



# Federal Register

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**Tuesday,  
May 27, 2003**

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**Part IX**

**Department of  
Homeland Security**

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**Semiannual Regulatory Agenda**

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

**DEPARTMENT OF HOMELAND SECURITY**

**Office of the Secretary**

**6 CFR Chs. I and II**

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

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

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This notice is given pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980) and Executive Order (E.O.) 12866 (“Regulatory Planning and Review,” September 30, 1993), which require the publication by the Department of a semiannual agenda of regulations. Under the Homeland

Security Act of 2002, a number of agency elements and their regulatory authority have been or will be transferred to the new Department of Homeland Security. Accordingly, this inaugural agenda for the Department encompasses the actions taken by the Office of the Secretary as well as actions taken by the transferred agency elements.

**FOR FURTHER INFORMATION CONTACT:** For additional information about a specific entry in the agenda or plan, contact the “Agency Contact” identified in the agenda item relating to that regulation.

**SUPPLEMENTARY INFORMATION:** The semiannual agenda of the Department of Homeland Security conforms to the Unified Agenda format developed by the Regulatory Information Service Center (RISC).

The Homeland Security Act of 2002 transferred the United States Customs Service from the Treasury Department to the New Department of Homeland Security (DHS). That Act, however, provides that the Secretary of the Treasury retains the regulatory authority for what the Act defines as customs revenue functions, but provides the Secretary of the Treasury plenary power to delegate such authority to the Secretary of Homeland Security. For this reason, Customs regulations continue to be enumerated in Treasury’s portion of this semiannual regulatory agenda and are incorporated here by reference.

**Dated:** March 21, 2003.

**Lucy G. Clark,**  
*Chief Legal Counselor.*

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

Sequence Number	Title	Regulation Identification Number
955	National Environmental Policy Act Procedures .....	1601-AA13
956	Procedures for Handling Critical Infrastructure Information .....	1601-AA14

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

Sequence Number	Title	Regulation Identification Number
957	Freedom of Information Act and Privacy Act Procedures .....	1601-AA00
958	Production or Disclosure of Official Information in Connection With Legal Proceedings .....	1601-AA01
959	Procedures Relating to Awards Under the Equal Access to Justice Act .....	1601-AA07
960	Collection of Nontax Debts Owed to the Department of Homeland Security .....	1601-AA08
961	Right to Financial Privacy .....	1601-AA09
962	Program Fraud Civil Remedies .....	1601-AA11

**Office of the Secretary—Long-Term Actions**

Sequence Number	Title	Regulation Identification Number
963	Classified National Security Information .....	1601-AA02
964	Enforcement of Nondiscrimination on the Basis of Disability in Department of Homeland Security Programs or Activities .....	1601-AA03
965	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance .....	1601-AA04
966	Regulations Regarding Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance .....	1601-AA05
967	Authority of the Secretary of the Department of Homeland Security; Delegations of Authority; Immigration Laws .....	1601-AA06
968	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace .....	1601-AA10
969	Regulations Imposing Restrictions Upon Lobbying .....	1601-AA12

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## Bureau of Citizenship and Immigration Services—Proposed Rule Stage

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971	International Matchmaking Organizations .....	1615-AA11
972	Special Immigrant Juvenile Petitions .....	1615-AA15
973	Immigrant and Nonimmigrant; Religious Workers .....	1615-AA16
974	Dismissal of Asylum Application for Unexcused Failure To Appear and Affect on Eligibility for Employment Author- ization .....	1615-AA18
975	Special Immigrant Status for Certain NATO Civilian Employees .....	1615-AA21
976	Adjustment of Status Under the 1966 Cuban Adjustment Act .....	1615-AA23
977	Inadmissibility To Enter the United States for Former U.S. Citizens Who Renounced Citizenship To Avoid Taxation	1615-AA32
978	Implementation of the Numerical Limit on Asylum Grants and Refugee Admissions Based on Resistance to Coer- cive Population Control Measures .....	1615-AA37
979	Intercountry Adoptions .....	1615-AA43
980	Waiver of Fees .....	1615-AA48
981	Adoption of Siblings, Adopted Alien Children Less Than 18 Years of Age Considered a "Child" .....	1615-AA50
982	Adjustment of Status Under Section 245(k) .....	1615-AA54
983	Implementation of the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA), the American Competitiveness in the Twenty-First Century Act of 2000 (AC21), and Other Related Bills .....	1615-AA55
984	Construction Work and the B Nonimmigrant Visa Classification .....	1615-AA58
985	Removal and Adjustment Procedures for Victims of Trafficking and Certain Criminal Activities .....	1615-AA60
986	Consent To Reapply for Admission After Removal .....	1615-AA61
987	Waivers of the Two-Year Foreign Residence Requirement for Certain Exchange Visitors .....	1615-AA62
988	Extension of the Validity Period for Employment Authorization Documents for Aliens Seeking Adjustment of Status	1615-AA63
989	Illegal Entries, Unlawful Presence, and Automatic Voiding of Nonimmigrant Visas .....	1615-AA64
990	Medical Examination Requirements and Designation of Civil Surgeons .....	1615-AA65
991	Medical Grounds of Inadmissibility and Waivers .....	1615-AA66
992	New Classification for Victims of Certain Criminal Activity; Eligibility for the U Nonimmigrant Status .....	1615-AA67
993	Judicial Review of the Decisions of the Immigration and Naturalization Service .....	1615-AA71
994	Termination of Lawful Permanent Resident Status Through Abandonment .....	1615-AA76
995	Limiting the Use of Duration of Status for Certain F, J, and I Nonimmigrants .....	1615-AA80
996	Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H-2B) .....	1615-AA82
997	Adjustment of the Immigration Benefit Application Fee Schedule To Recover Costs Associated With Additional Se- curity Checks .....	1615-AA84
998	Denial and Revocation for Approval of School for Attendance by Nonimmigrant Students .....	1615-AA85
999	Adjustment of the Appeal and Motion Fee To Recover Full Costs .....	1615-AA88
1000	Changes to Employment Authorization Eligibility for Certain Applicants and to Standards for Determining a Frivo- lous Asylum Application .....	1615-AA89
1001	Implementation of the Agreement Between the Government of Canada and the Government of the U.S. Regarding Asylum Claims Made at Land Border Ports-of-Entry and Applicability of Other Asylum Bars... ..	1615-AA91
1002	Eliminating the Numerical Cap on Mexican TN Nonimmigrants .....	1615-AA96
1003	Procedures for Checking Juvenile Criminal Records and Submitting Fingerprints of That Additional Class of Aliens Ineligible for Family Unity .....	1615-AB01

## Bureau of Citizenship and Immigration Services—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1004	Reduction of the Number of Acceptable Documents and Other Changes to Employment Verification Requirements <b>(Section 610 Review)</b> .....	1615-AA01
1005	Adjustment of Status to That of Person Admitted for Permanent Residence: Conditional Residents and Fiance(e)s	1615-AA02
1006	Petition To Classify Alien as Immediate Relative of a U.S. Citizen or as a Preference Immigrant; Self-Petitioning for Certain Battered or Abused Alien Spouses and Children .....	1615-AA03
1007	Definition of the Term "Lawfully Present" for Purposes of Eligibility for Public Benefits .....	1615-AA05
1008	Affidavit of Support on Behalf of Immigrants .....	1615-AA06
1009	Implementation of Hernandez v. Reno Settlement Agreement; Certain Aliens Eligible for Family Unity Benefits After Sponsoring Family Member's Naturalization .....	1615-AA09
1010	Certification of Certain Health Care Workers .....	1615-AA10
1011	Adjustment of Status, Continued Validity of Nonimmigrant Status, and Unexpired Employment Authorization for Applicants Maintaining Nonimmigrant H or L Status .....	1615-AA12
1012	Verification of Eligibility for Public Benefits .....	1615-AA13

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

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1014	Suspension of Deportation and Special Rule Cancellation of Removal for Certain Nationals of Guatemala, El Salvador, and Former Soviet Bloc Countries .....	1615-AA17
1015	Regulations Concerning the Convention Against Torture .....	1615-AA19
1016	Application for Refugee Status; Acceptable Sponsorship Agreement Guaranty of Transportation .....	1615-AA24
1017	Nonimmigrant Classes: Q-2 Irish Peace Process Cultural and Training Program Visitor .....	1615-AA25
1018	Clarification of Parole Authority .....	1615-AA26
1019	Battered and Abused Conditional Residents; Termination of Marriage by Conditional Residents .....	1615-AA29
1020	Revoking Grants of Naturalization .....	1615-AA30
1021	Entry Requirements for Citizens of the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau .....	1615-AA31
1022	Registration and Fingerprinting of Aliens in the United States: Control of Employment of Aliens .....	1615-AA33
1023	National Interest Waivers for Second Preference Employment-Based Immigrant Physicians Serving in Medically Underserved Areas or at Department of Veterans Affairs Facilities .....	1615-AA34
1024	Petitioning Requirements for the H-1C Nonimmigrant Classification Under Public Law 106-95 .....	1615-AA35
1025	Waiving the Fingerprinting Requirement for Certain Disabled Naturalization Applicants .....	1615-AA36
1026	Adding Actuaries and Plant Pathologists to the North American Free Trade Agreement .....	1615-AA38
1027	Employment Authorization for Certificate of Citizenship Applicants .....	1615-AA39
1028	Adjustment of Status to That of Person Admitted for Permanent Residence; Temporary Removal of Certain Restrictions of Eligibility .....	1615-AA40
1029	Asylum and Withholding Definitions .....	1615-AA41
1030	Petition To Classify Alien as Immediate Relative of a U.S. Citizen or Preference Immigrant; Adjustment of Status to That of a Person Admitted for Permanent Residence .....	1615-AA42
1031	Academic Honorarium for B Nonimmigrant Aliens .....	1615-AA44
1032	Children Born Outside the United States; Applications for Certificate of Citizenship .....	1615-AA45
1033	Allowing for the Filing of Form I-140 Visa Petition Concurrently With a Form I-485 Application in Certain Circumstances .....	1615-AA46
1034	Special Immigrant Visa for Fourth Preference Employment-Based Broadcasters .....	1615-AA47
1035	Establishing Premium Processing Service for Employment-Based Petitions and Applications .....	1615-AA49
1036	Adjustment of Status for Certain Nationals of Nicaragua, Cuba, and Haiti .....	1615-AA51
1037	Adjustment to Lawful Resident Status of Certain Class Action Participants Who Entered Before January 1, 1982, Under the Legal Immigration and Family Equity Act (LIFE Act) .....	1615-AA52
1038	Nonimmigrant Classes; Spouses and Children of Lawful Permanent Residents; V Classification .....	1615-AA53
1039	K Nonimmigrant Classification; Legal Immigration Family Equity Act (LIFE) .....	1615-AA56
1040	Adjustment of Status for Certain Syrian Nationals Granted Asylum in the United States .....	1615-AA57
1041	New Classification for Victims of Severe Forms of Trafficking in Persons Eligible for the T Nonimmigrant Status .....	1615-AA59
1042	Limiting the Period of Admission for B Nonimmigrant Aliens .....	1615-AA68
1043	Documentary Requirements for Certain Temporary Residents .....	1615-AA69
1044	Change in Business Practices; Acceptance of Payments of Fees By Credit Card and Other Electronic Means Where Possible .....	1615-AA70
1045	Adding and Removing Institutions To and From the List of Recognized American Institutions of Research .....	1615-AA72
1046	Requiring Change of Status From B to F-1 or M-1 Nonimmigrant Prior To Pursuing a Course of Study .....	1615-AA73
1047	Reengineering of Part 214, Nonimmigrant Classes To Clarify and Restate Admission Requirements .....	1615-AA74
1048	Waivers for Nonimmigrants Under Section 212(d)(3)(A) of the Immigration and Nationality Act .....	1615-AA75
1049	Requiring Recertification of All Service-Approved Schools for Enrollment in the Student and Exchange Visitor Information System (SEVIS) .....	1615-AA77
1050	Reduced Course Load for Certain F and M Nonimmigrant Students at Border Communities .....	1615-AA79
1051	Procedures for Conducting Examinations and Waiving the Oath of Allegiance for Naturalization Applicants With Disabilities .....	1615-AA81
1052	Electronic Signature on Applications and Petitions for Immigration and Naturalization Benefits .....	1615-AA83
1053	Withholding of Adjudication .....	1615-AA86
1054	Validity Period of Approved Form I-600A; Application for Advanced Processing of Orphan Petition .....	1615-AA87
1055	Implementation of Amendments Affecting Petitions for Employment Creation Aliens .....	1615-AA90
1056	Certain Benefits Available to Aliens Under the Provisions of the Child Status Protection Act .....	1615-AA93
1057	Waiver of Criminal Grounds of Inadmissibility for Immigrants .....	1615-AA94
1058	Implementation of the Age Out Protections Afforded Under the Child Status Protection Act .....	1615-AA95
1059	Readjustment of Immigration Benefit Application Fees .....	1615-AA97
1060	Conditions on Nonimmigrant Status; Disclosure of Information .....	1615-AA98

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

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1061	Authorizing Suspension of Employment Authorization Requirements on the Basis of Severe Economic Hardship for F-1 Students and Emergent Circumstances .....	1615-AA99
1062	Filing of Proposals for Designation as a Regional Center Approved To Participate in the Immigrant Investor Pilot Program .....	1615-AB00

## Bureau of Citizenship and Immigration Services—Long-Term Actions

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1063	Regulations Relating to Temporary Protected Status .....	1615-AA04
1064	Employment Verification by Employers That Are Members of a Multi-Employer Association .....	1615-AA07
1065	Limiting Liability for Certain Technical and Procedural Violations of Paperwork Requirements .....	1615-AA08
1066	Interim Designation of Acceptable Receipts for Employment Eligibility Verification .....	1615-AA20
1067	Inadmissibility and Deportability on Public Charge Grounds .....	1615-AA22
1068	Extending the Period of Duration of Status for Certain F and J Nonimmigrant Aliens .....	1615-AA27
1069	Registration Requirements and Work Authorization Eligibility for Aliens in the United States .....	1615-AA78

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1070	Adjustment of Immigration Benefit Application Fees .....	1615-AA92
1071	Adjustment of Status of Certain Aliens From Vietnam, Cambodia, and Laos in the United States .....	1615-AB02

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

Sequence Number	Title	Regulation Identification Number
1072	Claims Procedures Under the Oil Pollution Act of 1990 (CGD 91-035) .....	1625-AA03
1073	Post Casualty Drug and Alcohol Testing (USCG-2001-8773) .....	1625-AA27
1074	Update of Rules on Aids to Navigation Affecting Buoys, Sound Signals, International Rules at Sea, Communications Procedures, and Large Navigational Buoys (USCG-2001-10714) .....	1625-AA34
1075	Marine Events: Permit Procedures (USCG-2001-10713) .....	1625-AA35
1076	Drawbridge Operations Regulations; Revisions (USCG-2001-10881) .....	1625-AA36
1077	Rates for Pilotage on the Great Lakes (USCG-2002-11288) .....	1625-AA38
1078	Traffic Separation Schemes: In the Strait of Juan De Fuca and Its Approaches; In Puget Sound and Its Approaches; In Haro Strait, Boundary Pass, and in the Strait of Georgia (USCG-2002-12702) .....	1625-AA48
1079	Protection for Whistleblowers in the Coast Guard (USCG-2002-13016) .....	1625-AA50
1080	Country of Origin Codes and Revision of Regulations on Hull Identification Numbers (USCG-2003-14272) .....	1625-AA53
1081	Vessel Documentation: Lease Financing for Vessels Engaged in the Coastwise Trade; Second Rulemaking (USCG-2003-14472) .....	1625-AA63

## U.S. Coast Guard—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1082	Reporting Marine Casualties (USCG-2000-6927) .....	1625-AA04
1083	Handling of Explosives or Other Dangerous Cargoes Within or Contiguous to Waterfront Facilities (USCG-1998-4302) .....	1625-AA07
1084	Tank Vessel Response Plans for Hazardous Substances (USCG-1998-4354) .....	1625-AA13
1085	Licensing and Manning for Officers of Towing Vessels (USCG 1999-6224) .....	1625-AA15

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## U.S. Coast Guard—Final Rule Stage (Continued)

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1087	Outer Continental Shelf Activities (USCG-1998-3868) .....	1625-AA18
1088	Deepwater Ports (USCG-1998-3884) .....	1625-AA20
1089	Anchorage Ground; Safety Zone; Speed Limit; Tongass Narrows and Ketchikan, Alaska (CGD17-99-002) .....	1625-AA23
1090	Training and Qualifications for Personnel on Passenger Ships (USCG 1999-5610) .....	1625-AA24
1091	Vessel and Facility Response Plans for Oil: 2003 Removal Equipment Requirements and Alternative Technology Revisions (USCG-2001-8661) .....	1625-AA26
1092	Vessel Documentation: Lease Financing for Vessels Engaged in the Coastwise Trade (USCG-2001-8825) .....	1625-AA28
1093	Territorial Seas, Navigable Waters, and Jurisdiction (USCG-2001-9044) .....	1625-AA30
1094	Notifications of Arrival and Departure in Ports or Places in the United States (USCG-2001-11865) .....	1625-AA41
1095	Area Maritime Security (USCG-2003-14733) .....	1625-AA42
1096	Facility Security (USCG-2003-14732) .....	1625-AA43
1097	Vessel Security (USCG-2003-14749) .....	1625-AA46
1098	Safety Zone for Outer Continental Shelf Facility in the Gulf of Mexico in Viasca Knoll 915 (CGD08-02-045) .....	1625-AA54
1099	Allowing Alternatives To Incandescent Lights, and Establishing Standards for New Lights, in Private Aids To Navigation (USCG-2000-7466) .....	1625-AA55
1100	Alternate Hull Examination Program for Certain Passenger Vessels, and Underwater Surveys for Passenger, Nautical School, and Sailing School Vessels (USCG-2000-6858) .....	1625-AA57
1101	Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard (USCG 1998-3472) .....	1625-AA59
1102	Fire-Suppression Systems and Voyage Planning for Towing Vessels (USCG 2000-6931) .....	1625-AA60
1103	Approval for Experimental Shipboard Installations of Ballast Water Treatment Systems (USCG-2001-9267) .....	1625-AA66
1104	Automatic Identification System; Vessel Carriage Requirement (USCG-2003-14757) .....	1625-AA67
1105	Outer Continental Shelf Facility Security (USCG-2003-14759) .....	1625-AA68
1106	Implementation of National Maritime Security Initiatives (USCG-2003-14792) .....	1625-AA69

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1107	Safety and Security Zone Regulations .....	1625-AA00
1108	Special Anchorage Areas/Anchorage Grounds Regulations .....	1625-AA01
1109	Discharge-Removal Equipment for Vessels Carrying Oil (CGD 90-068) .....	1625-AA02
1110	Escort Vessels for Certain Tankers (CGD 91-202) .....	1625-AA05
1111	State Access to the Oil Spill Liability Trust Fund (CGD 92-014) .....	1625-AA06
1112	Regatta and Marine Parade Regulations .....	1625-AA08
1113	Drawbridge Regulations .....	1625-AA09
1114	Escort Vessels in Certain U.S. Waters (CGD 91-202a) .....	1625-AA10
1115	Regulated Navigation Areas .....	1625-AA11
1116	Marine Transportation-Related Facility Response Plans for Hazardous Substances (USCG-1999-5705) .....	1625-AA12
1117	Numbering of Undocumented Barges (USCG-1998-3798) .....	1625-AA14
1118	Implementation of the 1995 Amendments to the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978 (STCW) (CGD 95-062) .....	1625-AA16
1119	Salvage and Marine Firefighting Requirements; Vessel Response Plans for Oil (USCG-1998-3417) .....	1625-AA19
1120	Commercial Diving Operations (USCG-1998-3786) .....	1625-AA21
1121	Improvements to Maritime Safety in Puget Sound-Area Waters (USCG-1998-4501) .....	1625-AA22
1122	Cargo Securing on Vessels Operating in U.S. Waters (USCG-2000-7080) .....	1625-AA25
1123	Electronic Chart Display and Information System (ECDIS) (USCG-2001-8826) .....	1625-AA29
1124	Federal Requirements for Propeller Injury Avoidance Measures (USCG 2001-10163) .....	1625-AA31
1125	Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters (USCG-2001-10486) .....	1625-AA32
1126	Alternate Tonnage Convention: Small Passenger Vessels .....	1625-AA37
1127	Wearing of Personal Flotation Devices by Persons Operating or Riding on Personal Watercraft or Being Towed Behind Recreational Vessels (USCG-2002-11421) .....	1625-AA40
1128	Identification Credentials for Maritime Security .....	1625-AA47
1129	Penalties for Nonsubmission of Ballast Water Management Reports (USCG-2002-13147) .....	1625-AA51
1130	Mandatory Ballast Water Management Program for U.S. Waters (USCG-2003-14273) .....	1625-AA52
1131	Vessel Traffic Service Lower Mississippi River (USCG-1998-4399) .....	1625-AA58

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

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1133	Escort Vessels for Certain Tankers—Crash Stop Criteria (USCG-2003-14734) .....	1625-AA65

## U.S. Coast Guard—Completed Actions

Sequence Number	Title	Regulation Identification Number
1134	Safety Zones for Outer Continental Shelf Facilities in the Gulf of Mexico (CGD08-01-025) .....	1625-AA33
1135	Safety Zone for Outer Continental Shelf Facility in the Gulf of Mexico (CGD08-01-043) .....	1625-AA39
1136	Passenger Facility Security Plan .....	1625-AA44
1137	Maritime Security: Passenger Vessel Security .....	1625-AA45
1138	Temporary Requirements for Notification of Arrival in U.S. Ports (USCG-2001-10689) .....	1625-AA49
1139	Automatic Identification System Carriage Requirement (USCG-2002-11721) .....	1625-AA61
1140	Great Lakes Maritime Academy—Eligibility of Certain Graduates for Unrestricted Third-Mate Licenses (USCG-2002-13213) .....	1625-AA64

## Bureau of Customs and Border Protection—Prerule Stage

Sequence Number	Title	Regulation Identification Number
1141	Restricting Citizens of Bangladesh, India, Pakistan, and Sri Lanka From Participation in the International-to-International (ITI) Program .....	1651-AA19

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

Sequence Number	Title	Regulation Identification Number
1142	Inspection of Persons Applying for Admission; International-to-International User Fee .....	1651-AA03
1143	Documentary Requirements for Returning Residents .....	1651-AA09
1144	Contracts With Transportation Lines .....	1651-AA10
1145	Imposition of Fines for Violations of the Immigration and Nationality Act .....	1651-AA12
1146	Adjustment of Fees for Dedicated Commuter Lanes and Secure Electronic Network for Travelers' Rapid Inspection (SENTRI) Programs at Land Border Ports of Entry .....	1651-AA16
1147	Visa Waiver Program: Guam Visa Waiver Program .....	1651-AA17
1148	Limiting the Number of Transit Without Visa (TWOV) Stops in the United States to One .....	1651-AA22

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

Sequence Number	Title	Regulation Identification Number
1149	Fees for Participation in Dedicated Commuter Lanes at Selected Ports of Entry; Collection of Fees Under the Dedicated Commuter Lane Program .....	1651-AA01
1150	Establishing Criteria for Determining Countries Whose Citizens Are Ineligible for the Transit Without Visa (TWOV) Program .....	1651-AA02
1151	Suspension of Privilege To Transport Aliens to the United States .....	1651-AA05
1152	Establishment of Preinspected Automated Lane (PAL) Program at Immigration and Naturalization Service .....	1651-AA06
1153	Amendment of the Regulatory Definition of Arriving Alien .....	1651-AA07
1154	Elimination of Immigration and Naturalization Service-Issued Mexican and Canadian Border Crossing Cards .....	1651-AA08
1155	Extension of 25-Mile Limit at Select Arizona Ports-of-Entry .....	1651-AA11

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## Bureau of Customs and Border Protection—Final Rule Stage (Continued)

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1156	Expansion of Dedicated Commuter Lanes; Clarification of Driver's License Requirement for Applicants to Dedicated Commuter Lanes and Automated Permit Port Programs .....	1651-AA13
1157	Update of List of Countries Whose Citizens or Nationals Are Ineligible for Transit Without Visa (TWOV) Privileges to the United States Under the TWOV Program .....	1651-AA14
1158	Adding Colombia to the List of Countries Whose Citizens or Nationals Are Ineligible for Transit Without Visa (TWOV) Privileges to the United States Under the TWOV Program .....	1651-AA15
1159	Removing Russia From the List of Countries Whose Citizens or Nationals Are Ineligible for Transit Without Visa (TWOV) Privileges to the United States Under the TWOV Program .....	1651-AA18
1160	Allowing Citizens and Nationals of the People's Republic of China Limited Transit Without Visa (TWOV) Privileges at TWOV-Designated Alaska International Airports .....	1651-AA20
1161	Carrier Arrival and Departure Electronic Manifest Requirements .....	1651-AA21
1162	Removal of Visa and Passport Waiver for Certain Permanent Residents of Canada and Bermuda .....	1651-AA23
1163	Posting of Security Guard at Gangway of Vessel for Detaining Alien Crewman .....	1651-AA24
1164	Electronic Arrival-Departure Manifest for Visa Waiver Program .....	1651-AA25
1165	Removing Indonesia and Malaysia from the Guam Visa Waiver Program .....	1651-AA26
1166	Automated Inspection Services—Extension of Enrollment Period .....	1651-AA27
1167	Adding Georgia to the List of Countries Whose Citizens or Nationals are Ineligible for Transit Without Visa (TWOV) Privileges to the U.S. Under the TWOV Program .....	1651-AA28
1168	Nonimmigrant Visa Exemption for Nationals of the British Virgin Islands Entering the United States Through St. Thomas, U.S. Virgin Islands .....	1651-AA29

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

Sequence Number	Title	Regulation Identification Number
1169	Visa Waiver Program .....	1651-AA00
1170	Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings .....	1651-AA04

## Bureau of Customs and Border Protection—Completed Actions

Sequence Number	Title	Regulation Identification Number
1171	Establishment of a \$3 Immigration User Fee for Certain Commercial Vessel Passengers Previously Exempt .....	1651-AA30

## Transportation Security Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1172	Background Checks for Airport Workers .....	1652-AA06
1173	Investigative and Enforcement Procedures .....	1652-AA07
1174	Administrative Claims Under the Federal Tort Claims Act .....	1652-AA19
1175	Marine Vessel Security Standards—Prohibited Items .....	1652-AA22
1176	Aviation Security—All-Cargo Security Rules .....	1652-AA23
1177	Federal Flight Deck Officer Program .....	1652-AA24

## Transportation Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1178	Imposition and Collection of Passenger Civil Aviation Security Service Fees .....	1652-AA00
1179	Aviation Security Infrastructure Fees .....	1652-AA01

## DHS

## Transportation Security Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
1180	Civil Aviation Security Rules .....	1652-AA02
1181	Security Programs for Aircraft Weighing 12,500 Pounds or More .....	1652-AA03
1182	Private Charter Security Rules .....	1652-AA04
1183	Protection of Sensitive Security Information .....	1652-AA08
1184	Threat Assessments Regarding Citizens of the United States Who Hold or Apply for FAA Certificates .....	1652-AA12
1185	Threat Assessments Regarding Alien Holders of, and Applicants for, FAA Certificates .....	1652-AA15
1186	Transportation of Explosives From Canada to the United States via Commercial Motor Vehicle and Railroad Carrier .....	1652-AA16
1187	Security Threat Assessment for Individuals Applying for a Hazardous Materials Endorsement for a Commercial Drivers License .....	1652-AA17
1188	General Rulemaking Procedures .....	1652-AA18
1189	Transportation Security Administration Transition to Department of Homeland Security; Technical Amendments Reflecting Organizational Changes .....	1652-AA20
1190	Security Threat Assessments for Individuals Who Handle Hazardous Materials in Rail Transportation .....	1652-AA21

## Transportation Security Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1191	Security Compliance Program for Aircraft Operators .....	1652-AA09
1192	Security Compliance Program for Airports .....	1652-AA10
1193	Criminal History Records Checks .....	1652-AA11

## Transportation Security Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
1194	Protection of Sensitive Security Information in Information Circulars for Nonaviation Modes of Transportation .....	1652-AA05
1195	Certification of Screening Companies .....	1652-AA13
1196	Security of Checked Baggage on Flights Within the United States .....	1652-AA14

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

Sequence Number	Title	Regulation Identification Number
1197	Nonimmigrant Classes; S Classification; Law Enforcement Initiatives; Alien Witnesses .....	1653-AA00
1198	Filing Factual Statements About Alien Prostitutes .....	1653-AA03
1199	Use of Parole for Humanitarian Reasons or Significant Public Benefit .....	1653-AA04
1200	Definitions of "Notice To Appear" and "Arrest Warrant" .....	1653-AA11
1201	Procedures for Detainee Hunger Strikes .....	1653-AA12
1202	Strengthening Control Over Immigration Surety Bonds .....	1653-AA16
1203	Interest Payments on Cancelled Cash Bonds .....	1653-AA20

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

Sequence Number	Title	Regulation Identification Number
1204	Agreement Promising Non-Deportation or Other Immigration Benefits .....	1653-AA02
1205	Requiring Aliens Ordered Removed From the United States To Surrender to the Department of Homeland Security for Removal .....	1653-AA05
1206	Early Release for Removal of Criminal Aliens in State Custody for Nonviolent Offenses .....	1653-AA06

DHS

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

Sequence Number	Title	Regulation Identification Number
1207	Power of Attorney General To Terminate Deportation Proceedings and Initiate Removal Proceedings .....	1653-AA08
1208	Protection and Assistance for Victims of Trafficking .....	1653-AA09
1209	Detention of Aliens Subject to Final Orders of Removal .....	1653-AA13
1210	Custody Procedures .....	1653-AA14
1211	Address Notification To Be Filed With Designated Applications .....	1653-AA15
1212	Establishing San Bernardino, Santa Ana, and Ventura Suboffices Under the Jurisdiction of the Los Angeles District Office .....	1653-AA17
1213	Abbreviation or Waiver of Training for State or Local Law Enforcement Officers Authorized to Enforce Immigration Law During a Mass Influx of Aliens .....	1653-AA18
1214	Processing, Detention, and Release of Juveniles .....	1653-AA22
1215	Authorizing Collection of Fee Levied on F, J, and M Nonimmigrant Classifications Under Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) .....	1653-AA23
1216	Revision of the Regulations Concerning F, J, and M Nonimmigrant Classifications .....	1653-AA24

Bureau of Immigration and Customs Enforcement—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1217	Employer Sanctions Modifications .....	1653-AA01
1218	Expansion of Expedited Removal of Certain Criminal Aliens Held in Federal, State, and Local Jails .....	1653-AA07
1219	Increasing the Number of Officers Authorized To Issue Notices To Appear and Arrest Warrants for Immigration Violations .....	1653-AA10

Bureau of Immigration and Customs Enforcement—Completed Actions

Sequence Number	Title	Regulation Identification Number
1220	Release of Information Regarding Immigration and Naturalization Service Detainees in Non-Federal Facilities .....	1653-AA21

Directorate for Emergency Preparedness and Response—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1221	Disaster Assistance; Fire Management Assistance Grant Program .....	1660-AA26
1222	National Flood Insurance Program (NFIP); State Renewal of Group Flood Insurance Policy (GFIP) .....	1660-AA27
1223	National Flood Insurance Program (NFIP); Assistance to Private Sector Insurers .....	1660-AA28

Directorate for Emergency Preparedness and Response—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1224	Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs and Activities Receiving Federal Financial Assistance .....	1660-AA12
1225	Disaster Assistance; Public Assistance Program and Community Disaster Loan Program Statutory Changes .....	1660-AA15
1226	Disaster Assistance; Crisis Counseling Regular Program; Amendment to Regulation .....	1660-AA23

## DHS

## Directorate for Emergency Preparedness and Response—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1227	Flood Mitigation Assistance Program .....	1660-AA00
1228	Criminal and Civil Penalties Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act .....	1660-AA01
1229	Disaster Assistance; Hazard Mitigation Grant Program .....	1660-AA02
1230	Debt Collection .....	1660-AA05
1231	National Urban Search and Rescue Response System .....	1660-AA07
1232	Administration of Grants: Audits of States, Local Governments, and Nonprofit Organizations .....	1660-AA08
1233	National Flood Insurance Program (NFIP); Insurance Coverage and Rates .....	1660-AA09
1234	Organizational Units, Functions, and Delegations of Authority .....	1660-AA10
1235	Governmentwide Debarment and Suspension (Nonprocurement) .....	1660-AA13
1236	National Flood Insurance Program (NFIP); Inspection of Insured Structures by Communities .....	1660-AA14
1237	Hazard Mitigation Planning and Hazard Mitigation Grant Program .....	1660-AA17
1238	Disaster Assistance; Federal Assistance to Individuals and Households .....	1660-AA18
1239	Disaster Assistance Definitions; Statutory Change .....	1660-AA19
1240	Management Costs .....	1660-AA21
1241	National Flood Insurance Program (NFIP); Group Flood Insurance Policy (GFIP) .....	1660-AA22

## Directorate for Emergency Preparedness and Response—Completed Actions

Sequence Number	Title	Regulation Identification Number
1242	Production or Disclosure of Information .....	1660-AA03
1243	Taxpayer Identification Numbers .....	1660-AA04
1244	Debt Collection .....	1660-AA06
1245	Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations .....	1660-AA11
1246	Assistance to Firefighters (FIRE) Grant Program .....	1660-AA16
1247	Cost Principles, Admin. Requirements and Audits of Grants and Cooperative Agreements for State, Local, and Indian Tribal Govts., Institutions of Higher Ed. and Other Nonprofit Orgs.—44 CFR Part 14 .....	1660-AA20
1248	National Flood Insurance Program (NFIP); Standard Flood Insurance Policy .....	1660-AA24
1249	National Flood Insurance Program (NFIP); Increased Rates for Flood Coverage .....	1660-AA25

## Office of the Undersecretary for Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1250	Establishment of Fee for Processing Genealogical Research Requests .....	1680-AA01

## Office of the Undersecretary for Management—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1251	Availability of Material Under Freedom of Information Act and Privacy Act .....	1680-AA00

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

**Proposed Rule Stage**

**955. • NATIONAL ENVIRONMENTAL POLICY ACT PROCEDURES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** Not Yet Determined

**Legal Deadline:** Final, Statutory, June 24, 2003.

**Abstract:** The purpose of this action would be to establish the procedures that the Department of Homeland Security (DHS) shall use to comply with section 102(2) of the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4332(2)); the Council on Environmental Quality's (CEQ) regulations for implementing the procedural provisions of NEPA (40 CFR parts 1500-1508); Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions," dated January 4, 1979; and Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," dated February 11, 1994. This publication is to be used in conjunction with the CEQ regulations.

**Timetable:**

Action	Date
NPRM	07/00/03

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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**RIN:** 1601-AA13

**956. • PROCEDURES FOR HANDLING CRITICAL INFRASTRUCTURE INFORMATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 107-296, 116 Stat 2135; 5 USC ch 1, sec 301

**CFR Citation:** 6 CFR 29

**Legal Deadline:** None

**Abstract:** This notice of proposed rulemaking establishes the procedures necessary to fulfill the provisions of section 214(e) of the CII Act of 2002. This regulation establishes uniform procedures for the receipt, care, and

storage of Critical Infrastructure Information (CII) voluntarily submitted to the Federal Government. These procedures apply to all Federal agencies that receive, care for, or store CII voluntarily submitted to the Federal Government pursuant to the CII Act of 2002 (6 U.S.C. 214). In addition, these procedures apply to United States Government contractors, to Foreign, State, and local governments, and government authorities, pursuant to their express agreements.

**Timetable:**

Action	Date
NPRM	04/15/03 68 FR 18524
NPRM Comment Period End	06/16/03
Interim Final Rule	08/00/03

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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**RIN:** 1601-AA14

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

**Final Rule Stage**

**957. • FREEDOM OF INFORMATION ACT AND PRIVACY ACT PROCEDURES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 6 CFR ch 1, sec 5

**Legal Deadline:** None

**Abstract:** This action establishes procedures for the Department of Homeland Security (DHS), Office of the Secretary, necessary to implement the Freedom of Information Act (5 U.S.C. 552) (FOIA) and the Privacy Act (5 U.S.C. 552a)(Privacy Act). Except to the extent a Department component has adopted separate guidance under FOIA or the Privacy Act, the provisions of this subpart shall apply to each component of the Department. FOIA provides for the full disclosure of agency records and information to the public unless that information is

exempted under clearly delineated statutory language. The Privacy Act serves to safeguard public interest in informational privacy by delineating the duties and responsibilities of federal agencies that collect, store, and disseminate personal information about individuals. The procedures established here ensure that the Department fully satisfies its responsibility to the public to disclose departmental information while simultaneously safeguarding individual privacy. The Privacy Act serves to balance the Government's need to maintain information about individuals with the rights of individuals to be protected against unwarranted invasions of their privacy stemming from Federal agencies' collection, maintenance, use, and disclosure of personal information about them. Agencies are required to issue regulations outlining the agency's rules and procedures for implementation of the Privacy Act and its provisions in the agency. This

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

**Timetable:**

Action	Date
Interim Final Rule	01/27/03 68 FR 4056
Interim Final Rule Comment Period End	02/28/03
Final Rule	05/00/03

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Agency Contact:** Ellen McClain, Attorney, Department of Homeland

## DHS—OS

## Final Rule Stage

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**RIN:** 1601-AA00

### 958. • PRODUCTION OR DISCLOSURE OF OFFICIAL INFORMATION IN CONNECTION WITH LEGAL PROCEEDINGS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 6 CFR ch 1, sec 5

**Legal Deadline:** None

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

#### Timetable:

Action	Date
Interim Final Rule	01/27/03 68 FR 4070
Interim Final Rule	02/28/03
Comment Period	
End	
Modification of Interim	05/00/03
Final Rule	

#### Regulatory Flexibility Analysis

**Required:** Undetermined

#### Government Levels Affected:

Undetermined

**Federalism:** Undetermined

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**RIN:** 1601-AA01

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 6 CFR ch 1, sec 13

**Legal Deadline:** None

**Abstract:** This action implements the provisions of the Equal Access to Justice Act, which provides for the award of attorney fees and other

expenses to eligible individuals, and entities who are parties to certain administrative proceedings before agencies of the Federal Government, including Department of Homeland Security (DHS). The purpose of these rules is to establish procedures for the submission and consideration of applications for awards before DHS.

#### Timetable:

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

#### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** Federal

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**RIN:** 1601-AA07

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

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 6 CFR ch 1, sec 23

**Legal Deadline:** None

**Abstract:** This interim final 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 debt owed to the Government. This regulation provides procedures for 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 the 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. 1 et seq.), and regulations, policies, and procedures issued by the Internal Revenue Service or other Federal agency collecting tax debts.

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

#### Timetable:

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

#### Regulatory Flexibility Analysis

**Required:** No

**Government Levels Affected:** Federal

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**RIN:** 1601-AA08

### 961. • RIGHT TO FINANCIAL PRIVACY

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 6 CFR ch 1, sec 25

**Legal Deadline:** None

## DHS—OS

## Final Rule Stage

**Abstract:** This action establishes procedures for the Department of Homeland Security (DHS), Office of the Secretary, necessary to establish those procedures necessary to fulfill its obligations under the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.). This regulation establishes procedures for requesting information under the Right to Financial Privacy Act. The Right to Financial Privacy Act of 1978 provides for the protection of financial records and information from disclosure by financial institutions. Under certain limited circumstances and procedures the Act permits law enforcement agencies to request financial records from the holding financial institution. These proposed provisions will authorize Departmental units to request such information under the formal request procedure established by section 1108 of the Act.

**Timetable:**

Action	Date
Interim Final Rule	05/00/03

Action	Date
Interim Final Rule	06/00/03
Comment Period	
End	

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

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**RIN:** 1601-AA09**962. • PROGRAM FRAUD CIVIL REMEDIES****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-296, 116 Stat 2135; 5 USC 301; 31 USC 3801 to 3812**CFR Citation:** 6 CFR ch 1, sec 19**Legal Deadline:** None

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

**Timetable:**

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

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

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**RIN:** 1601-AA11
**Department of Homeland Security (DHS)  
Office of the Secretary (OS)**

## Long-Term Actions

**963. • CLASSIFIED NATIONAL SECURITY INFORMATION****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-296, 116 Stat 2135; 5 USC 301; EO 12958; EO 13142; 3 CFR ch 1**CFR Citation:** 6 CFR ch 1, sec 7**Legal Deadline:** None

**Abstract:** This interim final rule establishes initial procedures necessary for DHS to fulfill its obligations under Executive Order 12958, as amended, regarding classified national security information. Executive Order 12958, as amended, was issued to update and revise the standards and process for classifying, safeguarding, and declassifying classified national security information. The rule delegates to the Undersecretary for Information Analysis and Infrastructure Protection responsibility for developing the vast majority of information and internal operating instructions on classified information.

**Timetable:**

Action	Date
Interim Final Rule	01/27/03 68 FR 4073

Action	Date
Interim Final Rule	02/28/03
Comment Period	
End	

Next Action Undetermined

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

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**RIN:** 1601-AA02**964. • ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF DISABILITY IN DEPARTMENT OF HOMELAND SECURITY PROGRAMS OR ACTIVITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 107-296, 116 Stat 2135; 5 USC 301; 29 USC 794**CFR Citation:** 6 CFR ch 1, sec 15**Legal Deadline:** None

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

**Timetable:**

Action	Date
Interim Final Rule	03/06/03 68 FR 10886
Interim Final Rule	04/06/03
Comment Period	
End	

Next Action Undetermined

## DHS—OS

## Long-Term Actions

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** Federal

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RIN: 1601-AA03

**965. • NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE****Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 6 CFR ch 1, sec 17**Legal Deadline:** None

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

**Timetable:**

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

Next Action Undetermined

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** Federal

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RIN: 1601-AA04

**966. • REGULATIONS REGARDING NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE****Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 6 CFR ch 1, sec 21**Legal Deadline:** None

**Abstract:** This action effectuates the provisions of title VI of the Civil Rights Act of 1964 to the end that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Homeland Security.

**Timetable:**

Action	Date	
Interim Final Rule	03/06/03	68 FR 10904
Interim Final Rule	04/06/03	
Comment Period		
End		
Modification of Interim	To Be	Determined
Final Rule		

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** Federal

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RIN: 1601-AA05

**967. • AUTHORITY OF THE SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY; DELEGATIONS OF AUTHORITY; IMMIGRATION LAWS****Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 8 CFR ch 1, sec 1; 8 CFR ch 1, sec 2; 8 CFR ch 1, sec 103; 8 CFR ch 1, sec 239

**Legal Deadline:** None

**Abstract:** This action amends certain regulations relating to the

administration and enforcement of the immigration laws to reflect the authority of the Secretary of the Department of Homeland Security (DHS), and to address delegation of that authority within the Department, as a result of the March 1, 2003, transfer of the Immigration and Naturalization Service of the Department of Justice to DHS.

