

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

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

FOR FURTHER INFORMATION CONTACT:*General*

Please direct general comments and inquiries on the agenda to the Regulatory Affairs Law Division, U.S. Department of Homeland Security, Office of the General Counsel, 245 Murray Lane, Mail Stop 0485, Washington, DC 20528-0485.

Specific

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

SUPPLEMENTARY INFORMATION: DHS provides this notice pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, Sep. 19, 1980) and Executive Order 12866 “Regulatory Planning and Review” (Sep. 30, 1993) as incorporated in Executive Order 13563 “Improving Regulation & Regulatory Review” (Jan. 18, 2011), which require the Department to publish a semiannual agenda of regulations. The regulatory agenda is a summary of all current and projected rulemakings, as well as actions completed since the publication of the last regulatory agenda for the Department. DHS’s last semiannual regulatory agenda was published on July 7, 2011, at 76 FR 40074.

Beginning in fall 2007, the Internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at www.reginfo.gov.

As part of the Unified Agenda, Federal agencies are also required to prepare a Regulatory Plan of the most important significant regulatory actions that the agency reasonably expects to issue in proposed or final form in that fiscal year. As in past years, for fall editions of the Unified Agenda, the entire Regulatory Plan and agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act, are printed in the **Federal Register**.

The Regulatory Flexibility Act (5 U.S.C. 602) requires federal agencies to publish their regulatory flexibility agenda in the **Federal Register**. A regulatory flexibility agenda shall contain, among other things, “a brief description of the subject area of any rule which is likely to have a significant economic impact on a substantial number of small entities.” DHS’s printed agenda entries include regulatory actions that are in the Department’s regulatory flexibility agenda. Printing of these entries is limited to fields that contain information required by the agenda provisions of the Regulatory Flexibility Act. Additional information on these entries is available in the Unified Agenda published on the Internet.

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

Dated: September 9, 2011.

NAME: Christina E. McDonald,

Associate General Counsel for Regulatory Affairs.

The 232 Regulatory Agendas

Office of the Secretary - Proposed Rule

Title	Regulation Identifier Number
Freedom of Information Act and Privacy Act Procedures	1601-AA00
Enforcement of Nondiscrimination on the Basis of Disability in Department of Homeland Security Programs or Activities	1601-AA03
Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance	1601-AA04
Regulations Regarding Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance	1601-AA05
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Office of the Secretary - Final Rule

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Office of the Secretary - Long-term Action

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U.S. Citizenship and Immigration Services - Final Rule

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

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U.S. Citizenship and Immigration Services - Completed Action

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U.S. Coast Guard - Proposed Rule

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U.S. Coast Guard - Final Rule

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U.S. Coast Guard - Long-term Action

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U.S. Coast Guard - Completed Action

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U.S. Customs and Border Protection - PreRule

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U.S. Customs and Border Protection - Proposed Rule

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U.S. Customs and Border Protection - Final Rule

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

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U.S. Customs and Border Protection - Completed Action

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Transportation Security Administration - Final Rule

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Transportation Security Administration - Long-term Action

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U.S. Immigration and Customs Enforcement - Proposed Rule

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U.S. Immigration and Customs Enforcement - Final Rule

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

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U.S. Immigration and Customs Enforcement - Completed Action

Title	Regulation Identifier Number
Amendment of Regulations for F and M Students in Flight Training and for Schools Certified by DHS To Enroll F and/or M Students in Flight Training	1653-AA43

Federal Emergency Management Agency - Proposed Rule

Title	Regulation Identifier Number
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Federal Emergency Management Agency - Final Rule

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Disaster Assistance; Crisis Counseling Regular Program; Amendment to Regulation	1660-AA23

Federal Emergency Management Agency - Long-term Action

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Federal Emergency Management Agency - Completed Action

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

RIN: 1601-AA00

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Title: Freedom of Information Act and Privacy Act Procedures

Abstract: This rulemaking action will revise 6 CFR part 5, which contains the Department of Homeland Security's (DHS) Freedom of Information Act (5 U.S.C. 552) (FOIA) and Privacy Act (5 U.S.C. 552a) regulations. This rulemaking action will amend DHS' FOIA regulations including those provisions governing information subject to Privacy Act exemptions and

procedures for verification of the identity of Privacy Act requesters. FOIA provides for the disclosure of agency records to the public unless that information is exempt under clearly delineated statutory language. The Privacy Act regulates the collection, maintenance, use, and dissemination of Personally Identifiable Information (PII) maintained by agencies and departments of the executive branch, including DHS. The procedures established here would assist the Department in satisfying its responsibilities to the public to disclose Departmental information while at the same time safeguarding individual privacy.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	01/27/2003	
Interim Final Rule	01/27/2003	68 FR 4056
Interim Final Rule Comment Period End	02/26/2003	
NPRM	03/00/2012	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Office of the Secretary (OS)

RIN: 1601-AA03

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Title: Enforcement of Nondiscrimination on the Basis of Disability in Department of Homeland Security Programs or Activities

