Comment Period End | 01/02/2008 | |
| Final Rule | 04/29/2008 | 73 FR 23310 |
| Final Rule Effective | 05/29/2008 | |

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-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 expiration 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 masters 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 and mariners; 2. Training Programs: The requirements for an apprentice mate to become a mate (pilot) of towing vessels are restrictive and restrict the development of comprehensive long-term training programs, which may dampen 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 approve and accept as meeting a portion of the service requirements for mate (pilot); 3. Alternate Progression: An alternate path for experienced masters of inspected vessels of 200 GRT or less, 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).

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed 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 |
|-------------------------|------------|-------------|
| NPRM | 09/17/2007 | 72 FR 52841 |
| NPRM Comment Period End | 12/17/2007 | |
| Final Rule | 09/11/2008 | 73 FR 52789 |
| Final Rule Effective | 10/14/2008 | |

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. Customs and Border Protection (USCBP)

RIN: 1651-AA45

 [View Related Documents](#)

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 and 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 and 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 | 02/00/2009 | |

Additional Information: Transferred from RIN 1515-AD26

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-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 | 02/00/2009 | |

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

 [View Related Documents](#)

Title: Establishment of Global Entry Program

Abstract: CBP already operates several regulatory and non-regulatory international registered traveler programs, also known as trusted traveler programs. In order to comply with the Intelligence Reform Terrorism Prevention Act of 2004 (IRPTA), CBP is proposing to amend its regulations to establish another international registered traveler program called Global Entry. The Global Entry program would expedite the movement of low-risk, frequent international air travelers by providing an expedited inspection process for pre-approved, pre-screened travelers. These travelers would proceed directly to automated Global Entry kiosks upon their arrival in the United States. This Global Entry Program, along with the other programs that have already been established, are consistent with CBP's strategic goal of facilitating legitimate trade and travel while securing the homeland. Initially, participation in the program would be limited to U.S. citizens and nationals, U.S. Lawful Permanent Residents (LPRs) and, as the result of signed agreements with the respective countries, citizens of the Netherlands and the United Kingdom. CBP expects to expand the program to include non-immigrant aliens from other countries as well, upon the completion of agreements with additional countries. A pilot of Global Entry has been operating since June 6, 2008.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed 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 1365b(k)(1); 8 USC 1365b(k)(3); 8 USC 1225; 8 USC 1185(b)

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

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

RIN Information URL: www.globalentry.gov

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

RIN: 1651-AA75

 [View Related Documents](#)

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
 Major: 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 and 1103; ...
 Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|--------|------------|---------|
| NPRM | 02/00/2009 | |

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

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 document proposes to amend the Department of Homeland Security's 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 proposed 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, would be 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% 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). This proposed amendment is to ensure that the PVSA's purpose, which is to preserve the economic benefits of U.S. coastwise trade to U.S.-flag coastwise-qualified vessels, is carried out.

Priority: Economically Significant
 Major: Yes
 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 and 1434; 19 USC 1624; 19 USC 2071 note; 46 USC 501; 46 USC 60105
 Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|--------|------------|---------|
| NPRM | 12/00/2008 | |

Regulatory Flexibility Analysis Required: No
 Federalism: No
 Energy Affected: No

Government Levels Affected: No

Related Agencies: Common : MARAD
 Agency Contact: Glen E. Vereb
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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 and 1624; 19 USC 1644 to 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 | 06/00/2009 | |

Additional Information: Transferred from RIN 1515-AD04

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Agency Contact: Elizabeth Tritt

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

RIN: 1651-AA40

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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 and 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 | 06/00/2009 | |

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 | 01/00/2009 | |

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 | 02/00/2009 | |

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-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: 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 1183; 8 USC 1185; ...

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|------------|-------------|
| Interim Final Rule | 08/13/2004 | 69 FR 50051 |
| Interim Final Rule Comment Period End | 10/12/2004 | |
| Final Action | 02/00/2009 | |

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-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: When the NPRM was published, CBP estimated 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. CBP 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 has undertaken 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. CBP's 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). The benefit of this rule is the improvement of CBP's risk assessment and targeting capabilities, while at the same time, enabling CBP 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 the world economy.

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 | 01/00/2009 | |

Regulatory Flexibility Analysis Required: Business Government Levels Affected: No

Federalism: No

Energy Affected: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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-AA72

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Title: Changes to the Visa Waiver Program To Implement the Electronic System for Travel Authorization (ESTA) Program

Abstract: This interim rule amends title 8 of the Code of Federal Regulations (CFR) on an interim basis to implement the Electronic System for Travel Authorization (ESTA) procedures for aliens who wish to travel to the United States under the Visa Waiver Program (VWP) at air or sea ports of entry. Currently, aliens from VWP countries must provide certain biographical information to U.S. Customs and Border Protection (CBP) Officers at air and sea ports of entry on a paper form Nonimmigrant Alien Arrival/Departure (Form I-94W). Under this interim final rule, VWP travelers will provide the same information to CBP electronically before departing for the United States. By automating the I-94W process and establishing a system to provide VWP traveler data in advance of travel, CBP will be able to determine the eligibility of citizens and nationals from VWP countries to travel to the United States and whether such travel poses a law enforcement or security risk, before such individuals begin travel to the United States. ESTA will provide for greater efficiencies in the screening of international travelers by allowing CBP to identify subjects of potential interest before they depart for the United States, thereby increasing security and reducing traveler delays upon arrival at U.S. ports of entry. ESTA will be implemented as a mandatory program 60 days after publication of another notice in the Federal Register DHS. DHS anticipates the such notice will be issued in November 2008, for implementation of the mandatory ESTA requirements on or before January 12, 2009.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

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

Regulatory Plan:

Statement of Need: Currently, aliens from VWP countries must provide certain biographical information to U.S. Customs and Border Protection (CBP) Officers at air and sea ports of entry on a paper form Nonimmigrant Alien Arrival/Departure (Form I-94W). Section 711 of the 9/11 Act requires the Secretary of Homeland Security, in consultation with the Secretary of State, to develop and implement a fully automated electronic travel authorization system which will collect biographical and other information in advance of travel to determine the eligibility of the alien to travel to the United States and to determine whether such travel poses a law enforcement or security risk. ESTA is intended to fulfill these statutory requirements. Under this interim final rule, VWP travelers will provide the same information to CBP electronically before departing for the United States. VWP travelers who receive travel authorization under ESTA will not be required to complete the paper Form I-94W when arriving on a carrier that is capable of receiving and validating messages pertaining to the traveler's ESTA status as part of the traveler's

boarding status. By automating the I-94W process and establishing a system to provide VWP traveler data in advance of travel, CBP will be able to determine the eligibility of citizens and eligible nationals from VWP countries to travel to the United States and whether such travel poses a law enforcement or security risk, before such individuals begin travel to the United States. ESTA will provide for greater efficiencies in the screening of international travelers by allowing CBP to identify subjects of potential interest before they depart for the United States, thereby increasing security and reducing traveler delays upon arrival at U.S. ports of entry.

Legal Basis: The ESTA program is based on congressional authority provided under section 711 of the Implementing Recommendations of the 9/11 Commission Act of 2007 and section 217 of the Immigration and Nationality Act (INA).

Alternatives: CBP considered three alternatives to this rule: 1: The ESTA requirements in the rule, but with a \$1.50 fee per each travel authorization (more costly) 2: The ESTA requirements in the rule, but with only the name of the passenger and the admissibility questions on the I-94W form (less burdensome) 3: The ESTA requirements in the rule, but only for the countries entering the VWP after 2009 (no new requirements for VWP, reduced burden for newly entering countries) CBP determined that the rule provides the greatest level of enhanced security and efficiency at an acceptable cost to traveling public and potentially affected air carriers.