**Timetable:**

Action	Date	
Interim Final Rule	03/06/03	68 FR 10922
Interim Final Rule	04/06/03	
Comment Period		
End		

Next Action Undetermined

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** Federal

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RIN: 1601-AA06

**968. • GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE****Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 6 CFR ch 1, sec 27**Legal Deadline:** None

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

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** Federal

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## DHS—OS

## Long-Term Actions

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**RIN:** 1601-AA10

### 969. • REGULATIONS IMPOSING RESTRICTIONS UPON LOBBYING

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 6 CFR ch 1, sec 9

**Legal Deadline:** None

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

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

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

**Timetable:**

Action	Date
Interim Final Rule	03/06/03 68 FR 10912

Action	Date
Interim Final Rule	04/06/03
Comment Period End	
Next Action	Undetermined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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**RIN:** 1601-AA12

## Department of Homeland Security (DHS)

## Proposed Rule Stage

### Bureau of Citizenship and Immigration Services (BCIS)

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

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

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

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

**Legal Deadline:** None

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

section 212 of the Act and the waivers available to both immigrants and nonimmigrants.

**Timetable:**

Action	Date
NPRM	10/00/03
NPRM Comment Period End	12/00/03

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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

Transferred from RIN 1115-AB45

**Agency Contact:** Pearl Chang, Branch Chief, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
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**RIN:** 1615-AA00

### 971. INTERNATIONAL MATCHMAKING ORGANIZATIONS

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** This rule requires international matchmaking organizations doing business in the

United States to provide certain immigration information to any person recruited for matchmaking through these entities. This provision implements section 652 of the Illegal Reform an Immigrant Responsibility Act of 1996, Public Law 104-208. This rule is necessary to deter fraudulent marriages and the exploitation of recruits by international matchmaking organizations.

**Timetable:**

Action	Date
ANPRM-INS No. 1838-97	07/16/97 62 FR 38041
ANPRM Comment Period End	09/15/97
NPRM-INS No. 1838-97	10/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Transferred from RIN 1115-AE77

**Agency Contact:** Laura M. Dawkins, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536  
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**RIN:** 1615-AA11

## DHS—BCIS

## Proposed Rule Stage

**972. SPECIAL IMMIGRANT JUVENILE PETITIONS****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 CFR 2**CFR Citation:** 8 CFR 204**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	10/00/03
NPRM Comment Period End	12/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1948-98

Transferred from RIN 1115-AF11

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**RIN:** 1615-AA15**973. IMMIGRANT AND NONIMMIGRANT; RELIGIOUS WORKERS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 CFR 2**CFR Citation:** 8 CFR 204**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM-INS No. 1436-94	12/00/03
NPRM Comment Period End	02/00/04

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

Transferred from RIN 1115-AF12

**Agency Contact:** Molly Johnson, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536  
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**RIN:** 1615-AA16**974. DISMISSAL OF ASYLUM APPLICATION FOR UNEXCUSED FAILURE TO APPEAR AND AFFECT ON ELIGIBILITY FOR EMPLOYMENT AUTHORIZATION****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; 8 CFR 2; 8 USC 1101; 8 USC 1329a**CFR Citation:** 8 CFR 208; 8 CFR 274a**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	10/00/03
NPRM Comment Period End	12/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2011-99

Transferred from RIN 1115-AF38

**Agency Contact:** Joanna Ruppel, Supervisor for Asylum Operations, International Affairs, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20536  
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**RIN:** 1615-AA18**975. SPECIAL IMMIGRANT STATUS FOR CERTAIN NATO CIVILIAN EMPLOYEES****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154**CFR Citation:** 8 CFR 204; 8 CFR 214; 8 CFR 245; 8 CFR 274**Legal Deadline:** None

**Abstract:** This rule amends Department regulations by establishing procedures

## DHS—BCIS

## Proposed Rule Stage

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

**Timetable:**

Action	Date
NPRM	10/00/03
NPRM Comment	12/00/03
Period End	

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

Transferred from RIN 1115-AF44

**Agency Contact:** Donna Crump, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
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**RIN:** 1615-AA21**976. ADJUSTMENT OF STATUS UNDER THE 1966 CUBAN ADJUSTMENT ACT****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1255; PL 105-100, sec 202; ...**CFR Citation:** 8 CFR 245**Legal Deadline:** None

**Abstract:** This interim rule specifies what effect an alien's arrival in the United States at a place other than an open port of entry will have on the alien's ability to obtain permanent residence under section 1 of the Cuban Adjustment Act of 1966, as amended. This rule is necessary to establish uniform rules relating to both the alien's eligibility for this relief and to the proper exercise of the discretion to grant or deny this relief.

**Timetable:**

Action	Date
NPRM	10/00/03
NPRM Comment	12/00/03
Period End	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1115-AF48

**Agency Contact:** Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536  
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**RIN:** 1615-AA23**977. INADMISSIBILITY TO ENTER THE UNITED STATES FOR FORMER U.S. CITIZENS WHO RENOUNCED CITIZENSHIP TO AVOID TAXATION****Priority:** Other Significant**Legal Authority:** 8 USC 1182(a)(10); PL 104-208**CFR Citation:** 8 CFR 212**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	12/00/03
NPRM Comment	02/00/04
Period End	

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

Transferred from RIN 1115-AF69

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**RIN:** 1615-AA32**978. IMPLEMENTATION OF THE NUMERICAL LIMIT ON ASYLUM GRANTS AND REFUGEE ADMISSIONS BASED ON RESISTANCE TO COERCIVE POPULATION CONTROL MEASURES****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1157; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; 8 CFR 2**CFR Citation:** 8 CFR 208; 8 CFR 274a**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	10/00/03
NPRM Comment	11/00/03
Period End	

**Regulatory Flexibility Analysis Required:** No

## DHS—BCIS

## Proposed Rule Stage

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2067-00

Transferred from RIN 1115-AF84

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**RIN:** 1615-AA37

### 979. INTERCOUNTRY ADOPTIONS

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641; 8 CFR 2

**CFR Citation:** 8 CFR 204

**Legal Deadline:** None

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

#### Timetable:

Action	Date
NPRM	10/00/03
NPRM Comment Period End	12/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Transferred from RIN 1115-AF96

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**RIN:** 1615-AA43

### 980. WAIVER OF FEES

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

#### Timetable:

Action	Date
NPRM	12/00/03
NPRM Comment Period End	02/00/04

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Transferred from RIN 1115-AG02

**Agency Contact:** Molly Johnson, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536

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**RIN:** 1615-AA48

### 981. ADOPTION OF SIBLINGS, ADOPTED ALIEN CHILDREN LESS THAN 18 YEARS OF AGE CONSIDERED A "CHILD"

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 204

**Legal Deadline:** None

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

#### Timetable:

Action	Date
NPRM	10/00/03
NPRM Comment Period End	12/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2110-01

Transferred from RIN 1115-AG04

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**RIN:** 1615-AA50

### 982. ADJUSTMENT OF STATUS UNDER SECTION 245(K)

**Priority:** Other Significant

**Legal Authority:** PL 105-119

**CFR Citation:** 9 CFR 245

**Legal Deadline:** None

## DHS—BCIS

## Proposed Rule Stage

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

**Timetable:**

Action	Date
NPRM	10/00/03
NPRM Comment Period End	12/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Transferred from RIN 1115-AG10

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**RIN:** 1615-AA54

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

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** The American Competitiveness in the 21st Century Act, Public Law 106-313, was enacted on October 17, 2000, along with two bills, the Visa Waiver Permanent

Program Act, Public Law 106-311, and a bill to increase the fee for certain H-1B petitions. An earlier piece of legislation, the American Competitiveness and Workforce Improvement Act (ACWIA), Public Law 105-277, was enacted to place certain conditions on the employment of H-1B workers. Together, these bills make significant changes to the H-1B classification. Public Law 106-313 increases the numerical H-1B cap to 195,000 for FY 2000-2002 and the percentage of the fees that DHS receives to 4 percent. It exempts certain aliens from the numerical cap, provides for the "portability" of employment authorization, and in certain circumstances extensions of stay for certain aliens who have permanent residence applications pending. Public Law 105-277 imposes penalties for employers violating certain representations and prohibits retaliation against H-1B workers who disclose these violations. This regulation clarifies several interpretive questions raised by the bills and ensures that the Department practice is consistent with these laws.

**Timetable:**

Action	Date
NPRM	09/00/03
NPRM Comment Period End	11/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

In 1190-AA48, the Civil Rights Division, in cooperation with DOL, will implement in the Justice Department's regulations the ACWIA "failure to select" protections—codified in the

Immigration and Nationality Act at section 212(n)(5)—by establishing a process under which United States workers may file complaints against employers for denying them employment opportunities by improperly hiring temporary foreign professionals on H-1B visas. Under that process, the Secretary is to receive and review these complaints and then—where there is reasonable cause to believe a complainant's allegations—initiate binding arbitration proceedings through Federal Mediation and Conciliation Service.

Transferred from RIN 1115-AG11

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**RIN:** 1615-AA55

### 984. CONSTRUCTION WORK AND THE B NONIMMIGRANT VISA CLASSIFICATION

**Priority:** Other Significant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 8 CFR 214

**Legal Deadline:** None

**Abstract:** The Department has solicited comments from the public on the issue of aliens admitted to the U.S. as B nonimmigrant visitors whose intent is to engage in construction work during the alien's stay. In particular the Department is exploring the feasibility of defining the term construction as it relates to B nonimmigrant visitors. A standard definition of construction may assist both the public and the Department in determining if an alien admitted as a B nonimmigrant visitor may engage in construction during his or her period of authorized stay. The Department is considering a rulemaking on this subject.

**Timetable:**

Action	Date
ANPRM	09/19/01 66 FR 48223

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## Proposed Rule Stage

Action	Date
ANPRM Comment Period End	11/19/01
NPRM	10/00/03

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

Transferred from RIN 1115-AG15

**Agency Contact:** Irene Hoffman, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536  
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**RIN:** 1615-AA58**985. REMOVAL AND ADJUSTMENT PROCEDURES FOR VICTIMS OF TRAFFICKING AND CERTAIN CRIMINAL ACTIVITIES****Priority:** Other Significant**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101 to 1104; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1201; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1252; 8 USC 1252a; 8 USC 1255; 22 USC 7101; 22 USC 7105; ...**CFR Citation:** 8 CFR 204; 8 CFR 214; 8 CFR 245**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	11/00/03
NPRM Comment Period End	01/00/04

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No 2134-01

Transferred from RIN 1115-AG21

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**RIN:** 1615-AA60**986. CONSENT TO REAPPLY FOR ADMISSION AFTER REMOVAL****Priority:** Other Significant**Legal Authority:** 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225 to 1228; 8 USC 1252**CFR Citation:** 8 CFR 212; 8 CFR 299**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	09/00/03
NPRM Comment Period End	11/00/03

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

Transferred from RIN 1115-AG28

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**RIN:** 1615-AA61**987. WAIVERS OF THE TWO-YEAR FOREIGN RESIDENCE REQUIREMENT FOR CERTAIN EXCHANGE VISITORS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; ...**CFR Citation:** 8 CFR 212 and 299**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	09/00/03
NPRM Comment Period End	11/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No 2158-01

Transferred from RIN 1115-AG31

**Agency Contact:** Mark Rouse, Assistant Director, Office of Adjudications, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
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**RIN:** 1615-AA62

## DHS—BCIS

## Proposed Rule Stage

**988. EXTENSION OF THE VALIDITY PERIOD FOR EMPLOYMENT AUTHORIZATION DOCUMENTS FOR ALIENS SEEKING ADJUSTMENT OF STATUS****Priority:** Other Significant**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; ...**CFR Citation:** 8 CFR 247.a12(c)(9)**Legal Deadline:** None

**Abstract:** This rule proposes to amend DHS regulations by enabling it to issue Employment Authorization Documents (EADs) for those applying for work authorization under 8 CFR 274a.12(c)(9) for a validity period of up to two years. This category is reserved for those applying for adjustment of status, having filed Form I-485, Application to Register Permanent Residence or Adjust Status with the Department. The rule change would give DHS the flexibility to issue EADs for the length of time it anticipates that adjudication of a given case will take.

**Timetable:**

Action	Date
NPRM	12/00/03
NPRM Comment Period End	02/00/04

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No 2152-01

Transferred from RIN 1115-AG32

**Agency Contact:** Pearl Chang, Branch Chief, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-4754

**RIN:** 1615-AA63**989. ILLEGAL ENTRIES, UNLAWFUL PRESENCE, AND AUTOMATIC VOIDING OF NONIMMIGRANT VISAS****Priority:** Other Significant**Legal Authority:** 5 USC 552; 8 USC 1101 to 1103; 8 USC 1182; ...**CFR Citation:** 8 CFR 103; 8 CFR 212; 8 CFR 299**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	09/00/03
NPRM Comment Period End	11/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** Split from INS No. 1413

Transferred from RIN 1115-AG36

**Agency Contact:** Mark Rouse, Assistant Director, Office of Adjudications, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-4754

**RIN:** 1615-AA64**990. MEDICAL EXAMINATION REQUIREMENTS AND DESIGNATION OF CIVIL SURGEONS****Priority:** Other Significant**Legal Authority:** 5 USC 552; 8 USC 1101 to 1103; 8 USC 1222; ...**CFR Citation:** 8 CFR 103, 232, and 299**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	09/00/03
NPRM Comment Period End	11/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** Split from INS No. 1413.

Transferred from RIN 1115-AG37

**Agency Contact:** Mark Rouse, Assistant Director, Office of Adjudications, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-4754

**RIN:** 1615-AA65**991. MEDICAL GROUNDS OF INADMISSIBILITY AND WAIVERS****Priority:** Other Significant**Legal Authority:** 5 USC 552; 8 USC 1101 to 1103; 8 USC 1157; ...**CFR Citation:** 8 CFR 103, 212, and 299**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	09/00/03
NPRM Comment Period End	11/00/03

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

## DHS—BCIS

## Proposed Rule Stage

**Additional Information:** Split out of INS No. 1413 to move forward as a stand-alone rule.

Transferred from RIN 1115-AG38

**Agency Contact:** Mark Rouse, Assistant Director, Office of Adjudications, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-4754

**RIN:** 1615-AA66

### 992. NEW CLASSIFICATION FOR VICTIMS OF CERTAIN CRIMINAL ACTIVITY; ELIGIBILITY FOR THE U NONIMMIGRANT STATUS

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

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

#### Timetable:

Action	Date
NPRM	11/00/03
NPRM Comment Period End	01/00/04

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

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

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

**Agency Contact:** Laura M. Dawkins, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-4754  
Email: laura.dawkins@usdoj.gov

**RIN:** 1615-AA67

### 993. JUDICIAL REVIEW OF THE DECISIONS OF THE IMMIGRATION AND NATURALIZATION SERVICE

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 103

**Legal Deadline:** None

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

#### Timetable:

Action	Date
NPRM	09/00/03
NPRM Comment Period End	11/00/03

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1785-96.

Transferred from RIN 1115-AG49

**Agency Contact:** Janice B. Podolny, Associate General, Chief Examinations Division, Office of General Counsel, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 6100, 425 I Street NW., Washington, DC 20536

Phone: 202 514-2895

**RIN:** 1615-AA71

### 994. TERMINATION OF LAWFUL PERMANENT RESIDENT STATUS THROUGH ABANDONMENT

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 CFR 211; 22 CFR 42

**CFR Citation:** 8 CFR 246

**Legal Deadline:** None

**Abstract:** This rule establishes procedures to terminate on notice the lawful permanent resident status of an alien who has remained outside the country for a continuous period of over one year since his or her departure from the United States, if it is determined that such alien has abandoned his or her permanent residency and is no longer eligible for admission as a returning resident. This process will allow the Department to terminate the status of a permanent resident due to abandonment when it becomes aware of that fact rather than, as is current practice, having to wait for such alien to present himself or herself for inspection at a port-of-entry.

#### Timetable:

Action	Date
NPRM	09/00/03
NPRM Comment Period End	11/00/03

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1115-AG64

**Agency Contact:** Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536  
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**RIN:** 1615-AA76

### 995. LIMITING THE USE OF DURATION OF STATUS FOR CERTAIN F, J, AND I NONIMMIGRANTS

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1101 note; 8 USC 1103; 8 USC 1182; 8 USC 1184; ...

## DHS—BCIS

## Proposed Rule Stage

**CFR Citation:** 8 CFR 214

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	09/00/03
NPRM Comment Period End	11/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2222-02

Transferred from RIN 1115-AG76

**Agency Contact:** Maura Deadrick, Assistant Director, Adjudication Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-3228

**RIN:** 1615-AA80

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

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 2

**Legal Deadline:** None

**Abstract:** The Department of Homeland Security, after consulting with the

Department of Labor and the Department of State, is proposing significant changes to its regulations that are designed to increase the effectiveness of the H-2B nonimmigrant classification. These proposals will increase the usefulness of the program for United States employers by eliminating certain regulatory barriers, by adding protections for foreign workers, and increasing Government efficiency and coordination.

**Timetable:**

Action	Date
NPRM	10/00/03
NPRM Comment Period End	12/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** INS No.2228-02

Transferred from RIN 1115-AG78

**Agency Contact:** Molly Johnson, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 616-7435

**RIN:** 1615-AA82

**997. ADJUSTMENT OF THE IMMIGRATION BENEFIT APPLICATION FEE SCHEDULE TO RECOVER COSTS ASSOCIATED WITH ADDITIONAL SECURITY CHECKS**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 103

**Legal Deadline:** None

**Abstract:** The rule proposes to adjust the immigration benefit application fee by \$5 to recover costs associated with performing additional security checks on all immigration benefit applications. Fees collected from persons filing immigration benefit applications are deposited into the Immigration Examinations Fee Account and used to fund the full cost of processing immigration benefit applications and associated support benefits; the full cost of providing similar benefits to asylum and refugee applicants; and the

full cost of similar benefits provided to other immigrants, as specified in the regulation, at no charge. Federal guidelines require the Department of Homeland Security to establish and collect fees to recover the full cost of processing benefit applications. These security checks are necessary to try to protect the United States from future terrorist attacks.

**Timetable:**

Action	Date
NPRM	08/00/03
NPRM Comment Period End	10/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2233-02

Transferred from RIN 1115-AG82

**Agency Contact:** Paul Schlesinger, Chief, Immigration Services Branch, Office of Budget, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 5307, 425 I Street NW., Washington, DC 20536  
Phone: 202 616-0563  
Email: paul.l.schlesinger@usdoj.gov

**RIN:** 1615-AA84

**998. • DENIAL AND REVOCATION FOR APPROVAL OF SCHOOL FOR ATTENDANCE BY NONIMMIGRANT STUDENTS**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 214

**Legal Deadline:** None

**Abstract:** The Department of Homeland Security (DHS) proposes to amend its regulations to clarify its procedures for denial of applications by schools for approval to enroll nonimmigrant students. DHS also proposes to streamline and align the revocation process with the denial and appeal process. Finally, DHS proposes the authority to suspend a school's approval to issue new forms I-20 during denial or revocation proceedings.

**Timetable:**

Action	Date
NPRM	09/00/03

## DHS—BCIS

## Proposed Rule Stage

Action	Date
NPRM Comment Period End	10/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2239-02

Transferred from RIN 1115-AG83

**Agency Contact:** Maura Deadrick, Assistant Director, Adjudication Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-3228

**RIN:** 1615-AA85**999. • ADJUSTMENT OF THE APPEAL AND MOTION FEE TO RECOVER FULL COSTS****Priority:** Other Significant**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1304; 8 USC 1356; 31 USC 9701; EO 12356; ...**CFR Citation:** 8 CFR 103**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	09/00/03

Action	Date
NPRM Comment Period End	11/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2245-02

Transferred from RIN 1115-AG89

**Agency Contact:** Paul Schlesinger, Chief, Immigration Services Branch, Office of Budget, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 5307, 425 I Street NW., Washington, DC 20536  
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**RIN:** 1615-AA88**1000. • CHANGES TO EMPLOYMENT AUTHORIZATION ELIGIBILITY FOR CERTAIN APPLICANTS AND TO STANDARDS FOR DETERMINING A FRIVOLOUS ASYLUM APPLICATION****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; ...**CFR Citation:** 8 CFR 208; 8 CFR 274a**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	09/00/03

Action	Date
NPRM Comment Period End	11/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2251-02

Transferred from RIN 1115-AG91

**Agency Contact:** Joanna Ruppel, Supervisor for Asylum Operations, International Affairs, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20536  
Phone: 202 305-2663

**RIN:** 1615-AA89**1001. • IMPLEMENTATION OF THE AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE U.S. REGARDING ASYLUM CLAIMS MADE AT LAND BORDER PORTS-OF-ENTRY AND APPLICABILITY OF OTHER ASYLUM BARS...****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; ...**CFR Citation:** 8 CFR 208**Legal Deadline:** None

**Abstract:** The Department of Homeland Security proposes to amend asylum regulations governing the credible fear process to permit asylum officers to apply certain mandatory bars to asylum during the credible fear interview. The proposed rule is necessary for two reasons. First, the terms of a recently signed agreement between the United States and Canada bar certain categories of aliens arriving from Canada at land border ports of entry and in transit from Canada from formally applying for protection in the United States. Second, national security concerns necessitate a more thorough solicitation and analysis of facts to determine whether aliens in the credible fear process are clearly subject to a bar to asylum based on criminal or terrorist activities. This proposed rule would establish asylum officers' and immigration judges authority to make negative credible fear determinations based on these bars.

## DHS—BCIS

## Proposed Rule Stage

**Timetable:**

Action	Date
NPRM	10/00/03
NPRM Comment Period End	11/00/03

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

Transferred from RIN 1115-AG95

**Agency Contact:** Joanna Ruppel, Supervisor for Asylum Operations, International Affairs, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20536  
Phone: 202 305-2663

**RIN:** 1615-AA91**1002. • ELIMINATING THE NUMERICAL CAP ON MEXICAN TN NONIMMIGRANTS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; ...**CFR Citation:** 8 CFR 214**Legal Deadline:** None

**Abstract:** This rule eliminates the 5,500 annual limit on Mexican TN (NAFTA) Professionals workers. It also eliminates the associated requirement of a petition on Form I-129 and certified labor condition application.

Rather than submit a petition to DHS, aliens seeking TN classification will apply for a TN visa from the State Department. This rule brings the treatment of Mexican TNs under NAFTA closer to that of Canadian TNs.

**Timetable:**

Action	Date
NPRM	06/00/03
NPRM Comment Period End	07/00/03

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

Transferred from RIN 1115-AH02

**Agency Contact:** Efren Hernandez, Director, Business and Trade Branch, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 425 I Street NW., Washington, DC 20536  
Phone: 202 353-8177

**RIN:** 1615-AA96**1003. PROCEDURES FOR CHECKING JUVENILE CRIMINAL RECORDS AND SUBMITTING FINGERPRINTS OF THAT ADDITIONAL CLASS OF ALIENS INELIGIBLE FOR FAMILY UNITY****Priority:** Other Significant**Legal Authority:** 18 USC 5031**CFR Citation:** 8 CFR 236**Legal Deadline:** None

**Abstract:** This rule describes procedures necessary for DHS Service Centers, District Offices, and Application Support Centers to follow when checking juvenile criminal records and fingerprints of aliens who committed a specific act of juvenile delinquency that, if committed by an adult, would be classified as a felony "crime of violence against another individual." Section 383 of Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) provides that aliens who committed a specific act of juvenile delinquency, as defined in 18 U.S.C. 5031, are ineligible for benefits under the Family Unity Program.

**Timetable:**

Action	Date
NPRM	06/00/03
NPRM Comment Period End	08/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** INS No. 2116-01

Transferred from RIN 1115-AG07

**Agency Contact:** Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
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**RIN:** 1615-AB01

## Department of Homeland Security (DHS)

## Final Rule Stage

## Bureau of Citizenship and Immigration Services (BCIS)

**1004. REDUCTION OF THE NUMBER OF ACCEPTABLE DOCUMENTS AND OTHER CHANGES TO EMPLOYMENT VERIFICATION REQUIREMENTS (SECTION 610 REVIEW)****Priority:** Other Significant. Major under 5 USC 801.**Legal Authority:** 8 USC 1324a; PL 104-208**CFR Citation:** 8 CFR 274a

**Legal Deadline:** Final, Statutory, March 31, 1998, An interim rule, published September 30, 1997, makes the minimal changes required by statute. The

provisions will remain in effect until completion of this rulemaking.

**Abstract:** On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). Section 412(a) of IIRIRA requires a reduction in the number of documents that may be accepted in the employment verification process. Section 412(d) clarifies the applicability of section 274A to the Federal Government. Section 610 of the Regulatory Flexibility Act requires agencies to review rules that have a significant

economic impact on a substantial number of small entities every 10 years. The Department is conducting this review in conjunction with IIRIRA implementation. The proposed rulemaking published February 12, 1998, implements sections 212(a) and (d) of IIRIRA and proposes other changes to the employment verification process identified through that review. A revised Form I-9 was included with the proposed rulemaking.

The comment period closed on April 3, 1998. The Department is analyzing the comments and taking into

## DHS—BCIS

## Final Rule Stage

consideration issues raised by the Alien Registration Form (I-551) program. It should be noted that this action supersedes the previously published regulatory action titled "Reduction in the Number of Documents Accepted for Employment Verification." In order to avoid confusion, this regulatory action is being referenced under the current RIN, which captures all prior actions related to employment verification.

INS No. 1947-98, Interim Rule published 2/9/99 (64 FR 6187). The "Receipt Rule" permits employees to present their employer certain types of "receipts" in lieu of a document listed on the Form I-9.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Yes

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

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

**Additional Information:** The deadline for implementing section 412(a) of IIRIRA was extended to March 31, 1998, by Public Law 105-54. This rulemaking has been delayed by the need to coordinate implementation with other provisions of IIRIRA, by several complex policy and regulatory issues that have taken time to resolve, and by the review required by section 610 of the Regulatory Flexibility Act, and by the need to coordinate policy

issues with the Border Security Act of 2002 and, more generally, the post-September 11th environment in which document security is of a paramount concern.

INS No. 1890-97; PL 104-208, title 4.

INS Nos. 1399 and 1399S-94, Control of Employment of Aliens, Supplemental Rule; Action for INS Nos. 1399 and 1399S is canceled as a result of IIRIRA requirements.

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

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

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

Transferred from RIN 1115-AB73

**Agency Contact:** Pearl Chang, Branch Chief, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-4754

**RIN:** 1615-AA01

### 1005. ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE: CONDITIONAL RESIDENTS AND FIANCÉ(E)S

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 245

**Legal Deadline:** None

**Abstract:** This final rule amends Department regulations by clarifying that an alien remains ineligible for adjustment of status after termination of conditional permanent resident status. The clarification is necessary in view of the determination by the Board of Immigration Appeals (Board) that the current regulations do not prohibit the adjustment of status of an alien whose conditional resident status has been terminated. This final rule would also

modify provisions regulating the adjustment of status of nonimmigrant fiancé(e)s to reflect the current statute and to eliminate hardships on certain persons who are unable, despite their good faith intentions, to marry until after the expiration of the alien spouse's period of admission as a nonimmigrant fiancé(e).

**Timetable:**

Action	Date	
NPRM	08/20/96	61 FR 43028
NPRM Comment Period End	10/21/96	
Final Action	09/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1353-91

Transferred from RIN 1115-AC70

**Agency Contact:** Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
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**RIN:** 1615-AA02

### 1006. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR AS A PREFERENCE IMMIGRANT; SELF-PETITIONING FOR CERTAIN BATTERED OR ABUSED ALIEN SPOUSES AND CHILDREN

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 204

**Legal Deadline:** None

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

**Timetable:**

Action	Date	
Interim Final Rule	03/26/96	61 FR 13061

## DHS—BCIS

## Final Rule Stage

Action	Date
Interim Final Rule Effective	03/26/96
Interim Final Rule Comment Period End	05/28/96
Final Rule	11/00/03

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

Transferred from RIN 1115-AE04

**Agency Contact:** Laura M. Dawkins, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536  
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**RIN:** 1615-AA03**1007. DEFINITION OF THE TERM "LAWFULLY PRESENT" FOR PURPOSES OF ELIGIBILITY FOR PUBLIC BENEFITS****Priority:** Other Significant

**Legal Authority:** 5 USC 552; 31 USC 9701; EO 12356; 47 FR 14874 to 15557; 3 CFR 1982 comp; 8 CFR 2; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252B; 8 USC 1304; 8 USC 1356

**CFR Citation:** 8 CFR 103**Legal Deadline:** None

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

The interim final rule published September 6, 1996, amended DHS regulations to define the term "an alien who is lawfully present in the United States" so that the Social Security Administration may determine which

aliens are eligible for benefits under title II of the Social Security Act.

**Timetable:**

Action	Date
Interim Final Rule	09/06/96 61 FR 47039
Interim Final Rule Comment Period End	11/05/96
Final Action	10/00/03

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

Transferred from RIN 1115-AE51

**Agency Contact:** Pearl Chang, Branch Chief, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-4754

**RIN:** 1615-AA05**1008. AFFIDAVIT OF SUPPORT ON BEHALF OF IMMIGRANTS****Priority:** Other Significant

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

**CFR Citation:** 8 CFR 213a; 8 CFR 299**Legal Deadline:** None

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

**Timetable:**

Action	Date
Interim Final Rule (INS No. 1807-96)	10/20/97 62 FR 52346

Action	Date
Interim Final Rule Comment Period End	02/07/98
Final Action	10/00/03

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

Transferred from RIN 1115-AE58

**Agency Contact:** Lisa Roney, Policy Analyst, Office of Policy and Planning, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 6052, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-3242

Michael Hardin, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-3048

**RIN:** 1615-AA06**1009. IMPLEMENTATION OF HERNANDEZ V. RENO SETTLEMENT AGREEMENT; CERTAIN ALIENS ELIGIBLE FOR FAMILY UNITY BENEFITS AFTER SPONSORING FAMILY MEMBER'S NATURALIZATION****Priority:** Other Significant

**Legal Authority:** 8 USC 1225a note; PL 104-208

**CFR Citation:** 8 CFR 236.23**Legal Deadline:** None

**Abstract:** On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The Department will publish a regulation implementing a new basis of ineligibility for Family Unity benefits for certain juvenile offenders.

**Timetable:**

Action	Date
Interim Final Rule (INS No. 1823-96)	07/14/00 65 FR 43677
Interim Final Rule Comment Period End	09/12/00
Final Rule	10/00/03

**Regulatory Flexibility Analysis Required:** No

## DHS—BCIS

## Final Rule Stage

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1823-96; PL 104-208, title III, section 38; and this regulation will affect 8 CFR 242.5 that will be renumbered 8 CFR 236.25.

Transferred from RIN 1115-AE72

**Agency Contact:** Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 307-2353

Email: elizabeth.n.lee@usdoj.gov

**RIN:** 1615-AA09

### 1010. CERTIFICATION OF CERTAIN HEALTH CARE WORKERS

**Priority:** Other Significant

**Legal Authority:** 8 USC 1182(a)(5); PL 104-208

**CFR Citation:** 8 CFR 204; 8 CFR 212; 8 CFR 214.2; 8 CFR 245; 8 CFR 248

**Legal Deadline:** Other, Statutory, January 19, 2001, *Abraham v. Reno* (D.D.C.).

**Abstract:** On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Section 343 prohibits the entry of any alien who seeks to enter the United States for the purpose of performing labor as a health care worker (other than a physician) without a certificate as to the alien's qualifications and English ability from the Commission on Graduates of Foreign Nursing Schools (CGFNS) or an equivalent independent organization approved by the Secretary.

The Department published an interim rule (INS 1879-97) to address shortages in the occupations of nursing and occupational therapy on October 14, 1998. In addition, DHS issued a second interim rule on April 30, 1999, to grant CGFNS authorization to issue certificates to foreign health care workers in the occupations of occupational therapy and physical therapy. This rule also granted the Foreign Credentialing Commission on Physical Therapy the authority to issue certificates to foreign-trained physical therapists. The second interim rule (INS 1979-99) was published under RIN 1115-AF43 and now is consolidated with this Unified Agenda of Federal Regulations entry. A third interim rule

(INS 2089-00) was published on January 16, 2001, to address certification requirements for Speech Language Pathologists, Audiologists, Medical Technologists, and Physician Assistants. The Department also published a related rule in response to the passage of the NRDA, (INS No. 2050-00). In the rule, DHS announced that it would continue to waive the certification requirements for nonimmigrant nurses, pending the promulgation of new regulations implementing the certification requirements for section 343.

On October 11, 2002, the Department published a proposed rule (INS 2080-02) to fully implement section 343, including solicitation of public comments on the requirements relating to the designation of covered health care occupations, the procedures and requirements for certifying organizations, the content of the certificates, and the process for presentation of the certificates and listing approved English language tests and requisite scores. The Department will publish a final rule implementing the proposals and taking into account the comments received in response to the October 11, 2002, proposed rule.

#### Timetable:

Action	Date	
Interim Final Rule-INS 1879	10/14/98	63 FR 55007
Interim Final Rule Effective-INS 1879	12/14/98	
Interim Final Rule Comment Period End-INS 1879	02/11/99	
Interim Final Rule-INS 1979-99	04/30/99	64 FR 23174
Interim Final Rule Comment Period End-INS 1979-99	06/29/99	
Interim Final Rule Effective-INS 1979-99	06/29/99	
Interim Final Rule-INS 2089-00	01/16/01	66 FR 3440
Interim Final Rule Comment Period End	03/19/01	
Interim Final Rule Effective-INS 2089-00	03/19/01	
NPRM-INS No. 2080-02	10/11/02	67 FR 63313
Final Action	06/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1115-AE73

**Agency Contact:** Molly Johnson, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 616-7435

**RIN:** 1615-AA10

### 1011. ADJUSTMENT OF STATUS, CONTINUED VALIDITY OF NONIMMIGRANT STATUS, AND UNEXPIRED EMPLOYMENT AUTHORIZATION FOR APPLICANTS MAINTAINING NONIMMIGRANT H OR L STATUS

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** Over the last several years, the Department has issued numerous policy statements regarding its position on employment authorization, advance parole, and extension of nonimmigrant status for certain skilled nonimmigrant workers who have filed for adjustment to permanent resident status. This interim final rule: (1) codified existing DHS policy statements by incorporating them into the Department's regulations; and (2) eliminated the requirement for permission for overseas travel for adjustment applicants who are maintaining H-1 or L nonimmigrant status. The Department will be publishing a final rule in response to public comments.

#### Timetable:

Action	Date	
Interim Final Rule	06/01/99	64 FR 29208
Interim Final Rule Comment Period End	08/02/99	
Final Rule	10/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1881-97

## DHS—BCIS

## Final Rule Stage

Transferred from RIN 1115-AE96

**Agency Contact:** Michael Valverde, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-2763  
Email: michael.valverde@usdoj.gov

**RIN:** 1615-AA12

### 1012. VERIFICATION OF ELIGIBILITY FOR PUBLIC BENEFITS

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1642

**CFR Citation:** 8 CFR 104

**Legal Deadline:** NPRM, Statutory, November 3, 1997.  
Final, Statutory, February 22, 1998, Statutory deadline to promulgate regulations for State and local public benefits was previously November 3, 1998. Deadline for regulations for Federal public benefits was February 22, 1998.

**Abstract:** This regulatory action requires entities (other than nonprofit charitable organizations) providing Federal public benefits (with certain exceptions) to verify by examining documents and using a DHS-automated verification system that alien applicants are eligible for the benefits under Federal benefit reform legislation. This rule also sets forth provisions by which State or local governments can verify whether aliens applying for State or local public benefits are eligible for such benefits under Federal laws. In addition, the rule establishes procedures for verifying the U.S. nationality of individuals applying for benefits in a fair and nondiscriminatory manner.

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

The proposed rule for the Verification of Eligibility for Public Benefits was published on August 4, 1998, at 63 FR 41662. The changes made in response

to the comments received on the proposed rule were significant enough and dealt with complex and important issues that another opportunity to comment is warranted. The next version of the rule will be issued as an interim rule, rather than a final rule, in order to implement the statutory directive to promulgate verification regulations and start the subsequent two-year period in which Federal public benefit-granting agencies must come into compliance. The interim rule is in the concurrence process and has not yet been published.

#### Timetable:

Action	Date
NPRM-INS No. 1902-98	08/04/98 63 FR 41662
NPRM Comment Period End	10/05/98
Interim Final Rule-INS No. 1902-98	12/00/03

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

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

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

Transferred from RIN 1115-AE99

**Agency Contact:** Phillip Busch, Senior Counsel, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 6100, Office of General Counsel, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-2895

**RIN:** 1615-AA13

### 1013. FINGERPRINTING APPLICANTS AND PETITIONERS FOR IMMIGRATION BENEFITS; ESTABLISHING A FEE FOR FINGERPRINTING BY THE DEPARTMENT OF HOMELAND SECURITY

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** This rule amends Department regulations relating to fingerprinting

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

#### Timetable:

Action	Date
Interim Final Rule	03/17/98 63 FR 12979
Interim Final Rule Effective	03/29/98
Interim Final Rule Correction	04/09/98 63 FR 17489
Interim Final Rule Comment Period End	05/18/98
Final Action	10/00/03

#### Regulatory Flexibility Analysis Required: No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

**Additional Information:** INS No. 1891-97

Transferred from RIN 1115-AF03

**Agency Contact:** Pamela T. Wallace, Adjudications Officer, Immigration Services Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 980, 801 I Street NW., Washington, DC 20536  
Phone: 202 514-9475

**RIN:** 1615-AA14

### 1014. SUSPENSION OF DEPORTATION AND SPECIAL RULE CANCELLATION OF REMOVAL FOR CERTAIN NATIONALS OF GUATEMALA, EL SALVADOR, AND FORMER SOVIET BLOC COUNTRIES

**Priority:** Other Significant

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

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

...

## DHS—BCIS

## Final Rule Stage

**Legal Deadline:** None

**Abstract:** This rule implements section 203 of the Nicaraguan Adjustment and Central American Relief Act (NACARA), enacted as title II of Public Law No. 105-100, 111 Stat. 2160, 2193 (1997) (as amended by Technical Corrections to the Nicaraguan Adjustment and Central American Relief Act (NACARA), Public Law 105-139, Stat. 2644 (1997)). Section 203 of NACARA provides that certain Guatemalans, Salvadorans, and nationals of former Soviet Bloc countries are eligible to apply for cancellation of removal under the standards for suspension of deportation similar to those that existed prior to enactment of Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). The rule establishes the authority of DHS asylum officers to adjudicate certain applications under section 203 of NACARA, provides application and adjudication procedures, identifies factors and standards relevant to eligibility, and establishes a rebuttable presumption of extreme hardship for certain NACARA beneficiaries.

**Timetable:**

Action	Date
NPRM-INS No. 1915-98	11/24/98 63 FR 64895
NPRM Comment Period End-INS No. 1915-98	01/25/99
Interim Rule-INS No. 1915-98	05/21/99 64 FR 27856
Interim Rule Comment Period End	07/20/99
Final Rule	09/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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

Transferred from RIN 1115-AF14

**Agency Contact:** Joanna Ruppel, Supervisor for Asylum Operations, International Affairs, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 3rd Floor, 111 Massachusetts Avenue NW., Washington, DC 20536  
Phone: 202 305-2663

**RIN:** 1615-AA17

**1015. REGULATIONS CONCERNING THE CONVENTION AGAINST TORTURE**

**Priority:** Other Significant

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

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

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

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

**Timetable:**

Action	Date
Interim Final Rule	02/19/99 64 FR 8478
Interim Final Rule Effective	03/22/99
Interim Final Rule Corrections	03/22/99 64 FR 13881
Interim Final Rule Comment Period End	04/20/99
Final Rule	09/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Transferred from RIN 1115-AF39

**Agency Contact:** Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041  
Phone: 703 305-0470

Mary Giovagnoli, Acting Chief, Refugee and Asylum Branch, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-2895

**RIN:** 1615-AA19

**1016. APPLICATION FOR REFUGEE STATUS; ACCEPTABLE SPONSORSHIP AGREEMENT GUARANTY OF TRANSPORTATION**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 207

**Legal Deadline:** None

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

**Timetable:**

Action	Date
Interim Final Rule	05/21/99 64 FR 27660
Interim Final Rule Comment Period End	07/20/99
Final Rule	12/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1999-99

Transferred from RIN 1115-AF49

**Agency Contact:** Kathleen Thompson, Staff Officer, Office of International Affairs, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 425 I Street NW., Washington, DC 20536

## DHS—BCIS

## Final Rule Stage

Phone: 202 305-2756

RIN: 1615-AA24

### 1017. NONIMMIGRANT CLASSES: Q-2 IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM VISITOR

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186; 8 USC 1187; ...

**CFR Citation:** 8 CFR 214; 8 CFR 245; 8 CFR 248; 8 CFR 274

**Legal Deadline:** None

**Abstract:** This rule amends the regulations to establish a new visa classification, Q-2. Public Law 105-319, also known as the Irish Peace Process Cultural and Training Program Act of 1998, provides the basis for this regulatory change. The Q-2 visa classification identifies those visitors from Northern Ireland and certain designated counties in the Republic of Ireland to come to the United States temporarily for training employment and to experience coexistence and conflict resolution in a diverse society.

#### Timetable:

Action	Date
Interim Final Rule	03/17/00 65 FR 14774
Interim Final Rule Effective	03/17/00
Interim Final Rule Comment Period End	05/16/00
Revised Interim Final Rule	09/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2000-99

Transferred from RIN 1115-AF51

**Agency Contact:** Donna Crump, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 353-8177

RIN: 1615-AA25

### 1018. CLARIFICATION OF PAROLE AUTHORITY

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 212

**Legal Deadline:** None

**Abstract:** This rule amends Department regulations concerning the authority to grant the parole of aliens from DHS custody by specifically identifying the scope of that authority to include the Secretary. This action is being taken to clarify which individuals are authorized by the Secretary to grant parole from DHS custody.

#### Timetable:

Action	Date
Interim Final Rule	10/28/00 65 FR 82254
Interim Final Rule Comment Period End	12/28/00
Interim Final Rule Delay of Effective Date until 03/30/2001	01/26/01 66 FR 7863
Final Action	10/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2004-99

Transferred from RIN 1115-AF53

**Agency Contact:** Kenneth Leutbecker, Director, Parole and Humanitarian Assistance Branch, Office of International Affairs, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Attn: ULLICO Building, Third Floor, 111 Massachusetts Avenue NW., Washington, DC 20001  
Phone: 202 305-2670

RIN: 1615-AA26

### 1019. BATTERED AND ABUSED CONDITIONAL RESIDENTS; TERMINATION OF MARRIAGE BY CONDITIONAL RESIDENTS

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 216; 8 CFR 299

**Legal Deadline:** None

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

#### Timetable:

Action	Date
Interim Final Rule	05/16/91 56 FR 22635
Final Action	09/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Transferred from RIN 1115-AF59

**Agency Contact:** Pearl Chang, Branch Chief, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-4754

RIN: 1615-AA29

### 1020. REVOKING GRANTS OF NATURALIZATION

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1443

**CFR Citation:** 8 CFR 340

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**Legal Deadline:** None

**Abstract:** This rule amends the DHS regulations relating to administrative revocation of naturalization by changing the burden of proof the Department must satisfy in order to administratively revoke a grant of naturalization and by clarifying the 180-day period for the rendering of the district director's decision. This rule provides that DHS will only initiate revocation proceedings based on clear, unequivocal, and convincing evidence, and that the burden of proof remains with the Department throughout the administrative process.

