



Federal Register

**Monday,
December 13, 2004**

Part XIV

Department of State

Semiannual Regulatory Agenda

DEPARTMENT OF STATE (STATE)

DEPARTMENT OF STATE

22 CFR Ch. I

[Public Notice 4829]

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Department of State.

ACTION: Semiannual regulatory agenda.

SUMMARY: Consistent with the Regulatory Flexibility Act of 1980, 5 U.S.C. 602, and OMB guidance to the Department of State pursuant to Executive Order 12866, the fall 2004 regulatory agenda of the Department of State is set forth below. The purpose of this publication is to provide information to the public on the Department's regulatory plans.

FOR FURTHER INFORMATION CONTACT: Jo Brooks, Attorney Adviser for Legislation and General Management, Office of the Legal Adviser, Department of State, Room 3422, 2201 C Street NW., Washington, DC 20520, telephone (202) 647-2318.

Dated: September 27, 2004.

Grant S. Green, Jr.,

Under Secretary of State for Management.

Department of State—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2060	Cultural Exchange Program, Summer Work/Travel	1400-AB10
2061	Child Status Protection Act Beneficiaries	1400-AB87
2062	Documentation of Immigrant and Nonimmigrant Visas—Fingerprint Requirements	1400-AB88
2063	Department of State Acquisition Regulation (DOSAR)	1400-AB90
2064	National Security Information Regulations	1400-AB91
2065	Electronic Passport	1400-AB93
2066	Department of State Acquisition Regulation (DOSAR)	1400-AB98

Department of State—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2067	Hague Intercountry Adoption Convention Implementation	1400-AA88
2068	Student Exchange Visitor Information System (SEVIS) Rule	1400-AB45
2069	Documentation of Nonimmigrants; Border Commuter Students	1400-AB64
2070	Documentation of Nonimmigrant Visas; Student and Exchange Visitor System (SEVIS)	1400-AB65
2071	Uncertified Foreign Health Care Workers	1400-AB68
2072	Hague Intercountry Adoption Preservation of Convention Records	1400-AB69
2073	Documentation of Immigrants Under the Immigration and Nationality Act—Electronic Petition for Diversity Immigrant Status	1400-AB84
2074	Availability of Information to the Public	1400-AB85
2075	Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended—Professionals Under the North American Free Trade Agreement	1400-AB89
2076	Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates	1400-AB94
2077	Schedule of Fees for Consular Services: Exemption From the Nonimmigrant Visa Application Processing Fee for Family Members of Individuals Killed While Serving the United States	1400-AB95
2078	Amendment to the International Traffic in Arms Regulations: Registration Fee Change	1400-AB97

Department of State—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2079	Inter-Agency Coordination on Trafficking in Persons	1400-AC00

Department of State—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2080	Elimination of Crew List Visas	1400-AB49

Department of State (STATE)

Proposed Rule Stage

2060. CULTURAL EXCHANGE PROGRAM, SUMMER WORK/TRAVEL**Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101(2)(15)(J), 1182, 1184, 1258; 22 USC 1431 to 1442, 1475e, 2451 to 2460; Foreign Affairs Reform and Restructuring Act, PL 105-277, 112 Stat 2681 et seq; Reorganization Plan No 2 of 1977, 3 CFR, 1977 Comp, p 200; EO 12048 of March 27, 1978, 3 CFR, 1978 Comp, p 168**CFR Citation:** 22 CFR 62.32**Legal Deadline:** None**Abstract:** The Department is adopting specific regulations governing participation in summer work/travel programs conducted by Department-designated sponsors pursuant to Public Law 105-277. These regulations supersede program guidelines promulgated by the USIA and published at 61 FR 13760 (March 28, 1996).**Timetable:**