Costs and Benefits: The purpose of ESTA is to allow DHS and CBP to establish the eligibility of certain foreign travelers to travel to the United States under the VWP, and whether the alien's proposed travel to the United States poses a law enforcement or security risk. Upon review of such information, DHS will determine whether the alien is eligible to travel to the United States under the VWP. Once ESTA is implemented as a mandatory program, citizens and eligible nationals of the 27 countries in the current VWP must comply with this rule. Impacts to Air & Sea Carriers CBP estimated that eight U.S.-based air carriers and eleven sea carriers will be affected by the rule. An additional 35 foreign-based air carriers and five sea carriers will be affected. CBP concluded that costs to air and sea carriers to support the requirements of the ESTA program could cost \$137 million to \$1.1 billion over the next 10 years depending on the level of effort required to integrate their systems with ESTA, how many passengers they need to assist in applying for travel authorizations, and the discount rate applied to annual costs. Impacts to Travelers ESTA will present new costs and burdens to travelers in VWP countries who were not previously required to submit any information to the U.S. Government in advance of travel to the United States. Travelers from Roadmap countries who become VWP countries will also incur costs and burdens, though these are much less than obtaining a nonimmigrant visa (category B1/B2), which is currently required for short-term pleasure or business to travel to the United States. CBP estimated that the total quantified costs to travelers will range from \$1.1 billion to \$3.5 billion depending on the number of travelers, the value of time, and the discount rate. Annualized costs are estimated to range from \$133 million to \$366 million. Benefits As set forth in section 711 of the 9/11 Act, it was the intent of Congress to modernize and strengthen the security of the Visa Waiver Program under section 217 of the Immigration and Nationality Act (INA, 8 USC 1187) by simultaneously enhancing program security requirements and extending visa-free travel privileges to citizens and eligible nationals of eligible foreign countries that are partners in the war on terrorism. By requiring passenger data in advance of travel, CBP may be able to determine, before the alien departs for the United States, the eligibility of citizens and eligible nationals from VWP countries to travel to the United States under the VWP, and whether such travel poses a law enforcement or security risk. In addition to fulfilling a statutory mandate, the rule serves the twin goals of promoting border security and legitimate travel to the United States. By modernizing the VWP, ESTA is intended to both increase national security and provide for greater efficiencies in the screening of international travelers by allowing for the screening of subjects of potential interest well before boarding, thereby reducing traveler delays based on potentially lengthy processes at U.S. ports of entry. CBP concluded that the total benefits to travelers could total \$1.1 billion to \$3.3 billion over the period of analysis. Annualized benefits could range from \$134 million to \$345 million. In addition to these benefits to travelers, CBP and the carriers should also experience the benefit of not having to administer the I-94W. While CBP has not conducted an analysis of the potential savings, it should accrue benefits from not having to produce, ship, and store blank forms. CBP should also be able to accrue savings related to data entry and archiving. Carriers should realize some savings as well, though carriers will still have to administer the I-94 for those passengers not traveling under the VWP and the Customs Declaration forms for all passengers aboard the aircraft and vessel.

Risks:

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|------------|-------------|
| Interim Final Action | 06/09/2008 | 73 FR 32440 |
| Interim Final Rule Effective | 08/08/2008 | |
| Interim Final Rule Comment Period End | 08/08/2008 | |
| Final Rule | 06/00/2009 | |

Regulatory Flexibility Analysis Required: No
Federalism: No

Government Levels Affected: 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-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: Final 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 | 05/27/2008 | 73 FR 30328 |
| NPRM Comment Period End | 07/28/2008 | |
| Final Action | 01/00/2009 | |

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-AA77

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Title: Implementation of the Guam-CNMI Visa Waiver Program

Abstract: This rule amends Department of Homeland Security (DHS) regulations to implement section 702 of the Consolidated Natural Resources Act of 2008 (CNRA). This law extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI) and provides for a joint visa waiver program for travel to Guam and the CNMI. This rule implements section 702 of the CNRA by amending the regulations to replace the current Guam Visa Waiver

Program with a new Guam-CNMI Visa Waiver Program. The amended regulations set forth the requirements for nonimmigrant visitors who seek admission for business or pleasure and solely for entry into and stay on Guam or the CNMI without a visa. DHS is establishing six ports of entry in the CNMI for purposes of administering and enforcing the Guam-CNMI Visa Waiver Program.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 100.4; 8 CFR 212.1; 8 CFR 233.5; 8 CFR 235.5; 19 CFR 4.7b; 19 CFR 122.49a (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-229, sec 702

Legal Deadline:

| Action | Source | Description | Date |
|--------|-----------|-------------|------------|
| Other | Statutory | PL 110-229 | 11/04/2008 |

Regulatory Plan:

Statement of Need: Currently, aliens who are citizens of eligible countries may apply for admission to Guam at a Guam port of entry as nonimmigrant visitors for a period of fifteen (15) days or less, for business or pleasure, without first obtaining a nonimmigrant visa, provided that they are otherwise eligible for admission. Section 702(b) of the Consolidated Natural Resources Act of 2008 (CNRA), supersedes the Guam visa waiver program by providing for a visa waiver program for Guam and the Commonwealth of the Northern Mariana Islands (Guam-CNMI Visa Waiver Program). Section 702(b) requires DHS to promulgate regulations within 180 days of enactment of the CNRA to allow nonimmigrant visitors from eligible countries to apply for admission into Guam and the CNMI, for business or pleasure, without a visa, for a period of authorized stay of no longer than forty-five (45) days. Under this interim final rule, a visitor seeking admission under the Guam-CNMI Visa Waiver Program must be a national of an eligible country and must meet the requirements enumerated in the current Guam visa waiver program as well as additional requirements that bring the Guam-CNMI Visa Waiver Program into soft alignment with the U.S. Visa Waiver Program provided for in 8 CFR 217. The country eligibility requirements established in this rule take into account the intent of the CNRA and ensure that the regulations meet current border security needs. The country eligibility requirements are designed to: (1) ensure effective border control procedures, (2) properly address national security and homeland security concerns in extending U.S. immigration law to the CNMI, and (3) maximize the CNMI's potential for future economic and business growth. This rule also provides that visitors from the People's Republic of China and Russia have provided a significant economic benefit to the CNMI. However, nationals from those countries can not, at this time, seek admission under the Guam-CNMI Visa Waiver Program due to security concerns. Pursuant to section 702(a) of the CNRA, which extends the immigration laws of the United States to the CNMI, this rule also establishes six ports of entry in the CNMI to enable the Secretary of Homeland Security (the Secretary) to administer and enforce the Guam-CNMI Visa Waiver Program.

Legal Basis: The Guam-CNMI Visa Waiver Program is based on congressional authority provided under 702(b) of the Consolidated Natural Resources Act of 2008 (CNRA).

Alternatives: None

Costs and Benefits: The most significant change for admission to the CNMI as a result of the rule will be for visitors from those countries who are not included in either the existing U.S. Visa Waiver Program or the Guam-CNMI Visa Waiver Program established by the rule. These visitors must apply for U.S. visas, which require in-person interviews at U.S. embassies or consulates and higher fees than the CNMI currently assesses for its visitor entry permits. CBP anticipates that the annual cost to the CNMI will be \$6 million. These are losses associated with the reduced visits from foreign travelers who may no longer visit the CNMI upon implementation of this rule. The anticipated benefits of the rule are enhanced security that will result from the federalization of the immigration functions in the CNMI.

Risks:

Timetable:

| Action | Date | FR Cite |
|--------------------|------------|---------|
| Interim Final Rule | 11/00/2008 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

International Impacts: This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

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

RIN: 1651-AA00

 [View Related Documents](#)

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--INS No. 1406-91 Comment Period End 5/22/91 | 05/07/1991 | 56 FR 21101 |
| Final Rule--INS No. 1406-91 Eff. 7/18/91 | 07/18/1991 | 56 FR 32952 |
| Interim Final Rule--INS No. 1447 Eff. 10/1/91; Comment Period End 10/15/91 | 09/13/1991 | 56 FR 46716 |
| Interim Final Rule--1622-93; Eff. 7/29/93; Comment Period End 8/30/93; (To Be Merged With 1447R-93) | 07/29/1993 | 58 FR 40581 |
| Public Notice--INS No. 1674 Eff. 10/25/94; Comment Period End 09/30/96 | 02/21/1995 | 60 FR 9699 |
| Interim Final Rule--INS No. 1685 Eff. 4/1/95; Comment Period End 5/30/95 | 03/28/1995 | 60 FR 15855 |
| Interim Final Rule--INS No. 1777 | 07/08/1996 | 61 FR 35598 |
| Interim Final Rule--INS No. 1782-96 With Comments (Australia) | 07/29/1996 | 61 FR 39721 |
| Interim Final Rule--INS 1786-96 With Comments (Slovenia) | 09/30/1997 | 62 FR 50998 |
| Final Rule--INS No. 1799 | 12/30/1998 | 63 FR 71726 |
| Interim Final Rule--INS 2002-99 With Comments (Portugal, Singapore, and Uruguay) | 08/03/1999 | 64 FR 42006 |
| Interim Final Rule--INS 2188-02 (Removing Argentina) | 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 | Description | Date |
|--------|-----------|--|------------|
| Other | Statutory | The statute requires the Attorney General to promulgate implementing regulations by March 1, 1997. | 03/01/1997 |