**Timetable:**

Action	Date
Interim Final Rule	03/31/00 65 FR 17127
Interim Final Rule Comment Period End	05/30/00
Final Rule	09/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No.1858-97

Transferred from RIN 1115-AF63

**Agency Contact:** Michael Neifach, Attorney, Office of the General Counsel, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 6100, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-2895

**RIN:** 1615-AA30

### 1021. ENTRY REQUIREMENTS FOR CITIZENS OF THE REPUBLIC OF THE MARSHALL ISLANDS, THE FEDERATED STATES OF MICRONESIA, AND PALAU

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 211; 8 CFR 212

**Legal Deadline:** None

**Abstract:** This rule amends Department regulations by adding documentary requirements for a naturalized citizen of the Marshall Islands, the Federated States of Micronesia, or Palau (Compact Countries) to enter into the United States, lawfully engage in occupations,

accept employment, and establish residence as a nonimmigrant in the United States and its territories and possessions. This rule also clarifies the documentary requirements for an adopted child from the Compact Countries who is immigrating to the United States. Without clarification of the documentary requirements for an adopted child from the Compact Countries, the Compact Countries may not consent to the adoption of children by U.S. citizens and legal permanent residents.

**Timetable:**

Action	Date
NPRM	07/18/01 66 FR 37429
NPRM Comment Period End	08/17/01
Final Action	09/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2047-00

Transferred from RIN 1115-AF65

**Agency Contact:** Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 307-2353  
Email: elizabeth.n.lee@usdoj.gov

**RIN:** 1615-AA31

### 1022. REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES: CONTROL OF EMPLOYMENT OF ALIENS

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1201; 8 USC 1201a; 8 USC 1301; 8 USC 1305

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

**Legal Deadline:** None

**Abstract:** This rule amends Department regulations governing applications for renewal of 10-year Permanent Resident Cards upon their expiration. This rule adds documents to the acceptable list of registration requirements and clarifies the requirements for Lawful Permanent Resident (LPRs) to file Form I-90, Application to Replace Alien Registration Card, if they are also applying for naturalization. This rule

also provides additional methods to verify employment eligibility for those in the process of renewing their expired or expiring Form I-551, Permanent Resident Card. These changes are necessary to facilitate the 10-year Form I-551 renewal process. This rule also clarifies the fingerprinting requirements for lawful permanent residents who reach the age of 14 years.

**Timetable:**

Action	Date
Interim Final Rule	10/00/03
Interim Final Rule Comment Period End	11/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No.2042-00

Transferred from RIN 1115-AF71

**Agency Contact:** Michael Hardin, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-3048

**RIN:** 1615-AA33

### 1023. NATIONAL INTEREST WAIVERS FOR SECOND PREFERENCE EMPLOYMENT-BASED IMMIGRANT PHYSICIANS SERVING IN MEDICALLY UNDERSERVED AREAS OR AT DEPARTMENT OF VETERANS AFFAIRS FACILITIES

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

## DHS—BCIS

## Final Rule Stage

regulation so that applicants may begin to take advantage of the new provisions.

**Timetable:**

Action	Date	
Interim Final Rule	09/06/00	65 FR 53889
Correction to Interim Final Rule	09/27/00	65 FR 57943
Interim Final Rule Effective	10/06/00	
Correction to Interim Final Rule	10/20/00	65 FR 63118
Interim Final Rule Comment Period End	11/06/00	
Final Rule	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2048-00

Transferred from RIN 1115-AF75

**Agency Contact:** Irene Hoffman, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536  
Phone: 202 617-3365  
Fax: 202 514-0198

**RIN:** 1615-AA34

### 1024. PETITIONING REQUIREMENTS FOR THE H-1C NONIMMIGRANT CLASSIFICATION UNDER PUBLIC LAW 106-95

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 214.2

**Legal Deadline:** None

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

**Timetable:**

Action	Date	
Interim Final Rule	06/11/01	66 FR 31107
Interim Final Rule Comment Period End	08/10/01	
Final Action	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2050-00

Transferred from RIN 1115-AF76

**Agency Contact:** Molly Johnson, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 616-7435

**RIN:** 1615-AA35

### 1025. WAIVING THE FINGERPRINTING REQUIREMENT FOR CERTAIN DISABLED NATURALIZATION APPLICANTS

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1443; 8 USC 1447; 29 USC 794(a), The Rehabilitation Act of 1973

**CFR Citation:** 8 CFR 316; 8 CFR 335

**Legal Deadline:** None

**Abstract:** Currently, all naturalization applicants filing Form N-400, Application for Naturalization, are required to be fingerprinted on Form FD-258 Applicant Card for the purpose of conducting criminal background checks by the Federal Bureau of Investigation (FBI). This rule amends Department regulations by providing a fingerprinting waiver for naturalization applicants who, because of a permanent impairment, are unable to provide any fingerprints. It also provides an alternative method for collecting the required background clearances.

**Timetable:**

Action	Date	
Interim Final Rule With Request for Comments	10/00/03	
Interim Final Rule Comment Period End	12/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2060-00

Transferred from RIN 1115-AF80

**Agency Contact:** Pamela T. Wallace, Adjudications Officer, Immigration Services Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 980, 801 I Street NW., Washington, DC 20536  
Phone: 202 514-9475

**RIN:** 1615-AA36

### 1026. ADDING ACTUARIES AND PLANT PATHOLOGISTS TO THE NORTH AMERICAN FREE TRADE AGREEMENT

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 214.6

**Legal Deadline:** None

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

**Timetable:**

Action	Date	
NPRM	12/19/00	65 FR 79320
NPRM Comment Period End	02/20/01	
Final Action	10/00/03	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2068-00

Transferred from RIN 1115-AF85

**Agency Contact:** Molly Johnson, Adjudications Officer, Adjudications Division, Department of Homeland

## DHS—BCIS

## Final Rule Stage

Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 616-7435

**RIN:** 1615-AA38

### 1027. EMPLOYMENT AUTHORIZATION FOR CERTIFICATE OF CITIZENSHIP APPLICANTS

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 274a, 8 CFR 341

**Legal Deadline:** None

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

#### Timetable:

Action	Date
Interim Final Rule	09/00/03
Interim Final Rule	10/00/03
Comment Period End	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No.2076-00

Transferred from RIN 1115-AF90

**Agency Contact:** Lellie LeClair, Staff Officer Immigration Services Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 980, 801 I Street NW., Washington, DC 20536  
Phone: 202 307-9919

**RIN:** 1615-AA39

### 1028. ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE; TEMPORARY REMOVAL OF CERTAIN RESTRICTIONS OF ELIGIBILITY

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** The Department is amending its regulations governing eligibility for adjustment of status under section 245(i) of the Immigration and Nationality Act to conform the regulations to existing policy and procedures and to remove language that has been superseded by subsequent legislation. Specifically, this interim final 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.

It also provides for the changes contained in the Legal Immigration Family Equity Act of 2000 (LIFE Act). As required by the Life Act, this rule changes the sunset date of section 245(i) of the Immigration and Naturalization Act to the new date of April 30, 2001, for filing of qualifying petitions or applications that enable the applicant to apply to adjust status using section 245(i) and clarifies the effect of the new sunset date on eligibility. This means that in order to preserve the ability to apply for adjustment of status under section 245(i), an alien must be the beneficiary of a visa petition for classification under section 204 of the Act or application for labor certification properly filed on or before April 30, 2001, and determined to have approval when filed. This rule also provides guidance on the standard for review of filing for immigrant visa petitions and applications for labor certification on or before April 30, 2001.

#### Timetable:

Action	Date
Interim Final Rule	03/26/01 66 FR 16383
Interim Final Rule Effective	03/26/01
Interim Final Rule Comment Period End	05/25/01
Final Rule	10/00/03

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Transferred from RIN 1115-AF91

**Agency Contact:** Michael Valverde, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
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Email: michael.valverde@usdoj.gov

**RIN:** 1615-AA40

### 1029. ASYLUM AND WITHHOLDING DEFINITIONS

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 208

**Legal Deadline:** None

**Abstract:** This rule proposes to amend regulations that govern establishing asylum eligibility by providing guidance on certain issues that have arisen in the context of asylum adjudications. The amendments focus on portions of the regulations that deal with the definitions of persecution, membership in a particular social group, and State action. This rule codifies long-standing concepts of the definition of persecution. 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 be considered a member of a particular social group. The Department of Justice believes this issue required further examination after the Board of Immigration Appeals decision, Matter of R-A. This rule also clarifies that the factors considered in Ninth Circuit case law regarding membership in a particular social group are non-determinative. Finally, the rule offers further guidance on what is required to show a State's inability or unwillingness to control a persecutor. Finally, this rule establishes circumstances under which the Board of Immigration Appeals (BIA) must remand proceedings to the Immigration Judge to resolve questions of fact.

#### Timetable:

Action	Date
NPRM	12/07/00 65 FR 76588

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Action	Date
NPRM Comment Period End	01/22/01
Final Action	10/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No 2092-00

Transferred from RIN 1115-AF92

**Agency Contact:** Rebecca Story, Attorney, Office of the General Counsel, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 6100, 425 I Street NW., Washington, DC 20536

Phone: 202 514-2895

Fax: 202 514-0455

**RIN:** 1615-AA41

**1030. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR PREFERENCE IMMIGRANT; ADJUSTMENT OF STATUS TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** This final rule amends regulations of the Department of Homeland Security to provide an exception from the general prohibition against approval of immigration benefits based upon a marriage entered into during removal proceedings. The rule creates a good faith exception to the prohibition. This final rule completes the regulatory implementation of the Immigration Act of 1990 (IMMACT 90).

**Timetable:**

Action	Date
Interim Final Rule	06/20/91 56 FR 28311
Interim Final Rule Comment Period End	07/20/91
Final Action	09/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Transferred from RIN 1115-AF94

**Agency Contact:** Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536

Phone: 202 307-2353

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**RIN:** 1615-AA42

**1031. ACADEMIC HONORARIUM FOR B NONIMMIGRANT ALIENS**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 214

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	05/30/02 67 FR 37727
NPRM Comment Period End	07/29/02
Final Action	09/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2100-00

Transferred from RIN 1115-AF97

**Agency Contact:** Irene Hoffman, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536

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Fax: 202 514-0198

**RIN:** 1615-AA44

**1032. CHILDREN BORN OUTSIDE THE UNITED STATES; APPLICATIONS FOR CERTIFICATE OF CITIZENSHIP**

**Priority:** Other Significant

**Legal Authority:** PL 106-395

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

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

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

**Timetable:**

Action	Date
Interim Final Rule	06/13/01 66 FR 32138
Interim Final Rule Effective	06/13/01
Interim Final Rule Comment Period End	08/13/01
Final Action	10/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No 2101-00

Transferred from RIN 1115-AF98

**Agency Contact:** Lellie LeClair, Staff Officer Immigration Services Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, R

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Washington, DC 20536  
Phone: 202 307-9919  
RIN: 1615-AA45

**1033. ALLOWING FOR THE FILING OF FORM I-140 VISA PETITION CONCURRENTLY WITH A FORM I-485 APPLICATION IN CERTAIN CIRCUMSTANCES**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date
Interim Final Rule	07/31/02 67 FR 49561
Interim Final Rule Effective	07/31/02
Interim Final Rule Comment Period End	09/30/02
Final Action	10/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Transferred from RIN 1115-AG00

**Agency Contact:** Maurice R. Berez, Adjudications Officer, Adjudications

Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 353-8177

RIN: 1615-AA46

**1034. SPECIAL IMMIGRANT VISA FOR FOURTH PREFERENCE EMPLOYMENT-BASED BROADCASTERS**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 204

**Legal Deadline:** None

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

**Timetable:**

Action	Date
Interim Final Rule	10/11/01 66 FR 51819
Interim Final Rule Effective	11/13/01
Interim Final Rule Comment Period End	12/10/01
Final Action	12/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2106-00

Transferred from RIN 1115-AG01

**Agency Contact:** Irene Hoffman, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536  
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RIN: 1615-AA47

**1035. ESTABLISHING PREMIUM PROCESSING SERVICE FOR EMPLOYMENT-BASED PETITIONS AND APPLICATIONS**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date
Interim Final Rule	06/01/01 66 FR 29682
Interim Final Rule Effective	06/01/01
Interim Final Rule Comment Period End	07/31/01
Final Action	10/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Transferred from RIN 1115-AG03

**Agency Contact:** Cindy Keiss, Adjudications Officer, Immigration Services Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 10th Floor, 800 K Street NW., Washington, DC 20536  
Phone: 202 305-8010

RIN: 1615-AA49

**1036. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS OF NICARAGUA, CUBA, AND HAITI**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 241; 8 CFR 245

**Legal Deadline:** None

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**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 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 Immigration and Nationality Act (Act) 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 Act, 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 Act are grounds of inadmissibility relating to aliens previously removed and aliens who are unlawfully present in the United States after previous immigration violations, respectively. Section 1505 of the amendments to the LIFE Act also states that an alien who has become eligible for benefits under NACARA/HRIFA as a result of the enactment of the LIFE Act may file a motion to reopen his or her removal proceedings in order to apply for adjustment or to apply for cancellation of removal or suspension of deportation.

**Timetable:**

Action	Date
Interim Final Rule	05/31/01 66 FR 29449
Interim Final Rule Comment Period End	05/31/01
Final Action	12/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2113-01

Transferred from RIN 1115-AG05

**Agency Contact:** Michael Valverde, Adjudications Officer, Adjudications

Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-2763  
Email: michael.valverde@usdoj.gov

**RIN:** 1615-AA51

**1037. ADJUSTMENT TO LAWFUL RESIDENT STATUS OF CERTAIN CLASS ACTION PARTICIPANTS WHO ENTERED BEFORE JANUARY 1, 1982, UNDER THE LEGAL IMMIGRATION AND FAMILY EQUITY ACT (LIFE ACT)**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 245a

**Legal Deadline:** None

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

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

benefits. This rule is necessary to ensure that those aliens eligible to apply for, and extend, Family Unity benefits under the provisions of the LIFE Act Amendments are able to do so in a timely manner.

**Timetable:**

Action	Date
Interim Final Rule-INS No. 2115 Life Legalization	06/01/01 66 FR 29661
Interim Final Rule Comment Period End	07/31/01
Notice	08/29/01 66 FR 45694
Final Action-INS No. 2115-01	06/04/02 67 FR 38341
Final Action Effective	06/04/02
Interim Final Rule (INS 2145 Family Unity Benefits)	09/00/03
Interim Final Rule Comment Period End	11/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

INS No. 2145-01

Transferred from RIN 1115-AG06

**Agency Contact:** Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536  
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**RIN:** 1615-AA52

**1038. NONIMMIGRANT CLASSES; SPOUSES AND CHILDREN OF LAWFUL PERMANENT RESIDENTS; V CLASSIFICATION**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** Section 1102 of the LIFE Act of 2000 amends the Immigration and Nationality Act to create a new nonimmigrant classification V for the spouses and children of lawful permanent residents awaiting the

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

**Timetable:**

Action	Date
Interim Final Rule	09/07/01 66 FR 46697
Interim Final Rule Effective	09/07/01
Interim Final Rule Comment Period End	11/06/01
Final Rule	10/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2117-01

Transferred from RIN 1115-AG08

**Agency Contact:** Michael Valverde, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
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Email: michael.valverde@usdoj.gov

**RIN:** 1615-AA53**1039. K NONIMMIGRANT CLASSIFICATION; LEGAL IMMIGRATION FAMILY EQUITY ACT (LIFE)****Priority:** Other Significant**Legal Authority:** PL 106-553**CFR Citation:** 8 CFR 212; 8 CFR 214; 8 CFR 245; 8 CFR 248; 8 CFR 274a**Legal Deadline:** Final, Statutory, December 21, 2000.**Abstract:** Section 1103 of the Legal Immigration Family Equity Act (LIFE),

Public Law 106-553, creates a new nonimmigrant classification under the Immigration and Nationality Act 101(a)(15)(K) for the spouses and children of U.S. citizens who have pending immigrant visa applications. This rule establishes this classification in DHS regulations, including creating filing and adjudication procedures, as well as procedures for adjusting status from this new nonimmigrant classification to that of a lawful permanent resident.

**Timetable:**

Action	Date
Interim Final Rule	08/14/01 66 FR 42587
Interim Final Rule Comment Period End	10/15/01
Final Action	09/00/03

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

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

Transferred from RIN 1115-AG12

**Agency Contact:** Michael Hardin, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-3048

**RIN:** 1615-AA56**1040. ADJUSTMENT OF STATUS FOR CERTAIN SYRIAN NATIONALS GRANTED ASYLUM IN THE UNITED STATES****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1255; sec 202, PL 105-100, 111 Stat 2160, 2193; 8 CFR 2**CFR Citation:** None**Legal Deadline:** None

**Abstract:** On October 27, 2000, the President signed into law Public Law 106-378, Adjustment of Status of Certain Syrian Nationals, which provides for the adjustment of status to lawful permanent resident of certain Syrian nationals, without regard to the

annual numerical limitation requirement. This interim final rule discusses eligibility and sets forth application procedures for persons wishing to adjust status on the basis of Public Law 106-378. The Department has issued this action as an interim rule because Public Law 106-378 provided for a one-year application period, which will end on October 26, 2001. Publication of the interim final rule ensures that applicants were provided with as much time as possible to apply for the benefits under Public Law 106-378. The Department is now reviewing comments and is drafting a final rule.

**Timetable:**

Action	Date
Interim Final Rule	05/17/01 66 FR 27445
Interim Final Rule Effective	05/17/01
Interim Final Rule Comment Period End	07/17/01
Final Action	10/00/03

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

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**RIN:** 1615-AA57**1041. NEW CLASSIFICATION FOR VICTIMS OF SEVERE FORMS OF TRAFFICKING IN PERSONS ELIGIBLE FOR THE T NONIMMIGRANT STATUS****Priority:** Other Significant**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101 to 1104; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1201; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1252; 8 USC 1252a; 22 USC 7101; 22 USC 7105; ...**CFR Citation:** 8 CFR 103; 8 CFR 212; 8 CFR 214; 8 CFR 274a; 8 CFR 299**Legal Deadline:** None

**Abstract:** This rule sets forth application requirements for a new nonimmigrant classification. The T classification was created by 107(e) of

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the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), Public Law 106-386. The T nonimmigrant classification was designed for eligible victims of severe forms of trafficking in persons who aid the Government with their case against the traffickers and who can establish that they would suffer extreme hardship involving unusual and severe harm if they were removed from the United States after having completed their assistance to law enforcement. The rule establishes application procedures and responsibilities for the Department of Homeland Security and provides guidance to the public on how to meet certain requirements to obtain T nonimmigrant status.

There is a statutory cap for T nonimmigrant status for victims of a severe form of trafficking (principals), which is set at 5,000 per annum. The law also provides that certain family members can derive T status through the principal's application.

**Timetable:**

Action	Date
Interim Final Rule	01/31/02 67 FR 4784
Interim Final Rule Effective	03/04/02
Interim Final Rule Comment Period End	04/01/02
Final Rule	12/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Federal

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

There is a related rulemaking, INS No. 2170-01, the new U nonimmigrant status (RIN 1615-AA67).

Transferred from RIN 1115-AG19

**Agency Contact:** Laura M. Dawkins, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536  
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**RIN:** 1615-AA59

**1042. LIMITING THE PERIOD OF ADMISSION FOR B NONIMMIGRANT ALIENS**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	04/12/02 67 FR 18065
NPRM Comment Period End	05/13/02
Final Action	10/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** INS No. 2176-01

Transferred from RIN 1115-AG43

**Agency Contact:** Irene Hoffman, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536  
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**RIN:** 1615-AA68

**1043. DOCUMENTARY REQUIREMENTS FOR CERTAIN TEMPORARY RESIDENTS**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 211

**Legal Deadline:** None

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

**Timetable:**

Action	Date
Final Rule	09/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Transferred from RIN 1115-AG44

**Agency Contact:** Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
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**RIN:** 1615-AA69

**1044. CHANGE IN BUSINESS PRACTICES; ACCEPTANCE OF PAYMENTS OF FEES BY CREDIT CARD AND OTHER ELECTRONIC MEANS WHERE POSSIBLE**

**Priority:** Other Significant

**Legal Authority:** PL 98-369; 31 USC 3720

**CFR Citation:** 8 CFR 103.7

**Legal Deadline:** None

**Abstract:** The Department of Homeland Security (DHS) proposes to expand the acceptance of credit cards and other electronic means to collect fees from the public. DHS currently accepts fees at seven locations in three of its 33 districts. DHS proposes to implement credit card acceptance at 16 of these districts by the end of FY 2002 with full implementation by the end of FY 2003. The intended benefit is two-fold:

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to provide the Department with a faster, more efficient collection and record keeping mechanism while affording the customer a convenient alternative payment method.

**Timetable:**

Action	Date
Interim Final Rule	07/00/03
Interim Final Rule	09/00/03
Comment Period	
End	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No 2181-01

Transferred from RIN 1115-AG48

**Agency Contact:** Georgia Mayers, Chief of Cash Management, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 6034, 425 I Street NW., Washington, DC 20536  
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**RIN:** 1615-AA70

#### 1045. ADDING AND REMOVING INSTITUTIONS TO AND FROM THE LIST OF RECOGNIZED AMERICAN INSTITUTIONS OF RESEARCH

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1443; 8 USC 1447

**CFR Citation:** 8 CFR 316

**Legal Deadline:** None

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

**Timetable:**

Action	Date
Final Rule	10/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2131-01

Transferred from RIN 1115-AG52

**Agency Contact:** Gerard Casale, Senior Adjudications Officer, Adjudications and Nationality, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-5014

**RIN:** 1615-AA72

#### 1046. REQUIRING CHANGE OF STATUS FROM B TO F-1 OR M-1 NONIMMIGRANT PRIOR TO PURSUING A COURSE OF STUDY

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

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

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

**Legal Deadline:** None

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

**Timetable:**

Action	Date
Interim Final Rule	04/12/02 67 FR 18061
Interim Final Rule	06/11/02
Comment Period	
End	
Final Action	10/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Transferred from RIN 1115-AG60

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**RIN:** 1615-AA73

#### 1047. REENGINEERING OF PART 214, NONIMMIGRANT CLASSES TO CLARIFY AND RESTATE ADMISSION REQUIREMENTS

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** The purpose of this regulation is to reorganize, streamline, and rewrite 8 CFR 214. This is an administrative action only, making no substantive changes to the requirements for nonimmigrant admission or status.

The current regulation has grown in size and complexity, especially during the past 15 years, as Congress has added at least 10 new nonimmigrant classes and expanded the requirements and restrictions on many of the existing classes. The regulatory outline for part 214 has become overly complicated, making the placement and revision of new materials and even the identification of correct paragraph citations exceedingly difficult. The Department plans to reorganize part 214 by adding new provisions relating to each nonimmigrant classification.

**Timetable:**

Action	Date
Interim Final Rule	10/00/03
Interim Final Rule	12/00/03
Comment Period	
End	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No.2218-02

Transferred from RIN 1115-AG62

**Agency Contact:** Efen Hernandez, Director, Business and Trade Branch, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 425 I Street NW., Washington, DC 20536

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Phone: 202 353-8177

RIN: 1615-AA74

**1048. WAIVERS FOR NONIMMIGRANTS UNDER SECTION 212(D)(3)(A) OF THE IMMIGRATION AND NATIONALITY ACT****Priority:** Other Significant**Legal Authority:** 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184**CFR Citation:** 8 CFR 212**Legal Deadline:** None

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

**Timetable:**

Action	Date
Interim Final Rule	10/00/03
Interim Final Rule	12/00/03
Comment Period	
End	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2200-02

Transferred from RIN 1115-AG63

**Agency Contact:** Mark Rouse, Assistant Director, Office of Adjudications, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-4754

RIN: 1615-AA75

**1049. REQUIRING RECERTIFICATION OF ALL SERVICE-APPROVED SCHOOLS FOR ENROLLMENT IN THE STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM (SEVIS)****Priority:** Other Significant**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1304; 8 USC 1356; 31 USC 1907; EO 12356**CFR Citation:** 8 CFR 103; 8 CFR 214**Legal Deadline:** None

**Abstract:** On October 30, 2001, the President issued Homeland Security Directive No. 2 requiring the Department to conduct periodic reviews of all institutions certified to receive nonimmigrant students. The Enhanced Border Security and Visa Entry Reform Act of 2002, Public Law 107-173 enacted May 14, 2002, also requires a periodic review of school approvals.

This rule governs the review and certification process that DHS uses to approve schools to enroll foreign students. It also continues the implementation of the process by which schools may be approved to obtain access to the Student and Exchange Visitor Information System (SEVIS). While the Department has in place an existing process for certifying and decertifying schools, DHS is requiring that all previously approved schools must apply for certification in accordance with these new mandates cited above, prior to being allowed to enroll in SEVIS.

**Timetable:**

Action	Date
Interim Final Rule	09/25/02 67 FR 60107
Interim Final Rule	09/25/02
Effective	
Interim Final Rule	11/25/02
Comment Period	
End	
Final Action	12/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2217-02

Transferred from RIN 1115-AG71

**Agency Contact:** Maura Deadrick, Assistant Director, Adjudication Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536  
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RIN: 1615-AA77

**1050. REDUCED COURSE LOAD FOR CERTAIN F AND M NONIMMIGRANT STUDENTS AT BORDER COMMUNITIES****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1101 note 1; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1221; 8 USC 1281; 48 USC 1901; 48 USC 1931; PL 104-208; ...**CFR Citation:** 8 CFR 214**Legal Deadline:** None

**Abstract:** This rule amends Department regulations governing F and M nonimmigrants. This rule will clarify that nonimmigrant aliens who reside outside the United States and regularly commute across a land border to study may do so on a part-time basis within the F or M nonimmigrant category. It is common for aliens residing outside the United States, such as in Canada or Mexico, to enroll part-time in border educational institutions to enter the United States daily to pursue part-time studies. This rule will prevent the significant disruption of part-time study that has become an accepted fact of life along the border and a settled expectation. Additionally, these changes are being made to facilitate and legitimize certain part-time study along border communities while ensuring that all applicable requirements and safeguards are met.

**Timetable:**

Action	Date
Interim Final Rule	08/27/02 67 FR 54941
Interim Final Rule	10/27/02
Comment Period	
End	
Final Action	10/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2220-02

Transferred from RIN 1115-AG75

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RIN: 1615-AA79

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**1051. PROCEDURES FOR CONDUCTING EXAMINATIONS AND WAIVING THE OATH OF ALLEGIANCE FOR NATURALIZATION APPLICANTS WITH DISABILITIES****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1421; 8 USC 1443; 8 USC 1447; 8 CFR 2.1; ...**CFR Citation:** 8 CFR 310; 8 CFR 313; 8 CFR 316; 8 CFR 319; 8 CFR 333; ...**Legal Deadline:** None

**Abstract:** This regulation provides procedures for conducting examinations and waiving the oath of allegiance attachment requirement and the oath requirement for any individual who has a developmental, physical, or mental impairment that makes him or her unable to understand, or communicate an understanding of, the meaning of the oath. The rule incorporates changes made by Public Law 106-448, which authorized the Secretary to waive the oath requirement for such individuals. It also specifies who is authorized to act as a designated representative on behalf of applicants who qualify for the waiver and addresses how the Department will conduct examinations with such representatives to ensure that applicants with disabilities have the opportunity to establish eligibility for naturalization.

**Timetable:**

Action	Date
Interim Final Rule	10/00/03
Interim Final Rule	12/00/03
Comment Period	
End	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2191-02

Transferred from RIN 1115-AG77

**Agency Contact:** Lellie LeClair, Staff Officer Immigration Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 980, 801 I Street NW., Washington, DC 20536  
Phone: 202 307-9919

**RIN:** 1615-AA81**1052. ELECTRONIC SIGNATURE ON APPLICATIONS AND PETITIONS FOR IMMIGRATION AND NATURALIZATION BENEFITS****Priority:** Other Significant**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 1252 note; ...**CFR Citation:** 8 CFR 103**Legal Deadline:** Other, Statutory, September 2003, Public Law 105-277.

**Abstract:** This rule amends DHS regulations concerning the acceptance of electronic signatures on applications and petitions for immigration and naturalization benefits. The change is necessary to allow the Department to begin accepting electronically filed applications and petitions as required by law. By accepting electronically filed applications and petitions, the Department expects to streamline its information collection process, improve customer service, and move towards fulfilling the mandates of the Government Paperwork Elimination Act (GPEA).

**Timetable:**

Action	Date
Interim Final Rule	06/00/03
Interim Final Rule	08/00/03
Effective	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2224-02

Transferred from RIN 1115-AG79

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**RIN:** 1615-AA83**1053. • WITHHOLDING OF ADJUDICATION****Priority:** Other Significant**Legal Authority:** 8 USC 552; 8 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1304; 8 USC 1356; 8 USC 1421; 8 USC 1443; 8 USC 1447; ...**CFR Citation:** 8 CFR 103; 8 CFR 208; 8 CFR 310; 8 CFR 335; 8 CFR 336**Legal Deadline:** None

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

**Timetable:**

Action	Date
Interim Final Rule	09/00/03
Interim Final Rule	11/00/03
Comment Period	
End	

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

Transferred from RIN 1115-AG86

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**RIN:** 1615-AA86**1054. • VALIDITY PERIOD OF APPROVED FORM I-600A; APPLICATION FOR ADVANCED PROCESSING OF ORPHAN PETITION****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1644...**CFR Citation:** 8 CFR 204**Legal Deadline:** None

**Abstract:** This rule amends the relevant regulations of the Department by establishing procedures to allow for the

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extension of the validity period of the Form I-600A, Application for Advance Processing of Orphan Petition. This rule is necessary to ensure that prospective adoptive parents are provided an adequate period of time in which to identify an orphan for inter-country adoption.

**Timetable:**

Action	Date
Interim Final Rule	09/00/03
Interim Final Rule	11/00/03
Comment Period	
End	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No.2230-02

Transferred from RIN 1115-AG88

**Agency Contact:** Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
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**RIN:** 1615-AA87**1055. • IMPLEMENTATION OF AMENDMENTS AFFECTING PETITIONS FOR EMPLOYMENT CREATION ALIENS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; ...**CFR Citation:** 8 CFR 204; 8 CFR 216; 8 CFR 245; 8 CFR 299**Legal Deadline:** Final, Statutory, March 2, 2003.

**Abstract:** This rule proposes amendments to the regulations of the Department of Homeland Security to implement changes made by the 21st Century Department of Justice Appropriations Authorization of 2001. This legislation made various changes to the EB-5 Alien immigrant classification. This rule is being issued as an interim rule to comply with the statutory requirement that implementing regulations be issued by the Department within 120 days of enactment, and to ensure that the Department's regulations are consistent with the new legislation.

**Timetable:**

Action	Date
Interim Final Rule	08/00/03
Interim Final Rule	10/00/03
Comment Period	
End	

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

Transferred from RIN 1115-AG93

**Agency Contact:** Maurice R. Berez, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 353-8177

**RIN:** 1615-AA90**1056. • CERTAIN BENEFITS AVAILABLE TO ALIENS UNDER THE PROVISIONS OF THE CHILD STATUS PROTECTION ACT****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; ...**CFR Citation:** 8 CFR 204; 8 CFR 205**Legal Deadline:** None

**Abstract:** This interim final rule amends the relevant regulations of the Department by implementing the provisions of the Child Status Protection Act, Public Law 107-208. This rule is necessary to ensure that the age-out protections afforded to certain alien beneficiaries in the Child Status Protection Act are codified.

**Timetable:**

Action	Date
Interim Final Rule	09/00/03
Interim Final Rule	11/00/03
Comment Period	
End	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1115-AG99

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Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
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**RIN:** 1615-AA93**1057. • WAIVER OF CRIMINAL GROUNDS OF INADMISSIBILITY FOR IMMIGRANTS****Priority:** Other Significant**Legal Authority:** 5 USC 552; 5 USC 552(a); 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1304; 8 USC 1356; 31 USC 9701; EO 12356; ...**CFR Citation:** 8 CFR 103; 8 CFR 210; 8 CFR 212; 8 CFR 299**Legal Deadline:** None

**Abstract:** The Department is in the process of reorganizing section 212 of title 8 of the Federal regulations. This regulation will create subsection C of 8 CFR 212, which covers criminal grounds of inadmissibility listed in section 212(a)(2) of the INA. The Illegal Immigration Reform and Immigrant Responsibility Act (Pub. L. 104-208) revised section 212(a)(2) of the INA, and subsequent laws revised it further. This regulation will implement those sections of law. Previously, this regulation was part of a larger 212 regulation (INS 1413-97, RIN 1615-AA00), but due to the desire for clarity and the need to have different Department of Homeland Security components concentrate on different areas of inadmissibility, these criminal sections have been reported in a separate regulation.

**Timetable:**

Action	Date
Interim Final Rule	12/26/02 67 FR 68924
Interim Final Rule	01/27/03
Comment Period	
End	
Final Action	12/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 1115-AG90

**Agency Contact:** Michael Hardin, Assistant Director, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and

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RIN: 1615-AA94

### 1058. ● IMPLEMENTATION OF THE AGE OUT PROTECTIONS AFFORDED UNDER THE CHILD STATUS PROTECTION ACT

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 204; 8 CFR 205

**Legal Deadline:** None

**Abstract:** The Department will promulgate an interim final rule that amends regulations contained in title 8 of the Code of Federal Regulations to implement certain provisions of the Child Status Protection Act (Pub. L. 107-288). The rule will ensure that the age-out protections afforded to certain alien beneficiaries in the Child Status Protection Act are codified.

**Timetable:**

Action	Date
Interim Final Rule	09/00/03
Interim Final Rule	11/00/03
Comment Period	
End	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1115-AH01

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RIN: 1615-AA95

### 1059. ● READJUSTMENT OF IMMIGRATION BENEFIT APPLICATION FEES

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 103

**Legal Deadline:** None

**Abstract:** On January 24, 2003, the Department published an interim final rule in the Federal Register adjusting the immigration benefit application fee schedule by subtracting the applicable amount of surcharges used for asylum and refugee services, fee exemptions and fee waivers. The Department was required to take that action under provisions of section 457 of the Homeland Security Act of 2002, Public Law 107-296. However, Congress has now repealed that section in the Homeland Security Act Amendments of 2003. Accordingly, this rule readjusts the immigration benefit application fee schedule to the levels that existed prior to January 24, 2003. Fees collected from persons filing immigration benefit applications are deposited into the Immigration Examinations Fee Account and recover the cost of processing immigration benefit applications and associated administrative costs and the costs of asylum applications pursuant to law. Federal guidelines require the Department to establish and collect fees to recover the full costs of processing immigration benefit applications.

**Timetable:**

Action	Date
Interim Final Rule	02/27/03 68 FR 8989
Interim Final Rule	02/27/03
Effective	
Interim Final Rule	04/28/03
Comment Period	
End	
Final Action	10/00/03

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** INS No. 2260-03

Transferred from RIN 1115-AH00

**Agency Contact:** Paul Schlesinger, Office of Budget, Chief, Immigration Services Branch, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 5307, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-3410

RIN: 1615-AA97

### 1060. CONDITIONS ON NONIMMIGRANT STATUS; DISCLOSURE OF INFORMATION

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 214

**Legal Deadline:** None

**Abstract:** This rule removes the current regulatory language conditioning an alien's nonimmigrant status on his or her providing full and truthful information requested by the Department of Homeland Security, regardless of the requested information's materiality. This rule would clarify that the nonimmigrant's stay is conditioned on, among other things, the provision of all information deemed necessary to ensure that the alien has acquired, and is maintaining, lawful nonimmigrant status during the entire period of his or her stay, or is eligible to receive any other benefit under the INA.

**Timetable:**

Action	Date
NPRM	06/14/96 61 FR 30188
NPRM Comment	08/13/96
Period End	
Final Action	12/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1732-95

Transferred from RIN 1115-AE17

**Agency Contact:** Michael Hardin, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-3048

RIN: 1615-AA98

### 1061. AUTHORIZING SUSPENSION OF EMPLOYMENT AUTHORIZATION REQUIREMENTS ON THE BASIS OF SEVERE ECONOMIC HARDSHIP FOR F-1 STUDENTS AND EMERGENT CIRCUMSTANCES

**Priority:** Other Significant

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

DHS—BCIS

Final Rule Stage

1187; 8 USC 1221; 8 USC 1281; 8 USC 1282

**CFR Citation:** 8 CFR 214

**Legal Deadline:** None

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

**Timetable:**

Action	Date
Interim Final Rule-INS No. 1914-98	06/10/98 63 FR 31871
Interim Final Rule Comment Period End	08/10/98
Final Action	12/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** INS 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 1115-AF15

**Agency Contact:** Maura Dadrack, Assistant Director, Adjudication Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-3228

**RIN:** 1615-AA99

**1062. FILING OF PROPOSALS FOR DESIGNATION AS A REGIONAL CENTER APPROVED TO PARTICIPATE IN THE IMMIGRANT INVESTOR PILOT PROGRAM**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 204

**Legal Deadline:** None

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

**Timetable:**

Action	Date
Interim Final Rule Comment Period End	10/00/03
Interim Final Rule	12/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1944-98

Transferred from RIN 1115-AF27

**Agency Contact:** Maurice R. Berez, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 353-8177

**RIN:** 1615-AB00

Department of Homeland Security (DHS)

Long-Term Actions

Bureau of Citizenship and Immigration Services (BCIS)

**1063. REGULATIONS RELATING TO TEMPORARY PROTECTED STATUS**

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

through the publication of separate Federal Register Notices.

Current regulatory actions include:

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

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

INS No. 2229 terminates TPS for Sierra Leone.

**Timetable:**

Action	Date
TPS Final Rule (INS No. 1612) Removal of Obsolete Sections Covering TPS for Salvadorans	09/10/96 61 FR 47667

Action	Date
TPS Notice (INS No. 1832-97) Extension and Redesignation of Liberia	04/07/97 62 FR 16608
TPS Notice (INS No. 1853-97) Extension and Termination of Rwanda Eff.	06/19/97 62 FR 33442
TPS Notice (INS No. 1862-97) Extension of Bosnia-Herzegovina	06/07/97
TPS Notice (INS No. 1863-97) Extension of Somalia	08/01/97 62 FR 41420
TPS Notice (INS No. 1878-97) TPS Designation of Montserrat	08/01/97 62 FR 41421
TPS Notice (INS No. 1878-97) TPS Designation of Montserrat	08/28/97 62 FR 45685

## DHS—BCIS

## Long-Term Actions

Action	Date	Action	Date	Action	Date
TPS Notice (INS No. 1775-96) TPS Designation of Burundi	11/04/97 62 FR 59735	TPS Notice (INS No. 1953-99) Termination of TPS Designation of Liberia	07/30/99 64 FR 41463	TPS Notice (INS No. 2065R-00) Extension of Re-Registration for Hondurans	06/09/00 65 FR 36719
TPS Notice (INS No. 1877-97) TPS Designation of Sierra Leone	11/04/97 62 FR 59736	TPS Notice (INS No. 2009-99) Extension of the TPS Registration Period for Hondurans and Nicaraguans	08/06/99 64 FR 42991	TPS Notice (INS No. 2064R-00) Extension of Re-Registration for Nicaraguans	06/09/00 65 FR 36729
TPS Notice (INS No. 1780-97) TPS Designation of Sudan	11/04/97 62 FR 59737	TPS Notice (INS No. 2006-99) Extension of TPS Designation of Bosnia-Herzegovina	08/11/99 64 FR 43720	TPS Notice (INS No. 2079-00) Termination of Bosnia-Herzegovina	08/30/00 65 FR 52789
TPS Notice (INS No. 1910-98) Termination of Designation of Liberia	03/31/98 63 FR 15437	TPS Notice (INS No. 2010-99) Extension of TPS Designation of Montserrat	09/02/99 64 FR 48190	TPS Notice (INS No. 2087-00) Extension of Designation of Montserrat Under Temporary Protected Status	10/02/00 65 FR 58806
TPS Notice (INS No. 1929-98) TPS Designation of Province	06/09/98 63 FR 31527	TPS Notice (INS No. 2015-99) Extension of TPS Designation of Somalia	09/13/99 64 FR 49511	TPS Notice (INS No. 2096-00) Extension of Designation of Burundi	11/09/00 65 FR 67404
TPS Notice (INS No. 1945-98) Extension of Designation of Somalia	09/28/98 63 FR 51602	TPS Notice (INS No. 2022-99) Extension and Redesignation of Burundi Under Temporary Protected Status	11/09/99 64 FR 61123	TPS Notice (INS No. 2095-00) Extension of Designation of Sierra Leone	11/09/00 65 FR 67405
TPS Notice (INS No. 1953-98) Redesignation of Liberia	09/29/98 63 FR 51958	TPS Notice (INS No. 2024-99) Extension and Redesignation of Sierra Leone Under Temporary Protected S	11/09/99 64 FR 61125	TPS Notice (INS No. 2094-00) Extension of Designation of Sudan	11/09/00 65 FR 67407
TPS Notice (INS No. 1957-98) TPS Extension of Designation of Burundi	11/03/98 63 FR 59334	TPS Notice (INS No. 2023-99) Extension and Redesignation of Sudan Under the Temporary Protected Stat	11/09/99 64 FR 61128	Correction TPS Notice (INS No.2090-00) Extension of Designation of Somalia	12/08/00 65 FR 69789
TPS Notice (INS No. 1958-98) TPS Extension of Designation of Sierra Leone	11/03/98 63 FR 59336	TPS Notice (INS No. 2043-00) Extension and Termination of Designation of Guinea-Bissau Under TPS	11/09/99 64 FR 61128	TPS Notice (INS 2125-01) Designation of El Salvador	03/09/01 66 FR 14214
TPS Notice (INS No. 1959-98) Extension of Designation of Sudan	11/03/98 63 FR 59337	TPS Notice (INS No. 2044-00) Designation of Angola Under TPS	03/20/00 65 FR 15016	TPS Notice (INS 2114-01) Extension and Redesignation of Angola	04/05/01 66 FR 18111
Final Action, Temporary Protected Status, Exception to Registration Deadlines	11/16/98 63 FR 63593	TPS Notice (INS No. 2065-00) Extension of Designation of Hondurans under TPS	03/29/00 65 FR 16634	TPS Notice (INS 2135-01) Extension of Designation of Honduras under TPS	05/08/01 66 FR 23269
TPS Notice (INS No. 1964-98) TPS Designation of Honduras	01/05/99 64 FR 524	TPS Notice (INS No. 2066-00) Termination of the Kosovo...	05/11/00 65 FR 30438	TPS Notice (INS 2136-01) Extension of Designation of Nicaragua under TPS	05/08/01 66 FR 23271
TPS Notice (INS No. 1965-98) TPS Designation of Nicaragua	01/05/99 64 FR 526		05/11/00 65 FR 30440	TPS Notice (INS 2148-01) Automatic Ext. of Work Authorization for Hondurans & Nicaraguans Under TPS	07/03/01 66 FR 35270
TPS Notice (INS No. 1960-98) TPS Designation of Guinea-Bissau	03/11/99 64 FR 12181		05/23/00 65 FR 33356	TPS Notice (INS 2146-01) Extension of the Designation of Montserrat under TPS	08/03/01 66 FR 40834
TPS Notice (INS No. 1986-99) TPS Extension and Redesignation of the Province of Kosovo	06/08/99 64 FR 30542				

DHS—BCIS

Long-Term Actions

Action	Date	
TPS Notice (INS 2162-01) Extension of Designation of Burundi under TPS	08/31/01	66 FR 46027
TPS Notice (INS 2163-01) Extension of the Designation of Sierra Leone under TPS	08/31/01	66 FR 46029
TPS Notice (INS 2164-01) Extension of the Designation of Sudan under TPS	08/31/01	66 FR 46031
TPS Notice (INS 2151-01) Extension of Redesignation of Somalia under TPS	09/04/01	66 FR 46288
TPS Notice (INS 2114-01) Extension of the Designation of Angola under TPS	02/01/02	67 FR 4997
TPS Notice (INS 2196-02) Extension of Designation of Nicaragua under TPS	05/03/02	67 FR 22450
TPS Notice (INS 2197-02) Extension of the Designation of Honduras under TPS	05/03/02	67 FR 22451
TPS Notice (INS 2212-02) Extension of Designation of El Salvador under TPS	07/11/02	67 FR 46000
TPS Notice (INS No. 2209-02) Extension of Designation of Montserrat	07/17/02	67 FR 47002
TPS Notice (INS 2209-02) Extension of Designation of Montserrat under TPS	07/17/02	67 FR 47002
TPS Notice (INS 2215-02) Extension of Designation of Somalia	07/26/02	67 FR 48950
TPS Notice (INS 2225-02) Extension of Designation of Burundi under TPS	08/30/02	67 FR 55875
TPS Notice (INS 2226-02) Extension of the Designation of Sudan under TPS	08/30/02	67 FR 55877
TPS Notice (INS 2235-02) Designation of Liberia under TPS	10/01/02	67 FR 61664
TPS Notice (INS 2237-02) Extension of TPS for Sierra Leone	10/31/02	67 FR 66423
TPS Notice (INS 2229-02) Extension of Designation of Angola under TPS	01/27/03	68 FR 3896
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** The Secretary may designate other countries for TPS. INS Nos. 1608, 1612, 1832-97, 1853-97 and 1877-97.