Action	Date	FR Cite
NPRM	03/00/05	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Additional Information:** Transferred from RIN 3116-AA16.**Agency Contact:** Stanley S. Colvin, Acting Director, Office of Exchange Coordination and Designation, Department of State, Bureau of Educational and Cultural Affairs, 301 4th Street SW, Washington, DC 20547
Phone: 202 401-9810
Fax: 202 401-9809
Email: colvinss@state.gov**RIN:** 1400-AB10**2061. CHILD STATUS PROTECTION ACT BENEFICIARIES****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 8 USC 1104**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** The rule implements the Child Status Protection Act of 2002. The Act helps protect certain immigrant visa applicants from being denied immigration benefits due to

their reaching the age of 21 and because of delays in legacy INS petition approval and adjustment processing. If an alien is eligible for relief after reaching age 21, his/her age is frozen throughout the pendency of his/her case. The rule sets forth the special formulas for calculating an alien's age for immigrant visa processing purposes.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Ronald L. Acker, Lead Visa Specialist, Department of State, 2401 E Street NW, Washington, DC 20522
Phone: 202 663-1205
Fax: 202 663-3898
Email: ackerrl@state.gov**RIN:** 1400-AB87**2062. DOCUMENTATION OF IMMIGRANT AND NONIMMIGRANT VISAS—FINGERPRINT REQUIREMENTS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 8 USC 1104**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** The rule announces the Department's intention to fingerprint certain immigrant and nonimmigrant visa applicants. Pursuant to section 303 of the Enhanced Border Security and Visa Entry Reform Act, the Secretary of State will issue to aliens only machine-readable, tamper-resistant visas and travel and entry documents that use biometric identifiers. Fingerprints will be taken for the purpose of establishing a pilot program for meeting the biometric requirement. 22 CFR 41.105 authorizes consular officers to fingerprint visa applicants if the officer considers that necessary for the purposes of investigation or identification.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Ronald L. Acker, Lead Visa Specialist, Department of State, 2401 E Street NW, Washington, DC 20522

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RIN: 1400-AB88**2063. DEPARTMENT OF STATE ACQUISITION REGULATION (DOSAR)****Priority:** Other Significant**Legal Authority:** PL 93-400; PL 96-83**CFR Citation:** 48 CFR 6**Legal Deadline:** None**Abstract:** This (DOSAR) change will update the (DOSAR) with respect to Defense Base Act coverage, as well as make other editorial changes.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Gladys G. Gines, Procurement Analyst, Office of the Procurement Executive, Department of State, SA-6, Room 603, Washington, DC 20522-0602

Phone: 703 516-1691

Fax: 703 875-6155

Email: ginesgg@state.gov

RIN: 1400-AB90**2064. NATIONAL SECURITY INFORMATION REGULATIONS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** EO 12958, as amended**CFR Citation:** 22 CFR 9**Legal Deadline:** None**Abstract:** The rule will revise the regulations governing the classification of national security information under the control of the Department in order to reflect the provisions of E.O. 12958,

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as amended by E.O. 13292 (March 25, 2003), on national security information.

Timetable:

Action	Date	FR Cite
NPRM	09/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Nicholas M. Murphy, Foreign Affairs Officer, Department of State, A/RPS/IPS, Room 4057, State Annex 2, 515 22nd Street NW, Washington, DC 20522-6001
Phone: 202 261-8333
Fax: 202-261-8571
Email: murphynm@state.gov
RIN: 1400-AB91

2065. ELECTRONIC PASSPORT

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

Legal Authority: 22 USC 211a, 213, 2651(a), 2671(d)(3), 2714, 3926; 31 USC 9701; EO 11295; 18 USC 1621(a)(2)

CFR Citation: 22 CFR 51

Legal Deadline: NPRM, Statutory, August 2004.

Abstract: 22 CFR part 51 will be amended to include language governing the issuance of the new electronically readable U.S. passports.