Timetable:

| Action | Date | FR Cite |
|--|------------|-------------|
| Next Action Undetermined | | |
| Final Action--INS No. 1669-94 | 03/22/1996 | 61 FR 11717 |
| NPRM--INS No. 1788-96 Comment Period End 2/3/97 | 01/03/1997 | 62 FR 444 |
| Interim Final Rule--INS No. 1788-96 Comment Period End 7/15/97 | 03/06/1997 | 62 FR 10312 |
| Interim Final Rule--INS No. 1788-96 Correction | 04/09/1997 | 62 FR 17048 |
| Interim Final Rule Correction (Effective 04/01/97) | 04/01/1997 | 62 FR 15362 |
| Final Rule--INS No. 1920-98 | 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

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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 and 1226; 8 USC 1251 and 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

Agency Contact: John P. Wagner

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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 Comment Period End | 06/19/1998 | |

Interim Final Rule

08/25/2008

63 FR 19382

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

 [View Related Documents](#)

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 | Description | Date |
|--------|-----------|-------------|------------|
| Other | Statutory | | 10/01/2002 |

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|------------|-------------|
| Next Action Undetermined | | |
| Interim Final Rule Effective | 10/01/2002 | |
| Interim Final Rule Comment Period End | 01/31/2003 | |
| Interim Final Rule | 08/25/2008 | 67 FR 71442 |

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-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: 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 1182 and 1183; 8 USC 1201; ...

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|------------|-------------|
| Next Action Undetermined | | |
| Interim Final Rule | 12/08/1999 | 64 FR 68616 |
| Interim Final Rule Comment Period End | 02/07/2000 | |

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

Agency Contact: Paul M. Morris

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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.

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

 [View Related Documents](#)

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-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

Agency Contact: Kenneth Sava

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

RIN: 1651-AA67

 [View Related Documents](#)

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 |
|---------------------------------------|------------|------------|
| Next Action Undetermined | | |
| 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-AA42

 [View Related Documents](#)

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: Completed 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 |
|------------------------------|------------|---------|
| Transferred to RIN 1505-AC01 | 08/01/2008 | |

Additional Information: Transferred from RIN 1515-AD13

Regulatory Flexibility Analysis Required: No Government Levels Affected: No
 Federalism: No
 Agency Contact: Joanne R. Stump
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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: Completed 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 |
|-----------|------------|---------|
| Withdrawn | 08/05/2008 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Robert Reiley

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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: Completed 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 |
|------------------------------|------------|---------|
| Transferred to RIN 1505-AC00 | 07/31/2008 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Mark Hanson

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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: Completed Action

Major: No

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 |
|-----------|------------|---------|
| Withdrawn | 08/05/2008 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Agency Contact: Bruce Ingalls

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

RIN: 1651-AA71

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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: Completed Action

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 Rule | 10/06/2008 | 73 FR 58023 |

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)
 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: Section 611(b)(1) of Vision 100--Century of Aviation Reauthorization Act (Pub. L. 108-176; Dec. 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.

| Action | Source | Description | Date |
|--------|-----------|---|------------|
| Other | Statutory | sec. 611 of Vision 100 requires TSA to issue a final rule within 240 days from date of enactment of Vision 100. | 08/08/2004 |
| Other | Statutory | sec. 1616 of the 9/11 Commission Act requires that the final rule be issued within one year of the date of enactment. | 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. Section 1616 of Public Law 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 |
|--|------------|------------|
| Notice--Public Meeting; Request for Comments | 02/24/2004 | 69 FR 8357 |
| Report to Congress | 08/24/2004 | |

NPRM

12/00/2008

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.govPublic Comment URL: www.regulations.gov

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Department of Homeland Security (DHS)
 Transportation Security Administration (TSA)

RIN: 1652-AA53

 [View Related Documents](#)

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 having 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 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 enhance current security measures, and would apply security measures currently in

place for operators of certain types of aircraft, to operators of other aircraft. 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, the 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 the features that are necessary to enhance 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 \$1.3 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 85 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 be newly subjected to the proposed rule.

Risks:

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------|-------------|
| NPRM | 10/30/2008 | 73 FR 64790 |
| NPRM Comment Period End | 12/29/2008 | |

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Local

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

Related RINs: Related to 1652-AA03; Related to 1652-AA04

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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 section 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 | 11/00/2008 | |

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: No

Energy Affected: No

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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: Proposed Rule

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 section 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 | Description | Date |
|--------|-----------|--|------------|
| Other | Statutory | Interim Rule is due 90 days after date of enactment. | 11/03/2007 |
| Other | Statutory | Rule is due 1 year after date of enactment. | 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 | 08/00/2009 | |

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-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 section 1405 of the Implementing Recommendations of the 9/11 Commission Act of 2007. This rulemaking will propose general requirements to require public transportation agencies that the Secretary of the Department of Homeland Security (DHS) has determined are at high risk for terrorism 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
 Major: 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; section 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 | 10/00/2009 | |

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-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: Proposed Rule

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 section 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 | Description | Date |
|--------|-----------|---------------------------------------|------------|
| NPRM | Statutory | due 6 months after date of enactment. | 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; section 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 | 08/00/2009 | |

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-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 railroad carrier assigned by the Secretary of the Department of Homeland Security (DHS) to a high-risk tier 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: Proposed Rule

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 section 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 | Description | Date |
|--------|-----------|--|------------|
| NPRM | Statutory | Due 12 months after date of enactment. | 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; section 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 | 10/00/2009 | |

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-AA59

 [View Related Documents](#)

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: Proposed Rule

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 section 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 | Description | Date |
|--------|-----------|---------------------------------------|------------|
| NPRM | Statutory | Due 6 months after date of enactment. | 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; section 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 | 08/00/2009 | |

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-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 section 1531 of the Implementing Recommendations of the 9/11 Commission Act of 2007. The rulemaking will propose general requirements for each over-the-road bus operator assigned by the Secretary of the Department of Homeland Security (DHS) to a high-risk tier to conduct a vulnerability assessment and implement a security plan.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

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 section 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 | Description | Date |
|--------|-----------|---|------------|
| Other | Statutory | section 1531 directs TSA to issue a regulation no later than 18 months after date of enactment. | 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; section 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 | 10/00/2009 | |

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Energy Affected: Undetermined

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Department of Homeland Security (DHS)
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, secs 1302, 1304, 1413, 1415, 1521, 1536

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|--------|------------|---------|
| NPRM | 11/00/2008 | |

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; Dec. 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: Section 4012 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) (Pub. L. 108-458; Dec. 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 | Description | 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 once the program is fully implemented, 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 \$2.074 billion to \$3.5281 billion. Air carriers would incur total costs of \$345.3 million to \$1,422 million, and travel agents would incur costs of \$170.8 to \$256.6 million. TSA projected Federal Government costs would be from \$943.9 to \$1,155.7 million. The total cost of outlays would be from \$2,074.4 billion to \$3,581.1 billion. Additionally, the cost to individuals (value of time) would be between \$602.1 and \$726.3 million.

Risks:

Timetable:

| Action | Date | FR Cite |
|---|------------|-------------|
| Notice: Information Collection; Emergency Processing | 09/24/2004 | 69 FR 57342 |
| Notice: Information Collection; Emergency Processing Comment Period End | 10/25/2004 | |
| Notice: Final Order for Secure Flight Test Phase; Response to Public Comments | 11/15/2004 | 69 FR 65619 |
| NPRM | 08/23/2007 | 72 FR 48355 |
| Notice: Public Meeting; Request for Comments | 09/05/2007 | 72 FR 50916 |
| NPRM Comment Period End | 10/22/2007 | |
| NPRM Extension of Comment Period | 10/24/2007 | 72 FR 60307 |
| Notice: Public Meeting; Comment Period End | 10/22/2007 | |
| NPRM Comment Period End | 11/21/2007 | |
| Final Rule (Part II) | 10/28/2008 | 73 FR 64018 |
| Final Rule Effective | 12/29/2008 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.govPublic Comment URL: www.regulations.gov

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 issue requirements in this rulemaking 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 security-sensitive 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.