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

Transferred from RIN 1115-AE26

**Agency Contact:** Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
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**RIN:** 1615-AA04

**1064. EMPLOYMENT VERIFICATION BY EMPLOYERS THAT ARE MEMBERS OF A MULTI-EMPLOYER ASSOCIATION**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 274a

**Legal Deadline:** None

**Abstract:** This proposed action clarifies when an employer, that is a member of a multi-employer association employing an individual under a collective bargaining agreement entered into between one or more employee organizations and the multi-employer association, may rely upon an Employment Eligibility Verification Form (Form I-9) completed for the individual by a previous employer that is a member of the same multi-employer association.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Re INS No. 1817-96; PL 104-208, title 4

Transferred from RIN 1115-AE67

**Agency Contact:** Marguerite Przybyski Kleczek, Attorney, Office of General Counsel, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 6100, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-2895

**RIN:** 1615-AA07

**1065. LIMITING LIABILITY FOR CERTAIN TECHNICAL AND PROCEDURAL VIOLATIONS OF PAPERWORK REQUIREMENTS**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 274a

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	04/07/98 63 FR 16909
NPRM Comment Period End	06/08/98
Final Rule	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1819-96 and Public Law 104-208, title IV

Transferred from RIN 1115-AE70

**Agency Contact:** Marguerite Przybyski Kleczek, Attorney, Office of General Counsel, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 6100, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-2895

**RIN:** 1615-AA08

## DHS—BCIS

## Long-Term Actions

**1066. INTERIM DESIGNATION OF ACCEPTABLE RECEIPTS FOR EMPLOYMENT ELIGIBILITY VERIFICATION****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1324a; 8 CFR 2**CFR Citation:** 8 CFR 274a**Legal Deadline:** None

**Abstract:** The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) made several amendments to the employment eligibility verification provisions of the Immigration and Nationality Act (INA). An interim final rule implementing some of these amendments was issued on September 30, 1997. This rule included amendments to the "Receipt Rule," which permits employees to present a "Receipt" in lieu of a document listed on the Employment Eligibility Verification form (Form I-9). This interim final rule was necessary to facilitate employer and employee compliance with the regulations. The rule revised the amount of time a receipt remains valid where the employee presents a form I-94 marked with a temporary I-551 stamp and containing a photograph of the bearer. Where the employee presents a form I-94 marked with a refugee admission stamp, the rule adds form I-688B to the list of documents that the employee can present at the end of the receipt validity period.

**Timetable:**

Action	Date
Interim Final Rule	02/09/99 64 FR 6187
Interim Final Rule	04/12/99
Comment Period	
End	
Final Action	To Be Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1947-98.

Transferred from RIN 1115-AF42

**Agency Contact:** Marguerite Przbyski Kleczek, Attorney, Office of General Counsel, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 6100, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-2895

**RIN:** 1615-AA20**1067. INADMISSIBILITY AND DEPORTABILITY ON PUBLIC CHARGE GROUNDS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1183; ...**CFR Citation:** 8 CFR 212; 8 CFR 237**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	05/26/99 64 FR 28676
NPRM Comment	07/26/99
Period End	
Interim Final Rule	To Be Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** INS No. 1989-99

Transferred from RIN 1115-AF45

**Agency Contact:** Alice Smith, Assistant General Counsel, Office of General Counsel, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 6100, 425 I Street NW., Washington, DC 20536  
Phone: 202 305-9353

**RIN:** 1615-AA22**1068. EXTENDING THE PERIOD OF DURATION OF STATUS FOR CERTAIN F AND J NONIMMIGRANT ALIENS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186; ...**CFR Citation:** 8 CFR 214**Legal Deadline:** None

**Abstract:** This interim rule amends Department regulations to provide that the Commissioner 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 is a necessary stop-gap measure because of 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 will be unable to change their nonimmigrant status for the remainder of a given fiscal year because of the cap on H-1B petitions. This rule will allow such aliens to avoid a lapse in their status because of a circumstance that is not under their control.

**Timetable:**

Action	Date
Interim Final Rule	06/15/99 64 FR 32146
Interim Final Rule	08/16/99
Comment Period	
End	
Final Action	To Be Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1992-99

Transferred from RIN 1115-AF54

**Agency Contact:** Efrén Hernandez, Director, Business and Trade Branch, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, 425 I Street NW., Washington, DC 20536  
Phone: 202 353-8177

Phone: 202 353-8177

**RIN:** 1615-AA27**1069. REGISTRATION REQUIREMENTS AND WORK AUTHORIZATION ELIGIBILITY FOR ALIENS IN THE UNITED STATES****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1201a; 8 USC 1301 to 1305; 8 USC 1324a

## DHS—BCIS

## Long-Term Actions

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

**Legal Deadline:** None

**Abstract:** This rule amends DHS regulations regarding employment authorization and registration of aliens. First, this rule broadens the rule that permits the presentation of specified documents to satisfy the employment eligibility verification requirements for a temporary period. Second, this rule broadens the acceptable documentation available to establish that an asylee, or an alien who has applied for asylum, has complied with the requirement to be registered with the Department. Third, this rule clarifies the employment authorization regulations by specifying that certain classes of aliens who are employment authorized incident to status are not required to

apply for or obtain an Employment Authorization Document, but are permitted to do so if they wish to have a DHS-issued secure photo identity document. Fourth, this rule implements two new Federal laws enacted on January 16, 2002, involving the employment authorization of the spouses of E and L aliens, by making these classifications employment authorized incident to status, consistent with the provisions of these laws. This rule also provides for restructuring of 8 CFR 274a.12(d).

**Timetable:**

Action	Date
Interim Final Rule	To Be Determined
Interim Final Rule Comment Period End	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Transferred from RIN 1115-AG74

**Agency Contact:** Pearl Chang, Branch Chief, Adjudications Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3214, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-4754

**RIN:** 1615-AA78

## Department of Homeland Security (DHS)

## Completed Actions

## Bureau of Citizenship and Immigration Services (BCIS)

**1070. • ADJUSTMENT OF IMMIGRATION BENEFIT APPLICATION FEES**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 2

**Legal Deadline:** Final, Statutory, January 24, 2003, Public Law 107-296.

**Abstract:** This rule adjusts the immigration benefit application fee schedule by subtracting the applicable amount of surcharges used for asylum and refugee services, fee exemptions and fee waivers to comply with section 457 of the Homeland Security Act of 2002, Public Law 107-296. Fees collected from persons filing immigration benefit applications are deposited into the Immigration Examinations Fee Account (IEFA) and used to recover the full cost of processing immigration benefit applications and associated administrative costs. Federal guidelines require the Department of Homeland Security to establish and collect fees to recover the full costs of processing immigration benefit applications.

**Timetable:**

Action	Date
Interim Final Rule	01/24/03 68 FR 3798

Action	Date
Interim Final Rule Effective	01/24/03
Interim Final Rule Comment Period End	03/25/03
Withdrawn	05/07/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1115-AG96

**Agency Contact:** Paul Schlesinger, Office of Budget, Chief, Immigration Services Branch, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 5307, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-3410

**RIN:** 1615-AA92

**1071. ADJUSTMENT OF STATUS OF CERTAIN ALIENS FROM VIETNAM, CAMBODIA, AND LAOS IN THE UNITED STATES**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 245

**Legal Deadline:** None

**Abstract:** On November 6, 2000, the President signed into law Public Law 106-429, the Foreign Operations Appropriations Act of 2001, section 586 of which provides for the adjustment of status for certain aliens from Vietnam, Cambodia, and Laos. To apply for adjustment under this provision, eligible applicants must have been physically present in the United States since October 1, 1997, and inspected and paroled into the United States from Vietnam under the Orderly Departure Program from a refugee camp in East Asia or from a displaced persons camp administered by the United Nations in Thailand. This rule further discusses eligibility, sets forth application procedures, and amends Department regulations to provide for adjustments of status on the basis of section 586 of Public Law 106-429.

**Timetable:**

Action	Date
NPRM	07/09/02 67 FR 45402
NPRM Comment Period End	09/09/02
Final Rule	12/26/02 67 FR 78667
Final Rule Effective	01/27/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2124-01

## DHS—BCIS

## Completed Actions

Transferred from RIN 1115-AG14  
**Agency Contact:** Michael Valverde,  
 Adjudications Officer, Adjudications  
 Division, Department of Homeland

Security, Bureau of Citizenship and  
 Immigration Services, Room 3214, 425  
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 Phone: 202 514-2763

Email: michael.valverde@usdoj.gov

**RIN:** 1615-AB02

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

## Proposed Rule Stage

**1072. CLAIMS PROCEDURES UNDER  
 THE OIL POLLUTION ACT OF 1990  
 (CGD 91-035)**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 33 CFR 136

**Legal Deadline:** None

**Abstract:** This rulemaking implements section 1013 (Claims Procedures) and section 1014 (Designation of Source and Advertisement) of the Oil Pollution Act of 1990. The interim rule provides the 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 included 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 of 1990, 33 U.S.C. 2712(a)(4). Release of the more comprehensive notice of proposed rulemaking has been delayed while the Coast Guard gained experience on NRD claims, as well as other OPA damages. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

**Timetable:**

Action	Date
Interim Final Rule	08/12/92 57 FR 36314
Correction	09/09/92 57 FR 41104
Interim Final Rule	12/10/92
Comment Period	
End	
NPRM	09/00/03

**Regulatory Flexibility Analysis  
 Required:** No

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

**Government Levels Affected:** None

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

**URL For More Information:**  
<http://dms.dot.gov>

**URL For Public Comments:**  
<http://dms.dot.gov>

**Agency Contact:** Edward A. Blackadar  
 Jr., Project Manager, National Pollution  
 Fund Center, Department of Homeland  
 Security, U.S. Coast Guard, Suite 1000,  
 4200 Wilson Boulevard, Arlington, VA  
 22203-1804  
 Phone: 202 493-6843

**RIN:** 1625-AA03

**1073. POST CASUALTY DRUG AND  
 ALCOHOL TESTING (USCG-2001-8773)**

**Priority:** Other Significant

**Legal Authority:** PL 105-383, sec 304

**CFR Citation:** 46 CFR 4

**Legal Deadline:** None

**Abstract:** This project will revise the requirements for chemical testing following a serious marine incident. The revision will establish procedures to ensure that alcohol testing be conducted within two hours of a serious marine incident, as required by the Coast Guard Authorization Act of 1998. The rule will also make additional minor procedural changes to the part. This rule supports the Coast Guard strategic goal of maritime safety.

**Timetable:**

Action	Date
NPRM	02/28/03 68 FR 9622
NPRM Comment	06/30/03
Period End	
Final Rule	04/00/04

**Regulatory Flexibility Analysis  
 Required:** Undetermined

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

**Government Levels Affected:**  
 Undetermined

**Additional Information:** Transferred  
 from RIN 2115-AG07

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**  
<http://dms.dot.gov>

**Agency Contact:** Robert C. Schoening,  
 Project Manager, G-MOA-1, Department  
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 Washington, DC 20593-0001  
 Phone: 202 267-0684

**RIN:** 1625-AA27

**1074. UPDATE OF RULES ON AIDS TO  
 NAVIGATION AFFECTING BUOYS,  
 SOUND SIGNALS, INTERNATIONAL  
 RULES AT SEA, COMMUNICATIONS  
 PROCEDURES, AND LARGE  
 NAVIGATIONAL BUOYS (USCG-2001-  
 10714)**

**Priority:** Info./Admin./Other

**Legal Authority:** 14 USC 81; 33 USC  
 1231; 43 USC 1333; 46 USC 4302

**CFR Citation:** 33 CFR 60-76

**Legal Deadline:** None

**Abstract:** This rulemaking would revise 33 CFR subchapter C—Aids to Navigation, parts 60 through 76. In these parts, it would update technical information concerning buoys, sound signals, international rules at sea, communications procedures, and Large Navigational Buoys (LNBs). It would also revise these parts using plain language. The proposed changes would update the existing rules both to reflect current practices and to make them easier to understand. This rulemaking supports the Coast Guard's strategic goals of maritime safety and mobility.

**Timetable:**

Action	Date
NPRM	05/00/03

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred  
 from RIN 2115-AG25

## DHS—USCG

## Proposed Rule Stage

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

**RIN:** 1625-AA34

### 1075. MARINE EVENTS: PERMIT PROCEDURES (USCG-2001-10713)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1233

**CFR Citation:** 33 CFR 100

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	07/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AG26

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

**RIN:** 1625-AA35

### 1076. DRAWBRIDGE OPERATIONS REGULATIONS; REVISIONS (USCG-2001-10881)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 499

**CFR Citation:** 33 CFR 117

**Legal Deadline:** None

**Abstract:** The Coast Guard is proposing changes to its drawbridge regulations that provide guidance for general requirements relating to the use and operation of drawbridges. This project will create a new deviation for short-term closures, provide Coast Guard Eight District Bridges Administration St. Louis with a general bridge closure requirement during the winter season when navigation is reduced, and eliminate any unnecessary distinction between commercial and recreational vessels in subpart B. It will also make changes throughout part 117 to remove redundancies, make amendments and technical corrections, and remove special bridge regulations that are no longer functional. Corrections and clarification of these requirements will help to streamline the drawbridge regulatory process and should shorten and simplify part 117 for the reader. This rulemaking supports the Coast Guard's strategic goal of maritime mobility.

**Timetable:**

Action	Date
NPRM	04/17/03 68 FR 18922
NPRM Comment Period End	06/02/03
Final Rule	07/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AG27

**Agency Contact:** J. Christopher Jaufmann, Project Manager (G-OPT-1), Department of Homeland Security, U.S. Coast Guard, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0377

**RIN:** 1625-AA36

### 1077. RATES FOR PILOTAGE ON THE GREAT LAKES (USCG-2002-11288)

**Priority:** Substantive, Nonsignificant

**Unfunded Mandates:** Undetermined

**Legal Authority:** 46 USC 9303(f)

**CFR Citation:** 46 CFR 401

**Legal Deadline:** None

**Abstract:** The Coast Guard conducts an annual review of the Great Lakes Pilotage based on the "Ratemaking Analyses and Methodology" published

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

**Timetable:**

Action	Date
NPRM	01/23/03 68 FR 3202
NPRM Comment Period Extended	02/14/03 68 FR 7489
NPRM Comment Period Extended	04/01/03 68 FR 15697
NPRM Correction	04/01/03
Public Meeting (04/14)	04/01/03
NPRM Comment Period End	05/01/03
Final Rule	12/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AG30

**Agency Contact:** Tom Lawler, Project Manager, G-MW-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20590-0001  
Phone: 202 267-1241

**RIN:** 1625-AA38

### 1078. TRAFFIC SEPARATION SCHEMES: IN THE STRAIT OF JUAN DE FUCA AND ITS APPROACHES; IN PUGET SOUND AND ITS APPROACHES; IN HARO STRAIT, BOUNDARY PASS, AND IN THE STRAIT OF GEORGIA (USCG-2002-12702)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1223

**CFR Citation:** 33 CFR 167

**Legal Deadline:** None

**Abstract:** This rulemaking will propose amendments to the existing traffic separation schemes: 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

## DHS—USCG

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in place, commercial vessels would be routed farther offshore when entering or departing the TSS, providing an extra margin of safety and environmental protection in the Olympic Coast National Marine Sanctuary and adjacent waters. This rulemaking will incorporate the modified TSS into the Code of Federal Regulations. This project supports the Coast Guard's strategic goals of safety and protecting the marine environment.

**Timetable:**

Action	Date
NPRM	08/27/02 67 FR 54981
NPRM Comment Period End	10/28/02
Supplemental NPRM	11/00/03

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

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

Transferred from RIN 2115-AG45

**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

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

**RIN:** 1625-AA48**1079. PROTECTION FOR WHISTLEBLOWERS IN THE COAST GUARD (USCG-2002-13016)****Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 1034**CFR Citation:** 33 CFR 53**Legal Deadline:** None

**Abstract:** This rulemaking would amend 33 CFR part 53 both by extending coverage to uniformed members of the Coast Guard who make "protected" communications either to an organization within the Department within which the Coast Guard is operating concerned with audit, inspection, or law enforcement, or to any other person or organization

(including any person or organization in the chain of command) designated pursuant to regulations to receive such communications, and by extending the nature of protected communications to comprise complaints: (a) of violations of statute or regulation prohibiting sexual harassment; (b) of unlawful discrimination; and (c) of gross mismanagement.

**Timetable:**

Action	Date
NPRM	10/00/03

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

**Additional Information:** Transferred from RIN 2115-AG49

**Agency Contact:** LT Jason Krajewski, Project Manager, G-LGL, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-1553

**RIN:** 1625-AA50**1080. • COUNTRY OF ORIGIN CODES AND REVISION OF REGULATIONS ON HULL IDENTIFICATION NUMBERS (USCG-2003-14272)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 4302**CFR Citation:** 33 CFR 181.27**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	07/00/03

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

**Additional Information:** Transferred from RIN 2115-AG53

**Agency Contact:** Alston Colihan, Project Manager, G-OPB-3, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0981

**RIN:** 1625-AA53**1081. • VESSEL DOCUMENTATION: LEASE FINANCING FOR VESSELS ENGAGED IN THE COASTWISE TRADE; SECOND RULEMAKING (USCG-2003-14472)****Priority:** Other Significant

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

**CFR Citation:** 46 CFR 67**Legal Deadline:** None

**Abstract:** The Coast Guard proposes to amend its regulations on lease-financing provisions, of vessels engaged in the coastwise trade. This rule's provisions would address several issues. One concerns whether the Coast Guard should prohibit or restrict the chartering back of a lease-financed vessel to the parent of the vessel owner or to an affiliate or subsidiary of the parent. The second concerns the question of whether applications for an endorsement under the lease-financing provisions should be reviewed and approved by an independent third party with expertise in vessel chartering. The third concerns limitations on the grandfather provisions. These proposals would amend the final rule (USCG-2001-8825) on vessel documentation under lease financing.

**Timetable:**

Action	Date
NPRM	05/00/03

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

**Additional Information:** Transferred from RIN 2115-AG55

**Agency Contact:** Patricia Williams, Project Manager, NVDC, Department of Homeland Security, U.S. Coast Guard, National Vessel Documentation Center, 792 T.J. Jackson Drive, Falling Waters, WV 25419

## DHS—USCG

## Proposed Rule Stage

Phone: 304 271-2506

RIN: 1625-AA63

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

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**1082. REPORTING MARINE  
CASUALTIES (USCG-2000-6927)**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 6101; 33 USC 1901 et seq**CFR Citation:** 33 CFR 151; 46 CFR 4**Legal Deadline:** None

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

**Timetable:**

Action	Date	
Request for Comments	12/20/94	59 FR 65522
Comment Period End	02/20/95	
NPRM	11/02/00	65 FR 65808
Supplemental NPRM	07/12/01	66 FR 36530
Supplemental NPRM Comment Period End	09/10/01	
Final Rule	06/00/03	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AD98**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** LCDR Charles Barbee, Project Manager, G-MOA-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-1418

RIN: 1625-AA04

**1083. HANDLING OF EXPLOSIVES OR  
OTHER DANGEROUS CARGOES  
WITHIN OR CONTIGUOUS TO  
WATERFRONT FACILITIES (USCG-  
1998-4302)**
**Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 1231**CFR Citation:** 33 CFR 126**Legal Deadline:** None

**Abstract:** This rulemaking was intended to revise existing regulations covering waterfront facilities that handle dangerous cargoes. The present regulations are outdated and do not reflect improved safety procedures and modern transportation methods, such as the use of containers. Where appropriate, the regulations incorporate industry standards regarding the handling of hazardous materials at waterfront facilities. This project supports the Vice Commandant's workload reduction initiative and also supports the Coast Guard's strategic goal of maritime safety by reducing deaths and injuries in the maritime industry.

**Timetable:**

Action	Date	
ANPRM	01/13/93	58 FR 4127
ANPRM Comment Period End	04/13/93	
NPRM	10/29/98	63 FR 57964
NPRM Comment Period End	12/28/98	
NPRM Comment Period Reopened	01/12/99	64 FR 1770
NPRM Comment Period End	03/01/99	
Final Rule	05/00/03	

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

**Additional Information:** An independent study has been completed and incorporated with comments from the public in the preparation of the rulemaking. Old Docket Number CGD 92-026.

The notice of proposed rulemaking was published under the more precisely

descriptive title of Handling of Class I (Explosive) Materials or Other Dangerous Cargoes Within or Contiguous to Waterfront Facilities.

Transferred from RIN 2115-AE22

**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>**Agency Contact:** Michael A.

Jendrossek, Project Manager, G-MSO-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0836

RIN: 1625-AA07

**1084. TANK VESSEL RESPONSE  
PLANS FOR HAZARDOUS  
SUBSTANCES (USCG-1998-4354)**
**Priority:** Other Significant**Legal Authority:** 33 USC 1231; 33 USC 1321(j); PL 101-380**CFR Citation:** 33 CFR 155**Legal Deadline:** None

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

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## Final Rule Stage

**Timetable:**

Action	Date
ANPRM	05/03/96 61 FR 20084
Notice of Public Hearings	07/03/96 61 FR 34775
ANPRM Comment Period End	09/03/96
NPRM	03/22/99 64 FR 13734
Notice of Public Hearing	06/15/99 64 FR 31994
NPRM Comment Period Extended	06/15/99
NPRM Comment Period End	06/21/99
NPRM Extended Comment Period End	08/30/99
Interim Final Rule	02/00/04

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Old Docket Number CGD 94-032.

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

Transferred from RIN 2115-AE88

**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** LCDR Susan Klein, Project Manager, G-MOR, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-1983

RIN: 1625-AA13

**1085. LICENSING AND MANNING FOR OFFICERS OF TOWING VESSELS (USCG 1999-6224)**

Priority: Substantive, Nonsignificant

**Legal Authority:** 14 USC 633; 44 USC 3507; 46 USC 2103; 46 USC 7101; 46 USC 7106; 46 USC 7107; 46 USC 7701

CFR Citation: 46 CFR 10; 46 CFR 15

Legal Deadline: None

**Abstract:** This rulemaking is necessary as part of an overall initiative by the Coast Guard to improve navigational safety for towing vessels. It will help

ensure that the mariner piloting a towing vessel has the proper training and qualifications to handle the tug and tow. It has introduced a third level of license where there have been only two. Each level requires greater experience and proficiency than the one below. This rulemaking also introduces a requirement for demonstration of proficiency as a prerequisite to being issued an original license. This will be in addition to the current requirements for sea service, physical examination, testing for drugs, and successful testing for competence. This project supports the Coast Guard's strategic goal of maritime safety.

**Timetable:**

Action	Date
NPRM	06/19/96 61 FR 31332
Correction	07/11/96 61 FR 36608
Correction	08/07/96 61 FR 41208
Notice of Meeting	08/26/96 61 FR 43720
NPRM Comment Period End	10/17/96
Notice of Intent	12/18/96 61 FR 66642
SNPRM	10/27/97 62 FR 55548
Public Meeting Memphis 02/11/98	01/21/98 63 FR 3070
Public Meeting Houston 02/13/98	01/21/98 63 FR 3070
Public Meeting Boston 02/18/98	01/21/98 63 FR 3070
Public Meeting Seattle 02/24/98	01/21/98 63 FR 3070
SNPRM Comment Period End	02/24/98
Interim Final Rule	11/19/99 64 FR 63213
Interim Final Rule Comment Period End	02/17/00
Interim Final Rule	10/27/00 65 FR 64388
Notice Concerning Review	02/09/01 66 FR 9673
Interim Final Rule	04/26/01 66 FR 20931
Interim Final Rule Effective	05/21/01
Notice of Public Meeting	07/11/01 66 FR 36223
Interim Final Rule Comment Period End	07/25/01
Final Rule	06/00/03

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Old Docket Number CGD 94-055.

Transferred from RIN 2115-AF23

**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** LCDR Luke Harden, Project Manager, G-MSO-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-1838

RIN: 1625-AA15

**1086. LIMITED SERVICE DOMESTIC VOYAGE LOAD LINES FOR RIVER BARGES ON LAKE MICHIGAN (USCG-1998-4623)**

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 51

CFR Citation: 46 CFR 45

Legal Deadline: None

**Abstract:** This regulatory project will allow certain unmanned dry cargo river barges operating on Lake Michigan to be exempted from the normal Great Lakes load line requirements. Instead, they may qualify for a conditional load line exemption, or for a limited service domestic voyage load line (depending on which Lake Michigan route). This rulemaking pertains to two specific routes: Chicago to Milwaukee, and Chicago to Muskegon. This will allow certain non-hazardous cargoes originating at inland river ports to be transported as far as Milwaukee and Muskegon by river barge, thereby benefiting from the relatively low cost per ton-mile of river barge transportation. Compliance is not mandatory other than for those river barge operators who voluntarily seek to expand their operations onto these routes. This rulemaking supports the Coast Guard's strategic goal of marine safety.

**Timetable:**

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

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## Final Rule Stage

Action	Date
Interim Final Rule Comment Period End	10/23/02
Final Rule	07/00/03

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Additional Information:** Old Docket Number CGD 95-015.

Transferred from RIN 2115-AF38

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

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

**RIN:** 1625-AA17

**1087. OUTER CONTINENTAL SHELF  
ACTIVITIES (USCG-1998-3868)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 43 USC 1333(d)(1); 43 USC 1348(c); 43 USC 1356

**CFR Citation:** 33 CFR 140 to 147

**Legal Deadline:** None

**Abstract:** This project would revise the regulations on Outer Continental Shelf (OCS) activities to: add new requirements for fixed OCS facilities for lifesaving, fire protection, training, hazardous materials used as stores, and accommodation spaces; require foreign vessels engaged in OCS activities to comply with requirements similar to those imposed on U.S. vessels similarly engaged; and allow all mobile inland drilling units (MIDUs) to operate on the OCS out to a defined boundary line if they meet requirements for lifesaving, firefighting, and operations similar to those for fixed OCS facilities. This project would affect the owners and operators of facilities and vessels engaged in offshore activities associated with the exploration for, development of, or production of the resources of the OCS. The preliminary estimate of costs imposed by these amendments varies according to the unit. The Coast Guard is consulting with the Minerals Management Service, part of the

Department of the Interior. It supports the Coast Guard's strategic goal of marine safety and environmental protection.

**Timetable:**

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

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** The Notice of Request for Comments published June 27, 1995, was assigned Coast Guard docket number 95-016. Following the request for comments, this docket was terminated. This project continues under Docket No. USCG-1998-3868 and RIN 1625-AA18.

Transferred from RIN 2115-AF39

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

**Agency Contact:** James Magill, Project Manager, G-MSO-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-1082

**RIN:** 1625-AA18

**1088. DEEPWATER PORTS (USCG-  
1998-3884)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1503

**CFR Citation:** 33 CFR 148 to 150

**Legal Deadline:** None

**Abstract:** The Coast Guard purposes to revise the regulations governing deepwater ports, which are over 25 years old and which were written before any such port existed. The rulemaking will update the regulations with current technology and industry standards, and will align them with regulations for other fixed offshore

facilities. In addition, the rulemaking recognizes the requirement of the Maritime Transportation Security Act of 2002 that rules be issued as soon as practicable for the application and issuance of deepwater port licenses to natural gas facilities. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

**Timetable:**

Action	Date
ANPRM	08/29/97 62 FR 45774
ANPRM Comment Period End	10/13/97
NPRM	05/30/02 67 FR 37920
NPRM Comment Period End	07/29/02
NPRM Comment Period Reopened	08/19/02 67 FR 53764
Second NPRM Comment Period End	09/18/02
Interim Final Rule	05/00/03

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

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

Transferred from RIN 2115-AF63

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

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

**RIN:** 1625-AA20

**1089. ANCHORAGE GROUND;  
SAFETY ZONE; SPEED LIMIT;  
TONGASS NARROWS AND  
KETCHIKAN, ALASKA (CGD17-99-002)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 471; 33 USC 1231; 33 USC 2071

**CFR Citation:** 33 CFR 162; 33 CFR 165; 33 CFR 110

**Legal Deadline:** None

## DHS—USCG

## Final Rule Stage

**Abstract:** This rulemaking would grant an exemption from the present 7-knot speed limit in Tongass Narrows, Alaska, for float plane take-off and landing and vessels 23 feet in length or less. The geographic area for the speed limit would be expanded. A safety zone used for cruise ship anchorages would be redesignated as an anchorage area to reflect actual usage of the area and transiting vessels would be required to move quickly and directly through the anchorage, without rapid course changes, to increase safety. This project supports the Coast Guard's strategic goal of marine safety.

**Timetable:**

Action	Date
NPRM	03/25/99 64 FR 14414
NPRM Comment Period End	05/10/99
Interim Final Rule	06/02/99 64 FR 29554
Interim Final Rule Comment Period End	11/30/99
Interim Final Rule	04/07/00 65 FR 18242
Interim Final Rule Comment Period End	10/31/00
Final Rule	05/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AF81

**Agency Contact:** LT Kenneth Kostecki, Project Manager, Department of Homeland Security, U.S. Coast Guard, 2030 Sealevel Drive, Suite 203, Ketchikan, AK 99901  
Phone: 907 225-4496

**RIN:** 1625-AA23**1090. TRAINING AND QUALIFICATIONS FOR PERSONNEL ON PASSENGER SHIPS (USCG 1999-5610)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 2103; 46 USC ch 71; 46 USC ch 73**CFR Citation:** 46 CFR 12; 46 CFR 15; 46 CFR 10**Legal Deadline:** None

**Abstract:** This project will implement new amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), that impose

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

**Timetable:**

Action	Date
NPRM	06/15/00 65 FR 37507
NPRM Comment Period End	09/13/00
Interim Final Rule	10/30/02 67 FR 66063
Final Rule	06/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AF83**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

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

**RIN:** 1625-AA24**1091. VESSEL AND FACILITY RESPONSE PLANS FOR OIL: 2003 REMOVAL EQUIPMENT REQUIREMENTS AND ALTERNATIVE TECHNOLOGY REVISIONS (USCG-2001-8661)****Priority:** Other Significant**Legal Authority:** 33 USC 1321**CFR Citation:** 33 CFR 153; 33 CFR 154; 33 CFR 155**Legal Deadline:** None

**Abstract:** This rulemaking will propose changes to the Vessel Response Plans and Marine Transportation Facility Response Plans, and revise the language in the Code of Federal

Regulations concerning methods and procedures for removing oil from coastal waters. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

**Timetable:**

Action	Date
NPRM	10/11/02 67 FR 63331
NPRM Comment Period Extended	11/19/02 67 FR 69697
NPRM Comment Period End	01/09/03
NPRM Comment Period End	04/08/03
Final Rule	04/00/04

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AG05**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** Robert Pond, Project Manager, G-MOR-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-6603

**RIN:** 1625-AA26**1092. VESSEL DOCUMENTATION: LEASE FINANCING FOR VESSELS ENGAGED IN THE COASTWISE TRADE (USCG-2001-8825)****Priority:** Other Significant**Legal Authority:** 46 USC 12106; 46 USC 12120; 46 USC 12122**CFR Citation:** 46 CFR 67**Legal Deadline:** None

**Abstract:** This rulemaking will amend the regulations on the documentation of vessels engaged in the coastwise trade. It is a spin-off of Vessel Documentation (USCG 1998-4784). These proposals address statutory amendments eliminating certain barriers to seeking foreign financing by lease for U.S. flag vessels. These proposals would clarify the information needed to determine the eligibility of a vessel financed in this manner for a coastwise endorsement. This rulemaking supports the Coast Guard's strategic goal of maritime mobility.

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**Timetable:**

Action	Date	
NPRM	05/02/01	66 FR 21902
NPRM Comment	05/29/01	66 FR 34603
Period Extended to		
09/04/2001		
NPRM Comment	07/02/01	
Period End		
NPRM Comment	12/14/01	66 FR 64784
Period Reopened		
Reopened Comment	01/28/02	
Period End		
Supplemental NPRM	08/09/02	67 FR 51804
Second NPRM	10/08/02	
Comment Period		
End		
Final Rule	05/00/03	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG08

**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** Patricia Williams, Project Manager, NVDC, Department of Homeland Security, U.S. Coast Guard, National Vessel Documentation Center, 792 T.J. Jackson Drive, Falling Waters, WV 25419  
Phone: 304 271-2506

Related RIN: Related To 1625-AA63

RIN: 1625-AA28

**1093. TERRITORIAL SEAS, NAVIGABLE WATERS, AND JURISDICTION (USCG-2001-9044)**

Priority: Substantive, Nonsignificant

**Legal Authority:** 46 USC 2103; 46 USC 3306 to 3307; 46 USC 3703; 49 USC 1804; 49 USC 1655; 14 USC 633; 14 USC 80; ...

**CFR Citation:** 33 CFR 2; 33 CFR 26; 33 CFR 62; 33 CFR 64; 33 CFR 95; 33 CFR 100; 33 CFR 165

Legal Deadline: None

**Abstract:** This project will make substantive changes to current regulations, but only to the extent required to conform to the congressionally mandated changes in the laws administered and enforced by the Coast Guard as listed in section 301 of the Coast Guard Authorization Act of 1998 and sections 104 and 321 of

the Maritime Transportation Security Act of 2002. We will redefine the "territorial sea," "navigable waters of the United States," "high seas," "contiguous zone," and "exclusive economic zone" to clarify the varying definitions of those terms under different laws administered and enforced by the Coast Guard, as well as relevant Presidential proclamations. This project supports the Coast Guard's strategic goal of marine safety.

**Timetable:**

Action	Date	
NPRM	08/14/02	67 FR 52906
Correction to NPRM	09/18/02	67 FR 58752
NPRM Comment	11/12/02	
Period End		
Final Rule	05/00/03	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG13

**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** Alex Weller, Project Manager (G-LMI), Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0097

RIN: 1625-AA30

**1094. NOTIFICATIONS OF ARRIVAL AND DEPARTURE IN PORTS OR PLACES IN THE UNITED STATES (USCG-2001-11865)**

Priority: Substantive, Nonsignificant

**Legal Authority:** 33 USC 1223(a)(5); 33 USC 1226; 33 USC 1231

CFR Citation: 33 CFR 160

Legal Deadline: None

**Abstract:** The Coast Guard needs to permanently amend its regulations relating to the Notifications of Arrival (NOA) and Departure (NOD) requirements in 33 CFR part 160 to ensure port safety, security, and environmental protection as well as maintain the uninterrupted flow of commerce. Subsequent to the terrorist attacks of September 2001, we published an emergency temporary final rule (96-hour rule) amending the

NOA and NOD requirements for commercial vessels bound for or departing from ports or places in the United States. The temporary final rule terminated on March 31, 2003. In this final rule, most of the changes introduced by the temporary final rule have been made permanent. This rulemaking supports the Coast Guard's strategic goals of maritime safety, maritime security, protection of natural resources, and maritime mobility.

**Timetable:**

Action	Date	
NPRM	06/19/02	67 FR 41659
NPRM Comment	08/19/02	
Period End		
Final Rule	02/28/03	68 FR 9537
Final Rule Effective	04/01/03	
Final Rule Partial	05/00/03	
Suspension		

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG35

**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** LTJG Kimberly Andersen, Project Manager, G-MP, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street NW., Washington, DC 20593-0001  
Phone: 202 267-2562

RIN: 1625-AA41

**1095. AREA MARITIME SECURITY (USCG-2003-14733)**

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

Legal Authority: PL 107-295

CFR Citation: 33 CFR 101; 33 CFR 103

**Legal Deadline:** Other, Statutory, November 25, 2003, Section 102(d) of Public Law 107-295 requires the issuance of a temporary interim rule as soon as practicable that must expire not later than November 25, 2003, unless superseded by a final rule before that date.

**Abstract:** This rulemaking will establish security measures commensurate with the level and degree of risk within the marine transportation system, and will affect

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all users, workers, and property in and adjacent to navigable waters of the United States and waters subject to the jurisdiction of the United States. This rulemaking will include requirements for Port Security Committees, Port Security Assessments, and Port Security Plans. This project will support the Coast Guard's strategic goals of maritime security, maritime safety, protection of natural resources, and mobility.

**Timetable:**

Action	Date
Temporary Interim Rule	07/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State, Local

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

**Additional Information:** Related docket: Maritime Security Notice, USCG-2002-14069 (67 FR 79742, December 30, 2002).

Transferred from RIN 2115-AG37

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

**Agency Contact:** LCDR Richard Teubner, Project Manager, G-MPS-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-4129

**Related RIN:** Related To 1625-AA46, Related To 1625-AA43, Related To 1625-AA67, Related To 1625-AA68, Related To 1625-AA69

**RIN:** 1625-AA42

**1096. FACILITY SECURITY (USCG-2003-14732)**

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

**Legal Authority:** PL 107-295

**CFR Citation:** 33 CFR 105

**Legal Deadline:** Other, Statutory, November 25, 2003, Section 102(d) of Public Law 107-295 requires the issuance of a temporary interim rule as soon as practicable that must expire not later than November 25, 2003, unless

superseded by a final rule before that date.

**Abstract:** This rulemaking will establish security measures commensurate with the level and degree of risk within the marine transportation system, and will affect all users, workers, and property in and adjacent to navigable waters of the United States and waters subject to the jurisdiction of the United States. This rulemaking will include requirements for Facility Security Assessments, Facility Security Plans, and Facility Security Officers. This project is expected to support the Coast Guard strategic goals of maritime security, maritime safety, protection of natural resources, and maritime mobility.

**Timetable:**

Action	Date
Temporary Interim Rule	07/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State, Local

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

**Additional Information:** Related docket: Maritime Security Notice, USCG-2002-14069 (67 FR 79742, December 30, 2002).

Transferred from RIN 2115-AG38

**Agency Contact:** LT Gregory Purvis, Project Manager, G-MPS, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-1072

**Related RIN:** Related To 1625-AA42, Related To 1625-AA46, Related To 1625-AA67, Related To 1625-AA68, Related To 1625-AA69

**RIN:** 1625-AA43

**1097. VESSEL SECURITY (USCG-2003-14749)**

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

**Legal Authority:** PL 107-295

**CFR Citation:** 33 CFR 104

**Legal Deadline:** Other, Statutory, November 25, 2003, Section 102(d) of Public Law 107-295 requires the issuance of a temporary interim rule as

soon as practicable that must expire not later than November 25, 2003, unless superseded by a final rule before that date.

**Abstract:** The Vessel Security rulemaking will affect owners and operators of U.S. vessels, including Mobile Offshore Drilling Units (MODUs) and public vessels, and foreign vessels calling on U.S. ports. This rulemaking will not cover fixed and floating platforms or other specific excluded vessels. Consistent with the Maritime Transportation Security Act of 2002 and parts A and B of the IMO International Code for Security of Ships and Port Facilities (ISPS Code), the affected vessels will be required to designate security officers, develop vessel security plans based security assessments and surveys, and implement security measures and procedures specific to each vessel's operations and to indicated Maritime Security (MARSEC) levels. Other proposed requirements include provisions for training, record keeping, security equipment maintenance, and communication procedures. This rulemaking supports the Coast Guard's strategic goals of maritime safety, maritime security, protection of natural resources, and maritime mobility.

**Timetable:**

Action	Date
Temporary Interim Rule	07/00/03

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Governmental Jurisdictions

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** Related docket: Maritime Security Notice, USCG-2002-14069 (67 FR 79742, December 30, 2002).

Transferred from RIN 2115-AG41

**Agency Contact:** LT Kevin Oditt, Project Manager, G-MPS, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 200593-001  
Phone: 202 267-4148

**Related RIN:** Related To 1625-AA42, Related To 1625-AA43, Related To 1625-AA67, Related To 1625-AA68, Related To 1625-AA69

**RIN:** 1625-AA46

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**1098. • SAFETY ZONE FOR OUTER CONTINENTAL SHELF FACILITY IN THE GULF OF MEXICO IN VIASCA KNOLL 915 (CGD08-02-045)****Priority:** Substantive, Nonsignificant**Legal Authority:** 14 USC 85; 43 USC 1333**CFR Citation:** 33 CFR 147**Legal Deadline:** None

**Abstract:** The Coast Guard proposes to establish a safety zone around a high-production, manned oil and natural gas facility in the Outer Continental Shelf in the Gulf of Mexico in Viasca Knoll 915. The facility needs to be protected from vessels operating outside the normal shipping channels and fairways. Placing a safety zone around the facility will significantly reduce the threat of allisions, oil spills, and releases of natural gas. The proposed regulation would prevent all vessels from entering or remaining in specified areas around the facility except for the following: an attending vessel; a vessel under 100 feet in length overall not engaged in towing; or a vessel authorized by the Eighth Coast Guard District Commander. The proposed safety zone is necessary to protect life, property and the environment and supports the Coast Guard's strategic goals of marine safety and protection of natural resources.