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Seth C. Polansky, Attorney Advisor, Department of State, 2100 Pennsylvania Avenue NW, Washington, DC 20037
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Fax: 202-663-2654
Email: polanskysc@state.gov

RIN: 1400-AB93

2066. • DEPARTMENT OF STATE ACQUISITION REGULATION (DOSAR)

Priority: Substantive, Nonsignificant

Legal Authority: PL 93-400; PL 83-96

CFR Citation: 48 CFR 8

Legal Deadline: None

Abstract: This DOSAR change will update the DOSAR to keep it current with changes to the Federal Acquisition Regulation.

Timetable:

Action	Date	FR Cite
NPRM	03/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Gladys G. Gines, Procurement Analyst, Office of the Procurement Executive, Department of State, SA-6, Room 603, Washington, DC 20522-0602
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RIN: 1400-AB98

Department of State (STATE)

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2067. HAGUE INTERCOUNTRY ADOPTION CONVENTION IMPLEMENTATION

Priority: Other Significant

Legal Authority: 42 USC 14901 to 14954

CFR Citation: 22 CFR 96

Legal Deadline: None

Abstract: Regulations will implement accreditation aspects of the Hague Convention for the Protection of Children and Cooperation in Respect of Intercountry Adoption and its implementing legislation.

Timetable:

Action	Date	FR Cite
NPRM	09/15/03	68 FR 54064
NPRM Comment Period End	11/14/03	
Final Action	07/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, Local, State, Tribal

Agency Contact: Anna Mary Coburn, Office of Policy Review and Interagency Liaison, Bureau of Consular Affairs, Department of State, 2201 C Street NW, Washington, DC 20520
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RIN: 1400-AA88

2068. STUDENT EXCHANGE VISITOR INFORMATION SYSTEM (SEVIS) RULE

Priority: Substantive, Nonsignificant

Unfunded Mandates: Undetermined

Legal Authority: 8 USC 1101(a)(15)(j), 1182, 1184, 1258; 22 USC 1431 to 1442, 1475e, 2451 to 2460; Foreign Affairs Reform and Restructuring Act, PL 105-277, 112 Stat 2681 et seq; Reorganization Plan No 2 of 1977, 3 CFR 1977 Comp, p 200; EO 12048 of March 27, 1978, 3 CFR, 1978 Comp, p 168

CFR Citation: 22 CFR 62, subpart F

Legal Deadline: None

Abstract: The Department is amending the Exchange Visitor Program regulations to facilitate the requirements established by section 641 of Public Law 104-208 (as amended) for the Legacy INS Student and Exchange Visitor Program (SEVP).

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/12/02	67 FR 76307
Interim Final Rule Comment Period End	01/13/03	
Final Action	01/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Federalism: Undetermined

Agency Contact: Stanley S. Colvin, Acting Director, Office of Exchange Coordination and Designation,

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RIN: 1400-AB45

2069. DOCUMENTATION OF NONIMMIGRANTS; BORDER COMMUTER STUDENTS

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1104

CFR Citation: 22 CFR 41.61

Legal Deadline: None

Abstract: This regulation allows foreign students living in Canada and Mexico to commute to the U.S. to study.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/23/03	68 FR 28129
Interim Final Rule Comment Period End	07/22/03	
Final Action	12/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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Fax: 202 663-3898

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Related RIN: Related to 1400-AB65

RIN: 1400-AB64

2070. DOCUMENTATION OF NONIMMIGRANT VISAS; STUDENT AND EXCHANGE VISITOR SYSTEM (SEVIS)

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1104

CFR Citation: 22 CFR 41.61 and 41.62

Legal Deadline: None

Abstract: This regulation provides for the electronic monitoring of students and exchange visitors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/23/03	68 FR 28129

Action	Date	FR Cite
Interim Final Rule Comment Period End	07/22/03	
Final Action	12/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ronald L. Acker, Lead Visa Specialist, Department of State, 2401 E Street NW, Washington, DC 20522

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Related RIN: Related to 1400-AB64