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 and 44914; 49 USC 44916 to 44918; 49 USC 44935 and 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) will issue this 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 will enhance the security of our nation's rail transportation system.

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 10-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 requirements to designate 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--Public Meeting; Request for Comments | 01/19/2007 | 72 FR 2488 |
| NPRM; Initial Regulatory Flexibility Analysis (IRFA) | 02/15/2007 | 72 FR 7376 |
| NPRM; IRFA; Comment Period End | 02/20/2007 | |
| NPRM; Comment Period End | 02/20/2007 | |
| Final Action | 11/00/2008 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Federalism: Yes

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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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 Action | 12/00/2008 | |

Regulatory Flexibility Analysis

Government Levels Affected: Local

Required: Undetermined

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: Air Cargo Screening

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 TSA-approved 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 | Description | Date |
|--------|-----------|--|------------|
| Other | Statutory | 50 percent of cargo on passenger aircraft | 02/00/2009 |
| Other | Statutory | 100 percent of cargo on passenger aircraft | 08/00/2010 |

Regulatory Plan:

Statement of Need: TSA will establish a system to screen 100 percent of cargo transported on passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation to ensure the security of all such passenger aircraft carrying cargo. The system shall require, at a minimum, that equipment, technology, procedures, personnel, or other methods approved by the Administrator of TSA, are used to screen cargo carried on passenger aircraft to provide a level of security commensurate with the level of security for the screening of passenger checked baggage.

Legal Basis: 49 U.S.C. 114; sec 1602 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110-53, 121 Stat. 266, 478, 10/3/2007)

Alternatives:

Costs and Benefits: TSA estimates the cost of the rule will be \$3.0 billion (discounted at seven percent) over ten years. TSA analyzed the alternative of not establishing the Certified Cargo Screening Program (CCSP) and, instead, having aircraft operators and air carriers perform screening of all cargo transported on passenger aircraft. Absent the CCSP, the estimated cost to aircraft operators and air carriers is \$8.5 billion (discounted at seven percent) over ten years. The bulk of the costs for both the CCSP and the alternative are attributed to personnel and the impact of cargo delays resulting from the addition of a new operational process.

Risks:

Timetable:

| Action | Date | FR Cite |
|--------------------|------------|---------|
| Interim Final Rule | 12/00/2008 | |

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Federal

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) (PL 107-71; Nov. 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 | Description | Date |
|--------|-----------|--|------------|
| Other | Statutory | sec 118 directs TSA to impose uniform security service fees on certain aviation passengers within 60 days of enactment of ATSA, or as soon as possible thereafter. | 01/19/2002 |

Timetable:

| Action | Date | FR Cite |
|---|------------|-------------|
| Next Action Undetermined | | |
| Interim Final Rule Effective | 12/31/2001 | |
| Interim Final Rule; Request for Comments | 12/31/2001 | 66 FR 67698 |
| Notice-Information Collection; Emergency Processing | 01/31/2002 | 67 FR 4866 |
| Notice-Information Collection; Approval | 02/19/2002 | 67 FR 7582 |
| Interim Final Rule Comment Period End | 03/01/2002 | |
| Interim Final Rule Comment Period Reopened | 03/28/2002 | 67 FR 14879 |
| Interim Final Rule Reopened Comment Period End | 04/30/2002 | |
| Notice-Information Collection; 30-Day Renewal | 07/10/2002 | 67 FR 45784 |
| Notice-Information Collection; 60-Day Renewal | 05/06/2005 | 70 FR 24108 |
| Notice-Information Collection; 30-Day Renewal | 07/27/2005 | 70 FR 43441 |
| Notice-Information Collection; 60-Day Renewal | 07/02/2008 | 73 FR 37981 |
| Notice-Information Collection; 30-Day Renewal | 09/05/2008 | 73 FR 51832 |

Additional Information: Transferred from RIN 2110-AA01

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: No

Energy Affected: No

Related RINs: Related to 1652-AA01; Related to 1652-AA43

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Department of Homeland Security (DHS)
 Transportation Security Administration (TSA)

RIN: 1652-AA01

 [View Related Documents](#)

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; Nov. 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--Information Collection; Approval | 02/28/2002 | 67 FR 9355 |
| Interim Final Rule; Correction | 02/25/2002 | 67 FR 8579 |
| Interim Final Rule; Request for Comments | 02/20/2002 | 67 FR 7926 |
| Interim Final Rule; Comment Period End | 03/18/2002 | |
| Interim Final Rule; Comment Period Extended | 03/20/2002 | 67 FR 12954 |
| Interim Final Rule; Extension of Comment Period End | 04/02/2002 | |
| Notice-Guidance Appendix A | 05/01/2002 | 67 FR 21582 |
| Notice-Information Collection; 60-Day New Collection | 01/27/2004 | 69 FR 3938 |
| Notice-Information Collection; 30-Day New Collection | 05/18/2004 | 69 FR 28141 |
| Notice-Information Collection; 60-Day Renewal | 05/09/2007 | 72 FR 26417 |
| Notice-Information Collection; 30 Day Renewal | 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; Nov. 19, 2001), mandated that not later than 3 months after the date of enactment of this Act, TSA assume civil aviation security functions and responsibilities under chapter 449 of 49 U.S.C., in accordance with a schedule to be developed by the Secretary of Transportation, in consultation with air carriers, foreign air carriers, and the Administrator of the Federal Aviation Administration.

| Action | Source | Description | Date |
|--------|-----------|--|------------|
| Other | Statutory | ATSA requires TSA to transfer aviation security responsibilities from FAA to TSA within 3 months of enactment of ATSA. | 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 |
| Final Rule Effective | 02/17/2002 | |
| Final Rule; Request for Comments | 02/22/2002 | 67 FR 8340 |
| Final Rule Comment Period End | 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. TSA responded to the comments received, but because the comments and responses contained SSI, they were not made public. TSA amended the program, where appropriate, to accommodate the comments received on the security program. 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 and 44914; 49 USC 44916 to 44918; 49 USC 44935 and 44936; 49 USC 44942; 49 USC 46105

Legal Deadline: Section 132(a) of the Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; Nov. 19, 2001), requires that within 90 days of ATSA's enactment, TSA implement an aviation security program for charter air carriers (as defined in section 40102(a)(13) of title 49, United States Code) with a maximum certificated takeoff weight of 12,500 pounds or more.

| Action | Source | Description | Date |
|--------|-----------|--|------------|
| Other | Statutory | section 132(a) of ATSA requires TSA implement an aviation security program for certain air carriers within 90 days of enactment of ATSA. | 02/19/2002 |

Timetable:

| Action | Date | FR Cite |
|--|------------|-------------|
| Next Action Undetermined | | |
| Final Rule; Request for Comments | 02/22/2002 | 67 FR 8205 |
| Final Rule Comment Period End | 04/23/2002 | |
| Final Rule Effective | 06/24/2002 | |
| Notice--Extend Compliance Date to 12/01/2002 | 08/28/2002 | 67 FR 55308 |
| Notice--Extend Compliance Date; Comment Period End | 09/30/2002 | |
| Notice--Extend Compliance Date to 02/01/2003 | 11/08/2002 | 67 FR 68227 |
| Notice--Extend Compliance Date to 04/01/2003 | 02/05/2003 | 68 FR 5974 |
| Notice--Information Collection; 60-Day Renewal | 11/26/2003 | 68 FR 66473 |
| Notice--Information Collection; 30-Day Renewal | 02/11/2004 | 69 FR 6683 |
| Notice--Information Collection; 60-Day Renewal | 11/02/2006 | 71 FR 64547 |
| Notice--Information Collection; 30-Day Renewal | 04/11/2007 | 72 FR 18269 |

Additional Information: Transferred from RIN 2110-AA04

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

Related RINs: Related to 1652-AA04

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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 and 44914; 49 USC 44916 to 44918; 49 USC 44935 and 44936; 49 USC 44942; 49 USC 46105