**Timetable:**

Action	Date
NPRM	02/28/03 68 FR 9611
NPRM Comment Period End	04/29/03
Final Rule	07/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2115-AG54

**Agency Contact:** LT Karrie Trebbe, Department of Homeland Security, U.S. Coast Guard, Eighth Coast Guard District Commander, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130  
Phone: 504 589-6271

**RIN:** 1625-AA54**1099. ALLOWING ALTERNATIVES TO INCANDESCENT LIGHTS, AND ESTABLISHING STANDARDS FOR NEW LIGHTS, IN PRIVATE AIDS TO NAVIGATION (USCG-2000-7466)****Priority:** Substantive, Nonsignificant**Legal Authority:** 14 USC 83; 14 USC 85; 43 USC 1333**CFR Citation:** 33 CFR 66**Legal Deadline:** None

**Abstract:** The Coast Guard is seeking to let the lighting industry and owners of private aids to navigation take advantage of a recent improvement in technology—one that enables the use of lanterns based on Light-Emitting Diodes (LEDs), which would reduce the consumption of power and simplify the maintenance of the aids. The use of these lanterns should stimulate competition in the industry, reduce maintenance, and therefore operating costs, and allow the marking of the aids in a desirable manner. This rule supports the Coast Guard's strategic goals of maritime safety and maritime mobility.

**Timetable:**

Action	Date
Direct Final Rule	10/04/00 65 FR 59124
Direct Final Rule Withdrawn	01/02/01 66 FR 8
NPRM	06/24/02 67 FR 42512
NPRM Comment Period End	08/23/02
Final Rule	06/00/03

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

**Additional Information:** The Coast Guard withdrew the direct final rule because it received an adverse comment. The Coast Guard published a notice of proposed rulemaking to solicit additional comments from the public.

Transferred from RIN 2115-AF98

**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

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

**RIN:** 1625-AA55**1100. ALTERNATE HULL EXAMINATION PROGRAM FOR CERTAIN PASSENGER VESSELS, AND UNDERWATER SURVEYS FOR PASSENGER, NAUTICAL SCHOOL, AND SAILING SCHOOL VESSELS (USCG-2000-6858)****Priority:** Substantive, Nonsignificant**Legal Authority:** 46 USC 3305; 46 USC 3308**CFR Citation:** 46 CFR 71; 46 CFR 115; 46 CFR 167; 46 CFR 169; 46 CFR 176**Legal Deadline:** None

**Abstract:** This regulatory project will establish hull examination alternatives and a drydock extension policy for qualifying passenger vessels that operate exclusively on benign, low-risk environments, and that have limited time under way. In addition, the proposed regulations would provide the option of alternating drydock examinations with underwater surveys for passenger vessels. This project supports the Coast Guard's strategic Marine Safety, Security and Environmental Protection Program's goal of mobility by facilitating commerce and eliminating interruptions and impediments to the economical movement of goods and people.

**Timetable:**

Action	Date
Interim Final Rule	04/29/02 67 FR 21062
Interim Final Rule Effective	06/28/02
Interim Final Rule Comment Period End	07/29/02
Interim Final Rule; Announcement of Effective Date	08/28/02 67 FR 55162
Collection of Information Interim Rule Sections Effective	08/28/02
Interim Rule; Announcement of Effective Date; Correction	10/18/02 67 FR 64315
Final Rule	05/00/03

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

**Additional Information:** This project is split from RIN 2115-AF73. The split was a result of comments received under the notice of proposed rulemaking that was published under

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RIN 2115-AF73, November 15, 1999, 64 FR 62018, entitled Frequency of Inspection Alternate Hull Exam Program for Certain Passenger Vessels, and Underwater Surveys for Passenger, Nautical School, and Sailing School Vessels.

Transferred from RIN 2115-AF95

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

**Agency Contact:** LCDR Martin Walker, Project Manager, G-MOC, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-1047

**RIN:** 1625-AA57

### 1101. RULES OF PRACTICE, PROCEDURE, AND EVIDENCE FOR ADMINISTRATIVE PROCEEDINGS OF THE COAST GUARD (USCG 1998-3472)

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 33 CFR 20; 46 CFR 5

**Legal Deadline:** None

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

the OPA 90 authority. This project supports the strategic goal of the Coast Guard to promote marine safety. We are in the process of deciding how to respond to comments received.

**Timetable:**

Action	Date	
NPRM	04/06/98	63 FR 16731
NPRM Comment Period End	05/06/98	
NPRM Comment Period Reopened	05/20/98	63 FR 27700
NPRM Comment Period End	06/19/98	
Interim Final Rule	05/24/99	64 FR 28054
Interim Final Rule Effective	06/23/99	
Interim Final Rule Correction	06/28/99	64 FR 34540
Interim Final Rule Comment Period End	07/23/99	
Interim Final Rule Comment Period Reopened	10/05/99	64 FR 53970
Interim Final Rule Comment Period End	04/03/00	
Final Rule	12/00/03	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Transferred from RIN 2115-AF59

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

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

**RIN:** 1625-AA59

### 1102. FIRE-SUPPRESSION SYSTEMS AND VOYAGE PLANNING FOR TOWING VESSELS (USCG 2000-6931)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 3719; 46 USC 4102

**CFR Citation:** 33 CFR 157; 46 CFR 27

**Legal Deadline:** NPRM, Statutory, October 1, 1997.

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** This rulemaking was formerly titled "Towing Vessel Safety (Fire Suppression Systems and Other Measures for Towing Vessels)" (CGD 97-064). It originally proposed requirements for three sets of issues relative to the safety of towing vessel safety issues: 1) Fire-suppression systems and other measures; 2) control measures for tank barges; and 3) fire-protection measures for towing vessels. The latter two components have developed into separate rulemakings: Emergency Control Measures for Tank Barges (USCG 1998-4443; RIN 2115-AF65), and Fire Protection Measures for

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Towing Vessels (USCG 1998-4445; RIN 2115-AF66).

Transferred from RIN 2115-AF53

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

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

**RIN:** 1625-AA60

**1103. • APPROVAL FOR EXPERIMENTAL SHIPBOARD INSTALLATIONS OF BALLAST WATER TREATMENT SYSTEMS (USCG-2001-9267)**

**Priority:** Other Significant

**Legal Authority:** 16 USC 4711

**CFR Citation:** 33 CFR 151, subpart C; 33 CFR 151, subpart D

**Legal Deadline:** None

**Abstract:** This rulemaking would establish a program through which vessel owners could apply for advance, conditional approval of experimental ballast water treatment systems installed and tested onboard their operating vessels. This interim rule would facilitate the development of effective ballast water treatment technology that could serve as an alternative to ballast water exchange, and ensure that U.S. regulations accomplish the intent of Congress to prevent and control the introduction of unwanted aquatic nuisance species as stated in the National Invasive Species Act of 1996.

**Timetable:**

Action	Date
Request for Comments	05/22/01 66 FR 28213
Interim Final Rule	09/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Phone: 202 267-2243

**RIN:** 1625-AA66

**1104. • AUTOMATIC IDENTIFICATION SYSTEM; VESSEL CARRIAGE REQUIREMENT (USCG-2003-14757)**

**Priority:** Other Significant

**Legal Authority:** PL 107-295

**CFR Citation:** 33 CFR 161; 33 CFR 164; 33 CFR 165

**Legal Deadline:** Other, Statutory, November 25, 2003, Section 102(d) of Public Law 107-295 requires the issuance of a temporary interim rule as soon as practicable that must expire not later than November 25, 2003, unless superseded by a final rule before that date.

**Abstract:** The Coast Guard will amend certain ports and waterways regulations to reflect vessel carriage requirements, and technical and performance standards for an automatic identification system (AIS). The rule will implement the AIS vessel requirements of the Maritime Transportation Security Act of 2002 (MTSA) and the International Maritime Organization (IMO) requirements adopted under International Convention for the Safety of Life at Sea, 1974 (SOLAS), as amended. The changes will require AIS on all SOLAS vessels and certain other commercial vessels. The rule will facilitate vessel communications, enhance good order and predictability, promote safe navigation, expand maritime domain awareness, and improve upon existing operating measures on our nation's waterways. This rulemaking replaces a rulemaking we have withdrawn, RIN 1625-AA61 (Formerly 2115-AG36). We have withdrawn that rulemaking and have replaced it with this one that will specifically respond to the MTSA, including its requirement to publish a temporary interim rule (TIR). The TIR will focus on SOLAS vessels in all waters and domestic vessels operating in Vessel Traffic Service (VTS) and Vessel Movement Reporting System (VMRS) areas only. The public will be provided with an opportunity to comment on the TIR. Separate from this rulemaking, a notice will also be published seeking comments on AIS carriage requirements for non-VTS or non-VMRS areas, such as for other navigable waters per MTSA or domestic vessels over 500 gross tons per SOLAS. This new rulemaking supports Coast

Guard strategic goals of maritime safety, maritime security, protection of natural resources and maritime mobility.

**Timetable:**

Action	Date
Temporary Interim Rule	07/00/03

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

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

**Additional Information:** Related docket: Maritime Security Notice, USCG-2002-14069 (67 FR 79742, December 30, 2002), available at <http://dms.dot.gov>.

**Agency Contact:** Jorge Arroyo, Project Manager, G-MWV, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-6277

**Related RIN:** Related To 1625-AA42, Related To 1625-AA43, Related To 1625-AA46, Related To 1625-AA61, Related To 1625-AA68, Related To 1625-AA69

**RIN:** 1625-AA67

**1105. • OUTER CONTINENTAL SHELF FACILITY SECURITY (USCG-2003-14759)**

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

**Legal Authority:** PL 107-295

**CFR Citation:** 33 CFR 106

**Legal Deadline:** Final, Statutory, November 25, 2003, Section 102(d) of Public Law 107-295 requires the issuance of a temporary interim rule as soon as practicable that must expire not later than November 25, 2003, unless superseded by a final rule before that date.

**Abstract:** This rulemaking will establish security measures for Outer Continental Shelf (OCS) facilities commensurate with the level and degree of risk within the marine transportation system and will affect all users, workers, and property in and adjacent to navigable waters of the United States and waters subject to the jurisdiction of the United States. This rulemaking will include requirements for OCS Facility Security Assessments,

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OCS Facility Security Plans, and OCS Facility Security Officers. The Maritime Transportation Security Act of 2002 (MTSA) requires that a temporary interim rule be published followed by a final rule no later than November 25, 2003, one year after the date of enactment of the MTSA.

**Timetable:**

Action	Date
Temporary Interim Rule	07/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State, Local

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

**Agency Contact:** LT Greg Versaw, Project Manager, G-MP, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-4144

**Related RIN:** Related To 1625-AA42, Related To 1625-AA43, Related To 1625-AA46, Related To 1625-AA67, Related To 1625-AA69

**RIN:** 1625-AA68

### 1106. ● IMPLEMENTATION OF NATIONAL MARITIME SECURITY INITIATIVES (USCG-2003-14792)

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

**Legal Authority:** PL 107-295

**CFR Citation:** 33 CFR 101 to 103; 33 CFR 105; 33 CFR 161; 33 CFR 164; 33 CFR 165; 46 CFR 104

**Legal Deadline:** Other, Statutory, November 25, 2003, Section 102(d) of Public Law 107-295 requires the issuance of a temporary interim rule as soon as practicable that must expire not later than November 25, 2003, unless superseded by a final rule before that date.

**Abstract:** The Coast Guard is implementing a series of temporary interim rules as required by Public Law 107-295, the Maritime Transportation Security Act of 2002 (MTSA). This series of temporary interim rules addresses security assessments, plans, and specific security measure requirements for Area Maritime Transportation Security, Vessel Security, Facility Security, and Offshore Facility Security. The carriage requirements for Automatic Identification System (AIS) are also included in this series of interim final rules. A comprehensive discussion of the security requirements included in the MTSA is presented in this rulemaking along with a summary of the cost and benefits of the entire suite of temporary interim rules. Discussions are also included on the alignment of domestic maritime security requirements with the International Ship and Port Facility Security (ISPS) Code and recent amendments to the International Convention for the Safety of Life at Sea (SOLAS). The actual temporary interim rules in this suite

limit their preamble discussions to the specific requirements they contain. Under the MTSA, a final rule for each of the six temporary interim rules will be issued before November 25, 2003. This rulemaking provides the elements and discussions common to the suite of related temporary interim rules. The public is encouraged to use this rulemaking as the foundation document for the entire suite.

**Timetable:**

Action	Date
Temporary Interim Rule	07/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State, Local

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

**Agency Contact:** Suzanne Englebert, Commander, Department of Homeland Security, U.S. Coast Guard  
Phone: 202 267-2388

**Related RIN:** Related To 1625-AA43, Related To 1625-AA42, Related To 1625-AA46, Related To 1625-AA67, Related To 1625-AA68

**RIN:** 1625-AA69

## Department of Homeland Security (DHS)

### U.S. Coast Guard (USCG)

## Long-Term Actions

### 1107. SAFETY AND SECURITY ZONE REGULATIONS

**Priority:** Routine and Frequent

**Legal Authority:** 33 USC 1225; 33 USC 1226; 33 USC 1231; 33 USC 1233; 50 USC 191

**CFR Citation:** 33 CFR 100; 33 CFR 165

**Legal Deadline:** None

**Abstract:** The Coast Guard uses these routine and frequent regulations to establish control of access to areas to ensure the safety or security of events, vessels, waterfront facilities, 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 are established for events such as fireworks displays, high speed races, or the transit of dangerous cargoes such as explosives or liquefied petroleum gas. 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. Safety and 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 safety, mobility, maritime security, and

national defense. The total actions expected from May 1, 2003, to May 1, 2004, are 300.

**Timetable:**

Action	Date
Actions Will Continue Through	05/00/04

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

DHS—USCG

Long-Term Actions

Transferred from RIN 2115-AA97

**Agency Contact:** James McLeod, Project Manager, G-LRA, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-6233  
**RIN:** 1625-AA00

**1108. SPECIAL ANCHORAGE AREAS/ANCHORAGE GROUNDS REGULATIONS**

**Priority:** Routine and Frequent  
**Legal Authority:** 33 USC 471; 33 USC 2030; 33 USC 2035; 33 USC 2071  
**CFR Citation:** 33 CFR 110  
**Legal Deadline:** None

**Abstract:** These routine and frequent regulations are established where maritime and commercial interests require them for safety of navigation. Special anchorage areas are areas in which vessels of not more than 65 ft. may anchor without displaying the required lights or sound signals. These special anchorage areas are limited geographically, and depending upon the purpose, establish both long- and short-term anchorages. Anchorage grounds are limited geographically, delineate the types and size of vessel which may use the anchorage, and may place time and other restrictions on its use. Special anchorage areas and anchorage grounds are promulgated by District Commanders in response to requests from appropriate officials. These routine and frequent rulemakings support the Coast Guard's strategic goal of marine safety. The total actions expected from May 1, 2003, to May 1, 2004, are 10.

**Timetable:**

Action	Date
Actions Will Continue Through	05/00/04

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Transferred from RIN 2115-AA98

**Agency Contact:** Ed LaRue, Project Manager, G-MWV, Department of Homeland Security, U.S. Coast Guard,

2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0416  
**RIN:** 1625-AA01

**1109. DISCHARGE-REMOVAL EQUIPMENT FOR VESSELS CARRYING OIL (CGD 90-068)**

**Priority:** Other Significant  
**Legal Authority:** 33 USC 1321  
**CFR Citation:** 33 CFR 155  
**Legal Deadline:** Final, Statutory, August 18, 1992.

**Abstract:** The Oil Pollution Act of 1990 directed the President by August 18, 1992, to require periodic inspection of discharge-removal equipment to ensure that it is available in an emergency, and to require carriage of discharge-removal equipment by vessels operating in the navigable waters of the United States and carrying oil or hazardous substances. This action implemented those provisions. This project supports the Coast Guard's strategic goal of protection of natural resources. This project is considered significant because of substantial public interest.

**Timetable:**

Action	Date
ANPRM	08/30/91 56 FR 43534
ANPRM Comment Period End	10/16/91
NPRM	09/29/92 57 FR 44912
NPRM Comment Period Extended	10/26/92 57 FR 48489
NPRM Comment Period End	10/29/92
NPRM Comment Period Extended	11/16/92
Interim Final Rule	12/22/93 58 FR 67988
Interim Final Rule Effective	01/21/94
Correction	01/26/94 59 FR 3749
Interim Final Rule Comment Period End	02/22/94
Next Action Undetermined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AD66

**URL For More Information:** <http://dms.dot.gov>

**URL For Public Comments:** <http://dms.dot.gov>

**Agency Contact:** David A. DuPont, Project Manager, G-MSR-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0971  
**RIN:** 1625-AA02

**1110. ESCORT VESSELS FOR CERTAIN TANKERS (CGD 91-202)**

**Priority:** Other Significant  
**Legal Authority:** 46 USC 3703  
**CFR Citation:** 33 CFR 168  
**Legal Deadline:** None

**Abstract:** This rulemaking developed standards that implement section 4116(c) of the Oil Pollution Act of 1990. It addressed the areas of Prince William Sound and Puget Sound and requires a two-vessel escort for single-hull tankers greater than 5,000 gross tons. On November 1, 1994, the crash stop criteria were suspended because of industry concerns about meeting the criteria. On February 1, 1995, a notice of availability of a two-part study assessing the capability of escort tugs to control disabled tankers in Prince William Sound was published. This project supports the Coast Guard's Marine Safety and Environmental Protection program's goal to reduce the amount of oil discharged into the marine environment and the Coast Guard's strategic goal of protecting natural resources. This project is considered significant because of substantial public and State government interest.

**Timetable:**

Action	Date
NPRM	07/07/92 57 FR 30058
NPRM Comment Period End	09/08/92
NPRM Comment Period Reopened	03/26/93 58 FR 16391
Notice of Public Hearings	04/29/93 58 FR 25959
Correction	05/19/93 58 FR 29157
NPRM Comment Period End	06/24/93
Notice of Availability--Part 1 of Study	01/10/94 59 FR 1411
Final Rule	08/19/94 59 FR 42962
Final Rule--Suspension of Crash-Stop Provision	11/01/94 59 FR 54519
Final Rule Effective	11/17/94
Final Rule--Partial Suspension Effective	11/17/94

## DHS—USCG

## Long-Term Actions

Action	Date
Notice of Availability-- Part II of Study	02/01/95 60 FR 6345
Next Action	Undetermined

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

**Additional Information:** We are in the process of deciding how to respond to the comments we have received. The Coast Guard, in cooperation with the Prince William Sound Regional Citizens Advisory Council, PWS Tanker Association, and Alaska Pipeline, conducted a disabled-tanker towing study. The results of the study were considered in this rulemaking. Tug escort requirements in areas other than Prince William Sound and Puget Sound are addressed in the project listed under RIN 1625-AA10.

**ANALYSIS:** Regulatory Evaluation, August 19, 1994, 59 FR 42962

Transferred from RIN 2115-AE10

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

**Agency Contact:** LT Sam Stevens, Project Manager, G-MSE-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0173

**Related RIN:** Previously reported as 2115-AE10

**RIN:** 1625-AA05

**1111. STATE ACCESS TO THE OIL SPILL LIABILITY TRUST FUND (CGD 92-014)****Priority:** Substantive, Nonsignificant**Legal Authority:** 33 USC 2712**CFR Citation:** 33 CFR 133**Legal Deadline:** NPRM, Statutory, February 18, 1991.

**Abstract:** Pursuant to the Oil Pollution Act of 1990 (OPA 90), this action specifies how the authority to obligate the pollution trust fund for oil spill response and cleanup efforts and to enter into agreements with the States will be exercised. The Coast Guard is evaluating the performance of the interim rule. This rulemaking supports the Coast Guard's strategic goal of the protection of natural resources.

**Timetable:**

Action	Date
Interim Rule	11/13/92 57 FR 53968
Interim Final Rule	02/11/93
Comment Period	
End	
Next Action	Undetermined

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

**Additional Information:** The rulemaking priority was downgraded from Other Significant to Substantive Nonsignificant in the November 14, 1994 agenda. However, due to administrative error, the document erroneously reflected Other Significant in subsequent agenda entries.

Transferred from RIN 2115-AE19

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

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

**Related RIN:** Previously reported as 2115-AE19

**RIN:** 1625-AA06

**1112. REGATTA AND MARINE PARADE REGULATIONS****Priority:** Routine and Frequent**Legal Authority:** 33 USC 1233**CFR Citation:** 33 CFR 100**Legal Deadline:** None

**Abstract:** These routine and frequent special local regulations ensure the safety of participants and spectators during regattas and marine parades. The regulations or rules specify such controls as separate participant and spectator areas, separation schemes for watercraft in the area of the event, and temporary restrictions on waterways to accommodate the event. These rules are short-term in nature, usually applying to a single event not exceeding eight hours in duration, and usually encompass only a small portion of a navigable waterway. These rules are

promulgated by District Commanders in response to a request from an event-sponsoring organization. These routine and frequent rulemakings support the Coast Guard's strategic goals of maritime safety and maritime mobility of commercial and recreational vessel traffic. The total actions expected from May 1, 2003, to May 1, 2004, are 35.

**Timetable:**

Action	Date
Action Will Continue Through	05/00/04

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

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

Transferred from RIN 2115-AE46

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

**RIN:** 1625-AA08

**1113. DRAWBRIDGE REGULATIONS****Priority:** Routine and Frequent**Legal Authority:** 33 USC 499**CFR Citation:** 33 CFR 117**Legal Deadline:** None

**Abstract:** These routine and frequent regulations establish operating schedules and notice requirements for drawbridges across navigable waterways. Drawbridge regulations establish the permanent draw operation schedules for bridges and specify what notice mariners must give to request an opening. Short-term deviations from the permanent schedule may be issued for bridge repairs or to test the effectiveness of a proposed new opening schedule. Drawbridge regulations are promulgated by District Commanders usually at the request of the bridge owner or operator, or of local officials or local Coast Guard bridge administration officials. These routine and frequent rulemakings support the Coast Guard's strategic goals of maritime safety and maritime mobility of commercial and recreational vessel

## DHS—USCG

## Long-Term Actions

traffic. The total actions expected from May 1, 2003, to May 1, 2004, are 150.

**Timetable:**

Action	Date
Actions Will Continue Through	05/00/04

**Regulatory Flexibility Analysis Required:** No

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

**Government Levels Affected:** None

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

Transferred from RIN 2115-AE47

**Agency Contact:** Alesia Steinberger, Project Manager, G-OPT-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-6215

**RIN:** 1625-AA09

**1114. ESCORT VESSELS IN CERTAIN U.S. WATERS (CGD 91-202A)**

**Priority:** Other Significant

**Legal Authority:** 46 USC 3703

**CFR Citation:** 33 CFR 168

**Legal Deadline:** None

**Abstract:** This regulation would designate those U.S. waters, other than Prince William Sound and Puget Sound, where tankers and other vessels must be escorted by a towing vessel or other appropriate vessel. This project supports the Coast Guard's Marine Safety and Environmental Protection program's goal to reduce the amount of oil discharged into the marine environment and the Coast Guard's strategic goal of protecting natural resources. This action is considered significant because of substantial public and State government interest.

**Timetable:**

Action	Date
ANPRM	04/27/93 58 FR 25766
Comment Period End	06/28/93
Request for Comments	12/21/94 59 FR 65741
Comment Period End	02/13/95
Next Action	Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** We are in the process of deciding how to respond to the comments we have received. This rulemaking is a companion to RIN 1625-AA05, which concerns Prince William Sound and Puget Sound.

Transferred from RIN 2115-AE56

**URL For More Information:**  
<http://dms.dot.gov>

**URL For Public Comments:**  
<http://dms.dot.gov>

**Agency Contact:** LT Sam Stevens, Project Manager, G-MSE-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0173

**Related RIN:** Related To 2115-AE10

**RIN:** 1625-AA10

**1115. REGULATED NAVIGATION AREAS**

**Priority:** Routine and Frequent

**Legal Authority:** 33 USC 1231; 50 USC 191

**CFR Citation:** 33 CFR 165

**Legal Deadline:** None

**Abstract:** These routine and frequent regulations establish operating requirements for vessels within specified geographic areas to ensure safety on the navigable waters where some special or unusual circumstance exists. Regulated navigation areas are limited areas in which the Coast Guard specifies operational or vessel restrictions such as vessel entry, movement or departure, and vessel size, speed, horsepower, or draft limitations. Regulated navigation areas are promulgated by District Commanders, usually at the request of Coast Guard marine safety or local maritime safety officials. These routine and frequent rulemakings support the Coast Guard's strategic goals of waterways management, marine safety, and maritime mobility. The total actions expected from May 1, 2003, to May 1, 2004, are 10.

**Timetable:**

Action	Date
Actions Will Continue Through	05/00/04

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Transferred from RIN 2115-AE84

**Agency Contact:** Ed LaRue, Project Manager, G-MWV, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0416

**RIN:** 1625-AA11

**1116. MARINE TRANSPORTATION-RELATED FACILITY RESPONSE PLANS FOR HAZARDOUS SUBSTANCES (USCG-1999-5705)**

**Priority:** Other Significant

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

**CFR Citation:** 33 CFR 154

**Legal Deadline:** None

**Abstract:** This project would implement provisions of the Oil Pollution Act of 1990 that require an owner or operator of a marine transportation-related facility transferring bulk hazardous substances to develop and operate in accordance with an approved response plan. The regulations would apply to marine transportation-related facilities that, because of their location, could cause harm to the environment by discharging a hazardous substance into or on the navigable waters or adjoining shoreline. A separate rulemaking, under RIN 1625-AA13, was developed in tandem with this rulemaking and addresses hazardous substances response plan requirements for tank vessels. This project supports the Coast Guard's strategic goals of maritime safety and protection of natural resources by reducing the consequence of pollution incidents. This action is considered significant because of substantial public and industry interest.

**Timetable:**

Action	Date
ANPRM	05/03/96 61 FR 20084
Notice of Public Hearings	07/03/96 61 FR 34775
ANPRM Comment Period End	09/03/96
NPRM	03/31/00 65 FR 17416

## DHS—USCG

## Long-Term Actions

Action	Date
NPRM Comment Period End	06/29/00
Interim Final Rule	06/00/04

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Additional Information:** Old Docket Number CGD 94-048. Public hearings regarding this rulemaking were held in Washington, DC, on July 30, 1996; Houston, TX, on August 5, 1996; and Houston, TX, on February 26 and 27, 1997. Public meetings for the notice of proposed rulemaking were held in New Orleans, LA, on May 10 and 11, 2000.

Transferred from RIN 2115-AE87

**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

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

Phone: 202 267-0417

RIN: 1625-AA12

**1117. NUMBERING OF UNDOCUMENTED BARGES (USCG-1998-3798)**

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 12301

CFR Citation: 33 CFR 189

Legal Deadline: None

**Abstract:** Title 46 U.S.C. 12301, as amended by the Abandoned Barge Act of 1992, requires that all undocumented barges more than 100 gross tons operating on the navigable waters of the United States be numbered. This rulemaking would establish a numbering system for these barges. The numbering of undocumented barges will allow identification of owners of barges found abandoned and help prevent future marine pollution. This rulemaking supports the Coast Guard's strategic goal of protection of natural resources.

**Timetable:**

Action	Date
Request for Comments	10/18/94 59 FR 52646
Comment Period End	01/17/95

Action	Date
ANPRM	07/06/98 63 FR 36384
ANPRM Comment Period End	11/03/98

NPRM	01/11/01 66 FR 2385
NPRM Comment Period End	04/11/01

Next Action Undetermined

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

**Additional Information:** Old Docket Number CGD 93-091. In the 2002 spring agenda we announced that we would be withdrawing this rulemaking but we are currently reevaluating that decision. We are in the process of deciding how to respond to the comments we have received.

Transferred from RIN 2115-AF13

**Agency Contact:** Patricia Williams, Project Manager, NVDC, Department of Homeland Security, U.S. Coast Guard, National Vessel Documentation Center, 792 T.J. Jackson Drive, Falling Waters, WV 25419

Phone: 304 271-2506

RIN: 1625-AA14

**1118. IMPLEMENTATION OF THE 1995 AMENDMENTS TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION, AND WATCHKEEPING FOR SEAFARERS, 1978 (STCW) (CGD 95-062)**

Priority: Other Significant

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

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

Legal Deadline: None

**Abstract:** The International Maritime Organization (IMO) comprehensively amended the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), in 1995. The amendments came into force on February 1, 1997. This project implements them by revising current regulations to ensure that the United States complies with their requirements on: the training of merchant mariners, the documenting of their qualifications, and watch-standing and other arrangements aboard seagoing merchant ships of the United States. This project supports the Coast Guard's strategic goal of maritime safety. It also supports the goal of our directorate for

Marine Safety and Environmental Protection for reducing deaths and injuries of crewmembers on domestic merchant vessels and eliminating substandard vessels from the navigable waters of the United States. This rulemaking is significant due to the potential impact on industry and the potential effect on international interests.

**Timetable:**

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

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

Transferred from RIN 2115-AF26

**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

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

Phone: 202 267-6890

RIN: 1625-AA16

**1119. SALVAGE AND MARINE FIREFIGHTING REQUIREMENTS; VESSEL RESPONSE PLANS FOR OIL (USCG-1998-3417)**

Priority: Economically Significant. Major under 5 USC 801.

**Unfunded Mandates:** This action may affect the private sector under PL 104-4.

Legal Authority: 33 USC 1321

CFR Citation: 33 CFR 155

Legal Deadline: None

**Abstract:** Current vessel response plan regulations require that the owners or

## DHS—USCG

## Long-Term Actions

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

**Timetable:**

Action	Date	
Final Rule - Partial Suspension	02/12/98	63 FR 7069
Final Rule - Partial Suspension	01/17/01	66 FR 3876
NPRM	05/10/02	67 FR 31868
Public Meeting 7/9/02, 7/17/02, 7/25/02	06/12/02	67 FR 40254
Public Meeting 9/26/02	08/07/02	67 FR 51159
NPRM Comment Period Extended	08/07/02	
NPRM Comment Period End	10/18/02	
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Partial suspension of regulations created through the Vessel Response Plan final

rule, docket no. 91-034, RIN 2115-AD81. The project was originally titled "Salvage and Firefighting Equipment; Vessel Response Plans." The change was made in order to distinguish this project from other similarly titled projects within the Coast Guard.

Transferred from RIN 2115-AF60

**Agency Contact:** LT Reed Kohberger, Project Manager, G-MOR-3, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0448

**RIN:** 1625-AA19

**1120. COMMERCIAL DIVING OPERATIONS (USCG-1998-3786)**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 46 CFR 197

**Legal Deadline:** None

**Abstract:** This project involves reviewing and updating the commercial diving regulations, which are over 20 years old. A review of the commercial diving regulations is needed to determine what parts should be updated or changed based on the current standards of safety, technology, and industry practices and to evaluate and minimize any significant economic impact of the rules upon small entities. The project supports the Coast Guard Marine Safety, Security and Environmental Protection Program's goal to reduce deaths and injuries on U.S. commercial vessels and the Coast Guard's strategic goal of maritime safety.

**Timetable:**

Action	Date	
ANPRM	06/26/98	63 FR 34840
ANPRM Comment Period Extended	09/23/98	63 FR 50848
ANPRM Comment Period End	11/09/98	
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AF64

**URL For More Information:** <http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

**Agency Contact:** Michael A. Jendrossek, Project Manager, G-MSO-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0836

**RIN:** 1625-AA21

**1121. IMPROVEMENTS TO MARITIME SAFETY IN PUGET SOUND-AREA WATERS (USCG-1998-4501)**

**Priority:** Other Significant

**Legal Authority:** 33 USC 1223 to 1224

**CFR Citation:** 33 CFR 1

**Legal Deadline:** None

**Abstract:** This rulemaking would promulgate measures to improve maritime safety in Puget Sound-Area waters including Puget Sound, the Strait of Juan de Fuca, passages around and through the San Juan Islands, and the Olympic Coast National Marine Sanctuary. Based on a determination by the Secretary of Transportation regarding the status of maritime safety in the Puget Sound area, the Coast Guard has initiated a comprehensive cost-benefit analysis to study the feasibility of implementing new safety measures, including extended tug escort requirements and a dedicated response vessel. Public input will help focus this cost-benefit analysis and develop any future proposed rules, if deemed necessary. This rulemaking supports the Coast Guard Marine Safety and Environmental Protection Program's goal to reduce the amount of oil discharged into the marine environment and the Coast Guard's strategic goal of protection of natural resources. This is a significant action due to substantial public interest.

**Timetable:**

Action	Date	
ANPRM	11/24/98	63 FR 64937
ANPRM Comment Period End	05/24/99	
Next Action Undetermined		

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** Transferred from RIN 2115-AF68

## DHS—USCG

## Long-Term Actions

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

**Agency Contact:** LT Sam Stevens, Project Manager, G-MSE-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0173

**RIN:** 1625-AA22

**1122. CARGO SECURING ON VESSELS OPERATING IN U.S. WATERS (USCG-2000-7080)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 3306

**CFR Citation:** 33 CFR 97

**Legal Deadline:** None

**Abstract:** This rulemaking would amend the cargo stowage and securing rules for U.S. vessels operating in U.S. waters. In addition, it would amend rules to require cargo-securing manuals for U.S. or foreign vessels of 500 gross tons or more on international voyages. Its goal is to reduce hazardous material cargo losses from vessels in U.S. waters. It supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** This rulemaking is being returned to a long-term schedule. In the 2002 spring agenda, we announced we would be withdrawing this rulemaking but we are currently reevaluating that decision. Transferred from RIN 2115-AF97

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

**Agency Contact:** Michael A. Jendrossek, Project Manager, G-MSO-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001

Phone: 202 267-0836

**RIN:** 1625-AA25

**1123. ELECTRONIC CHART DISPLAY AND INFORMATION SYSTEM (ECDIS) (USCG-2001-8826)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1223; 33 USC 1231; 46 USC 2103; 46 USC 3703; 46 USC 6101; 46 USC 8502

**CFR Citation:** 33 CFR 164

**Legal Deadline:** None

**Abstract:** This rulemaking would allow commercial vessels the option of using an IMO-approved Electronic Charting Display and Information System (ECDIS) as a primary means of navigation in U.S. waters instead of paper charts. Compliance with this rule would be optional; any vessel choosing not to use such an ECDIS must continue to navigate using corrected and updated printed charts and publications. This regulation supports the Coast Guard's strategic goal of maritime safety.

**Timetable:**

Action	Date
ANPRM	05/02/01 66 FR 21899
ANPRM Comment	07/02/01
Period End	
Next Action	Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Transferred from RIN 2115-AG09

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

**Agency Contact:** LCDR Alan Blume, Project Manager, G-MWV-2, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001  
Phone: 202 267-0550

**RIN:** 1625-AA29

**1124. FEDERAL REQUIREMENTS FOR PROPELLER INJURY AVOIDANCE MEASURES (USCG 2001-10163)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 4302

**CFR Citation:** 33 CFR 175

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	12/10/01 66 FR 63645
NPRM Comment	03/11/02
Period End	
NPRM Comment	03/26/02 67 FR 13738
Period Extended	
NPRM Comment	05/11/02
Period End	
Final Rule	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AG18

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

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

## DHS—USCG

## Long-Term Actions

Phone: 202 267-0979

**Related RIN:** Previously reported as 2115-AG18

**RIN:** 1625-AA31

### 1125. STANDARDS FOR LIVING ORGANISMS IN SHIPS' BALLAST WATER DISCHARGED IN U.S. WATERS (USCG-2001-10486)

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

**Legal Authority:** 16 USC 4711

**CFR Citation:** 33 CFR 151

**Legal Deadline:** None

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

**Timetable:**

Action	Date
ANPRM	03/04/02 67 FR 9632
ANPRM Comment Period End	06/03/02
NPRM	09/00/04

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AG21

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

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

**RIN:** 1625-AA32

### 1126. ALTERNATE TONNAGE CONVENTION: SMALL PASSENGER VESSELS

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 14 USC 14104

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** This rulemaking would amend small passenger vessel regulations retaining the tonnage thresholds based on measurement under 46 U.S.C. 14502, but adding alternate tonnage thresholds based on measurement under 46 U.S.C. 14302. We expect this rulemaking to support the Coast Guard's strategic goals of maritime mobility of commercial vessel traffic and maritime safety. However, we are reviewing our regulatory resource allocation and management strategies to optimize our overall regulatory mission effectiveness. Accordingly, we have decided to continue this item on the agenda, while we consider and balance our statutory obligations and discretionary authority.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** Transferred from RIN 2115-AG29

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

**RIN:** 1625-AA37

### 1127. WEARING OF PERSONAL FLOTATION DEVICES BY PERSONS OPERATING OR RIDING ON PERSONAL WATERCRAFT OR BEING TOWED BEHIND RECREATIONAL VESSELS (USCG-2002-11421)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 4302

**CFR Citation:** 33 CFR 175

**Legal Deadline:** None

**Abstract:** This rule would require every person to wear a personal flotation device (PFD)—also called a lifejacket—while operating or riding on personal watercraft (PWC) or being towed behind a recreational vessel. On waters subject to the jurisdiction of the United States within any State or territory, the rule would not preempt any requirement established for such

persons as specified by that State. The rule would set a Federal requirement on waters subject to the jurisdiction of the United States within any State or territory. The new requirement would reduce the number of persons who drown while participating in these activities. This project supports the Coast Guard's strategic goal of maritime safety.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

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

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

**RIN:** 1625-AA40

### 1128. IDENTIFICATION CREDENTIALS FOR MARITIME SECURITY

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 46 USC 2103

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Coast Guard is considering a project to update standards and procedures for identifying people aboard vessels, and at ports and facilities on waterfronts. These standards and procedures might include checks of backgrounds for people in security-sensitive positions, but would take account of (and as far as possible be compatible with) efforts to the same effect from international bodies, other Federal agencies, and States.

The purpose of the project would be to deter terrorism. The project would support the Coast Guard's strategic goals of maritime security, maritime safety, protection of natural resources, and mobility.

## DHS—USCG

## Long-Term Actions

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:**

Undetermined

**Federalism:** Undetermined

**Additional Information:** Related docket: Maritime Security Notice, USCG-2002-14069 (67 FR 79742, December 30, 2002).

Transferred from RIN 2115-AG42

**Agency Contact:** Gerald P. Miante, Project Manager, G-MSE-3, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-2206

**RIN:** 1625-AA47

**1129. PENALTIES FOR NONSUBMISSION OF BALLAST WATER MANAGEMENT REPORTS (USCG-2002-13147)**

**Priority:** Other Significant

**Legal Authority:** 16 USC 4711

**CFR Citation:** 33 CFR 151

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	01/06/03 68 FR 523
NPRM Comment Period End	04/07/03
Final Rule	06/00/04

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AG50

**Agency Contact:** Bivan Patnaik, Project Manager, G-MSO, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-1744

**RIN:** 1625-AA51

**1130. • MANDATORY BALLAST WATER MANAGEMENT PROGRAM FOR U.S. WATERS (USCG-2003-14273)**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 16 USC 4711

**CFR Citation:** 33 CFR 151

**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	06/00/04

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

**Government Levels Affected:** Undetermined

**Additional Information:** Transferred from RIN 2115-AG52

**Agency Contact:** Bivan Patnaik, Project Manager, G-MSO, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593  
Phone: 202 267-1744

**RIN:** 1625-AA52

**1131. VESSEL TRAFFIC SERVICE LOWER MISSISSIPPI RIVER (USCG-1998-4399)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1223(a)

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

**Legal Deadline:** None

**Abstract:** This project proposes to establish a new Vessel Traffic Service (VTS) area in the Lower Mississippi River region. This Vessel Traffic Service Area (VTSA) will span from 20 miles north of Baton Rouge (mile 255 Above Head of Passes (AHP)) out to sea, including the South and Southwest Pass. As part of the VTSA, a VTS Special Area will be designated between mile 93.5 and 95 AHP. Unlike traditional VTSs, which are based on radar and video surveillance and rely on voice communications by VHF-FM

radio, when fully operational VTS Lower Mississippi River will use Automatic Identification System transponder technology to perform the majority of both surveillance and information exchange. This rulemaking supports the Coast Guard's strategic goals of maritime safety and protection of natural resources.

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** This project was originally entitled "Vessel Traffic Service Lower Mississippi/Automatic Identification System Carriage Requirement." The VTS LMR will retain RIN 1625-AA58. The AIS carriage requirement will be developed in a separate rulemaking.

Transferred from RIN 2115-AF75

**Agency Contact:** Jorge Arroyo, Project Manager, G-MWV, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-6277

**RIN:** 1625-AA58

**1132. WEARING OF PERSONAL FLOTATION DEVICES (PFDS) BY CERTAIN CHILDREN ABOARD RECREATIONAL VESSELS (USCG-2000-8589)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 4302

**CFR Citation:** 33 CFR 175, subpart B

**Legal Deadline:** None

**Abstract:** This rule requires every child under the age of 13 to wear a personal flotation device (PFD)—also called a lifejacket—while aboard a recreational vessel under way and while not below decks or in an enclosed cabin. It adopts, on waters subject to the jurisdiction of the United States within any State, any requirement for the

## DHS—USCG

## Long-Term Actions

wearing of a PFD established by that State for a child under an age specified by that State. The rule also sets, on waters subject to the jurisdiction of the United States within any State lacking any such requirement, its own, comparable requirements. This project supports the Coast Guard's strategic goal of maritime safety.

**Timetable:**

Action	Date
NPRM	05/01/01 66 FR 21717
NPRM Comment Period End	08/29/01
Final Rule	02/27/02 67 FR 8881
Notice of Withdrawal of Final Rule	03/27/02 67 FR 19643
Withdrawal of Final Rule Effective	03/27/02
Interim Final Rule	06/24/02 67 FR 42488
Interim Final Rule Comment Period End	08/23/02
Interim Final Rule Effective	12/23/02
Final Rule	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** After publication of the final rule, the State

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

Transferred from RIN 2115-AG04

**URL For More Information:**

<http://dms.dot.gov>

**URL For Public Comments:**

<http://dms.dot.gov>

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

**RIN:** 1625-AA62

**1133. • ESCORT VESSELS FOR CERTAIN TANKERS—CRASH STOP CRITERIA (USCG-2003-14734)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 46 USC 3703

**CFR Citation:** 33 CFR 168

**Legal Deadline:** None

**Abstract:** This rulemaking will make permanent the suspended "crash stop provision" to the escort vessel regulations. This rulemaking will support the Coast Guard's strategic goal of maritime safety.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from 2115-AG51

**Agency Contact:** LT Sam Stevens, Project Manager, G-MSE-1, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-0173

**Related RIN:** Related To 1625-AA05

**RIN:** 1625-AA65

## Department of Homeland Security (DHS)

## Completed Actions

## U.S. Coast Guard (USCG)

**1134. SAFETY ZONES FOR OUTER CONTINENTAL SHELF FACILITIES IN THE GULF OF MEXICO (CGD08-01-025)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 14 USC 85; 33 USC 2071

**CFR Citation:** 33 CFR 147

**Legal Deadline:** None

**Abstract:** The Coast Guard proposes to establish safety zones around five petroleum and gas production facilities in the Outer Continental Shelf in the Gulf of Mexico. The four platforms and one moored spar buoy need to be protected from vessels operating outside the normal shipping channels and fairways. Placing safety zones around these facilities will significantly reduce the threat of allisions, oil spills, and releases of natural gas. The proposed regulation would prevent all vessels from entering or remaining in

specified areas around the platforms except for the following: an attending vessel; a vessel under 100 feet in length overall not engaged in towing; or a vessel authorized by the Eighth Coast Guard District Commander. The proposed safety zones are necessary to protect the safety of life, property, and the environment and support the Coast Guard's strategic goals of marine safety and protection of natural resources.