RIN: 1400-AB65

2071. UNCERTIFIED FOREIGN HEALTH CARE WORKERS

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1104

CFR Citation: 22 CFR 40.53

Legal Deadline: None

Abstract: This regulation outlines requirements for foreign health care workers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/17/02	67 FR 77158
Interim Final Rule Effective	12/17/02	
Interim Final Rule Comment Period End	02/18/03	
Final Action	12/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ronald L. Acker, Lead Visa Specialist, Department of State, 2401 E Street NW, Washington, DC 20522

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RIN: 1400-AB68

2072. HAGUE INTERCOUNTRY ADOPTION PRESERVATION OF CONVENTION RECORDS

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

Legal Authority: 42 USC 14901 to 14954

CFR Citation: 22 CFR 98

Legal Deadline: None

Abstract: Regulation to implement preservation of records requirements under the Intercountry Adoption Act of 2000.

Timetable:

Action	Date	FR Cite
NPRM	09/15/03	68 FR 54119
NPRM Comment Period End	11/14/03	
Final Action	07/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Anna Mary Coburn, Office of Policy Review and Interagency Liaison, Bureau of Consular Affairs, Department of State, 2201 C Street NW, Washington, DC 20520

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RIN: 1400-AB69

2073. DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT—ELECTRONIC PETITION FOR DIVERSITY IMMIGRANT STATUS

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

Legal Authority: 8 USC 1104

CFR Citation: 22 CFR 42.33

Legal Deadline: None

Abstract: This rule changes the manner in which aliens may petition for the opportunity to participate in the Diversity Visa Program from a standard mail-in system to an entirely electronic system utilizing a specifically designated Internet website.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/18/03	68 FR 49353

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Action	Date	FR Cite
Interim Final Rule	10/17/03	
Comment Period End		
Final Action	12/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Ronald L. Acker, Lead Visa Specialist, Department of State, 2401 E Street NW, Washington, DC 20522

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Fax: 202 663-3898

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RIN: 1400-AB84**2074. AVAILABILITY OF INFORMATION TO THE PUBLIC****Priority:** Substantive, Nonsignificant**Legal Authority:** 22 USC 552.552a; EO 12858, as amended; 68 FR 15313; EO 12600; 55 FR 9318; Ethics in Government Act of 1978, PL 95-521, as amended**CFR Citation:** 22 CFR 171**Legal Deadline:** None**Abstract:** This proposed rule revises the regulation governing access by the public to information that is under the control of the Department in order to reflect changes in the provisions of the basic laws and Executive orders pertaining to access to information.**Timetable:**

Action	Date	FR Cite
NPRM	03/31/04	69 FR 16841
NPRM Comment Period End	06/29/04	
Final Action	12/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Margaret Peppe, Chief, Programs and Plans Division of the Office of Information Programs and Services, Department of State, SA-2, Room 6073, Washington, DC 20522

Phone: 202 261-8327

Fax: 202 663-2717

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RIN: 1400-AB85**2075. DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED— PROFESSIONALS UNDER THE NORTH AMERICAN FREE TRADE AGREEMENT****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** North American Free Trade Agreement, PL 103-182**CFR Citation:** 22 CFR 41.59**Legal Deadline:** None**Abstract:** Consistent with NAFTA requirements, this amendment removes limitations on the number of Mexicans who may enter the United States as non-immigrant professionals.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Ronald L. Acker, Lead Visa Specialist, Department of State, 2401 E Street NW, Washington, DC 20522

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RIN: 1400-AB89**2076. • SCHEDULE OF FEES FOR CONSULAR SERVICES, DEPARTMENT OF STATE AND OVERSEES EMBASSIES AND CONSULATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1153 note; 8 USC 1351; 8 USC 1351 note; 10 USC 2602(c); 22 USC 214; 22 USC 2504(a); 22 USC 4201; 22 USC 4206; ...**CFR Citation:** 22 CFR 22**Legal Deadline:** None**Abstract:** This rule proposes adjustments in current fees for consular services based on the results of a new cost of services study. The fee schedule also incorporates changes in the Department of Homeland Security (DHS) fees that the Department of State collects on behalf of DHS and makes other minor technical changes. In addition, certain consular services performed for no fee are listed in the

schedule to inform the public that such services are available and may be requested with charge.