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|--|------------|-------------|
| Final Action | 00/00/0000 | |
| Interim Final Rule; Request for Comments | 05/18/2004 | 69 FR 28066 |
| Interim Final Rule Effective | 06/17/2004 | |
| Interim Final Rule; Comment Period End | 07/19/2004 | |
| Interim Final Rule; Technical Amendment | 01/07/2005 | 70 FR 1379 |
| Notice--Information Collection; 60-Day Renewal | 02/14/2007 | 72 FR 7059 |
| Notice--Information Collection; 30-Day Renewal | 06/18/2007 | 72 FR 33511 |

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-

Related Agencies: Joint: OST

AA49

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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 | |
| Final Rule; Request for Comments | 12/06/2001 | 66 FR 63474 |
| Final Rule; Comment Period End | 01/07/2002 | |
| Final Rule; Comment Period Reopened | 01/25/2002 | 67 FR 3810 |
| Final Rule; Reopened Comment Period End | 03/11/2002 | |

Additional Information: Transferred from RIN 2110-AA11

Regulatory Flexibility Analysis Required: No
 Small Entities Affected: Business

Government Levels Affected: Undetermined
 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 to 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; Request for Comments | 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; Amendment Effective | 11/03/2003 | |
| Interim Final Rule; Amendment | 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 | |
| Notice--Information Collection; 60-Day Renewal | 12/28/2007 | 72 FR 73865 |
| Notice--Information Collection; 30-Day Renewal | 02/26/2008 | 73 FR 10263 |

Additional Information: Transferred from RIN 2110-AA19

Regulatory Flexibility Analysis Required: No
 Small Entities Affected: Governmental Jurisdictions
 Energy Affected: No

Government Levels Affected: Federal; State
 Federalism: 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). 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. After comments were received, new exemptions and interpretations were issued. The IFR requires 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 on 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 will also 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 section 612 of Vision 100—Century of Aviation Reauthorization Act (Pub. L. 108-176, Dec. 12, 2003; 117 Stat. 2490), including the fee provisions, not later than 60 days after the enactment of the Act.

| Action | Source | Description | Date |
|--------|-----------|--|------------|
| Other | Statutory | section 612 of Vision 100 requires TSA to issue an interim final rule within 60 days of enactment of Vision 100. | 02/10/2004 |

Timetable:

| Action | Date | FR Cite |
|--|------------|-------------|
| Next Action Undetermined | | |
| Interim Final Rule Effective | 09/20/2004 | |
| Interim Final Rule; Request for Comments | 09/20/2004 | 69 FR 56324 |
| Interim Final Rule; Comment Period End | 10/20/2004 | |
| Notice--Information Collection; 60-Day Renewal | 11/26/2004 | 69 FR 68952 |
| Notice--Information Collection; 30-Day Renewal | 03/30/2005 | 70 FR 16298 |
| Notice--Information Collection; 60-Day Renewal | 06/06/2008 | 73 FR 32346 |
| Notice--Information Collection; 30-Day Renewal | 08/13/2008 | 73 FR 47203 |

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: No

Energy Affected: No

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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: The Transportation Security Administration will revise 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; Nov. 19, 2001), codified at 49 U.S.C. 44940, 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; Requesting Comment-Imposition of the Aviation Security Infrastructure Fee (ASIF) | 11/05/2003 | 68 FR 62613 |
| Notice-Imposition of ASIF; Comment Period Extended | 12/31/2003 | 68 FR 75611 |
| Notice-Imposition of ASIF; Comment Period End | 01/05/2004 | |
| Notice-Imposition of ASIF; Extended 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 IFR restores access to Ronald Reagan Washington National Airport (DCA) infrastructures for certain aircraft operations, while maintaining the security of critical Federal Government and other assets in the Washington, DC Metropolitan Area. From September 11, 2001, until the IFR became effective, 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 armed security 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 and 40114; 49 USC 44901 to 44907; 49 USC 44913 and 44914; 49 USC 44916 to 44918; 49 USC 44935 and 44936; 49 USC 44942; 49 USC 46105

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|--------|------|---------|
| | | |

| | | |
|---|------------|-------------|
| Next Action Undetermined | | |
| Interim Final Rule; Request for Comments | 07/19/2005 | 70 FR 41586 |
| Interim Final Rule Effective | 08/18/2005 | |
| Notice--Information Collection; Approval and 60-Day Renewal | 08/26/2005 | 70 FR 50391 |
| Interim Final Rule; Comment Period End | 09/19/2005 | |
| Notice--Information Collection; 30-Day Renewal | 10/26/2005 | 70 FR 61831 |
| Notice--Information Collection; 60-Day Renewal | 10/20/2008 | 73 FR 62304 |

Regulatory Flexibility Analysis

Required: Undetermined

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 By Canada or Mexico Transporting Hazardous Materials to and 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
 Major: 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, Part VI | 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
 Small Entities Affected: No
 Energy Affected: No

Government Levels Affected: Federal
 Federalism: No

Related RINs: Related to 1652-AA16

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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

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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, in title 49 of the Code of Federal Regulations (CFR). Part 1562 applies to three airports that are located within the Washington, DC Metropolitan Area Flight Restricted Zone (FRZ), and are collectively referred to as the "Maryland Three Airports": College Park Airport (CGS), Potomac Airfield (VKX), and Washington Executive/Hyde Field (W32). The IFR outlines ground security requirements and procedures at the "Maryland Three Airports," and requirements for individuals operating aircraft to and from these airports. These requirements and procedures were previously issued by the FAA, in coordination with TSA, in the 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: Completed Action

Major: No

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 |
|--|------------|-------------|
| Interim Final Rule Effective | 02/13/2005 | |
| Interim Final Rule; Request for Comments | 02/10/2005 | 70 FR 7150 |
| Interim Final Rule; Comment Period End | 04/11/2005 | |
| Notice--Information Collection; 60-Day Renewal | 06/07/2005 | 70 FR 33188 |
| Notice--Information Collection; 30-Day Renewal | 09/26/2005 | 70 FR 56179 |
| Notice--Information Collection; 60-Day Renewal | 09/02/2008 | 73 FR 51313 |

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-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: Completed 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 |
|---|------------|-------------|
| Notice--Information Collection; National Survey 60-Day New Collection | 04/05/2004 | 69 FR 17703 |
| Notice--Information Collection; Prototype 60-Day New Collection | 04/05/2004 | 69 FR 17704 |
| Notice--Information Collection; Prototype 30-Day New Collection | 07/27/2004 | 69 FR 44675 |
| Notice--Information Collection; National Survey 30-Day New Collection | 07/27/2004 | 69 FR 44675 |
| Notice--Public Meetings | 05/26/2006 | 71 FR 30352 |
| NPRM | 05/22/2006 | 71 FR 29396 |