**Timetable:**

Action	Date
NPRM	12/10/01 66 FR 63642
NPRM Comment Period End	02/08/02
Final Rule	01/28/03 68 FR 4100
Final Rule Effective	02/27/03

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AG22

**Agency Contact:** LT Karrie Trebbe, Department of Homeland Security, U.S. Coast Guard, Eighth Coast Guard District Commander, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130  
Phone: 504 589-6271

**RIN:** 1625-AA33

**1135. SAFETY ZONE FOR OUTER CONTINENTAL SHELF FACILITY IN THE GULF OF MEXICO (CGD08-01-043)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 14 USC 85; 43 USC 1333

**CFR Citation:** 33 CFR 147

**Legal Deadline:** None

**Abstract:** The Coast Guard proposes to establish a safety zone around a high-production, manned oil and natural gas facility in the Outer Continental Shelf

## DHS—USCG

## Completed Actions

in the Gulf of Mexico in Green Canyon 205A. The facility needs to be protected from vessels operating outside the normal shipping channels and fairways. Placing a safety zone around the facility will significantly reduce the threat of allisions, oil spills, and releases of natural gas. The proposed regulation would prevent all vessels from entering or remaining in specified areas around the facility except for the following: An attending vessel; a vessel under 100 feet in length overall not engaged in towing; or a vessel authorized by the Eighth Coast Guard District Commander. The proposed safety zone is necessary to protect life, property, and the environment and supports the Coast Guard's strategic goals of marine safety and protection of natural resources.

**Timetable:**

Action	Date
NPRM	04/02/02 67 FR 15505
NPRM Comment Period End	06/03/02
Final Rule	01/28/03 68 FR 4098
Final Rule Effective	02/27/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2115-AG31

**Agency Contact:** LT Karrie Trebbe, Department of Homeland Security, U.S. Coast Guard, Eighth Coast Guard District Commander, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130  
Phone: 504 589-6271

**RIN:** 1625-AA39

**1136. PASSENGER FACILITY SECURITY PLAN**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** Not Yet Determined

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Coast Guard is considering a project to update passenger facility security plans. We are currently reviewing comments from the January 2002 public workshop on maritime security (notice of meeting

published December 17, 2001 (66 FR 65020) and notice of workshop agenda published January 16, 2002 (67 FR 2271)). This project would be expected to support the Coast Guard strategic goals of maritime security, maritime safety, protection of natural resources, and mobility. We have withdrawn this rulemaking because the updating of passenger facility security plans will be addressed in a separate rulemaking, RIN 1625-AA43, Facility Security Plans, described elsewhere in this spring 2003 agenda.

**Timetable:**

Action	Date
Withdrawn	03/19/03

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** Transferred from RIN 2115-AG39

**Agency Contact:** LCDR John Farthing, G-MP, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-2420

**Related RIN:** Related To 1625-AA43

**RIN:** 1625-AA44

**1137. MARITIME SECURITY: PASSENGER VESSEL SECURITY**

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 33 USC 1231

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Coast Guard is considering a project to establish security plans for passenger vessels. We are currently reviewing comments from the January 2002 public workshop on maritime security (notice of meeting published December 17, 2001 (66 FR 65020) and notice of workshop agenda published January 16, 2002 (67 FR 2271)). This project would be expected to support the Coast Guard strategic goals of maritime security, maritime safety, protection of natural resources, and mobility. We have withdrawn this rulemaking because security plans for passenger vessels will be addressed in

a separate rulemaking, RIN 1625-AA46, Vessel Security Plans, described elsewhere in this spring 2003 agenda.

**Timetable:**

Action	Date
Withdrawn	03/19/03

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Additional Information:** Transferred from RIN 2115-AG40

**Agency Contact:** LT Kevin Oditt, Project Manager, G-MPS, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 200593-001  
Phone: 202 267-4148

**Related RIN:** Related To 1625-AA46

**RIN:** 1625-AA45

**1138. TEMPORARY REQUIREMENTS FOR NOTIFICATION OF ARRIVAL IN U.S. PORTS (USCG-2001-10689)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 33 USC 1223; 33 USC 1226; 33 USC 1231; 49 CFR 1.46

**CFR Citation:** 33 CFR 160

**Legal Deadline:** None

**Abstract:** To ensure public safety and security and to ensure the uninterrupted flow of commerce, the Coast Guard is extending its temporary rule changing notification requirements for vessels bound for or departing from U.S. ports. This rulemaking will lengthen the usual notification period from 24 to 96 hours prior to port entry, require submission of reports to a central national clearinghouse, suspend exemptions for vessels operating in compliance with the Automated Mutual Assistance Vessel Rescue System, for some vessels operating on the Great Lakes and vessels on scheduled routes, and require information about persons onboard these vessels. This rulemaking is necessary to ensure receipt of comprehensive and timely information on vessels entering U.S. ports. The extension of the temporary rule will allow the Coast Guard to complete its rulemaking to permanently revise the notice of arrival requirement. This rulemaking supports the Coast Guard's strategic goal of maritime security.

## DHS—USCG

## Completed Actions

**Timetable:**

Action	Date
NPRM--Change of Effective Period of Temporary Rule	07/23/02 67 FR 48073
NPRM Comment Period End	08/22/02
Temporary Rule; Extending Effective Period to 03/31/2003	08/28/02 67 FR 55115
Temporary Rule Expired	03/31/03

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Additional Information:** The temporary rule this rulemaking proposed to extend is assigned RIN 2115-AG24. The following four documents have been published in the Federal Register under RIN 2115-AG24: a temporary final rule (TFR) effective from October 4, 2001, to June 15, 2002 (67 FR 37682, May 30, 2002); two TFR corrections (66 FR 57877, November 19, 2001; and 67 FR 2571, January 18, 2002); and a TFR that extended the effective period through September 30, 2002 (67 FR 37682, May 30, 2002). Because the first TFR was treated as a completed action, RIN 2115-AG24 did not appear in the Agenda.

Transferred from RIN 2115-AG47

**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** LTJG Kimberly Andersen, Project Manager, G-MP, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street NW., Washington, DC 20593-0001  
Phone: 202 267-2562

Related RIN: Related To 1625-AA41

RIN: 1625-AA49

**1139. AUTOMATIC IDENTIFICATION SYSTEM CARRIAGE REQUIREMENT (USCG-2002-11721)**

Priority: Other Significant

Legal Authority: 33 USC 1223(a)

CFR Citation: 33 CFR 161; 33 CFR 164; 33 CFR 165

Legal Deadline: None

**Abstract:** The Coast Guard would amend certain ports and waterways regulations to reflect international technical and performance standards for an automatic identification system (AIS). It would implement the International Maritime Organization (IMO) AIS carriage requirement adopted under International Convention for the Safety of Life at Sea, 1974 (SOLAS), as amended. The rule would facilitate vessel communications, enhance good order and predictability, promote safe navigation, expand maritime domain awareness, and improve upon existing operating measures on our nation's waterways. This rulemaking is being withdrawn so that it can be modified and reissued in conformance with the Maritime Transportation Security Act (MTSA) of 2002. The new rulemaking, RIN 1625-AA67, is described elsewhere in this spring 2003 agenda.

**Timetable:**

Action	Date
Withdrawn	03/20/03

**Regulatory Flexibility Analysis**

Required: Undetermined

Government Levels Affected:

Undetermined

Additional Information: Transferred from RIN 2115-AG36

**Agency Contact:** Jorge Arroyo, Project Manager, G-MWV, Department of Homeland Security, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001  
Phone: 202 267-6277

Related RIN: Related To 1625-AA67

RIN: 1625-AA61

**1140. GREAT LAKES MARITIME ACADEMY—ELIGIBILITY OF CERTAIN GRADUATES FOR UNRESTRICTED THIRD-MATE LICENSES (USCG-2002-13213)**

Priority: Substantive, Nonsignificant

Legal Authority: 14 USC 633; 31 USC 9701; 46 USC 2101; 46 USC 2103; 46 USC 2110; ...

CFR Citation: 46 CFR 10

Legal Deadline: None

**Abstract:** This rulemaking removes a restriction on the eligibility of some Great Lakes Maritime Academy graduates for ocean vessel third mate licensing. It furthers the Coast Guard's strategic goals of maritime safety, protection of natural resources, and maritime mobility.

**Timetable:**

Action	Date
Direct Final Rule; Request for Comments	10/18/02 67 FR 64313
Direct Final Rule Comment Period End	12/17/02
Direct Final Rule; Confirmation of Effective Date	12/31/02 67 FR 79881

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Transferred from RIN 2115-AG43

**URL For More Information:**<http://dms.dot.gov>**URL For Public Comments:**<http://dms.dot.gov>

**Agency Contact:** Donald Kerlin, Department of Homeland Security, U.S. Coast Guard, Suite 600, National Maritime Center (NMCD), 4200 Wilson Boulevard, Arlington, VA 22203-1804  
Phone: 202 493-1006

RIN: 1625-AA64

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

Prerule Stage

**1141. RESTRICTING CITIZENS OF BANGLADESH, INDIA, PAKISTAN, AND SRI LANKA FROM PARTICIPATION IN THE INTERNATIONAL-TO-INTERNATIONAL (ITI) PROGRAM**

**Priority:** Other Significant

**Legal Authority:** Not Yet Determined

**CFR Citation:** 8 CFR 212.1(f)(2)

**Legal Deadline:** None

**Abstract:** This regulatory action advises the public that the Department of Homeland Security is amending its policy that allowed citizens from Bangladesh, India, Pakistan, and Sri Lanka the privilege to participate in the

International-to-International (ITI) program despite Department regulations at title 8, section 212, part 1(f) (2) barring the citizens of these countries from participation in the Transit Without Visa (TWOV) and ITI programs. This notice proposes to correct this conflict between policy and regulations.

**Timetable:**

Action	Date
ANPRM	10/00/03
ANPRM Comment Period End	12/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2157-01

Transferred from RIN 1115-AG30

**Agency Contact:** Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536  
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**RIN:** 1651-AA19

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

Proposed Rule Stage

**1142. INSPECTION OF PERSONS APPLYING FOR ADMISSION; INTERNATIONAL-TO-INTERNATIONAL USER FEE**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1356

**CFR Citation:** 8 CFR 286

**Legal Deadline:** None

**Abstract:** This rule proposes to amend Department regulations to require air carriers to charge and collect a user fee from every International-to-International (ITI) passenger arriving in the United States, except those individuals exempted under section 286(e)(1) of the Immigration and Nationality Act. This action is necessary since the Department is required to inspect all aliens who are applicants for admission or otherwise seeking admission or readmission to or transit through the United States.

**Timetable:**

Action	Date
NPRM	10/00/03
NPRM Comment Period End	12/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** INS No. 1757

Transferred from RIN 1115-AE37

**Agency Contact:** Robert F. Hutnick, Assistant Chief Inspector, Inspections

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 Email: robert.f.hutnick@usdoj.gov

**RIN:** 1651-AA03

**1143. DOCUMENTARY REQUIREMENTS FOR RETURNING RESIDENTS**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 211

**Legal Deadline:** None

**Abstract:** This rule proposes to amend DHS regulations to specify how an alien admitted for permanent residence, on returning to the United States, may prove that he or she is not to be considered an applicant for admission. This rule is necessary to implement section 101(a)(13)(C) of the Act and to clarify the responsibility for carriers who transport to the United States aliens who claim to be returning residents. This rule will ensure that aliens who present themselves as lawful permanent residents are properly documented as such.

**Timetable:**

Action	Date
NPRM-INS No. 1932-98	10/00/03
NPRM Comment Period End	12/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1932-98.

Transferred from RIN 1115-AF26

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

**RIN:** 1651-AA09

**1144. CONTRACTS WITH TRANSPORTATION LINES**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1228

**CFR Citation:** 8 CFR 233

**Legal Deadline:** None

**Abstract:** This rule proposes to amend DHS regulations by providing signature authority for forms I-420, Agreement Between Transportation Line and the U.S., I-425, Agreement (Pre-Inspection) Between Transportation Line and the U.S. (At Places Outside U.S.), and I-426, Immediate and Continuous Transit Agreement Between a Transport Line & U.S., to the Commissioner or his delegated representative. This change is required by section 308 of IIRIRA which amended section 233 (a) of the I&NA by requiring carriers transporting

## DHS—BCBP

## Proposed Rule Stage

aliens to the U.S. from all “foreign territory and adjacent islands” to enter into a contract with the U.S. prior to transportation of such aliens. Another change is to remove the signature authority of the Associate Commissioner for Examinations for the aforementioned Agreements because the position was abolished.

**Timetable:**

Action	Date
NPRM	10/00/03
NPRM Comment Period End	12/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No.1994-99

Transferred from RIN 1115-AF46

**Agency Contact:** Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536  
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**RIN:** 1651-AA10**1145. IMPOSITION OF FINES FOR VIOLATIONS OF THE IMMIGRATION AND NATIONALITY ACT****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1221; 8 USC 1223; 8 USC 1227; 8 USC 1229**CFR Citation:** 8 CFR 280**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	09/00/03
NPRM Comment Period End	11/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2041-00

Transferred from RIN 1115-AF70

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

**RIN:** 1651-AA12**1146. ADJUSTMENT OF FEES FOR DEDICATED COMMUTER LANES AND SECURE ELECTRONIC NETWORK FOR TRAVELERS' RAPID INSPECTION (SENTRI) PROGRAMS AT LAND BORDER PORTS OF ENTRY****Priority:** Other Significant**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; ...**CFR Citation:** 8 CFR 103**Legal Deadline:** None

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

**Timetable:**

Action	Date
NPRM	10/00/03
NPRM Comment Period End	12/00/03

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

Transferred from RIN 1115-AG18

**Agency Contact:** Penny Pastiva, Budget Analyst, Department of Homeland Security, Bureau of Customs and Border Protection, Room 5236, 425 I Street NW., Washington, DC 6254  
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Email: penny.pastiva@usdoj.gov

**RIN:** 1651-AA16**1147. VISA WAIVER PROGRAM: GUAM VISA WAIVER PROGRAM****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1184; 8 USC 1187; ...**CFR Citation:** 8 CFR 103; 8 CFR 208; 8 CFR 212; 8 CFR 217; 8 CFR 233; ...**Legal Deadline:** None

**Abstract:** On October 30, 2000, the Visa Waiver Permanent Program Act, Public Law 106-396, made the Visa Waiver Pilot Program (VWPP) permanent with some modifications. The VWPP permits nationals from participating countries to apply for admission to the United States for 90 days or less as nonimmigrant visitors for business or pleasure without first obtaining a nonimmigrant visa. The proposed rule will clarify and explain the new VWP requirements as well as ensure that the VWP removal provisions apply fairly and equally to all inadmissible nonimmigrants regardless of nationality.

**Timetable:**

Action	Date
NPRM	09/00/03
NPRM Comment Period End	11/00/03

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

See also INS No. 2099-00

Transferred from RIN 1115-AG25

**Agency Contact:** Marty Newingham, Assistant Chief Inspector, Inspections

## DHS—BCBP

## Proposed Rule Stage

Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536  
Phone: 202 616-7992

**RIN:** 1651-AA17

#### 1148. LIMITING THE NUMBER OF TRANSIT WITHOUT VISA (TWOV) STOPS IN THE UNITED STATES TO ONE

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 214.2 (c)

**Legal Deadline:** None

**Abstract:** The Office of Inspector General (OIG) recently completed a

follow-up review of the Department of Homeland Security's (DHS) efforts to improve security of the Transit Without Visa (TWOV) program. The OIG report found that several security concerns described in the original 1993 report continue to exist, specifically the 1) continued allowance for TWOV passengers to make two stops in the United States, with the second stop being a domestic arrival; and 2) lack of carrier standards and accountability for supervising TWOV passengers waiting for their connecting flights in public, domestic areas. This proposed rule informs the public that DHS intends to amend its regulations by limiting the number of transit stops in the United States for TWOV passengers to one stop. These TWOV program modifications will enhance U.S. national security while still providing the traveling public TWOV privileges.

#### Timetable:

Action	Date
NPRM	09/00/03
NPRM Comment Period End	11/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1115-AG59

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**RIN:** 1651-AA22

### Department of Homeland Security (DHS)

### Final Rule Stage

#### Bureau of Customs and Border Protection (BCBP)

#### 1149. FEES FOR PARTICIPATION IN DEDICATED COMMUTER LANES AT SELECTED PORTS OF ENTRY; COLLECTION OF FEES UNDER THE DEDICATED COMMUTER LANE PROGRAM

**Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1224 to 1228; 8 USC 1252; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252b; 8 USC 1304; 8 USC 1356; 8 USC 1182; 8 USC 1183

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

**Legal Deadline:** None

**Abstract:** These rules provide for the collection of a fee at the time of application for participation in a Dedicated Commuter Lane (DCL), instead of at the time of approval of the application. The DCL program is a pilot project established at selected land border ports of entry to expedite the transborder movement of eligible, pre-screened, low-risk groups through designated traffic lanes. The first interim final rule clarifies the requirements for the use of the DCL (INS No. 1675). The second interim final rule will set forth the fee required of participants in order to cover the technological costs (INS No. 1794).

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

#### Timetable:

Action	Date
Interim Final Rule-INS No. 1675 Eff.	09/29/95
9/29/95; Comment Period End	11/28/95
Interim Final Rule Comment Period End	11/28/95
Interim Final Rule (INS 1794-96)	10/11/96
Final Action (INS 1675-94)--Effective	10/16/96
10/16/1996	61 FR 53303
Final Action (INS 1794-96)	06/00/03
NPRM (INS 2058-00)	10/00/03
NPRM Comment Period End (INS 2058-00)	12/00/03

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Organizations

**Government Levels Affected:** None

**Additional Information:** INS Nos. 1675 and 1794-96

Transferred from RIN 1115-AD82

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

**RIN:** 1651-AA01

#### 1150. ESTABLISHING CRITERIA FOR DETERMINING COUNTRIES WHOSE CITIZENS ARE INELIGIBLE FOR THE TRANSIT WITHOUT VISA (TWOV) PROGRAM

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 212; 8 CFR 234.2

**Legal Deadline:** None

**Abstract:** This rule proposes to amend Department regulations by removing the list of those countries that are ineligible to participate in the TWOV program from the regulation. In its place, DHS proposes to publish and

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

**Timetable:**

Action	Date
NPRM	01/05/01 66 FR 1053
NPRM Comment Period End	03/05/01
Final Action	10/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** INS No. 1696-95

Transferred from RIN 1115-AD96

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**RIN:** 1651-AA02**1151. SUSPENSION OF PRIVILEGE TO TRANSPORT ALIENS TO THE UNITED STATES****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1252; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225 to 1227**CFR Citation:** 8 CFR 103; 8 CFR 273**Legal Deadline:** None

**Abstract:** The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) added a provision to the Immigration and Nationality Act that allows DHS to suspend a commercial airline's privilege to

transport aliens to the United States if the carrier has a record of bringing in aliens who have fraudulent documents. After consultation with other interested Government agencies, DHS is proposing to implement appropriate standards and procedures governing the use of this power to suspend a carrier's privilege to transport aliens to the United States.

**Timetable:**

Action	Date
NPRM	10/23/98 63 FR 56869
NPRM Comment Period End	12/22/98
Final Action	08/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** INS No. 1809-96.

Transferred from RIN 1115-AE59

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

**RIN:** 1651-AA05**1152. ESTABLISHMENT OF PREINSPECTED AUTOMATED LANE (PAL) PROGRAM AT IMMIGRATION AND NATURALIZATION SERVICE****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2**CFR Citation:** 8 CFR 287; 8 CFR 299**Legal Deadline:** None

**Abstract:** This rule amends Department regulations by establishing a Preinspected Automated Lane (PAL) Program for the use of eligible persons and vehicles at immigration checkpoints within the United States. This rule will facilitate the passage of people and vehicles through DHS checkpoints while safeguarding the integrity of law enforcement objectives at the checkpoints.

**Timetable:**

Action	Date
Interim Final Rule	04/18/97 62 FR 19024

Action	Date
Interim Final Rule Comment Period End	06/17/97
Final Action	12/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1830-97

Transferred from RIN 1115-AE80

**Agency Contact:** Rudolph J. Miranda, Chief Patrol Agent, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4226, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-3072

**RIN:** 1651-AA06**1153. AMENDMENT OF THE REGULATORY DEFINITION OF ARRIVING ALIEN****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 CFR 2**CFR Citation:** 8 CFR 1**Legal Deadline:** None

**Abstract:** This rule amends Department regulations by changing the regulatory definition of an arriving alien. Under section 235(b)(1)(A)(i) of the Immigration and Nationality Act (Act), which was effective on April 1, 1997, certain arriving aliens are subject to expedited removal procedures. The existing regulatory definition of arriving aliens includes parolees. As a matter of policy, the Department has decided that it is appropriate to exempt from the new expedited removal procedures aliens who were paroled into the United States before April 1997. This rule clarifies that these aliens as well as certain other aliens who were paroled into the United States pursuant to advance parole, will not be subjected to expedited removal upon termination at parole. The rule also makes several changes in the ordering of 1.1(q) to use language that is clearer and more consistent with the wording of the statute.

**Timetable:**

Action	Date
Interim Final Rule	04/20/98 63 FR 19382

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Action	Date
Interim Final Rule Comment Period End	06/19/98
Final Rule	10/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Re: INS No. 1868-97

Transferred from RIN 1115-AE87

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

**RIN:** 1651-AA07**1154. ELIMINATION OF IMMIGRATION AND NATURALIZATION SERVICE- ISSUED MEXICAN AND CANADIAN BORDER CROSSING CARDS****Priority:** Other Significant**Legal Authority:** 5 USC 552; 8 USC 1228; 8 USC 1252; 8 USC 1304; 8 USC 1356; 8 USC 1304; 8 USC 1356; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1201; 8 USC 1225 to 1227**CFR Citation:** 8 CFR 103; 8 CFR 212; 8 CFR 214; 8 CFR 235; 8 CFR 247; 8 CFR 264; 8 CFR 286; 8 CFR 299**Legal Deadline:** Final, Statutory, October 1, 2002.

**Abstract:** This rule amends Department regulations to eliminate the use of Form I-175, Application for Nonresident Alien Canadian Border Crossing Card, and Form I-190, Application for Nonresident Alien Mexican Border Crossing Card. It also terminates the production of Form I-185, Nonresident Alien Canadian Border Crossing Card, and Form I-586, Nonresident Alien Mexican Border Crossing Card. In addition, this rule prohibits the use of Form I-186 (previous version of Mexican Border Crossing Card), Form I-185 and Form I-586 Border Crossing Cards (BCCs) after September 30, 2002, for required use of a card containing a machine readable biometric identifier for entry (such as the fingerprint or handprint of the alien). Under the provisions of this rulemaking, an alien seeking entry into the United States by presentation of a BCC must complete

a biometric verification upon each entry.

**Timetable:**

Action	Date
Interim Final Rule Effective	10/01/02
Interim Final Rule	12/02/02 67 FR 71442
Interim Final Rule Comment Period End	01/31/03
Final Action	12/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1931-98

Transferred from RIN 1115-AF24

**Agency Contact:** Michael J. Flemmi, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536  
Phone: 202 305-9247

**RIN:** 1651-AA08**1155. EXTENSION OF 25-MILE LIMIT AT SELECT ARIZONA PORTS-OF-ENTRY****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1183; 8 USC 1201; ...**CFR Citation:** 8 CFR 235**Legal Deadline:** None

**Abstract:** This rule amends Department regulations to extend the distance Mexican nationals with border crossing cards to travel into the United States without obtaining additional Immigration documentation at selected ports-of-entry (POEs) along the United States and Mexico border. The selected POEs are located in the State of Arizona at Sasabe, Nogales, Mariposa, Douglas, and Naco. Once visitors to Arizona meet the inspection requirements of legal entry to the United States, they will be able to travel within the 75-mile border region of Arizona. This rule is intended to promote commerce in the southern Arizona border area while still ensuring that sufficient safeguards are in place to prevent illegal entry to the United States.

**Timetable:**

Action	Date
Interim Final Rule	12/08/99 64 FR 68616
Interim Final Rule Comment Period End	02/07/00
Final Action	10/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2026-99

Transferred from RIN 1115-AF60

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

**RIN:** 1651-AA11**1156. EXPANSION OF DEDICATED COMMUTER LANES; CLARIFICATION OF DRIVER'S LICENSE REQUIREMENT FOR APPLICANTS TO DEDICATED COMMUTER LANES AND AUTOMATED PERMIT PORT PROGRAMS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1183; 8 USC 1201; ...**CFR Citation:** 8 CFR 235**Legal Deadline:** None

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

**Timetable:**

Action	Date
Interim Final Rule	10/00/03
Interim Final Rule Comment Period End	12/00/03

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**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2058-00

Transferred from RIN 1115-AF77

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

**RIN:** 1651-AA13

**1157. UPDATE OF LIST OF COUNTRIES WHOSE CITIZENS OR NATIONALS ARE INELIGIBLE FOR TRANSIT WITHOUT VISA (TWOV) PRIVILEGES TO THE UNITED STATES UNDER THE TWOV PROGRAM**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 212; 8 CFR 233

**Legal Deadline:** None

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

**Timetable:**

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

**Action**

Action	Date
Interim Final Rule	04/06/01
Effective	
Final Action	09/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Transferred from RIN 1115-AF81

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**RIN:** 1651-AA14

**1158. ADDING COLOMBIA TO THE LIST OF COUNTRIES WHOSE CITIZENS OR NATIONALS ARE INELIGIBLE FOR TRANSIT WITHOUT VISA (TWOV) PRIVILEGES TO THE UNITED STATES UNDER THE TWOV PROGRAM**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 212

**Legal Deadline:** None

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

**Timetable:**

Action	Date
Interim Final Rule	03/30/01 66 FR 17321
Interim Final Rule	04/02/01
Effective	

**Action**

Action	Date
Interim Final Rule	05/29/01
Comment Period End	
Final Action	09/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No 2129-01

Transferred from RIN 1115-AG16

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**RIN:** 1651-AA15

**1159. REMOVING RUSSIA FROM THE LIST OF COUNTRIES WHOSE CITIZENS OR NATIONALS ARE INELIGIBLE FOR TRANSIT WITHOUT VISA (TWOV) PRIVILEGES TO THE UNITED STATES UNDER THE TWOV PROGRAM**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 212

**Legal Deadline:** None

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

**Timetable:**

Action	Date
Interim Final Rule	06/15/01 66 FR 32529
Interim Final Rule	08/15/01
Comment Period End	
Final Action	10/00/03

**Regulatory Flexibility Analysis**

**Required:** No

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

Transferred from RIN 1115-AG27

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**RIN:** 1651-AA18

### 1160. ALLOWING CITIZENS AND NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA LIMITED TRANSIT WITHOUT VISA (TWOV) PRIVILEGES AT TWOV-DESIGNATED ALASKA INTERNATIONAL AIRPORTS

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

**Abstract:** The Transit Without Visa (TWOV) Program allows certain aliens to transit the United States en route to a specified foreign country without passport or visa provided they are traveling on a carrier signatory to an agreement with the Department of Homeland Security in accordance with section 233(c) of the Act and meet certain other requirements as enumerated in Department regulations at 8 CFR 212.1(f) and 214.2(c). This interim final rule allows citizens and nationals of the People's Republic of China limited TWOV privileges at TWOV-designated Alaska international airports provided they meet additional requirements enumerated in the rule. This rule is intended to benefit the economy of Alaska by allowing citizens and nationals of the People's Republic of China to transit the United States without a visa at TWOV-designated Alaska international airports while limiting the risk of abuse of the TWOV program by citizens or nationals of the People's Republic of China by restricting this policy to certain Alaskan ports of entry.

**Timetable:**

Action	Date
Interim Final Rule	09/00/03

Action	Date
Interim Final Rule	11/00/03
Comment Period	
End	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2160-01;

Transferred from RIN 1115-AG33

**Agency Contact:** Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536  
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**RIN:** 1651-AA20

### 1161. CARRIER ARRIVAL AND DEPARTURE ELECTRONIC MANIFEST REQUIREMENTS

**Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** PL 107-173; PL 106-96; 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1221; 8 USC 1228; 8 USC 1229**CFR Citation:** 8 CFR 231

**Legal Deadline:** Final, Statutory, January 1, 2003.  
Public Law 107-173, the Visa Waiver Permanent Program Act (VWPPA), sets a mandatory deadline of October 1, 2002.

**Abstract:** There are four principal laws that require the Attorney General to develop an automated and integrated entry/exit data system for aliens:

1. The Immigration and Naturalization Service Data Management Improvement Act (DMIA), Public Law 106-21;
2. The Visa Waiver Permanent Program Act (VWPPA), Public Law 106-396;
3. The USA PATRIOT Act, Public Law 107-56; and
4. The Enhanced Border Security and Visa Entry Reform Act (Border Security Act), Public Law 107-173.

Implementation of the relevant provisions in these four laws together will result in the Entry/Exit System. One of the basic legislative mandates is that the system integrate the available alien arrival and departure data that exist in any DHS or

Department of State (DOS) data base or system. This necessarily must include the systems that incorporate carrier manifest data on passengers and crew members who are entering or leaving the U.S. via air or sea. Section 231 of the Immigration and Nationality Act (INA) and 8 CFR part 231 state the requirements for carrier manifests.

In section 402 of the Border Security Act, Congress amended the manifest requirements in INA, section 231. The Border Security Act requires the submission of arrival and departure manifests electronically in advance of a commercial aircraft or vessel's arrival in or departure from the United States not later than January 1, 2003. Promulgation of regulations to implement this law will provide the Department with advance notification of information necessary for the identification of passengers and crewmembers on commercial carriers. The contents of the electronic arrival and departure manifest include: (1) complete name; (2) date of birth; (3) citizenship; (4) sex; (5) passport number and country of issuance; (6) country of residence; (7) United States visa number, date, and place of issuance, where applicable; (8) alien registration; (9) United States address while in the United States; and (10) such other information the Secretary, in consultation with the Secretary of State and the Secretary of Treasury determines as being necessary for the identification of the persons transported and for the enforcement of the immigration laws and to protect safety and national security.

In October 2000, Congress also amended section 217 of the INA to make the Visa Waiver Pilot a permanent program. The VWPPA also added a specific requirement for a "fully automated entry and exit control system" covering all aliens who enter the United States under the VWP at airports and seaports. The requirements for this system are both narrower and broader, in different respects, than the DMIA automated system requirements. The VWP entry/exit system will be incorporated into the broader Entry/Exit System mandated by DMIA. In addition, the VWPPA states that no alien arriving by air or sea may be granted a visa waiver under INA, section 217, on or after October 1, 2002, unless the carrier is submitting passenger information electronically to the VWP entry/exit system, as required

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by the Secretary. The Department is separately promulgating regulations to amend 8 CFR part 217 to implement the electronic manifest requirements for VWP purposes.

**Timetable:**

Action	Date
NPRM	01/03/03 68 FR 292
NPRM Comment Period End	02/03/03
Final Action	10/00/03

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** None

**Additional Information:** INS No. 2182-01

Transferred from RIN 1115-AG57

**Sectors Affected:** 481 Air Transportation

**Agency Contact:** Michael J. Flemmi, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536  
Phone: 202 305-9247

**RIN:** 1651-AA21

### 1162. REMOVAL OF VISA AND PASSPORT WAIVER FOR CERTAIN PERMANENT RESIDENTS OF CANADA AND BERMUDA

**Priority:** Other Significant

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

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

**Legal Deadline:** None

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

passport and visa to enter the United States. This rule also amends several other sections of the regulations that provide exceptions for these individuals based on the prior passport and visa exemption. DHS is taking this action in conjunction with the Department of State. This rule is intended to increase security and safeguard the United States.

**Timetable:**

Action	Date
Interim Final Rule	01/31/03 68 FR 5189
Interim Final Rule Effective	03/17/03
Interim Final Rule Comment Period End	04/01/03
Final Action	12/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2202-02

Transferred from RIN 1115-AG68

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

**RIN:** 1651-AA23

### 1163. POSTING OF SECURITY GUARD AT GANGWAY OF VESSEL FOR DETAINING ALIEN CREWMAN

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1184; 8 USC 1258; 8 USC 1281; 8 USC 1282

**CFR Citation:** 8 CFR 252

**Legal Deadline:** None

**Abstract:** The Immigration and Nationality Act (Act) provides that any immigration officer may revoke the conditional permit to land any alien crewman and require the master or commanding officer of the vessel on which the crewman arrived to receive and detain him or her on board such vessel. This interim final rule amends Department regulations by requiring that, upon request of an immigration officer, the master or commanding officer of a vessel will, in certain cases, not only detain an alien crewman on

board the vessel, but will, at his or her own expense, provide the necessary security to ensure that the detained alien crewman does not leave the vessel. This rule is necessary to enhance the security of the United States since a detained alien crewman may seek to leave the vessel on which he or she has been detained and that his or her illegal departure may pose a significant threat to the public safety.

**Timetable:**

Action	Date
Interim Final Rule	09/00/03
Interim Final Rule Comment Period End	11/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2210-02

Transferred from RIN 1115-AG72

**Agency Contact:** Andrew Taub, Assistant Chief Inspector, Office of Inspections, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536  
Phone: 202 305-9244

**RIN:** 1651-AA24

### 1164. ELECTRONIC ARRIVAL-DEPARTURE MANIFEST FOR VISA WAIVER PROGRAM

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1187

**CFR Citation:** 8 CFR 2

**Legal Deadline:** Final, Statutory, October 1, 2002, Public Law 106-396.

**Abstract:** This rule serves to further implement the automated exit entry control system mandated by section 217 (h) of the Immigration and Nationality Act (Act) by specifying those passenger data elements that must be electronically transmitted to the Department by carriers seeking to transport Visa Waiver Program (VWP) passengers into and out of the United States on or after October 1, 2002. This rule will also ensure that legitimate VWP travel is not disrupted after September 30, 2002, when the Secretary will no longer have the authority to admit applicants for

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admission under section 217 of the Act who arrive via sea or air unless the carrier transporting such aliens is electronically transmitting specified passenger data that the Secretary has determined is sufficient to track the arrival and departure of VWP aliens. This rule is necessary for the proper identification and monitoring of VWP aliens.

**Timetable:**

Action	Date
Interim Final Rule	09/00/03
Interim Final Rule	11/00/03
Comment Period	
End	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2219-02

Transferred from RIN 1115-AG73

**Agency Contact:** Michael J. Flemmi, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536  
Phone: 202 305-9247

**RIN:** 1651-AA25

**1165. • REMOVING INDONESIA AND MALAYSIA FROM THE GUAM VISA WAIVER PROGRAM**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 212

**Legal Deadline:** None

**Abstract:** The Guam Visa Waiver Program (GVWP) waives the nonimmigrant visa requirement for nationals of certain countries, including Malaysia, who apply for admission as a nonimmigrant visitor for business or pleasure for the sole purpose of visiting Guam for a period not to exceed 15 days. This rule will remove Indonesia and Malaysia from the list of countries authorized to participate in GVWP without significantly restricting legitimate travel to Guam.

**Timetable:**

Action	Date
Interim Final Rule	09/00/03

Action	Date
Interim Final Rule	11/00/03
Comment Period	
End	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1115-AG92

**Agency Contact:** Marty Newingham, Senior Immigration Inspector, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW, Washington, DC 20536  
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**RIN:** 1651-AA26

**1166. • AUTOMATED INSPECTION SERVICES—EXTENSION OF ENROLLMENT PERIOD**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 235

**Legal Deadline:** None

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

**Timetable:**

Action	Date
Interim Final Rule	02/28/03
Effective	
Interim Final Rule	03/04/03 68 FR 10143
Interim Final Rule	04/29/03
Comment Period	
End	
Final Action	10/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2256-03

Transferred from RIN 1115-AG94

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

**RIN:** 1651-AA27

**1167. • ADDING GEORGIA TO THE LIST OF COUNTRIES WHOSE CITIZENS OR NATIONALS ARE INELIGIBLE FOR TRANSIT WITHOUT VISA (TWOV) PRIVILEGES TO THE U.S. UNDER THE TWOV PROGRAM**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 212

**Legal Deadline:** None

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

**Timetable:**

Action	Date
Interim Final Rule	06/00/03
Interim Final Rule	08/00/03
Comment Period	
End	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2263-03

Transferred from RIN 1115-AG98

**Agency Contact:** Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536

## DHS—BCBP

## Final Rule Stage

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 RIN: 1651-AA28

**1168. NONIMMIGRANT VISA EXEMPTION FOR NATIONALS OF THE BRITISH VIRGIN ISLANDS ENTERING THE UNITED STATES THROUGH ST. THOMAS, U.S. VIRGIN ISLANDS**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 212

**Legal Deadline:** None

**Abstract:** This rule amends the Department of Homeland Security's regulations to allow nonimmigrant visitors for business or pleasure who are nationals of the British Virgin

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

**Timetable:**

Action	Date
Interim Final Rule	02/18/99 64 FR 7989
Interim Final Rule Comment Period End	04/18/99
Final Action	10/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** INS No. 1956-98

Transferred from RIN 1115-AF28

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

**RIN:** 1651-AA29

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

**Long-Term Actions**

**1169. VISA WAIVER PROGRAM**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 217

**Legal Deadline:** None

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

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

**Timetable:**

Action	Date
NPRM-INS No. 1406-91 Comment Period End	05/07/91 56 FR 21101 5/22/91

Action	Date
Final Rule-INS No. 1406-91 Eff. 7/18/91*	07/18/91 56 FR 32952
Interim Final Rule-INS No. 1447 Eff. 10/1/91; Comment Period End 10/15/91	09/13/91 56 FR 46716
Interim Final Rule-1622-93; Eff. 7/29/93; Com. End 8/30/93; (To be merged with 1447R-93)*	07/29/93 58 FR 40581
Public Notice-INS No. 1674 Eff. 10/25/94, Comment Period End 09/30/96	02/21/95 60 FR 9699
Interim Final Rule-INS No. 1685 Eff. 4/1/95; Comment Period End 5/30/95	03/28/95 60 FR 15855
Interim Final Rule-INS No. 1777	07/08/96 61 FR 35598
Interim Final Rule-INS No. 1782-96 With Comments (Australia)	07/29/96 61 FR 39721
Interim Final Rule-INS 1786-96 With Comments (Slovenia)	09/30/97 62 FR 50998
Final Rule-INS No. 1799	12/30/98 63 FR 71726

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

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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

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

Transferred from RIN 1115-AB93

**Agency Contact:** Marty Newingham, Assistant Chief Inspector, Inspections Division, Department of Homeland Security, Bureau of Customs and

## DHS—BCBP

## Long-Term Actions

Border Protection, Room 4064, 425 I Street NW., Washington, DC 20536  
Phone: 202 616-7992

**Related RIN:** Merged With 1115-AG25  
**RIN:** 1651-AA00

**1170. INSPECTION AND EXPEDITED REMOVAL OF ALIENS; DETENTION AND REMOVAL OF ALIENS; CONDUCT OF REMOVAL PROCEEDINGS**

**Priority:** Other Significant

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

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

**Legal Deadline:** Other, Statutory, March 1, 1997, The statute requires the Attorney General to promulgate implementing regulations by March 1, 1997.

**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, DHS and 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, DHS published the rule "Asylum Procedures" (INS No. 1865-97; RIN 1115-AE93), which finalized the asylum portions of this interim rule. The Department still intends to publish a final rule to finalize the portions of this rulemaking relating to inspection and expedited removal of aliens, detention and deportation and removal of aliens, and the conduct of removal proceedings.

**Timetable:**

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

Action	Date
Final Rule-INS No. 1920-98	07/22/98 63 FR 39217
Final Action INS No. 1788-96	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

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

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

Transferred from RIN 1115-AE47

**Agency Contact:** Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041  
Phone: 703 305-0470

**RIN:** 1651-AA04

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

**Completed Actions**

**1171. ESTABLISHMENT OF A \$3 IMMIGRATION USER FEE FOR CERTAIN COMMERCIAL VESSEL PASSENGERS PREVIOUSLY EXEMPT**

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

**Legal Authority:** 8 USC 1356; PL 107-77

**CFR Citation:** 8 CFR 286

**Legal Deadline:** None

**Abstract:** The rule removes the current exemption for cruise ship passengers whose journeys originated in Canada, Mexico, a territory or possession of the

United States and adjacent islands and will allow the Department of Homeland Security to collect a \$3 fee for passengers, according to the Department of Justice Appropriation Act (Public Law 107-77), dated November 28, 2001. Also, the regulations will be modified to exempt passengers of Great Lakes International ferries or vessels on the Great Lakes or connecting waterways when they operate on a regular schedule. This fee will be used to pay for inspection services and other related activities.

**Timetable:**

Action	Date
NPRM	04/03/02 67 FR 15753
NPRM Comment Period End	05/28/02 67 FR 34414
Final Action	01/28/03 68 FR 4090

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2180-01

Transferred from RIN 1115-AG47

## DHS—BCBP

## Completed Actions

**Agency Contact:** Georgia Mayers, Chief of Cash Management, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 6034, 425 I Street NW., Washington, DC 20536

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Penny Pastiva, Budget Analyst, Department of Homeland Security, Bureau of Customs and Border

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**RIN:** 1651-AA30

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

## Proposed Rule Stage

**1172. BACKGROUND CHECKS FOR AIRPORT WORKERS**

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

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

**CFR Citation:** 49 CFR 1542; 49 CFR 1544

**Legal Deadline:** None

**Abstract:** This action will address criminal history background checks for individuals who regularly have escorted access to secured areas of an airport, individuals who work in sterile areas of an airport, and others.

**Timetable:**

Action	Date
NPRM	12/00/03

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Federalism:** Undetermined

**Additional Information:** Transferred from RIN 2110-AA08

**Agency Contact:** Christine Beyer, Attorney, Regulations Division, Department of Homeland Security, Transportation Security Administration, TSA-2, Chief Counsel, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 1652-AA06

**1173. INVESTIGATIVE AND ENFORCEMENT PROCEDURES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 18 USC 6002; 28 USC 2461 (note); 49 USC 114; 49 USC 40113; 49 USC 40119; 49 USC 40114; 49 USC 44901 to 44907; 49 USC 46101 to 46107; 49 USC 46109; 49 USC 46110; 49 USC 46301; 49 USC 46305; 49 USC 46311; 49 USC 46313 to 46314

**CFR Citation:** 49 CFR 1503

**Legal Deadline:** None

**Abstract:** This rulemaking establishes the interim investigative and enforcement procedural rules that the TSA will use to address statutory and regulatory violations.

**Timetable:**

Action	Date
Interim Final Rule	08/08/02 67 FR 51480
Interim Final Rule Effective	08/08/02
NPRM	12/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from 2110-AA09

**Agency Contact:** Quang Nguyen, Attorney, Enforcement Division, Department of Homeland Security, Transportation Security Administration, TSA-2, Chief Counsel, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 1652-AA07

**1174. • ADMINISTRATIVE CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 5 USC 301; 28 USC 2672; 28 USC 2675; 49 USC 114; 49 USC 308; 49 USC 40113

**CFR Citation:** 49 CFR 1512

**Legal Deadline:** None

**Abstract:** This proposed rule will require prospective claimants under the Federal Tort Claims Act (FTCA) to follow certain procedures to file their claims to TSA. The rule is needed because the absence of a published rule of procedure may cause problems due to lack of knowledge by some parties on how or where to file claims, and

the minimum information needed to file a claim.