Timetable:

Action	Date	FR Cite
NPRM	07/19/04	69 FR 42913
NPRM Comment Period End	08/18/04	
Final Action	11/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Phillip A. Min, Management Analyst, Department of State, Suite H1004, SA-1, 2401 E Street NW, Washington, DC 20520

Phone: 202 663-2504

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Related RIN: Related to 1400-AB95**RIN:** 1400-AB94**2077. • SCHEDULE OF FEES FOR CONSULAR SERVICES: EXEMPTION FROM THE NONIMMIGRANT VISA APPLICATION PROCESSING FEE FOR FAMILY MEMBERS OF INDIVIDUALS KILLED WHILE SERVING THE UNITED STATES****Priority:** Substantive, Nonsignificant.

Major status under 5 USC 801 is undetermined.

Legal Authority: sec 281 of INA; 8 USC 1351; sec 101 (b) (1) of INA; 5 USC 533 (b) ; 5 USC 533 (d) (3); 5 USC 533 (d) (1); 5 USC 605 (b); ...**CFR Citation:** 22 CFR 22**Legal Deadline:** None**Abstract:** 22 CFR part 22 will be amended to include language establishing the exemption from the nonimmigrant visa application processing fee for family members attending the funeral of individuals killed while serving the United States.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/02/04	69 FR 53618
Interim Final Rule Comment Period End	09/24/04	
Final Action	11/00/04	

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

STATE

Final Rule Stage

Agency Contact: Phillip A. Min,
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Related RIN: Related to 1400-AB94

RIN: 1400-AB95

**2078. • AMENDMENT TO THE
INTERNATIONAL TRAFFIC IN ARMS
REGULATIONS: REGISTRATION FEE
CHANGE**

Priority: Substantive, Nonsignificant

Legal Authority: 22 USC 2776

CFR Citation: 22 CFR 122; 22 CFR 129
Legal Deadline: Final, Statutory,
February 15, 2005.

Abstract: This regulation will increase
the registration fees listed at 22 CFR
part 122 of the International Traffic in
Arms Regulations, and change the
maximum registration period from 4 to
2 years. It will also make certain minor
administrative and technical changes to
22 CFR parts 122 and 129 (e.g.,
updating the number of the registration
form referenced in those parts).

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/04	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Mary F. Sweeney,
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RIN: 1400-AB97

Department of State (STATE)

Long-Term Actions

**2079. • INTER-AGENCY
COORDINATION ON TRAFFICKING IN
PERSONS**

Priority: Info./Admin./Other

Legal Authority: Trafficking Victims
Protection Reauthorization Act of 2003
(PL 108-193); EO 13333 of March 18,
2004

CFR Citation: Not Yet Determined

Legal Deadline: NPRM, Statutory,
March 18, 2004.

Abstract: This regulation will outline
how agencies represented on the

President's Interagency Task Force and
Combat Trafficking in Persons will
share information regarding
implementation of the Trafficking
Victims Protection Act of 2000, as
amended, as well as information on
matters relating to grants, grant
policies, and certain other actions
regarding the international trafficking
in persons.

Timetable:

Action	Date	FR Cite
Prerule	To Be	Determined

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Carla H.
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RIN: 1400-AC00

Department of State (STATE)

Completed Actions

**2080. ELIMINATION OF CREW LIST
VISAS**

Priority: Substantive, Nonsignificant

CFR Citation: 22 CFR 41.42

Completed:

Reason	Date	FR Cite
Interim Final Rule Comment Period End	05/17/04	
Final Action	07/21/04	69 FR 43515

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 1400-AB49

[FR Doc. 04-22644 Filed 12-10-04; 8:45 am]

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