| | | |
|---|------------|--------------|
| NPRM; Comment Period End | 07/06/2006 | |
| Notice--Response to Letters From Congress | 08/21/2006 | 71 FR 48527 |
| Final Rule; Request for Comments | 01/25/2007 | 72 FR 3492 |
| Final Rule; Correction 1 | 02/07/2007 | 72 FR 5632 |
| Final Rule; Comment Period End For Card Replacement Fee | 02/26/2007 | |
| Final Rule; Correction 2 | 03/26/2007 | 72 FR 14049 |
| Final Rule; TWIC Fees | 03/20/2007 | 72 FR 13026 |
| Final Rule Effective | 03/26/2007 | |
| Final Rule; OFR Editorial Correction to TSA Correction 2 | 03/30/2007 | 72 FR 15195 |
| Notice; TWIC Biometric Reader Specs and SmartCard Application | 09/20/2007 | 72 FR 53784 |
| Final Rule; TWIC Amendment Fees and Non-resident Alien Applicants | 09/28/2007 | 72 FR 55043 |
| Notice; TWIC Enrollment Date for Port of Wilmington, DE | 10/09/2007 | 72 FR 57342 |
| Notice: TWIC Enrollment Date for the Port of Corpus Christi, TX | 10/26/2007 | 72 FR 60871 |
| Notice: TWIC Enrollment Dates - Ports of Honolulu; Baton Rouge; Takoma; Beaumont; Oakland | 11/06/2007 | 72 FR 62667 |
| Notice: Public Meeting on Reader Hardware and Card Application Specifications | 11/08/2007 | 72 FR 63106 |
| Notice: TWIC Enrollment Dates--Ports of Lake Charles, LA | 11/19/2007 | 72 FR 65054 |
| Notice: TWIC Enrollment Dates--Ports of Dundalk, MD; Minneapolis, MN; and St. Paul, MN | 11/16/2007 | 72 FR 64662 |
| Notice: TWIC Enrollment Dates--Ports of Houston; Providence; Chicago; Port Arthur; Savannah | 11/13/2007 | 72 FR 63919 |
| Notice: TWIC Enrollment Dates--Ports of Mobile, AL; Brunswick, GA; Milwaukee, WI; and Phila. PA | 11/28/2007 | 72 FR 67312 |
| Notice: TWIC Enrollment Dates--Ports of Boston, MA; Charleston, SC; Cleveland, OH et al. | 11/21/2007 | 72 FR 65586 |
| Notice: Information Collection; 60-Day Renewal | 12/03/2007 | 72 FR 67945 |
| Notice: TWIC Enrollment Dates--Ports of Tulsa, OK and Albany, NY | 12/04/2007 | 72 FR 68174 |
| Notice: TWIC Enrollment Dates--Ports of Long Beach, CA and Indiana Harbor, IN | 12/03/2007 | 72 FR 67945 |
| Notice: TWIC Enrollment Dates--Ports of Peoria and Joliet, IL; Memphis, TN; and Buffalo, NY | 12/14/2007 | 72 FR 71143 |
| Notice: TWIC Enrollment Dates--Port of Los Angeles/Long Beach, CA | 12/13/2007 | 72 FR 70877 |
| Notice: TWIC Enrollment Dates--Ports of Seattle, WA; New York/New Jersey; Wilmington, NC et al. | 12/10/2007 | 72 FR 69698 |
| Notice: TWIC Enrollment Dates--Ports of Hilo, HI; International Falls, MN; Ontonagon, MI et al. | 12/26/2007 | 72 FR 73040 |
| Notice: TWIC Enrollment Dates--Ports of Portland, OR; Victoria, TX; Kahului, Maui, HI et al. | 01/03/2008 | 73 FR 496 |
| Notice: TWIC Enrollment Dates--Ports of Vicksburg, MS; Muskegon, MI; and Miami, FL | 01/17/2008 | 73 FR 3261 |
| Notice: TWIC Enrollment Dates--Ports of Bourne, MA; Green Bay, WI; Pittsburgh, PA et al. | 01/11/2008 | 73 FR 2058 |
| Notice: TWIC Enrollment Dates--Ports of Louisville, KY; Ashtabula, OH; Everett, WA et al. | 01/29/2008 | 73 FR 5204 |
| Notice: TWIC Enrollment Dates--Ports of Tampa, FL; Cincinnati, OH; Richmond, CA; S. Louisiana, LA | 02/15/2008 | 73 FR 8893 |
| Notice: TWIC Enrollment Dates--Ports of Marine City MI; St. Ignace MI; Palm Beach FL; St. Louis, MO | 02/25/2008 | 73 FR 10044 |
| Notice--Information Collection; 30-Day Renewal TWIC Program | 02/25/2008 | 73 FR 10043 |
| Notice: TWIC Enrollment Dates--Ports of Anacortes, WA and Norfolk, VA | 02/20/2008 | 73 FR 9347 |
| Notice: TWIC Enrollment Dates--Ports of Newport News, Panama City, San Diego, Gulfport, KeyWest et al | 03/06/2008 | 73 FR 12186 |
| Notice: TWIC Enrollment Dates for Port of Bangor, ME | 03/12/2008 | 73 FR 13244 |
| TWIC Correcting Amendments | 03/12/2008 | 73 FR 13155 |
| Notice: TWIC Enrollment Dates--Ports of Ponce, PR and Laporte, TX | 04/04/2008 | 73 FR 18550 |
| Notice: TWIC Enrollment Dates--Ports of Juneau, AK; Freeport, TX; Anchorage, AK and Sandusky, OH | 04/18/2008 | 73 FR 21149 |
| Notice: TWIC Enrollment Dates--Ports of Portsmouth, NH; Chattanooga, TN; and San Juan, PR | 04/11/2008 | 73 FR 19859 |
| Notice: TWIC Enrollment Dates--Port of Hueneme, CA | 04/25/2008 | 73 FR 22429 |
| Notice: TWIC Enrollment Dates--Ports of Houma, LA; Morgan City, LA; Calcite, MI; San Francisco, CA | 05/06/2008 | 73 FR 250215 |

| | | |
|---|------------|-------------|
| Notice: TWIC Enrollment Dates--Ports of Manatee, FL; Marcus Hook, PA; Rochester, NY; Greenville, MS | 05/15/2008 | 73 FR 28149 |
| Notice: TWIC Enrollment Dates--Ports Paulsboro NJ; Paducah KY; Marquette, MI et al. | 05/27/2008 | 73 FR 30415 |
| Notice: TWIC Enrollment Dates--Ports of New Haven, CT, Benicia, CA, Nikiski, AK, Chester, PA et al. | 05/30/2008 | 73 FR 31132 |
| Notice: TWIC Enrollment Dates--Ports of Little Rock, AR and Camden, NJ | 06/17/2008 | 73 FR 34307 |
| Notice: TWIC Enrollment Dates--Ports of Longview, WA and Vancouver, WA | 06/26/2008 | 73 FR 36344 |
| Notice: TWIC Enrollment Dates--Ports of Bridgeport, CT; New Castle, DE; Burlington, VT et al. | 06/23/2008 | 73 FR 35406 |
| Notice: TWIC Enrollment Dates--Ports of Pasco, WA, Coram, NY and Sacramento, CA | 06/20/2008 | 73 FR 35148 |
| Notice: TWIC Enrollment Dates--Ports of Terminal Island, CA and Decatur, AL | 06/30/2008 | 73 FR 36888 |
| Notice: TWIC Enrollment Dates--Ports of Lafayette, LA; Eureka, CA; Riverhead; NY et al. | 07/03/2008 | 73 FR 38239 |
| Notice: TWIC Enrollment Date--Port of American Samoa | 08/13/2008 | 73 FR 47204 |
| Notice: TWIC Enrollment Date--Port of Guam | 08/27/2008 | 73 FR 50632 |
| Notice: TWIC Enrollment Date--Port of Salpan | 09/03/2008 | 73 FR 51501 |

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; Related to 1625-AB21

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Department of Homeland Security (DHS)
U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA43

 [View Related Documents](#)

Title: Amendment of Flight Training Regulations for F and M Nonimmigrants and to Transition J Flight Training Programs of the Department of State to M Flight Programs with the Department of Homeland Security

Abstract: This regulation will ensure that, in the interest of national security, DHS provides efficient and effective oversight for flight training programs. The eight Department of State (DOS) flight training programs that are validated to enroll J visa exchange visitors will, at DOS request, be incorporated into the DHS Student and Exchange Visitor Program (SEVP) flight training certification process no later than June 1, 2010. This regulation will accomplish and facilitate this transition, modify existing M regulations to improve the tracking of flight training students in M classification and promote international flight safety

by expanding practical training opportunities for this group.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

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

Regulatory Plan:

Statement of Need: On July 11, 2008, the Department of State published Public Notice 6284, 73 FR 40008, Exchange Visitor Program—Termination of Flight Training Programs. The notice informs the public that the Department of State will cease sponsorship of their existing flight training programs on June 1, 2010. To avoid adverse consequences to these programs, DHS will need to implement this rule no later than December 31, 2009.

Legal Basis:

Alternatives:

Costs and Benefits: The benefits of the Amendment of Flight Training Regulations for F and M Nonimmigrants and to Transition J Flight Training Programs of the Department of State to M Flight Programs with the Department of Homeland Security are impossible to quantify or monetize using standard economic accounting techniques. The number of alien flight training students and the number of flight training programs and providers is in constant flux. There are immeasurable benefits for both national security and the economy to continued monitoring of flight training programs, improved tracking of alien flight training, and the promotion of international flight safety.

Risks:

Timetable:

| Action | Date | FR Cite |
|--------|------------|---------|
| NPRM | 03/00/2009 | |

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: This rule amends DHS regulations 8 CFR 214.3 and 214.4 governing certification, oversight, and recertification of schools certified by the Student and Exchange Visitor Program (SEVP) for attendance by F and/or M nonimmigrant students. The rule clarifies the criteria for initial certification, compliance, and recertification of SEVP-certified schools every two years.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

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

Regulatory Plan:

Statement of Need: SEVP recertification of schools will commence Apr 1, 2009. It is essential that this rule be implemented by that date to establish the standard for adjudications in the two-year recertification cycle that will commence on that date.