**Timetable:**

Action	Date
NPRM	06/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Gregg Golden, Attorney-Advisor, Department of Homeland Security, Transportation Security Administration, TSA-2, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 1652-AA19

**1175. • MARINE VESSEL SECURITY STANDARDS—PROHIBITED ITEMS**

**Priority:** Other Significant

**Legal Authority:** 49 USC 114

**CFR Citation:** 49 CFR 1576

**Legal Deadline:** None

**Abstract:** This proposed regulation would establish lists of "prohibited items" (weapons, explosives, incendiaries, and other dangerous items) that individuals would not be allowed to carry on their person, or in their baggage when they travel onboard one of four categories of passenger vessels.

**Timetable:**

Action	Date
NPRM	06/00/03

## DHS—TSA

## Proposed Rule Stage

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

**Agency Contact:** Jim Bamberger, Department of Homeland Security, Transportation Security Administration, TSA-8, Maritime Passenger Security Branch, 400 Seventh Street SW., Washington DC 20590  
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**RIN:** 1652-AA22**1176. • AVIATION SECURITY—ALL-CARGO SECURITY RULES****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** PL 107-71, sec 110(f)**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** This action develops a comprehensive strategic plan to address air cargo security.**Timetable:**

Action	Date
NPRM	08/00/03

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

**Agency Contact:** Benjamin Klein, Attorney-Advisor, Department of Homeland Security, Transportation Security Administration, TSA-2, Chief Counsel, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 1652-AA23**1177. • FEDERAL FLIGHT DECK OFFICER PROGRAM****Priority:** Other Significant**Legal Authority:** 49 USC 114; 49 USC 40113; 49 USC 44921**CFR Citation:** 49 CFR 1552**Legal Deadline:** None**Abstract:** This proposed rule establishes a program to screen, train, deputize, and equip certain commercial airline pilots as Federal law enforcement officers, and to authorize them to transport and carry firearms and to use force, including deadly force, to defend the flight decks of the aircraft against acts of criminal violence or air piracy.**Timetable:**

Action	Date
NPRM	05/00/03

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

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**RIN:** 1652-AA24

## Department of Homeland Security (DHS)

## Final Rule Stage

## Transportation Security Administration (TSA)

**1178. IMPOSITION AND COLLECTION OF PASSENGER CIVIL AVIATION SECURITY SERVICE FEES****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 49 USC 44940**CFR Citation:** 49 CFR 1510**Legal Deadline:** None**Abstract:** The Transportation Security Agency announces the imposition of a security service fee in the amount of \$2.50 per emplanement on passengers of domestic and foreign carriers in air transportation, foreign air transportation, and intrastate air transportation originating in the United States.**Timetable:**

Action	Date
Interim Final Rule	12/31/01 66 FR 67698
Notice Information Collection	01/31/02 67 FR 4866
Notice Information Collection	02/19/02 67 FR 7582

Action	Date
Interim Final Rule	03/01/02
Comment Period End	
Comment Period Reopened	03/28/02 67 FR 14879
Comment Period End	04/30/02
Disposition of Comments	09/00/03

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2110-AA01

**Agency Contact:** Randall Fiertz, Acting Chief TSA Revenue, Department of Homeland Security, Transportation Security Administration, TSA-14, Associate US for Finance and Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 1652-AA00**1179. AVIATION SECURITY INFRASTRUCTURE FEES****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 49 USC 44901; 49 USC 44940**CFR Citation:** 49 CFR 1511**Legal Deadline:** None**Abstract:** TSA announces the imposition of an air carrier fee each fiscal year on air carriers and foreign air carriers in air transportation, foreign air transportation, and intrastate air transportation. The fee is necessary to help defray TSA's costs of providing U.S. civil aviation security services.**Timetable:**

Action	Date
Interim Final Rule Effective	02/18/02
Interim Final Rule Correction	02/20/02 67 FR 7926
Notice Information Collection	02/22/02 67 FR 8579
Notice Information Collection	02/28/02 67 FR 9355

## DHS—TSA

## Final Rule Stage

Action	Date
Interim Final Rule Comment Period End	03/18/02
Comment Period Extended	03/20/02 67 FR 12954
Comment Period End	04/02/02
Notice Guidance App A	05/01/02 67 FR 21582
Disposition of Comments	09/00/03

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2110-AA02

**Agency Contact:** Randall Fiertz, Acting Chief TSA Revenue, Department of Homeland Security, Transportation Security Administration, TSA-14, Associate US for Finance and Administration, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 1652-AA01**1180. CIVIL AVIATION SECURITY RULES****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 49 USC 40101 et seq (PL 107-71)**CFR Citation:** 14 CFR 91; 14 CFR 107 to 109; 14 CFR 121; 14 CFR 129; 14 CFR 135; 14 CFR 139; 14 CFR 191; 49 CFR 1500 to 1550**Legal Deadline:** Final, Statutory, February 17, 2002.**Abstract:** This action transfers the FAA security rules to the Transportation Security Administration.**Timetable:**

Action	Date
Final Rule Effective	02/17/02
Final Rule	02/22/02 67 FR 8340
Final Rule Comment Period End	03/25/02
Disposition of Comments	09/00/03

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** Transferred from RIN 2110-AA03

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**RIN:** 1652-AA02**1181. SECURITY PROGRAMS FOR AIRCRAFT WEIGHING 12,500 POUNDS OR MORE****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 49 USC 114; 49 USC 5103; 49 USC 40119; 49 USC 44901 to 44907; 49 USC 44913; 49 USC 44914; 49 USC 44916 to 44918; 49 USC 44935; 49 USC 44936; 49 USC 44942; 49 USC 46105**CFR Citation:** 49 CFR 1540; 49 CFR 1544**Legal Deadline:** Final, Statutory, February 17, 2002.**Abstract:** This action requires operators of aircraft with a maximum certificated takeoff weight of 12,500 pounds or more to implement a Transportation Security Administration-approved security program.**Timetable:**

Action	Date
Final Rule	02/22/02 67 FR 8205
Final Rule Comment Period End	04/23/02
Final Rule Effective	06/24/02
Notice to extend compliance date	02/05/03 68 FR 5974
Disposition of Comments	09/00/03

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** No**Government Levels Affected:** None**Federalism:** Undetermined**Additional Information:** TSA issued the final security program to affected operators and they must be in compliance by April 1, 2003.

Transferred from RIN 2110-AA04

**Agency Contact:** Lon M. Siro, Aviation Security Operations Specialist, Department of Homeland Security, Transportation Security Administration, TSA-7-500, Air Carrier Operations Division, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 1652-AA03**1182. PRIVATE CHARTER SECURITY RULES****Priority:** Other Significant**Legal Authority:** 49 USC 114; 49 USC 5102; 49 USC 40119; 49 USC 44901 to 44907; 49 USC 44913; 49 USC 44914; 49 USC 44916 to 44918; 49 USC 44935; 49 USC 44936; 49 USC 44942; 49 USC 46105**CFR Citation:** 49 CFR 1540; 49 CFR 1544**Legal Deadline:** None**Abstract:** This rule amends the rules that apply to private charter aircraft. Private charter aircraft with a maximum certificated takeoff weight of 45.5 kg or more, or 61+ seats will now be required to ensure that passengers and their accessible property are screened prior to boarding.**Timetable:**

Action	Date
Final Rule	06/19/02 67 FR 41635
Final Rule Comment Period End	07/19/02
Final Rule Effective	08/19/02
Notice to extend compliance date	02/05/03 68 FR 5975
Disposition of Comments	09/00/03

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** The final security program has been issued and affected operators must comply by April 1, 2003.

Transferred from RIN 2110-AA05

**Agency Contact:** Lon M. Siro, Aviation Security Operations Specialist, Department of Homeland Security, Transportation Security Administration, TSA-7-500, Air Carrier Operations Division, 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 1652-AA04

DHS—TSA

Final Rule Stage

**1183. PROTECTION OF SENSITIVE SECURITY INFORMATION****Priority:** Other Significant**Legal Authority:** 49 USC 1141; 49 USC 5103; 49 USC 40119; 49 USC 44901 to 44907; 49 USC 44913; 49 USC 44914; 49 USC 44916 to 44918; 49 USC 44935; 49 USC 44936; 49 USC 44942; 49 USC 46105**CFR Citation:** 49 CFR 1520**Legal Deadline:** None

**Abstract:** TSA is revising its regulation governing the protection of sensitive security information (SSI) in order to implement recent legislative changes that expand TSA's authority to protect SSI related to modes of transportation other than aviation. TSA is issuing revisions to its existing regulation in the form of an interim final rule in order to address the immediate needs of individuals and entities operating in maritime and other modes of transportation as they develop security plans, assessments, procedures, and other measures called for by the Homeland Security Act of 2002 and the Maritime Transportation Security Act of 2002. To that end, TSA is expanding the definition of SSI to include additional types of information related to security in all modes of transportation and to expand the list of persons required to protect SSI. TSA also is requiring that records containing SSI be marked with a protective marking and distribution limitation statement that indicate the record contains SSI, the restrictions on the release of SSI, and the consequences of unauthorized disclosure of the SSI. TSA is requiring disposal of records containing SSI when they are no longer needed.

**Timetable:**

Action	Date
Interim Final Rule	05/00/03

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Additional Information:** Transferred from RIN 2110-AA10

**Agency Contact:** Dion Casey, Attorney, Department of Homeland Security, Transportation Security Administration, TSA-2, West Bldg., 8th floor, 400 Independence Avenue SW., Washington, DC 20590  
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**Related RIN:** Related To 1652-AA05**RIN:** 1652-AA08**1184. THREAT ASSESSMENTS REGARDING CITIZENS OF THE UNITED STATES WHO HOLD OR APPLY FOR FAA CERTIFICATES****Priority:** Other Significant**Legal Authority:** 49 USC 114; 49 USC 5103; 49 USC 40119; 49 USC 44901 to 44907; 49 USC 44913; 49 USC 44914; 49 USC 44916; 49 USC 44935; 49 USC 44936; 49 USC 44942; 49 USC 46105**CFR Citation:** 49 CFR 1540**Legal Deadline:** None

**Abstract:** This action provides the process by which the Transportation Security Administration (TSA) will notify a holder of, or an applicant for, a Federal Aviation Administration (FAA) airman certificate, and the FAA, that TSA has determined that the certificate holder or applicant poses a security threat. This process, provides the subject individual notice and the opportunity to be heard before TSA makes a final decision.

**Timetable:**

Action	Date
Final Rule	01/24/03 68 FR 3756
Comment Period Ends	03/25/03
Disposition of Comments	11/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2110-AA14

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**RIN:** 1652-AA12**1185. ● THREAT ASSESSMENTS REGARDING ALIEN HOLDERS OF, AND APPLICANTS FOR, FAA CERTIFICATES****Priority:** Other Significant**Legal Authority:** 49 USC 114; 49 USC 5103; 49 USC 40119; 49 USC 44901 to 44907; 49 USC 44913; 49 USC 44914; 49 USC 44916 to 44918; 49 USC 44935; 49 USC 44936; 49 USC 44942; 49 USC 46105**CFR Citation:** 49 CFR 1540**Legal Deadline:** None

**Abstract:** This action provides the process by which the Transportation Security Administration (TSA) will notify an alien holder of, or an alien applicant for, a Federal Aviation Administration (FAA) airman certificate, and the FAA, that TSA has determined that the certificate holder or applicant poses a security threat. This process, provides, the subject individual notice and the opportunity to be heard before TSA makes a final decision.

**Timetable:**

Action	Date
Final Rule	01/24/03 68 FR 3762
Comment Period End	03/25/03
Disposition of Comments	11/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2110-AA17

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**RIN:** 1652-AA15**1186. ● TRANSPORTATION OF EXPLOSIVES FROM CANADA TO THE UNITED STATES VIA COMMERCIAL MOTOR VEHICLE AND RAILROAD CARRIER****Priority:** Other Significant**Legal Authority:** 49 USC 114; 49 USC 5103; 49 USC 5103a; 49 USC 40113; 49 USC 46105

## DHS—TSA

## Final Rule Stage

**CFR Citation:** 49 CFR 1570; 49 CFR 1572

**Legal Deadline:** None

**Abstract:** This interim final rule addresses security issues regarding transportation of explosives by commercial motor vehicles and railroads. It establishes temporary requirements that all motor carriers, motor private carriers, and railroad carriers not using United States citizens or lawful permanent resident aliens as drivers or railroad crews to transport explosives to the United States, must meet during the period while DOT develops the standards that will apply on a more permanent basis.

**Timetable:**

Action	Date
Interim Final Rule	02/06/03 68 FR 6083
Interim Final Rule	03/10/03
Comment Period End	
Amendment to Interim Final Rule	05/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 2110-AA18

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**RIN:** 1652-AA16

**1187. • SECURITY THREAT ASSESSMENT FOR INDIVIDUALS APPLYING FOR A HAZARDOUS MATERIALS ENDORSEMENT FOR A COMMERCIAL DRIVERS LICENSE**

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

**Legal Authority:** 49 USC 114; 49 USC 5103a; 49 USC 40113; 49 USC 46105

**CFR Citation:** 49 CFR 1570; 49 CFR 1572

**Legal Deadline:** None

**Abstract:** The Transportation Security Administration (TSA) is amending the Transportation Security Regulations to establish security threat assessment

standards for determining whether an individual poses a security threat warranting denial of a hazardous materials endorsement for a commercial drivers license (CDL). TSA is also establishing procedures for seeking a waiver from the standards and appealing a security assessment determination.

TSA is issuing this interim final rule in coordination with a separate interim final rule being issued by the Federal Motor Carrier Safety Administration (FMCSA). The FMCSA rule amends the Federal Motor Carrier Safety Regulations governing commercial drivers licenses to prohibit States from issuing, renewing, transferring, or upgrading a commercial drivers license with a hazardous material endorsement unless the Department of Justice has first conducted a background records check of the applicant, and the TSA has determined that the applicant does not pose a security threat warranting denial of the hazardous materials endorsement. These interim final rules implement the background records check requirements of section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), and also establish requirements regarding the transportation of explosives in commerce.

**Timetable:**

Action	Date
Interim Final Rule	05/00/03

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** State, Federal

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

**Additional Information:** Transferred from RIN 2110-AA19

**Agency Contact:** Stephen Sprague, Department of Homeland Security, Transportation Security Administration, Office of Maritime and Land; TSA-8, 400 Seventh Street SW., 9th floor, West Building, Washington, DC 20590  
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**RIN:** 1652-AA17

**1188. • GENERAL RULEMAKING PROCEDURES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 49 USC 114; 49 USC 5103; 49 USC 40113; 49 USC 44901 to 44907; 49 USC 44913; 49 USC 44914; 49 USC 44916 to 44918; 49 USC 44935; 49 USC 44936; 44942, 46105

**CFR Citation:** 49 CFR 1501

**Legal Deadline:** None

**Abstract:** TSA is developing general rulemaking procedures to explain to the public the process required to initiate, follow-up, and complete the rulemaking process, and what the agency has to comply with during the process. This is needed because currently TSA does not have a regulation that explains the rulemaking process to the public. Rulemaking procedures are an important way for the public to interact with TSA, it is important that these procedures be clearly explained and easy to understand and follow. This proposed rule will layout the process to the public to allow them to understand how TSA processes rulemaking proceedings, and what they can do to have input in that process.

**Timetable:**

Action	Date
Final Rule	06/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Angela Anderson, Senior Rulemaking Analyst, Department of Homeland Security, Transportation Security Administration, TSA-2, West Tower, 8th floor, 400 Independence Avenue SW., Washington, DC 20590  
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**RIN:** 1652-AA18

## DHS—TSA

## Final Rule Stage

**1189. • TRANSPORTATION SECURITY ADMINISTRATION TRANSITION TO DEPARTMENT OF HOMELAND SECURITY; TECHNICAL AMENDMENTS REFLECTING ORGANIZATIONAL CHANGES****Priority:** Info./Admin./Other**Legal Authority:** 6 USC 203; 49 USC 114; 49 USC 40113**CFR Citation:** 49 CFR 1500; 49 CFR 1503; 49 CFR 1510 to 1540**Legal Deadline:** None

**Abstract:** Section 403 of The Homeland Security Act of 2002 transferred the functions of the Transportation Security Administration (TSA) from the Department of Transportation to the newly created Department of Homeland Security. This rule makes conforming technical changes to various parts of chapter XII of title 49, of the Code of Federal Regulations, revising, where appropriate, all references to the titles, abbreviations, and acronyms of the "Department of Transportation" and the "Undersecretary of Transportation for Security." This regulation also makes conforming changes to the general definitions sections and revises TSA's address because of TSA Headquarters' physical move to Arlington, Virginia. Because this rule revises existing regulations to reflect

organizational changes, it has no substantive effect on the public.

**Timetable:**

Action	Date
Final Rule	05/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For More Information:** <http://www.tsa.dot.gov/public/index.jsp>**URL For Public Comments:** <http://dms.dot.gov>

**Agency Contact:** Marisa Mullen, Senior Regulations Analyst, Department of Homeland Security, Transportation Security Administration, TSA-2, Chief Counsel, TSA Headquarters, West Tower, Floor 8 (868N), 400 Seventh Street SW., Washington, DC 20590  
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**RIN:** 1652-AA20**1190. • SECURITY THREAT ASSESSMENTS FOR INDIVIDUALS WHO HANDLE HAZARDOUS MATERIALS IN RAIL TRANSPORTATION****Priority:** Other Significant**Legal Authority:** 49 USC 114**CFR Citation:** 49 CFR 1573**Legal Deadline:** None

**Abstract:** This rule would require security threat reviews (background checks) for certain railroad employees—those with the ability to control shipments of hazardous materials, including explosives and other dangerous substances that could be used by terrorists to cause serious loss of life or property.

**Timetable:**

Action	Date
Interim Final Rule	05/00/03

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

**Agency Contact:** Ellen Siegler, Attorney, Department of Homeland Security, Transportation Security Administration, TSA-2, 400 Independence Avenue SW., West Building, 8th floor, Washington, DC 20590  
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**RIN:** 1652-AA21

## Department of Homeland Security (DHS)

## Long-Term Actions

## Transportation Security Administration (TSA)

**1191. • SECURITY COMPLIANCE PROGRAM FOR AIRCRAFT OPERATORS****Priority:** Other Significant**Unfunded Mandates:** Undetermined**Legal Authority:** 49 USC 114; 49 USC 5103; 49 USC 40113; 49 USC 40119; 49 USC 44901 to 44905; ...**CFR Citation:** 49 CFR 1540; 49 CFR 1544**Legal Deadline:** None

**Abstract:** Rules governing civil aviation security were transferred from the Federal Aviation Administration (FAA) to the Transportation Security Administration (TSA). Part 108 of title 14 of the Code of Federal Regulations (CFR) on Aircraft Operator Security, is now codified in 49 CFR parts 1540 and 1544. TSA will establish a compliance

program for aircraft operators to implement and test security contingency plans. The intent is to enhance security for the traveling public, air carriers, and persons employed by or conducting business at public airports by increasing awareness of and compliance with civil aviation security measures.

**Timetable:**

Action	Date
Final Action	To Be Determined

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2110-AA11

**Agency Contact:** Brandon B. Straus, Assistant Chief Counsel for Regulations, Department of Homeland Security,

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**Related RIN:** Related To 2120-AD45**RIN:** 1652-AA09**1192. • SECURITY COMPLIANCE PROGRAM FOR AIRPORTS****Priority:** Other Significant**Legal Authority:** 49 USC 114; 49 USC 5103; 49 USC 40113; 49 USC 40119; 49 USC 44901 to 44905; ...**CFR Citation:** 49 CFR 1540; 49 CFR 1542**Legal Deadline:** None

## DHS—TSA

## Long-Term Actions

**Abstract:** Rules governing civil aviation security were transferred from the Federal Aviation Administration (FAA) to the Transportation Security Administration (TSA). Part 107 of title 14 of the Code of Federal Regulations (CFR) on Airport Security, is now codified in 49 CFR parts 1540 and 1542. TSA will establish a compliance program for airport operators to implement and test security contingency plans. The intent is to enhance security for the traveling public, air carriers, and persons employed by or conducting business at public airports by increasing awareness of and compliance with civil aviation security measures.

**Timetable:**

Action	Date
Final Action	To Be Determined

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2110-AA12

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**Related RIN:** Related To 2120-AD46**RIN:** 1652-AA10**1193. • CRIMINAL HISTORY RECORDS CHECKS****Priority:** Other Significant**Unfunded Mandates:** Undetermined**Legal Authority:** 49 USC 114; 49 USC 40113; 49 USC 44936**CFR Citation:** 49 CFR 1540; 49 CFR 1542; 49 CFR 1544**Legal Deadline:** None

**Abstract:** This rule, published by the Federal Aviation Administration (FAA), requires each airport operator and aircraft operator that has adopted a security program under 14 CFR parts 107 or 108 to conduct fingerprint-based criminal history record checks for individuals if they have not already undergone criminal history record checks. The rule will ensure that individuals in these positions do not have disqualifying criminal offenses. Rules governing civil aviation security were transferred from the FAA to the Transportation Security Administration (TSA). Parts 107 and 108 of title 14 of the Code of Federal Regulations (CFR) on Airport Security and Aircraft Operator Security, respectively, are

now codified in 49 CFR parts 1540, 1542, and 1544. TSA will complete any further action required in this rulemaking.

**Timetable:**

Action	Date
Final Rule; Request for Comments	12/06/01 66 FR 63474
Comment Period End	01/07/02
Comment Period Reopened	01/25/02 67 FR 3810
Reopened Comment Period End	03/11/02
Disposition of Comments	To Be Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Undetermined**Additional Information:** Transferred from RIN 2110-AA11

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**Related RIN:** Related To 2120-AH53**RIN:** 1652-AA11

## Department of Homeland Security (DHS)

## Completed Actions

## Transportation Security Administration (TSA)

**1194. PROTECTION OF SENSITIVE SECURITY INFORMATION IN INFORMATION CIRCULARS FOR NONAVIATION MODES OF TRANSPORTATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 USC 114; 49 USC 5103; 49 USC 40119; 49 USC 44901 to 44907; 49 USC 44913; 49 USC 44914; 49 USC 44916 to 44918; 49 USC 44935; 49 USC 44936; 49 USC 44942; 49 USC 46105**CFR Citation:** 49 CFR 1520**Legal Deadline:** None

**Abstract:** TSA is proposing to amend its regulation governing the protection of sensitive security information (SSI) in order to require persons operating in various nonaviation modes of transportation to safeguard information about security concerns that TSA

disseminates to those persons in the form of Information Circulars (ICs). This will facilitate the dissemination of ICs to entities and individuals in nonaviation sectors of transportation by bringing them within the regulatory framework governing the protection of ICs from disclosure. Recipients of ICs will be required to restrict disclosure of and access to their contents to persons with an operational need to know. Persons subject to the SSI regulation that fail to protect ICs in accordance with the regulation's requirements will be subject to civil penalties and other enforcement action by TSA.

**Timetable:**

Action	Date
Merged With 1652-AA08	03/17/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local**Additional Information:** Transferred from RIN 2110-AA07

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**Related RIN:** Related To 1652-AA08**RIN:** 1652-AA05

## DHS—TSA

## Completed Actions

**1195. • CERTIFICATION OF SCREENING COMPANIES****Priority:** Info./Admin./Other**Legal Authority:** 49 USC 40101**CFR Citation:** 49 CFR 1500**Legal Deadline:** None

**Abstract:** This action provides information on the status of a notice of proposed rulemaking (NPRM), entitled "Certification of Screening Companies," published by the Federal Aviation Administration (FAA) (65 FR 560; January 5, 2000), that now is within TSA's authority as a result of the passage of the Aviation and Transportation Security Act on November 19, 2001. On February 22, 2002, TSA published a final rule transferring FAA's rules governing civil aviation security to TSA. The purpose of this document is to inform the public that TSA will take no further action on the notice of proposed rulemaking issued by FAA.

**Timetable:**

Action	Date
Notice of Final Status	11/05/02 67 FR 67382

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2110-AA15

**Agency Contact:** Angela Anderson, Senior Rulemaking Analyst, Department of Homeland Security, Transportation Security Administration, TSA-2, Chief Counsel, 400 Seventh Street SW., West Building, 8th floor, Washington, DC 20590  
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**RIN:** 1652-AA13**1196. • SECURITY OF CHECKED BAGGAGE ON FLIGHTS WITHIN THE UNITED STATES****Priority:** Info./Admin./Other**Legal Authority:** 49 USC 40101**CFR Citation:** 49 CFR 1500**Legal Deadline:** None

**Abstract:** This action provides information on the status of a notice of proposed rulemaking (NPRM), entitled "Security of Checked Baggage Within the United States," published by the Federal Aviation Administration (FAA) (64 FR 19220; 04/19/1999), that now is within TSA's authority as a result of the passage of the Aviation

and Transportation Security Act on November 19, 2001. On February 22, 2002, TSA published a final rule transferring FAA's rules governing civil aviation security to TSA. The purpose of this document is to inform the public that TSA will take no further action on the NPRM issued by FAA.

**Timetable:**

Action	Date
Notice of Final Status	11/05/02 67 FR 67382

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 2110-AA16

**Agency Contact:** Angela Anderson, Senior Rulemaking Analyst, Department of Homeland Security, Transportation Security Administration, TSA-2, Chief Counsel, 400 Seventh Street SW., West Building, 8th floor, Washington, DC 20590  
Phone: 571 227-2652  
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Email: angela.anderson@tsa.dot.gov

**RIN:** 1652-AA14

## Department of Homeland Security (DHS)

## Proposed Rule Stage

## Bureau of Immigration and Customs Enforcement (BICE)

**1197. NONIMMIGRANT CLASSES; S CLASSIFICATION; LAW ENFORCEMENT INITIATIVES; ALIEN WITNESSES****Priority:** Other Significant

**Legal Authority:** 8 USC 1101; 8 USC 1324a; 8 CFR 2; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252

**CFR Citation:** 8 CFR 212; 8 CFR 214; 8 CFR 274a; 8 CFR 299; 8 CFR 103

**Legal Deadline:** None

**Abstract:** Two regulatory initiatives dealing with the processing of alien witnesses have been prepared by the Department. INS No. 1683-94 provides the application and approval process for the admission of aliens in S nonimmigrant classification. It provides guidance to the various law enforcement agencies needing alien witnesses and informants to complete

critical law enforcement initiatives in the United States. INS No. 1728-95 establishes a fee for the processing of Form I-854, Inter-Agency Alien Witness and Informant Record, for Law Enforcement Agency (LEA) requests for S nonimmigrant classification for eligible alien witnesses and informants. The fee recovers the costs of the processing of requests for immigration benefits and is needed to comply with specific Federal immigration laws and Federal user fee statute and regulations.

**Timetable:**

Action	Date
Interim Final Rule-INS No. 1683 Eff. 8/25/95; Comment Period End 12/4/95	08/25/95 60 FR 44260
Interim Final Rule-INS No. 1683 Correction	10/05/95 60 FR 52068
Interim Final Rule-INS No. 1683 Correction	10/05/95 60 FR 52248
NPRM-INS No. 1728	12/00/03

Action	Date
Final Action-INS No.1683	12/00/03

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Tribal, Federal**Additional Information:** INS No. 1683-94; and INS No. 1728-95.

Transferred from RIN 1115-AD86

**Agency Contact:** Lydia St. John-Mellado, Investigator, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 1000, Investigations Division, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-5097

**RIN:** 1653-AA00

## DHS—BICE

## Proposed Rule Stage

**1198. FILING FACTUAL STATEMENTS ABOUT ALIEN PROSTITUTES****Priority:** Other Significant**Legal Authority:** 18 USC 2424; PL 104-208**CFR Citation:** 28 CFR 94**Legal Deadline:** None

**Abstract:** On September 30, 1996, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) was enacted. This law not only amended significant portions of title 8 of the United States Code, but also changed the provisions of title 18 United States Code (Crimes and Criminal Procedures). Because section 325 amends 18 U.S.C., the Department of Homeland Security will publish an implementing regulation dealing with the filing of statements by individuals who keep, maintain, control, support, or harbor alien prostitutes.

**Timetable:**

Action	Date
NPRM	12/00/03
NPRM Comment Period End	02/00/04

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** INS No. 1810-96

Transferred from RIN 1115-AE60

**Agency Contact:** Elizabeth Goyer, Senior Special Agent, Investigations, Office of Field Operations, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 425 I Street NW., Washington, DC 20536

Phone: 202 616-3722

**RIN:** 1653-AA03**1199. USE OF PAROLE FOR HUMANITARIAN REASONS OR SIGNIFICANT PUBLIC BENEFIT****Priority:** Other Significant**Legal Authority:** 8 USC 1182**CFR Citation:** 8 CFR 212**Legal Deadline:** NPRM, Statutory, September 11, 1997.

**Abstract:** Changes to the current regulations are necessitated by section 602 of the Illegal Immigration Reform and Immigrant Responsibility Act of

1996. This section has reworded certain parole authority by stipulating parole on a case-by-case basis for urgent humanitarian reasons or significant public benefit.

**Timetable:**

Action	Date
NPRM-INS No. 1840-97	10/00/03
NPRM Comment Period End	12/00/03

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** State, Local, Tribal, Federal**Additional Information:** INS No. 1840-97

See also (INS No. 2004-99): This interim final rule published on December 28, 2000, amended the regulations concerning the authority to grant the parole of aliens from DHS custody by specifically identifying the scope of that authority to include the Secretary. This action was taken to clarify which individuals are authorized by the Secretary to grant parole from DHS custody.

Transferred from RIN 1115-AE68

**Agency Contact:** Kenneth Leutbecker, Director, Parole and Humanitarian Assistance Branch, Office of International Affairs, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Attn: ULLICO Building, Third Floor, 111 Massachusetts Avenue NW., Washington, DC 20001  
Phone: 202 305-2670

**RIN:** 1653-AA04**1200. DEFINITIONS OF "NOTICE TO APPEAR" AND "ARREST WARRANT"****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 CFR 2**CFR Citation:** 8 CFR 1**Legal Deadline:** None

**Abstract:** This proposed rule adds definitions for the terms "Notice to Appear" and "Arrest Warrant." This proposed revision clarifies what is meant by those terms as they relate to the administration of immigration law. The action is necessary to improve the efficiency of the Department and to clarify how a Notice to Appear and an Arrest Warrant issued pursuant to the

Immigration and Nationality Act differ from such documents issued under another statute.

**Timetable:**

Action	Date
NPRM	10/00/03
NPRM Comment Period End	12/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2140-01

Transferred from RIN 1115-AG24

**Agency Contact:** Donna Kay Barnes, Acting Special Assistant, Office of Field Operations, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 7114, 425 I Street NW., Washington, DC 20536  
Phone: 202 616-7488

**RIN:** 1653-AA11**1201. PROCEDURES FOR DETAINEE HUNGER STRIKES****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1251; 8 USC 1253; ...**CFR Citation:** 8 CFR 241.19**Legal Deadline:** None

**Abstract:** This rule proposes standards and procedures for responding to hunger strikes by individuals detained by the Department. All proposed medical treatments in this regulation conform to accepted medical practice. Also, this rule would supersede the Department's Detention Standard on Hunger Strikes.

**Timetable:**

Action	Date
NPRM	12/00/03
NPRM Comment Period End	01/00/04

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2142-01

Transferred from RIN 1115-AG26

**Agency Contact:** Nik Maravich, Detention and Deportation Officer,

## DHS—BICE

## Proposed Rule Stage

Department of Homeland Security,  
Bureau of Immigration and Customs  
Enforcement, Room 800, Detention and  
Removal Operations, Office of  
Programs, 801 I Street NW.,  
Washington, DC 20536  
Phone: 202 514-1999

**RIN:** 1653-AA12

### 1202. STRENGTHENING CONTROL OVER IMMIGRATION SURETY BONDS

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC  
1356; 31 USC 9701; 31 USC 9305; 31  
USC 9308; PL 104-208

**CFR Citation:** 8 CFR 103

**Legal Deadline:** None

**Abstract:** During the past several years the Department has experienced problems collecting funds relating to breached surety bonds. Several surety companies and/or their bonding agents have circumvented administrative remedies to address immigration surety bond claims sent out by the Department and furthermore have evaded the judicial review process.

This rule proposes to strengthen the Department's control over the collection of immigration surety bonds by tightening current DHS procedures relating to the collection of surety bonds and by providing the Department with more powerful enforcement measures. Specifically, this rule will require surety companies and bonding agents to exhaust administrative remedies by using Department appeal procedures as a prerequisite to challenging the Department's actions under the Administrative Procedures Act (5 U.S.C. 701 et seq.) before seeking judicial review of DHS actions. In addition, this rule limits the exposure of the Department in the case of bonding agents who have acted improperly or whose authorities have been denied by their corporate

principals; encourages surety companies and bonding agents to respond early if there are any issues or disputes with the Department's claim and formalizes DHS' reporting requirements to the Department of the Treasury (Treasury); provides for notification to the Treasury of high dollar volume of unpaid debt over 90 days; and lastly, adds an enforcement tool 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 surety companies.

**Timetable:**

Action	Date
NPRM	08/00/03
NPRM Comment Period End	11/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2193-02

Transferred from RIN 1115-AG65

**Agency Contact:** Jim Landolt, Branch Chief, Policy, Office of Financial Management, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 425 I Street NW., Washington, DC 20536  
Phone: 202 353-0229  
Fax: 202 514-7898

**RIN:** 1653-AA16

### 1203. • INTEREST PAYMENTS ON CANCELLED CASH BONDS

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 31 USC  
1322; 31 USC 9308

**CFR Citation:** 8 CFR 293

**Legal Deadline:** None

**Abstract:** When DHS receives a cash bond, it is deposited into an account where interest is accumulated from the date the bond is posted, to the date that the bond is paid out. If a cancelled cash bond is unclaimed after a year, the principal and any accumulated interest are transferred to the U.S. Department of the Treasury, account entitled "Payments of Unclaimed Moneys of Individuals Whose Whereabouts are Unknown." This regulation at 8 CFR 293.1 concerns the computation of interest on cash bonds. It does not mention the Treasury requirement concerning the disposition of funds from unclaimed cash bonds. Since some cash bonds obligors have questioned the curtailment of interest a year after the bond is cancelled, we believe that this regulation should include language that clarifies the Department's requirement to comply with Treasury's regulation.

**Timetable:**

Action	Date
NPRM	07/00/03
NPRM Comment Period End	09/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2258-03

Transferred from RIN 1115-AG97

**Agency Contact:** Jim Landolt, Branch Chief, Policy, Office of Financial Management, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 425 I Street NW., Washington, DC 20536  
Phone: 202 353-0229  
Fax: 202 514-7898

**RIN:** 1653-AA20

## Department of Homeland Security (DHS)

## Final Rule Stage

### Bureau of Immigration and Customs Enforcement (BICE)

### 1204. AGREEMENT PROMISING NON- DEPORTATION OR OTHER IMMIGRATION BENEFITS

**Priority:** Other Significant

**Legal Authority:** 5 USC 301; 28 USC  
509; 28 USC 510; 28 USC 515 to 519

**CFR Citation:** 28 CFR 0.197

**Legal Deadline:** None

**Abstract:** This rule will finalize a 1996 interim final rule that requires Federal prosecutors, law enforcement agencies, and other officials to obtain written

consent from the Department of Homeland Security when entering into a plea agreement, cooperation agreement, or similar agreement promising an alien favorable treatment by DHS. This rule ensures that favorable treatment under the

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immigration laws is extended only after a full consideration of its effect on overall immigration enforcement, alleviates confusion over the authority to enforce the immigration laws, and prevents the Department from being bound by agreements undertaken without its knowledge and approval.

**Timetable:**

Action	Date
Interim Final Rule	09/13/96 61 FR 48405
Interim Final Rule Comment Period End	11/12/96
Final Action	10/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1791-96

Transferred from RIN 1115-AE50

**Agency Contact:** Joan S. Lieberman, Attorney, Office of General Counsel, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 6100, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-2895

**RIN:** 1653-AA02

### 1205. REQUIRING ALIENS ORDERED REMOVED FROM THE UNITED STATES TO SURRENDER TO THE DEPARTMENT OF HOMELAND SECURITY FOR REMOVAL

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1231; 8 USC 1253

**CFR Citation:** 8 CFR 240.13 to 240.19

**Legal Deadline:** None

**Abstract:** This rule requires aliens subject to a final order of removal to surrender to the Department. This rule also establishes procedures for surrender and bars persons violating these procedures from obtaining discretionary immigration benefits.

**Timetable:**

Action	Date
NPRM	09/04/98 63 FR 47205
NPRM Comment Period End	11/03/98
Supplemental NPRM	05/09/02 67 FR 31157
Supplemental NPRM Comment Period End	06/10/02
Final Rule	10/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 1115-AE82

**Agency Contact:** Lisa Batey, Associate General Counsel, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 6100, 425 I Street NW., Washington, DC 20536  
Phone: 503 353-1825

**RIN:** 1653-AA05

### 1206. EARLY RELEASE FOR REMOVAL OF CRIMINAL ALIENS IN STATE CUSTODY FOR NONVIOLENT OFFENSES

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1251; 8 USC 1253; 8 USC 1255; 8 USC 1330; 8 CFR 2

**CFR Citation:** 8 CFR 241

**Legal Deadline:** None

**Abstract:** The final rule will establish an administrative process whereby criminal aliens in State custody convicted of nonviolent offenses may be removed prior to completion of their sentence of imprisonment. The rule will implement the authority contemplated by Congress to enhance the ability of the United States to remove criminal aliens.

**Timetable:**

Action	Date
NPRM-INS No. 1848-97	07/12/99 64 FR 37461
NPRM Comment Period End	09/10/99
Final Action-INS No. 1848-97	10/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Federal

**Additional Information:** INS No. 1848-97

Transferred from RIN 1115-AE83

**Agency Contact:** Joan S. Lieberman, Attorney, Office of General Counsel, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 6100, 425 I Street NW., Washington, DC 20536

Phone: 202 514-2895

Ron Dodson, Supervisory Special Agent, Headquarters Investigations, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 1000, 425 I Street NW., Washington, DC 20536  
Phone: 202 616-7310

**RIN:** 1653-AA06

### 1207. POWER OF ATTORNEY GENERAL TO TERMINATE DEPORTATION PROCEEDINGS AND INITIATE REMOVAL PROCEEDINGS

**Priority:** Other Significant

**Legal Authority:** PL 104-208

**CFR Citation:** 8 CFR 309

**Legal Deadline:** None

**Abstract:** This rule proposes to implement section 309(c)(3) of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) by affording certain aliens rendered ineligible for relief from deportation by recent changes in the law the opportunity to have their deportation proceedings terminated and removal proceedings initiated in order to apply for relief. Certain permanent resident aliens rendered ineligible for section 212(c) relief by the Antiterrorism and Effective Death Penalty Act (AEDPA) and certain non-permanent 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 (EOIR) rulemaking.

**Timetable:**

Action	Date
NPRM	11/30/00 65 FR 71273
NPRM Comment Period End	01/29/01
Final Action	06/00/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2083-00

Transferred from RIN 1115-AF87

**Agency Contact:** Christina Hamilton, Chief, Enforcement Division, Office of

## DHS—BICE

## Final Rule Stage

General Counsel, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 6100, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-2895  
**RIN:** 1653-AA08

**1208. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING****Priority:** Other Significant**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1104; 8 USC 1252; 22 USC 7101; 22 USC 7105; ...**CFR Citation:** 28 CFR 1100**Legal Deadline:** Other, Statutory, April 28, 2001, Statutory deadline for promulgation of regulations.

**Abstract:** This rule amends 28 CFR and sets forth implementing guidance for section 107(c) of the Victims of Trafficking and Violence Protection Act of 2000. The Secretary and the Secretary of State are promulgating these regulations for law enforcement, Immigration, and Department of State (DOS) officials regarding the protection of victims of severe forms of trafficking who are in custody, the access of such victims to information about their rights and translation services, and the training of appropriate DHS and DOS personnel in identifying and protecting such victims. The rule also addresses the authority of Federal law enforcement officials to permit the continued presence in the United States of certain victims of severe forms of trafficking who are potential witnesses in order to aid prosecutions.

**Timetable:**

Action	Date
Interim Final Rule	07/24/01 66 FR 38514
Interim Final Rule Comment Period End	10/22/01
Final Action	10/00/03

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** No**Government Levels Affected:** Federal**Federalism:** Undetermined**Additional Information:** INS No. 2133-01

Transferred from RIN 1115-AG20

**Agency Contact:** Anne M. Veysey, Acting Director, Program Strategy and

Development Branch, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Investigations Division, 425 I Street NW., Washington, DC 20536  
Phone: 202 616-7372  
**RIN:** 1653-AA09

**1209. DETENTION OF ALIENS SUBJECT TO FINAL ORDERS OF REMOVAL****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1231; 8 USC 1253; ...**CFR Citation:** 8 CFR 241**Legal Deadline:** None

**Abstract:** This rule amends the custody review process governing the detention of aliens who are the subject of a final order of removal, deportation or exclusion (see 8 CFR 241.4) in light of the decision of the U.S. Supreme Court in *Zadvydas v. Davis*. This rule adds new provisions governing cases for DHS to determine whether there is a significant likelihood that an alien will be removed from the United States in the reasonably foreseeable future, and cases where there are special circumstances justifying the continued detention of certain aliens. This rule also makes conforming changes to the existing postremoval period detention regulations, and provides procedures to implement the statutory provision for the extension of the removal period beyond 90 days if the alien conspires or acts to prevent his or her removal or fails or refuses to assist DHS in obtaining documents necessary to his or her removal.

**Timetable:**

Action	Date
Interim Final Rule	11/14/01 66 FR 56967
Interim Final Rule Comment Period End	01/14/02
Final Action	10/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No 2156-01

Transferred from RIN 1115-AG29

**Agency Contact:** Joan S. Lieberman, Attorney, Office of General Counsel,

Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 6100, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-2895

**RIN:** 1653-AA13**1210. CUSTODY PROCEDURES****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; ...**CFR Citation:** 8 CFR 287**Legal Deadline:** None

**Abstract:** This rule amends Department regulations on the period of time after an alien's arrest within which the Department must make a determination whether the alien will be continued in custody or released on bond or recognizance and whether to issue a notice to appear and warrant of arrest. This rule provides that unless voluntary departure has been granted, DHS must make such determinations within 48 hours of arrest, except in the event of emergency or other extraordinary circumstance in which case the Department must make such determinations within an additional reasonable period of time.

**Timetable:**

Action	Date
Interim Final Rule Effective	09/17/01 66 FR 48334
Interim Final Rule Published	09/20/01 66 FR 48334
Interim Final Rule Comment Period End	11/19/01
Final Action	10/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No 2171-01

Transferred from RIN 1115-AG40

**Agency Contact:** Daniel Brown, Attorney, Office of General Counsel, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 6100, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-2895

**RIN:** 1653-AA14

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## Final Rule Stage

**1211. ADDRESS NOTIFICATION TO BE FILED WITH DESIGNATED APPLICATIONS****Priority:** Other Significant**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1304; ...**CFR Citation:** 8 CFR 103; 8 CFR 299**Legal Deadline:** None

**Abstract:** The proposed rule would amend regulations of the Department of Homeland Security (DHS) by requiring every alien who is applying for immigration benefits to acknowledge having received notice that he or she is required to provide a valid current address to the Department, including any change of address within 10 days of the change; that the Department will use the most recent address provided by the alien for all purposes, including the service of a Notice to Appear if the Department initiates removal proceedings; and, if the alien has changed address and failed to provide the new address to DHS, that the alien will be held responsible for any communications sent to the most recent address provided by the alien. This rule will satisfy the requirements or advance notice to the alien of the obligation to provide a current address to the Department, and of the consequences that may result for failure to do so, including the entry of an in absentia removal order against the alien if the alien fails to appear at a removal hearing.