Legal Basis:

Alternatives:

Costs and Benefits: It is extremely difficult to quantify monetarily the benefits of the 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 regulation using standard economic accounting techniques. Nonimmigrant students, the schools that serve them, and the communities in which they live will benefit from the improvements and clarifications to the rules governing the certification, oversight, and recertification of schools certified by SEVP.

Risks:

Timetable:

| Action | Date | FR Cite |
|-------------------------|------------|---------|
| NPRM | 09/00/2009 | |
| NPRM Comment Period End | 11/00/2009 | |

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-AA05

 [View Related Documents](#)

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: Long-term Action

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 |
|--------------------------|------------|-------------|
| Next Action Undetermined | | |
| NPRM | 09/04/1998 | 63 FR 47205 |
| NPRM Comment Period End | 11/03/1998 | |
| Supplemental NPRM | 05/09/2002 | 67 FR 31157 |

Supplemental NPRM Comment Period End

06/10/2002

Additional Information: Transferred from RIN 1115-AE82

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-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--INS No. 1848-97 | 00/00/0000 | |
| NPRM--INS No. 1848-97 | 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

 [View Related Documents](#)

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
 Major: 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

Agenda Stage of Rulemaking: Long-term Action
 Unfunded Mandates: No

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
 Small Entities Affected: No
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Government Levels Affected: No
 Federalism: No

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
 Major: 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 and 1104; 8 USC 1252; 22 USC 7101; 22 USC 7105; ...
 Legal Deadline:

Agenda Stage of Rulemaking: Long-term Action
 Unfunded Mandates: No

| Action | Source | Description | Date |
|--------|-----------|---|------------|
| Other | Statutory | Statutory deadline for promulgation of regulations. | 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-AA13

 [View Related Documents](#)

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 section 241(a)(6) of the Immigration and Nationality Act 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 and 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 Published | 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

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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
 Small Entities Affected: No
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Government Levels Affected: No
 Federalism: No

Department of Homeland Security (DHS)
 U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA29

 [View Related Documents](#)

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 and 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

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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 to 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-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 Procedure 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 Required: Business

Government Levels Affected: Federal; Local; State; Tribal

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: 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. 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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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)
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RIN: 1653-AA56

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Title: Extending Period for Optional Practical Training by 17 Months for F-1 Nonimmigrant Students with STEM Degrees and Expanding the CAP-GAP Relief for All F-1 Students With Pending H-1B Petitions

Abstract: Currently, foreign students in F-1 nonimmigrant status who have been enrolled on a full-time basis for at least one full academic year in a college, university, conservatory, or seminary certified by U.S. Immigration and Custom Enforcement's (ICE) Student and Exchange Visitor Program (SEVP) are eligible for 12 months of optional practical training (OPT) to work for a U.S. employer in a job directly related to the student's major area of study. This interim final rule extends the maximum period of OPT from 12 months to 29 months for F-1 students who have completed a science, technology, engineering, or mathematics (STEM) degree and accept employment with employers enrolled in U.S. Citizenship and Immigration Services' (USCIS') E-Verify employment verification program. This interim final rule also requires the employers of F-1 students with an extension of post-completion OPT authorization to report to the student's designated school official (DSO) within 48 hours after the OPT student has been terminated from, or otherwise leaves, his or her employment with that employer prior to end of the authorized period of OPT. This rule also ameliorates the so-called "cap-gap" problem by extending the authorized period of stay for all F-1 students who have a properly filed H-1B petition and change of status request (filed under the cap for the next fiscal year) pending with USCIS. If USCIS approves the H-1B petition, the students will have an extension that enables them to remain in the United States until the requested start date indicated in the H-1B petition takes effect. This interim final rule also implements some programmatic changes, including clarifying that a school DSO must determine if the position for which the student seeks OPT is related to the student's field of study; and allowing students to apply for OPT within 60 days of concluding their studies.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

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 and 1282; 8 USC 1301 to 1305

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|------------|-------------|
| Next Action Undetermined | | |
| 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/

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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: Completed Action

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: Completed 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 |
|-----------|------------|---------|
| Withdrawn | 08/12/2008 | |

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-AA50

 [View Related Documents](#)

Title: Safe-Harbor Procedures for Employers Who Receive a No-Match Letter; Clarification; Initial Regulatory Flexibility Analysis

Abstract: This final supplemental rule will provide a "safe harbor" from liability under section 274A of the Immigration and Nationality Act for employers that follow certain procedures after receiving a notice—either a "no-match letter" from the Social Security Administration (SSA), or a "notice of suspect document" from DHS--that casts doubt on the employment eligibility of their employees.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

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 | Description | Date |
|--------|----------|-----------------------------------|------------|
| Other | Judicial | District Court status conference. | 10/31/2008 |

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 |
| Supplemental NPRM Comment Period End | 04/25/2008 | |
| Final Rule Effective | 10/28/2008 | |
| Supplemental Final Rule | 10/28/2008 | 73 FR 63843 |

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)

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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: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 8 USC 1372; 8 USC 1356(m); 8 USC 9701

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|--------|------------|-------------|
| NPRM | 04/21/2008 | 73 FR 21260 |

| | | |
|-------------------------|------------|-------------|
| NPRM Comment Period End | 06/20/2008 | |
| Final Rule | 09/26/2008 | 73 FR 55683 |
| Final Rule Effective | 10/27/2008 | |

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)

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RIN: 1653-AA55

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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: Completed 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 2; EO 12989

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|-----------|------------|---------|
| Withdrawn | 08/12/2008 | |

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)
Federal Emergency Management Agency (FEMA)

RIN: 1660-AA44

 [View Related Documents](#)

Title: Special Community Disaster Loans Program

Abstract: FEMA would amend its regulations to implement loan cancellation provisions for Special Community Disaster Loans (Special CDLs) which were provided by FEMA to local governments in the Gulf region following Hurricanes Katrina and Rita. This proposed rule would not automatically cancel all Special CDLs, but would propose the procedures and requirements for governments who received Special CDLs to apply for cancellation of loan obligations as authorized by the U.S. Troop Readiness Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Troop Act). With the passage of the Troop Act, FEMA has the discretionary ability to cancel Special CDLs subject to the limitations of section 417(c) of the Stafford Act. Under section 417 of the Stafford Act, FEMA is authorized to cancel a loan if it determines that "the revenues of the local government during the full three fiscal year period following the disaster are insufficient to meet the operating budget for the local government, including additional unreimbursed disaster-related expenses for a municipal operating character." Since the cancellation provisions of section 417 of the Stafford Act already exist in the Traditional CDL Program regulations at 44 CFR 206.366, and section 417 of the Stafford Act provides the basis for cancellation of loans under both the Special CDL Program and the Traditional CDL Program, FEMA would propose to mirror the Traditional CDL cancellation provisions for Special CDLs. This rule would not affect the cancellation provisions for the Traditional CDL Program.

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 5207

Legal Deadline: None

Regulatory Plan:

Statement of Need: This rulemaking is needed to 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: The alternative to this notice of proposed rulemaking would be to finalize the interim rule for the Community Disaster Loan Act of 2005 without adding in a provision for cancellation of Special Community Disaster Loans. FEMA is not in favor of that alternative. The public will be afforded an opportunity to provide comments on the proposed 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: The overall impact of this rule is, therefore, the cost to the applicant to apply for the cancellation, as well as the impact on the economy of potentially forgiving all Special Community Disaster Loans and any related interest and costs. The maximum total economic impact of this rule is approximately \$1.3 billion. However, without knowing the dollar amount of the loans that may be cancelled, it is impossible to predict the amount of the economic impact of this rule with any precision. Although the impact of the rule could be spread over multiple years as applications are received, processed and loans cancelled, the total economic effect of a specific loan cancellation would only occur once, rather than annually.

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 | 02/00/2009 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Agency Contact: James A. Walke

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E-Mail: james.walke@dhs.govGovernment Levels Affected: Federal; Local; State;
Tribal

Federalism: No

Public Comment URL: www.regulations.govDepartment 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

Agency Contact: James A. Walke

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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 | 08/00/2009 | |

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: Undetermined

Agency Contact: Edward L. Connor

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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: This proposed rule would revise the Federal Emergency Management Agency's Public Assistance Program regulations. Many of these changes reflect amendments made to the Robert T. Stafford Disaster Relief and Emergency Assistance Act by the Post-Katrina Emergency Management Reform Act of 2006 and the Security and Accountability For Every Port Act of 2006. The proposed rule also proposes a few further substantive and nonsubstantive clarifications and corrections to the Public Assistance regulations. This proposed rule is intended to improve the efficiency and consistency of the Public Assistance Program, as well as implement new statutory authority

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 5121-5207

Legal Deadline: None

Regulatory Plan:

Statement of Need: The proposed changes implement new statutory authorities and incorporate necessary clarifications and corrections to streamline and improve the Public Assistance Program. Portions of FEMA's Public Assistance regulations have become out-of-date and do not reflect current statutory requirements and authorities. These inconsistencies and deficiencies inhibit FEMA's ability to clearly articulate its regulatory requirements, and the Public Assistance applicants' understanding of the program. The proposed changes are intended to improve the efficiency and consistency of the Public Assistance Program.

Legal Basis: The legal authority for the changes in this proposed rule is contained in the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 as amended by the Post-Katrina Emergency Management Reform Act of 2006, 6 U.S.C. 701 et seq., the Security and Accountability for Every Port Act of 2006, 6 U.S.C. 901 note, the Local Community Recovery Act of 2006, Public Law 109-218, 120 Stat. 333, and the Pets Evacuation and Transportation Standards Act of 2006, Public Law 109-308, 120 Stat. 1725.

Alternatives: The alternative would be to not implement the new authorities provided to FEMA through post-Katrina legislation, and not take independent steps to improve upon the Public Assistance Program. FEMA does not deem this an acceptable alternative.

Costs and Benefits: FEMA is in the process of drafting a complete economic analysis for this proposed rulemaking. Although the economic analysis is not yet complete, the proposed rule is expected to have economic impacts on the public, Grantees, subgrantees, and FEMA. The expected benefits are a reduction in property damages, societal losses, and losses to local businesses, as well as improved efficiency and consistency of the Public Assistance Program. The expected cost impact of the proposed rule is mainly the costs to FEMA in administering the Public Assistance Program. The total economic impact of the proposed rule is estimated at approximately \$100 million per year. These costs are expected to accrue from the inclusion of education to the list of eligible private nonprofit critical services; expansion of force account labor cost eligibility; the inclusion of durable medical equipment; the evacuation, care, and sheltering of pets; as well as precautionary evacuation measures; etc. However, most of the proposed changes are not expected to result in any additional cost to FEMA or any changes in the eligibility of assistance. For example, the proposed rule would provide for accelerated Federal assistance and expedited payment of Federal share for debris removal. These are expected to improve the agency's ability to quickly provide funding to Grantees and subgrantees without affecting Public Assistance funding amounts.

Risks: This action does not adversely affect public health, safety, or the environment.

Timetable:

| Action | Date | FR Cite |
|--------|------------|---------|
| NPRM | 04/00/2009 | |

Regulatory Flexibility Analysis
Required: Governmental Jurisdictions

Government Levels Affected: Federal; Local; State

Federalism: 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, as amended. It would also make further revisions to 44 CFR part 206, subpart D (the Individuals and Households Program (IHP)) and remove subpart E (Individual and Family Grant Programs). 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 related to individuals with disabilities

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. This regulation also would implement section 689f of PKEMRA by authorizing assistance to relocate individuals displaced from their predisaster primary residence, to and from alternate locations for short-or long-term accommodations.

Priority: Other Significant

Agenda Stage of Rulemaking: Final 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 5174

Legal Deadline:

| Action | Source | Description | Date |
|--------|-----------|-------------|------------|
| Other | Statutory | | 10/15/2002 |

Regulatory Plan:

Statement of Need: FEMA needs to revise its IHP regulations to update them based on lessons learned, comments from States about implementation of the regulations, and to implement recent legislative changes (i.e. Post-Katrina Emergency Management Reform Act of 2006). These changes are intended to provide clear information to disaster assistance applicants, implement new authorities, and help ensure consistent administration of programs by FEMA.

Legal Basis: This rulemaking is authorized by Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended and the Post-Katrina Emergency Management Reform Act of 2006.

Alternatives: The alternative would be to not implement the new authorities provided to FEMA through post-Katrina legislation, and not take independent steps to improve upon the Individuals and Households Program. FEMA does not deem this an acceptable alternative.

Costs and Benefits: Annually, FEMA pays out in excess of \$100 million through the Individuals and Households Program. The proposed and interim rules were deemed significant but not economically significant because they did not cause FEMA to pay out \$100 million per year more than the agency paid through its previous regulations. Although this second interim rule is expected to alter eligibility requirements, and generally expand the assistance provided through this program, preliminary estimates of the anticipated costs and benefits are not available at this time.

Risks: This action does not adversely affect public health, safety, or the environment.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|------------|-------------|
| NPRM | 01/23/2002 | 67 FR 3412 |
| NPRM Comment Period End | 03/11/2002 | |
| Interim Final Rule | 09/30/2002 | 67 FR 61446 |
| Corrections Effective | 10/09/2002 | |
| Corrections | 10/09/2002 | 67 FR 62896 |
| Interim Final Rule Effective | 10/15/2002 | |
| Interim Final Rule Comment Period End | 04/15/2003 | |
| Second Interim Final Rule | 07/00/2009 | |

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-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 | |
| Reopening Comment Period | 08/29/2008 | 73 FR 50881 |
| Reopening Comment Period End | 09/29/2008 | |
| Interim Final Rule | 07/00/2009 | |

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-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 to 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 Rule | 04/00/2009 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State; Tribal

Small Entities Affected: No

Federalism: No

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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 5207

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

Agency Contact: James A. Walke

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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 17; 44 CFR 59 to 68; 44 CFR 70 to 73; 44 CFR 75; 44 CFR 78 and 79; 44 CFR 150 to 152; 44 CFR 201; 44 CFR 204; 44 CFR 206; 44 CFR 208 and 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 | 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)

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 |
|---------------------------------------|------------|-------------|
| Interim Final Action | 04/03/2008 | 73 FR 18182 |
| Interim Final Rule Effective | 05/05/2008 | |
| Interim Final Rule Comment Period End | 06/02/2008 | |
| Final Action | 03/00/2009 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Agency Contact: Edward L. Connor

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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: 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 5157(d); PL 101-410; 28 USC 2461; PL 104-134, sec 31001(s)

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|--------------------------|------------|------------|
| Next Action Undetermined | | |
| NPRM | 02/10/1997 | 62 FR 5957 |
| NPRM Comment Period End | 04/11/1997 | |

Additional Information: Transferred from RIN 3067-AC61

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

Department of Homeland Security (DHS)
 Federal Emergency Management Agency (FEMA)

RIN: 1660-AA02

 [View Related Documents](#)

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
 Small Entities Affected: No
 Energy Affected: No
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Government Levels Affected: Local; State; Tribal
 Federalism: No

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-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 5207

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|------------|------------|
| Final Action | 00/00/0000 | |
| Applicability Date | 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

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Title: National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers

Abstract: This 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

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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 Action | 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 5207

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: 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 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-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

Government Levels Affected: Local; Tribal

Required: Governmental Jurisdictions; Organizations

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

 [View Related Documents](#)

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.

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-AA34

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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 finalized this rulemaking project.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

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 Rule Effective | 05/16/2008 | 73 FR 28357 |
| Final Rule | 05/16/2008 | 73 FR 28357 |

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

Department of Homeland Security (DHS)
 Federal Emergency Management Agency (FEMA)

RIN: 1660-AA49

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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: Completed 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: 15 USC 2229(a)

Legal Deadline: None

Timetable:

| Action | Date | FR Cite |
|-----------|------------|---------|
| Withdrawn | 07/15/2008 | |

Regulatory Flexibility Analysis Required: No
 Small Entities Affected: Governmental Jurisdictions;
 Organizations

Government Levels Affected: Local; Tribal

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-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: Completed 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 |
|-----------|------------|---------|
| Withdrawn | 07/15/2008 | |

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: Undetermined

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