**Timetable:**

Action	Date
NPRM	07/26/02 67 FR 48818
NPRM Comment Period End	08/26/02
Final Action	09/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2198-02

Transferred from RIN 1115-AG61

**Agency Contact:** George Martin, Appellate Counsel, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 200, 5113 Leesburg Pike, Falls Church, VA 22041  
Phone: 703 756-6257

**RIN:** 1653-AA15**1212. ESTABLISHING SAN BERNARDINO, SANTA ANA, AND VENTURA SUBOFFICES UNDER THE JURISDICTION OF THE LOS ANGELES DISTRICT OFFICE****Priority:** Other Significant**Legal Authority:** 8 USC 1103**CFR Citation:** 8 CFR 100**Legal Deadline:** None

**Abstract:** This rule amends Department regulations by adding the San Bernardino, Santa Ana, and Ventura suboffices to the listing of internal suboffices. DHS is opening these three suboffices to better serve the residents within the jurisdiction of the Los Angeles District Office. The San Bernardino, Santa Ana, and Ventura Suboffices will enable DHS customers to significantly reduce the commuting distance to a DHS office as well as the wait time for assistance. The intended effect of this regulation is to reallocate Department resources and improve processing efficiency for the Los Angeles District.

**Timetable:**

Action	Date
Final Action	10/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2192-02

Transferred from RIN 1115-AG66

**Agency Contact:** Sharon M. Lucas, Special Assistant, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 7114, Office of Field Operations, 425 I Street NW., Washington, DC 20536

Phone: 202 307-3862

**RIN:** 1653-AA17**1213. • ABBREVIATION OR WAIVER OF TRAINING FOR STATE OR LOCAL LAW ENFORCEMENT OFFICERS AUTHORIZED TO ENFORCE IMMIGRATION LAW DURING A MASS INFLUX OF ALIENS****Priority:** Other Significant**Legal Authority:** PL 98-473; 8 USC 1101; PL 102-410**CFR Citation:** 28 CFR 65**Legal Deadline:** None

**Abstract:** This rule would amend Department of Homeland Security regulations to authorize the Secretary to waive normally required training requirements in the event that the number of State or local law enforcement officers available to respond in an expeditious manner to urgent and quickly developing events during a declared mass influx of aliens is insufficient to protect public safety, public health, and national security.

**Timetable:**

Action	Date
Interim Final Rule	02/26/03 68 FR 8820
Interim Final Rule Effective	02/26/03
Interim Final Rule Comment Period End	04/28/03
Final Rule	12/00/03

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local**Additional Information:** Transferred from RIN 1115-AG84

**Agency Contact:** Ron Dodson, Supervisory Special Agent, Headquarters Investigations, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 1000, 425 I Street NW., Washington, DC 20536  
Phone: 202 616-7310

**RIN:** 1653-AA18**1214. PROCESSING, DETENTION, AND RELEASE OF JUVENILES****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1224 to 1227; 8 USC 1362**CFR Citation:** 8 CFR 236.3**Legal Deadline:** Final, Judicial, July 31, 1998.

The court-approved settlement agreement in *Flores v. Reno* (C.D. Cal.) required DHS to initiate action to publish regulations in July 1998. However, the changes brought by AEDPA and IIRIRA delayed issuance of the regulations. DHS later re-published the rule for comments.

**Abstract:** The rule amends Department regulations by establishing the procedures for processing alien juveniles from custody and the detention of unreleased juveniles in

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State-licensed programs and detention facilities. This rule also governs the transportation and transfer of juveniles in DHS custody.

**Timetable:**

Action	Date
NPRM-INS No. 1906-98	07/24/98 63 FR 39759
NPRM Comment Period End	09/22/98
NPRM Comment Period Reopened	01/14/02 67 FR 1670
Second NPRM Comment Period End	03/15/02
Final Action	12/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1906-98.

Transferred from RIN 1115-AF05

**Agency Contact:** Mark A. Matese, Director of Juvenile Affairs, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, 8th Floor, Office of Field Operations, 801 I Street NW, Washington, DC 20536  
Phone: 202 514-2162

**RIN:** 1653-AA22

### 1215. AUTHORIZING COLLECTION OF FEE LEVIED ON F, J, AND M NONIMMIGRANT CLASSIFICATIONS UNDER ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT (IIRIRA)

**Priority:** Other Significant

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

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

**Legal Deadline:** None

**Abstract:** This rule amends DHS regulations to establish a fee, pursuant to section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), as amended by Public Law 106-396. In accordance with these statutes, the alien will remit the fee directly to the Attorney General at a time prior to the alien being classified as an F, J, or M nonimmigrant. The rule will outline the fee amounts, who is subject, when the fee must be paid, and the consequences that an F-1, J-1, and M-1 nonimmigrant faces upon failure

to pay the fee. This rule is necessary to implement section 641 of the IIRIRA, as amended, as well as authorized under section 103 and 214 of the Immigration and Nationality Act and under 31 U.S.C. 9701.

**Timetable:**

Action	Date
NPRM	12/21/99 64 FR 71323
NPRM Comment Period End	02/22/00
Interim Final Rule	09/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 1991-99

Transferred from RIN 1115-AF56

**Agency Contact:** Maura Dadrack, Assistant Director, Adjudication Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-3228

**RIN:** 1653-AA23

### 1216. REVISION OF THE REGULATIONS CONCERNING F, J, AND M NONIMMIGRANT CLASSIFICATIONS

**Priority:** Other Significant

**Legal Authority:** 5 USC 552, 552(a); 5 USC 552(a); 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252(b); 8 USC 1304; 8 USC 1356; 31 USC 9701; EO 12356; 8 USC part 2; ...

**CFR Citation:** 8 CFR 103; 8 CFR 214

**Legal Deadline:** None

**Abstract:** This rule lays the foundation for the implementation of the Student and Exchange Visitor Information System (SEVIS), an Internet-based system that provides tracking and monitoring functionality, with access to accurate and current information on nonimmigrant students and exchange visitors. SEVIS is being integrated into the new entry-exit system, which is the U.S. Visitor and Immigrant Status Indication Technology System (U.S. VISIT). The U.S. VISIT is designed to make entering the United States easier for legitimate tourist, students, and business travelers while making it more difficult to enter the United States

illegally through the implementation of biometrically authorized documents.

There are three principal laws that require the Secretary to develop an automated system to track foreign students and exchange visitors:

1. Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA);
2. Section 416 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act); and
3. Section 501 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Border Security Act).

IIRIRA requires the Department to collect current information, on an ongoing basis, from schools and exchange programs relating to nonimmigrant foreign students and exchange visitors during their course of stay in the United States. In addition, the USA PATRIOT Act amended section 641 of IIRIRA to require full implementation and expansion of SEVIS prior to January 1, 2003. Furthermore, the Border Security Act clarifies the collection of information required by SEVIS and adds the specific requirement that educational institutions report any failure of an alien to enroll not later than 30 days after the registration deadline of the institution. Finally, Presidential Directive No. 2 and the findings released by the Office of the Inspector General have also had a significant impact on the direction of the student program at the Department.

While this rule implements SEVIS and its requirements, SEVIS is only one component of the Department's Student and Exchange Visitor Program (SEVP). Further rulemakings are a necessary part of the overall reengineering process and success of SEVP, which encompasses the review and registration of all schools and exchange programs in SEVIS prior to January 30, 2003, subsequent recertifications every two years, and the student fee regulation mandated by Congress in IIRIRA to pay for the operation and maintenance of SEVIS.

As part of this ongoing program, the Department published an interim final rule at 67 FR 44344 (July 1, 2002) allowing schools that met certain criteria to preliminarily enroll in SEVIS beginning on July 1, 2002. In early fall,

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Final Rule Stage

the Department will publish another rule that will require all schools to apply for certification in SEVIS in order to be able to begin accepting or continue accepting foreign students after the SEVIS mandatory compliance date. Additionally, DHS will publish a rule describing the recertification, withdrawal, and denial process for SEVIS. Finally, DHS will reintroduce a rule for the collection of the fee for all F, J, and M nonimmigrants.

**Timetable:**

Action	Date
NPRM (INS 2185-02)	05/16/02 67 FR 34862

Action	Date
NPRM Comment Period End	06/16/02
Interim Final Rule (INS 2211-02)	07/01/02 67 FR 44343
Interim Final Rule Comment Period End	07/31/02
Final Action (INS 2185-02)	12/02/02 67 FR 31184
Final Action (INS 2211-02)	10/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2185-02

Transferred from RIN 1115-AG55

**Agency Contact:** Maura Deadrick, Assistant Director, Adjudication Division, Department of Homeland Security, Bureau of Citizenship and Immigration Services, Room 3040, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-3228

**RIN:** 1653-AA24

Department of Homeland Security (DHS)

Long-Term Actions

Bureau of Immigration and Customs Enforcement (BICE)

**1217. EMPLOYER SANCTIONS MODIFICATIONS**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 274a

**Legal Deadline:** None

**Abstract:** The Department of Homeland Security (DHS) is considering further changes to streamline the verification and enforcement process requirements related to the Employer Sanctions provisions of the Immigration Reform and Control Act.

The Department published an interim rule in 1996, INS No. 1738, allowing DHS to issue and serve a Warning Notice upon an alleged violator after DHS has determined that a person or entity has violated section 274a of the Act. This rule also allows interested parties to electronically generate blank copies of the Employment Eligibility Verification Form (Form I-9).

On September 30, 1996, IIRIRA was enacted. Section 411(a) of IIRIRA allows employers who have made a good faith attempt to comply with a particular employment verification requirement to correct technical or procedural failures before such failures are deemed to be violations of the INA. DHS issued a proposed rule on April 7, 1998, INS No. 1819, to implement this provision and is in the process of preparing a final rule. Because the issuance of Warning Notices requires that violation determinations be made, it is being examined in conjunction with INS No. 1819 in light of section

411(a) of IIRIRA. The anticipated publication date of a final rule will not be determined until issues regarding implementation of section 411(a) of IIRIRA are resolved.

**Timetable:**

Action	Date
Interim Final Rule-INS No. 1738	10/07/96 61 FR 52235
Correction (Interim Final Rule)	10/29/96 61 FR 55840
Interim Final Rule Comment Period End	11/06/96
Final Rule	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Additional Information:** INS Nos. 1737 and 1738.

Transferred from RIN 1115-AE21

**Agency Contact:** Joseph Donnelly, Director, Worksite Enforcement, Investigations, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Washington, DC 20536  
Phone: 202 514-6057

**RIN:** 1653-AA01

**1218. EXPANSION OF EXPEDITED REMOVAL OF CERTAIN CRIMINAL ALIENS HELD IN FEDERAL, STATE, AND LOCAL JAILS**

**Priority:** Other Significant

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

**CFR Citation:** 8 CFR 212; 8 CFR 235

**Legal Deadline:** None

**Abstract:** This notice advises the public that the Department of Homeland Security (DHS) intends to apply the expedited removal provisions of section 235(b)(1) of the Immigration and Nationality Act on a pilot basis to certain criminal aliens being held in three correctional facilities in the State of Texas. This action will not become effective until DHS evaluates and addresses public comments and informs the public by notice in the Federal Register when the expedited removal provisions will be implemented. This pilot program will last for a period of 180 days, and will be followed with an evaluation of the program. The Department believes that implementing the expedited removal provisions to persons who have been found by a Federal judge to be guilty of illegal entry and are serving short criminal sentences will result in faster removal of those criminal aliens. This will ensure prompt immigration determinations in those cases and consequently will save DHS detention space and immigration judge and trial attorney resources. The public comments were received and reviewed. DHS elected to study the process to determine if the efficiencies to be gained were still valid, and incorporated its results into the final notice, which is currently being reviewed by the Department.

**Timetable:**

Action	Date
ANPRM	09/22/99 64 FR 51338

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## Long-Term Actions

**Action**  
ANPRM Comment  
Period End  
Next Action Undetermined

**Date**  
11/22/99

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** INS No. 1998-99

Transferred from RIN 1115-AF50

**Agency Contact:** Robert Evans, Detention and Deportation Officer, Detention and Deportation, Detention and Removal Op, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Suite 800, 801 I Street NW., Washington, DC 20536  
Phone: 202 353-7218

**RIN:** 1653-AA07

### 1219. INCREASING THE NUMBER OF OFFICERS AUTHORIZED TO ISSUE NOTICES TO APPEAR AND ARREST WARRANTS FOR IMMIGRATION VIOLATIONS

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1221; 8 USC 1229; 8 CFR 2

**CFR Citation:** 8 CFR 239; 8 CFR 287

**Legal Deadline:** None

**Abstract:** This rule increases the number of officers authorized to issue notices to appear, and warrants of arrest for immigration violations. Currently, the authority to issue notices to appear and to issue arrest warrants for immigration violations, is limited to a small number of DHS officers. The present listing identifies the officers authorized to issue by specific position. This revision increases the number of issuing officers and identifies issuing authority by job title. The action is necessary to improve Department operations since many DHS employees

are posted great distances away from the officials who are currently authorized to issue notices to appear and arrest warrants.

#### Timetable:

Action	Date
Interim Final Rule	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2137-01

Transferred from RIN 1115-AG22

**Agency Contact:** Christina Hamilton, Chief, Enforcement Division, Office of General Counsel, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 6100, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-2895

**RIN:** 1653-AA10

## Department of Homeland Security (DHS)

## Completed Actions

## Bureau of Immigration and Customs Enforcement (BICE)

### 1220. RELEASE OF INFORMATION REGARDING IMMIGRATION AND NATURALIZATION SERVICE DETAINEES IN NON-FEDERAL FACILITIES

**Priority:** Other Significant

**Legal Authority:** 5 USC 301; 5 USC 552; 5 USC 552a; 8 USC 1103; 8 USC 1182; ...

**CFR Citation:** 8 CFR 236

**Legal Deadline:** None

**Abstract:** This rule governs the public disclosure by any State or local government entity or by any privately operated facility of the name or other information relating to any immigration

detainee being housed or otherwise maintained or provided service on behalf of the Department. This rule establishes a uniform policy on the public release of information on DHS' detainees and ensures the Department's ability to support the law enforcement and security needs of the United States.

#### Timetable:

Action	Date
Interim Final Rule	04/22/02 67 FR 19508
Interim Final Rule Comment Period End	06/21/02
Final Action	01/29/03 68 FR 4364

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** INS No. 2203-02

Transferred from RIN 1115-AG67

**Agency Contact:** Dea Carpenter, Associate General Counsel, Office of General Counsel, Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Room 6100, 425 I Street NW., Washington, DC 20536  
Phone: 202 514-2895

**RIN:** 1653-AA21

## Department of Homeland Security (DHS)

## Proposed Rule Stage

## Directorate for Emergency Preparedness and Response (EP&amp;R)

### 1221. • DISASTER ASSISTANCE; FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 5121 to 5206

**CFR Citation:** 44 CFR 204

**Legal Deadline:** None

**Abstract:** This interim final rule revises the implementing regulations for section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5187 (the Stafford Act) as amended by the

Disaster Mitigation Act of 2000, which provide overall program guidance on the operation and administration of the Fire Management Assistance Grant Program (FMAGP). The revisions incorporated into this interim final rule are designed primarily to better

## DHS—EP&amp;R

## Proposed Rule Stage

facilitate the grant application and administration processes of FMAGP, thereby improving the delivery of financial assistance to the State, local, and Indian tribal governments. The revisions will immediately assist State, local, and Indian tribal governments applying for grants and subgrants under the 84 fire management assistance declarations approved by the Secretary since FMAGP was implemented on October 30, 2001, and will facilitate the provision of assistance to applying entities in future years as well.

**Timetable:**

Action	Date
NPRM	06/00/03

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

**Agency Contact:** Curtis Carleton, Recovery Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

Phone: 202 646-4535  
Email: curtis.carleton@fema.gov

**RIN:** 1660-AA26

**1222. • NATIONAL FLOOD INSURANCE PROGRAM (NFIP); STATE RENEWAL OF GROUP FLOOD INSURANCE POLICY (GFIP)**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4001 et seq**CFR Citation:** 44 CFR 61**Legal Deadline:** None

**Abstract:** EP&R is amending the Group Flood Insurance Policy (GFIP) to allow the States to continue the coverage for individuals insured under the initial GFIP policy after it has expired, provided the States pay the entire premium.

**Timetable:**

Action	Date
NPRM	06/00/03

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

**Agency Contact:** Charles M. Plaxico Jr., Mitigation Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

Phone: 202 646-3422  
Fax: 202 646-4327  
Email: charles.plaxico@fema.gov

**RIN:** 1660-AA27

**1223. • NATIONAL FLOOD INSURANCE PROGRAM (NFIP); ASSISTANCE TO PRIVATE SECTOR INSURERS**

**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4001 et seq**CFR Citation:** 44 CFR 62**Legal Deadline:** None

**Abstract:** This proposed rule would amend the Financial Assistance/Subsidy Arrangement between EP&R and the private sector insurers that sell and service flood insurance regarding the rules pertaining to when EP&R is responsible for litigation costs and when the insurers are responsible. It would also clarify issues of jurisdiction and choice of law when the insurers are sued and make some other changes to the Arrangement.

**Timetable:**

Action	Date
NPRM	05/00/03

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

**Agency Contact:** Charles M. Plaxico Jr., Mitigation Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

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**RIN:** 1660-AA28

## Department of Homeland Security (DHS)

## Final Rule Stage

## Directorate for Emergency Preparedness and Response (EP&amp;R)

**1224. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, HANDICAP, AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 794; 42 USC 2000d to 2000d-7; 42 USC 6101 to 6107; EO 12250

**CFR Citation:** 44 CFR 7; 44 CFR 16**Legal Deadline:** None

**Abstract:** This rule would amend EP&R's regulations implementing title VI of the Civil Rights Act of 1964,

section 504 of the Rehabilitation Act of 1972, and the Age Discrimination Act of 1975. Together, these statutes prohibit discrimination on the basis of race, color, national origin, disability, and age in programs or activities that receive Federal financial assistance. Publication of this rule would explicitly incorporate the Civil Rights Restoration Act definitions of "program or activity" and "program."

**Timetable:**

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

Action	Date
Final Action	09/00/03
Final Action Effective	10/00/03

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State, Local, Federal**Additional Information:** Transferred from RIN 3067-AD14

**Agency Contact:** Pauline C. Campbell, Office of Equal Rights, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

## DHS—EP&amp;R

## Final Rule Stage

Phone: 202 646-4122  
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 Email: pauline.campbell@fema.gov  
 RIN: 1660-AA12

**1225. DISASTER ASSISTANCE;  
 PUBLIC ASSISTANCE PROGRAM AND  
 COMMUNITY DISASTER LOAN  
 PROGRAM STATUTORY CHANGES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 5121

**CFR Citation:** 44 CFR 206

**Legal Deadline:** None

**Abstract:** This rule amends EP&R's regulations for the Public Assistance Program and the Community Disaster Loan Program to reflect statutory changes to these programs. Specifically the rule: 1) changes the Federal contribution for Large in Lieu Contributions also known as "alternate projects;" 2) adds irrigation districts to the list of eligible private nonprofit (PNP) facilities; 3) institutes a loan requirement for certain non-critical PNP facilities; and 4) limits Community Disaster Loans to \$5 million and requires that loan applicants not be in arrears on any previous loan.

**Timetable:**

Action	Date
Interim Final Rule	05/04/01 66 FR 22443

Action	Date
Interim Final Rule	07/03/01
Comment Period	
End	
Final Rule	05/00/03

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 3067-AD20

**Agency Contact:** James Walke, Recovery Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

Phone: 202 646-2751

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Email: james.walke@fema.gov

**RIN:** 1660-AA15

**1226. • DISASTER ASSISTANCE;  
 CRISIS COUNSELING REGULAR  
 PROGRAM; AMENDMENT TO  
 REGULATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 5121 to 5206

**CFR Citation:** 44 CFR 206

**Legal Deadline:** None

**Abstract:** This interim final rule will make a substantive change that would

in limited circumstances allow the Assistant Associate Director to extend the deadline for the Crisis Counseling Regular Program. This rule takes effect immediately.

**Timetable:**

Action	Date
Applicability Date	09/11/01
Interim Final Rule	03/03/03 68 FR 9899
Interim Final Rule	03/03/03
Effective	
Interim Final Rule	05/02/03
Comment Period	
End	
Final Rule	To Be Determined

**Regulatory Flexibility Analysis  
 Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

**Additional Information:** Transferred from RIN 3067-AD32

**Agency Contact:** Berl Jones, Recovery Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472  
 Phone: 202 646-3943  
 Fax: 202 646-3978  
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**RIN:** 1660-AA23

## Department of Homeland Security (DHS)

## Long-Term Actions

## Directorate for Emergency Preparedness and Response (EP&amp;R)

**1227. FLOOD MITIGATION  
 ASSISTANCE PROGRAM**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 4104c; 42 USC 4104d

**CFR Citation:** 44 CFR 78

**Legal Deadline:** None

**Abstract:** This interim final rule implements sections 553 and 554 of the National Flood Insurance Reform Act of 1994, to provide grants under the National Flood Mitigation Fund to States and communities for planning assistance and for mitigation projects that reduce the risk of flood damages to structures covered under contracts for flood insurance.

**Timetable:**

Action	Date
Interim Final Rule	03/20/97 62 FR 13346
Final Action	To Be Determined

**Regulatory Flexibility Analysis  
 Required:** No

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

**Additional Information:** Transferred from RIN 3067-AC45

**Agency Contact:** Sheila Donahoe, Mitigation Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

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**RIN:** 1660-AA00

**1228. CRIMINAL AND CIVIL  
 PENALTIES UNDER THE ROBERT T.  
 STAFFORD DISASTER RELIEF AND  
 EMERGENCY ASSISTANCE ACT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 5157(d); PL 101-410; 28 USC 2461; PL 104-134, sec 31001(s)

**CFR Citation:** 44 CFR 206

**Legal Deadline:** None

**Abstract:** This rule would increase the maximum civil penalty under the Robert T. Stafford Disaster Relief and Emergency Assistance Act from \$5,000 to \$5,500.

**Timetable:**

Action	Date
NPRM	02/10/97 62 FR 5957

## DHS—EP&amp;R

## Long-Term Actions

<b>Action</b>	<b>Date</b>
NPRM Comment	04/11/97
Period End	
Final Action	To Be Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 3067-AC61**Agency Contact:** Jordan Fried, Office of General Counsel, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

Phone: 202 646-4112

Fax: 202 646-4536

Email: jordan.fried@fema.gov

**RIN:** 1660-AA01**1229. DISASTER ASSISTANCE; HAZARD MITIGATION GRANT PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 5121 et seq**CFR Citation:** 44 CFR 206**Legal Deadline:** None**Abstract:** This rule would revise the categories of projects eligible for funding under the Hazard Mitigation Grant Program. It emphasizes nonstructural flood mitigation measures to reduce the number of flood-prone structures and clarifies that major structural flood control projects will not be considered for funding under the grant program.**Timetable:**

<b>Action</b>	<b>Date</b>
NPRM	05/01/98 63 FR 24143
NPRM Comment	07/01/98
Period End	
Final Action	To Be Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 3067-AC69**Agency Contact:** Deborah Ingram, Mitigation Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472Phone: 202 646-2856  
Fax: 202 646-3104  
Email: deborah.ingram@fema.gov**RIN:** 1660-AA02**1230. DEBT COLLECTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 3720A**CFR Citation:** 44 CFR 11**Legal Deadline:** None**Abstract:** Under this rule, EP&R will refer delinquent debts owed to this agency to the Department of the Treasury for collection under the Governmentwide Treasury Offset Program and for tax-refund offsets at the same time. EP&R amends its regulations to allow administrative offset against delinquent debtor States and units of general local government. EP&R also amends its regulations to change the method for calculating interest, penalty and administrative charges assessed on delinquent debts and to make States and units of general local government subject to such changes.**Timetable:**

<b>Action</b>	<b>Date</b>
Interim Final Rule	01/08/98 63 FR 1063
Final Action	To Be Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local**Additional Information:** Transferred from RIN 3067-AC77**Agency Contact:** Robin Maresco, Administrative & Resource Planning Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472  
Phone: 202 646-4287

Fax: 202 646-4157

Email: robin.maresco@fema.gov

**RIN:** 1660-AA05**1231. NATIONAL URBAN SEARCH AND RESCUE RESPONSE SYSTEM****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 5121 et seq**CFR Citation:** 44 CFR 208**Legal Deadline:** None**Abstract:** This rule would standardize the financing, administration, and operation of the National Urban Search and Rescue Response System, a cooperative effort of EP&R, participating State emergency management agencies, and local public safety agencies across the country. The proposed rule addresses the relationship between Urban Search & Rescue (US&R) Task Forces and EP&R, and funding for preparedness and response activities, including the acquisition of equipment, supplies and training.**Timetable:**

<b>Action</b>	<b>Date</b>
NPRM	12/18/02 67 FR 77627
NPRM Comment	02/03/03
Period End	
Final Action	To Be Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Local**Additional Information:** Transferred from RIN 3067-AC93**Agency Contact:** Michael Tamillow, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

Phone: 202 646-2549

Fax: 202 646-4684

Email: michael.tamillow@fema.gov

**RIN:** 1660-AA07**1232. ADMINISTRATION OF GRANTS: AUDITS OF STATES, LOCAL GOVERNMENTS, AND NONPROFIT ORGANIZATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 7501**CFR Citation:** 44 CFR 14**Legal Deadline:** None**Abstract:** This rule implements the Single Audit Act of 1996, as amended, on an agencywide basis within EP&R. It requires recipients of financial assistance from EP&R to comply with OMB Circular A-133, which sets forth standards for obtaining consistency and uniformity among Federal agencies for the audit of States, local governments, and nonprofit organizations expending Federal awards.

## DHS—EP&amp;R

## Long-Term Actions

**Timetable:**

Action	Date
Final Action	To Be Determined

**Regulatory Flexibility Analysis****Required:** Undetermined**Small Entities Affected:** No**Government Levels Affected:** Undetermined**Additional Information:** Transferred from RIN 3067-AC98**Agency Contact:** James Daniels, Office of the Inspector General, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

Phone: 202 646-3221

Fax: 202 646-3901

Email: james.daniels@fema.gov

**RIN:** 1660-AA08**1233. NATIONAL FLOOD INSURANCE PROGRAM (NFIP); INSURANCE COVERAGE AND RATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4001 et seq**CFR Citation:** 44 CFR 61**Legal Deadline:** None**Abstract:** This rule would apply full-risk premium rates under the NFIP to structures that have suffered multiple flood losses, and whose owners decline an offer of funding to eliminate or reduce future flood damage.**Timetable:**

Action	Date
NPRM	08/05/99 64 FR 42632
NPRM Comment Period End	09/07/99
Final Action	To Be Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 3067-AD02**Agency Contact:** Thomas Hayes, Mitigation Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

Phone: 202 646-7970

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Email: thomas.hayes@fema.gov

**RIN:** 1660-AA09**1234. ORGANIZATIONAL UNITS, FUNCTIONS, AND DELEGATIONS OF AUTHORITY****Priority:** Info./Admin./Other**Legal Authority:** Reorganization Plan No. 3 of 1978**CFR Citation:** 44 CFR 2**Legal Deadline:** None**Abstract:** This rule revises 44 CFR part 2 to reflect changes in EP&R's organizational structure, functions of new directorates and offices, and delegations of authority.**Timetable:**

Action	Date
Final Action	To Be Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 3067-AD03**Agency Contact:** Michael S. Herman, Office of General Counsel, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

Phone: 202 646-4097

Fax: 202 646-4536

Email: michael.herman@fema.gov

**RIN:** 1660-AA10**1235. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 103-355; 31 USC 6101 note**CFR Citation:** 44 CFR 17; 44 CFR 20**Legal Deadline:** None**Abstract:** This common rule would make changes to the existing Governmentwide nonprocurement common rule for debarment and suspension, and the Governmentwide rule implementing the Drug-Free Workplace Act of 1988.**Timetable:**

Action	Date
NPRM	01/23/02 67 FR 3315
NPRM Comment Period End	03/25/02
Next Action	Undetermined

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** Transferred from RIN 3067-AD15**Agency Contact:** Edward Broyles, Office of General Counsel, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

Phone: 202 646-3961

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**RIN:** 1660-AA13**1236. NATIONAL FLOOD INSURANCE PROGRAM (NFIP); INSPECTION OF INSURED STRUCTURES BY COMMUNITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4001 et seq**CFR Citation:** 44 CFR 59; 44 CFR 61**Legal Deadline:** None**Abstract:** This rule would amend EP&R regulations to clarify that areas of Monroe County, Florida that incorporate on or after January 1, 1999, and become eligible for the sale of flood insurance, must participate in the inspection procedure to help the communities of Monroe County and the Village of Islamorda verify that structures comply with the community's floodplain management ordinance, and to ensure that property owners pay flood insurance premiums to the NFIP commensurate with their flood risk.**Timetable:**

Action	Date
Interim Final Rule	03/08/02 67 FR 10631
Next Action	Undetermined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local**Additional Information:** Transferred from RIN 3067-AD16**Agency Contact:** Don Beaton, Mitigation Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

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## DHS—EP&amp;R

## Long-Term Actions

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RIN: 1660-AA14

### 1237. HAZARD MITIGATION PLANNING AND HAZARD MITIGATION GRANT PROGRAM

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 5121

**CFR Citation:** 44 CFR 201; 44 CFR 206

**Legal Deadline:** None

**Abstract:** This regulation would implement the new hazard mitigation planning requirements of section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as it was amended by the Disaster Mitigation Act of 2000.

**Timetable:**

Action	Date
Interim Final Rule	02/26/02 67 FR 8844
Interim Final Rule Effective	02/26/02
Interim Final Rule Comment Period End	04/29/02
Interim Final Rule	10/01/02 67 FR 61512
Interim Final Rule Effective	10/01/02
Interim Final Rule Comment Period End	12/02/02
Final Rule	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

**Additional Information:** Transferred from RIN 3067-AD22

**Agency Contact:** Terry Baker, Mitigation Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, Washington, DC 20472  
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RIN: 1660-AA17

### 1238. DISASTER ASSISTANCE; FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS

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

**Legal Authority:** 42 USC 5174

**CFR Citation:** 44 CFR 206

**Legal Deadline:** Final, Statutory, October 15, 2002.

**Abstract:** This rule would implement section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and changes the title of the provision from "Temporary Housing Assistance" to "Federal Assistance to Individuals and Households."

**Timetable:**

Action	Date
NPRM	01/23/02 67 FR 3412
NPRM Comment Period End	03/11/02
Interim Final Rule	09/30/02 67 FR 61446
Interim Final Rule Effective	10/15/02
Interim Final Rule Comment Period End	04/15/03
Corrections	10/09/02 67 FR 62896
Corrections Effective	10/09/02
Final Rule	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Federal

**Additional Information:** Transferred from RIN 3067-AD25

**Agency Contact:** Berl Jones, Recovery Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472  
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RIN: 1660-AA18

### 1239. DISASTER ASSISTANCE DEFINITIONS; STATUTORY CHANGE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 5121 to 5204(c)

**CFR Citation:** 44 CFR 206.2

**Legal Deadline:** None

**Abstract:** This rule would amend the definitions of "State," "United States,"

and "Local Government," as set forth in the Code of Federal Regulations, to coincide with those definitions established by the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

**Timetable:**

Action	Date
Interim Final Rule	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State, Local

**Additional Information:** Transferred from RIN 3067-AD26

**Agency Contact:** Michael S. Herman, Office of General Counsel, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

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RIN: 1660-AA19

### 1240. MANAGEMENT COSTS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 5165 (b)

**CFR Citation:** 44 CFR 206; 44 CFR 207

**Legal Deadline:** None

**Abstract:** This rule implements the management costs provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), simplifies and clarifies the method by which EP&R contributes to costs incurred by grantees and subgrantees in implementing the Public Assistance and Hazard Mitigation Grant programs, and establishes fixed management cost rates for compensating eligible grantees and subgrantees while adequately protecting Federal financial interests.

**Timetable:**

Action	Date
NPRM	08/30/02 67 FR 56130
NPRM Comment Period End	09/30/02
Final Action	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

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

## DHS—EP&amp;R

## Long-Term Actions

**Additional Information:** Transferred from RIN 3067-AD29

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**RIN:** 1660-AA21

### 1241. NATIONAL FLOOD INSURANCE PROGRAM (NFIP); GROUP FLOOD INSURANCE POLICY (GFIP)

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 4001 et seq

**CFR Citation:** 44 CFR 61

**Legal Deadline:** None

**Abstract:** This interim final rule amends the Group Flood Insurance Policy, as a result of the consolidation of sections 408 and 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by section 206 of the Disaster Mitigation Act of 2000.

**Timetable:**

Action	Date
Interim Final Rule	09/30/02 67 FR 61460
Interim Final Rule Effective	09/30/02
Interim Final Rule Comment Period End	04/15/03
Final Rule	To Be Determined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 3067-AD31

**Agency Contact:** Charles M. Plaxico Jr., Mitigation Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472  
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**RIN:** 1660-AA22

## Department of Homeland Security (DHS)

## Completed Actions

### Directorate for Emergency Preparedness and Response (EP&R)

#### 1242. PRODUCTION OR DISCLOSURE OF INFORMATION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 104-231

**CFR Citation:** 44 CFR 5

**Legal Deadline:** None

**Abstract:** This rule would give the public access to Government information and records maintained in an electronic format: 1) provide for expedited processing of certain requests; 2) establish an "electronic reading room;" 3) require edited material to be estimated or indicated in an agency's delay in processing requests; and 4) require FEMA to make an agency reference guide available on the Freedom of Information Act.

**Timetable:**

Action	Date
NPRM	08/28/98 63 FR 45982
NPRM Comment Period End	10/27/98
Withdrawn	02/28/03 68 FR 9621

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 3067-AC75

**Agency Contact:** Gayle Furtney, Office of General Counsel, Department of Homeland Security, Directorate for Emergency Preparedness and Response,

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**RIN:** 1660-AA03

#### 1243. TAXPAYER IDENTIFICATION NUMBERS

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 7701(c)

**CFR Citation:** 44 CFR 6

**Legal Deadline:** None

**Abstract:** This rule would implement the Debt Collection Improvement Act requirement that any person doing business with a Federal agency must provide the agency with the person's taxpayer identification number.

**Timetable:**

Action	Date
Withdrawn	03/11/03

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 3067-AC76

**Agency Contact:** Robin Maresco, Administrative & Resource Planning Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

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**RIN:** 1660-AA04

#### 1244. DEBT COLLECTION

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 3720A

**CFR Citation:** 44 CFR 11

**Legal Deadline:** None

**Abstract:** This rule would implement policies used by FEMA to collect debts under the Debt Collection Act of 1982, including measures to collect and to compromise or terminate collection action.

**Timetable:**

Action	Date
Withdrawn	03/06/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 3067-AC84

**Agency Contact:** Robin Maresco, Administrative & Resource Planning Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472  
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## DHS—EP&amp;R

## Completed Actions

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RIN: 1660-AA06

**1245. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS**

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

**Legal Authority:** PL 105-277

**CFR Citation:** 44 CFR 14

**Legal Deadline:** None

**Abstract:** This interim final rule presents an interim final revision to the agencies' codification of OMB Circular A-110, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations." It provides uniform administrative requirements for all grants and cooperative agreements to institutions of higher education, hospitals, and other nonprofit organizations.

**Timetable:**

Action	Date
Withdrawn	03/21/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 3067-AD07

**Agency Contact:** Charles F. McNulty, Administrative & Resource Planning Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, Office of Financial Management, 500 C Street SW., Washington, DC 20472  
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RIN: 1660-AA11

**1246. ASSISTANCE TO FIREFIGHTERS (FIRE) GRANT PROGRAM**

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

**Legal Authority:** 15 USC 2201 et seq.

**CFR Citation:** 44 CFR 152

**Legal Deadline:** None

**Abstract:** This interim final rule will provide guidance on a program to make grants directly to fire departments of a State for the purpose of enhancing their ability to protect the health and safety of the public, as well as that of the firefighting personnel facing fire and fire-related hazards. The grants will be awarded on a competitive basis, based on established funding priorities, demonstrated financial need for and maximum benefit to be derived from the grant funds.

**Timetable:**

Action	Date
Interim Final Rule	03/21/01 66 FR 15968
Second Interim Final Rule	02/27/02 67 FR 9142
Second Interim Final Rule Comment Period End	04/29/02
Final Rule	03/14/03 68 FR 12544
Final Action Effective	03/14/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Additional Information:** Transferred from RIN 3067-AD21

**Agency Contact:** Brian Cowan, U.S. Fire Administration, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472

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RIN: 1660-AA16

**1247. COST PRINCIPLES, ADMIN. REQUIREMENTS AND AUDITS OF GRANTS AND COOPERATIVE AGREEMENTS FOR STATE, LOCAL, AND INDIAN TRIBAL GOVTS., INSTITUTIONS OF HIGHER ED. AND OTHER NONPROFIT ORGS.—44 CFR PART 14**

**Priority:** Other Significant

**Legal Authority:** 31 USC 503, Chief Financial Officers Act

**CFR Citation:** 44 CFR 14

**Legal Deadline:** None

**Abstract:** This final rule revises 44 CFR part 14 to adopt all of the Office of Management and Budget (OMB) circulars that govern cost principles, administrative requirements, and audits of grants and cooperative agreements

for State, local, and Indian tribal governments, institutions of higher education, hospitals, and other nonprofit organizations, including applicable exceptions to the common rules.

**Timetable:**

Action	Date
Withdrawn	03/21/03

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Small Entities Affected:** Businesses

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

**Federalism:** Undetermined

**Additional Information:** Transferred from RIN 3067-AD28

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RIN: 1660-AA20

**1248. • NATIONAL FLOOD INSURANCE PROGRAM (NFIP); STANDARD FLOOD INSURANCE POLICY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 4001 et seq.

**CFR Citation:** 44 CFR 61

**Legal Deadline:** None

**Abstract:** The Mitigation Division of FEMA is increasing the limit of liability under coverage D-Increased Cost of Compliance (ICC) of the Standard Flood Insurance Policy from \$20,000 to \$30,000. New information has led us to decrease our estimate of annual ICC claims, and based on this decrease, we believe the limit of liability can be increased with no change in premium.

**Timetable:**

Action	Date
Final Rule	03/03/03 68 FR 9895
Final Rule Effective	05/01/03

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

## DHS—EP&amp;R

## Completed Actions

**Additional Information:** Transferred from RIN 3067-AD33

**Agency Contact:** Thomas Hayes, Mitigation Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472  
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**RIN:** 1660-AA24

**1249. • NATIONAL FLOOD INSURANCE PROGRAM (NFIP); INCREASED RATES FOR FLOOD COVERAGE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 4001 et seq

**CFR Citation:** 44 CFR 61

**Legal Deadline:** None

**Abstract:** The Mitigation Division of FEMA propose to change the way premiums are calculated for policyholders who purchase flood insurance coverage under the National

Flood Insurance Program (NFIP) for “pre-firm” buildings in Special Flood Hazard Areas (SFHAs). (The term “pre-firm buildings” mean buildings whose construction began on or before December 31, 1974, or before the effective date of the community’s Flood Insurance Rate Map (FIRM), whichever date is later. Most pre-firm buildings and their contents are eligible for subsidized rates under the NFIP.)

These increased flood insurance rates will be implemented in coordination with the elimination of the Expense Constant, a flat charge that the policyholder previously paid to defray certain expenses of the Federal Government related to flood insurance. As a result of this change, the same amount of premium revenue will still be collected to cover those expenses previously paid for by the Expense Constant; however, policyholders will pay for those expenses through premiums that vary by the amount of insurance that they purchase, instead of a flat charge per policy. The end result will be revenue neutral.

**Timetable:**

Action	Date
NPRM	02/03/03 68 FR 5264
NPRM Comment Period End	03/05/03
Final Action	04/01/03 68 FR 15666
Final Action Effective	05/01/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Local, State

**Additional Information:** Transferred from RIN 3067-AD34

**Agency Contact:** Thomas Hayes, Mitigation Division, Department of Homeland Security, Directorate for Emergency Preparedness and Response, 500 C Street SW., Washington, DC 20472  
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**RIN:** 1660-AA25

**Department of Homeland Security (DHS)**

**Proposed Rule Stage**

**Office of the Undersecretary for Management (M)**

**1250. ESTABLISHMENT OF FEE FOR PROCESSING GENEALOGICAL RESEARCH REQUESTS**

**Priority:** Other Significant

**Legal Authority:** 8 USC 1103; 8 USC 1201; 8 USC 1252; 8 USC 1252b

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

**Legal Deadline:** None

**Abstract:** Under the Freedom of Information Act and Privacy Act, the Department processes all requests for DHS 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 will charge a fee to recover the cost of searching, locating, retrieving, copying, reviewing, and mailing these records to the requester. The Genealogy Program is necessary to provide a more timely response to requests for genealogical and historical records.

**Timetable:**

Action	Date
NPRM	07/00/03
NPRM Comment Period End	09/00/03

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

Transferred from RIN 1115-AF88

**Agency Contact:** Ronald Whitelaw, Branch Chief, Office of Records Management, Department of Homeland Security, Office of the Undersecretary for Management, 4th Floor Ullico Build, 425 I Street NW., Washington, DC 20536  
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**RIN:** 1680-AA01

Department of Homeland Security (DHS)  
Office of the Undersecretary for Management (M)

Long-Term Actions

**1251. AVAILABILITY OF MATERIAL UNDER FREEDOM OF INFORMATION ACT AND PRIVACY ACT**

**Priority:** Other Significant

**Legal Authority:** 8 USC 552; 8 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252

**CFR Citation:** 8 CFR 103

**Legal Deadline:** None

**Abstract:** This revised regulation is necessary to amend Department regulations by providing procedures implementing the provisions of the Electronic Freedom of Information Act (EFOIA) Amendments of 1996. Provisions implementing EFOIA require that we maintain, and provide to the public, a record in either paper or electronic format and maintain an

electronic reading room. It further updates the timing of responses to requests by extending the response time from 10 to 20 working days. This regulation reflects current procedures for the public to request and obtain access to DHS records through the Freedom of Information Act and Privacy Act. It is being updated to include the handling of requests referred from another agency to ensure that requesters are not penalized by waiting in another agency's backlog, and reflects the Department's updated cost for calculating and changing fees.

**Timetable:**

Action	Date
NPRM	To Be Determined

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** Businesses, Organizations

**Government Levels Affected:** None

**Additional Information:** INS No.1942-98

Transferred from RIN 1115-AF32

**Agency Contact:** Mildred Carter, FOIA/PA Program Specialist, Files and Forms Management, Department of Homeland Security, Office of the Undersecretary for Management, 425 I Street NW., Washington, DC 20536  
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**RIN:** 1680-AA00

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