Abstract: This interim final rule establishes for the Department of Homeland Security procedures for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the Department. The rule establishes standards for what constitutes discrimination on the basis of mental or physical handicap, provides a definition for individuals with handicaps and qualified individuals with handicaps, and establishes a complaint mechanism for resolving allegations of discrimination.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 6 CFR 15.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/06/2003	68 FR 10886
Interim Final Rule Effective	04/07/2003	
Interim Final Rule Comment Period End	04/07/2003	
NPRM	06/00/2012	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

Energy Affected: No

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

RIN: 1601-AA04

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

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

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	03/06/2003	
Interim Final Rule	03/06/2003	68 FR 10892
Interim Final Rule Comment Period End	04/07/2003	
NPRM	06/00/2012	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

Energy Affected: No

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

RIN: 1601-AA05

 [View Related Documents](#)

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

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

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No**Unfunded Mandates:** No**CFR Citation:** 6 CFR 21.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** PL 107-296, 116 Stat 2135; 5 USC 310; 42 USC 2000d to 2000d-7**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	03/06/2003	
Interim Final Rule	03/06/2003	68 FR 10904
Interim Final Rule Comment Period End	04/07/2003	
NPRM	06/00/2012	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Federalism:** No**Energy Affected:** No**Agency Contact:** Tamara Kessler

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RIN: 1601-AA17

 [View Related Documents](#)**Title:** Supplemental Standards of Ethical Conduct for Employees of the Department of Homeland Security

Abstract: This regulation will supplement the executive branch-wide Standards of Ethical Conduct for employees of the Department of Homeland Security. This regulation will replace the existing supplemental ethics regulations of other departments, pieces of which were incorporated into DHS that have continued to apply to those employees whose duties and organizational structure have remained largely unchanged after their incorporation. Two significant areas to be addressed by the supplemental regulation are outside employment and the prohibited purchase of Government-owned, seized, or forfeited property by DHS employees.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 5 CFR 4601 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 5 CFR 2635.105**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	10/12/2011	76 FR 63206
NPRM Comment Period End	12/12/2011	
Final Action	06/00/2012	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Susan Heller Bailey

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

RIN: 1601-AA52

 [View Related Documents](#)**Title:** Secure Handling of Ammonium Nitrate Program**Abstract:** This rulemaking will implement the December 2007 amendment to the Homeland Security Act entitled "Secure Handling of Ammonium Nitrate." The amendment requires the Department of Homeland Security to "regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility...to prevent the misappropriation or use of ammonium nitrate in an act of terrorism."**Priority:** Economically Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Yes**Unfunded Mandates:** Private Sector**CFR Citation:** 6 CFR 31 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 2008 Consolidated Appropriations Act, sec 563, subtitle J--Secure Handling of Ammonium Nitrate, PL 110-161**Legal Deadline:**

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

Regulatory Plan:**Statement of Need:** Pursuant to section 563 of the 2008 Consolidated Appropriations Act, subtitle J--Secure Handling of Ammonium Nitrate, Public Law 110-161, the Department of Homeland Security is required to promulgate a rulemaking to create a registration regime for certain buyers and sellers of ammonium nitrate. The rule, as proposed by this NPRM, would create that regime, and would aid the Federal Government in its efforts to prevent the misappropriation of ammonium nitrate for use in acts of terrorism. By preventing such misappropriation, this rule could limit terrorists' abilities to threaten the public and to threaten the Nation's critical infrastructure and key resources. By securing the Nation's supply of ammonium nitrate, it should be much more difficult for terrorists to obtain ammonium nitrate materials for use in improvised explosive devices. As a result, there is a direct value in the deterrence of a catastrophic terrorist attack using ammonium nitrate, such as the Oklahoma City attack that killed over 160 and injured 853 people.**Legal Basis:** Section 563 of the 2008 Consolidated Appropriations Act, subtitle J--Secure Handling of Ammonium Nitrate, Public Law 110-161, authorizes and requires this rulemaking.**Alternatives:** The Department considered several alternatives when developing the Ammonium Nitrate Security Program proposed rule. The alternatives considered were: (a) Register individuals applying for an AN Registered User Number using a paper application (via facsimile or the U.S. mail) rather than through in person application at a local Cooperative Extension office or only through a web-based portal; (b) verify AN Purchasers through both an Internet based verification portal and call center rather than only a verification portal or call center; (c) communicate with applicants for an AN Registered User Number through U.S. Mail rather than only through e-mail or a secure web-based portal; (d) establish a specific capability within the Department to receive, process, and respond to reports of theft or loss rather than leverage a similar capability which already exists with the ATF; (e) require AN Facilities to maintain records electronically in a central database provided by the Department rather than providing flexibility to the AN Facility to maintain their own records either in paper or electronically; (f) require agents to register with the Department prior to the sale or transfer of ammonium nitrate involving an agent rather than allow oral confirmation of the agent with the AN Purchaser on whose behalf the agent is working; and (g) exempt explosives from this regulation rather than not exempting them. As part of its notice of proposed rulemaking, the Department seeks public comment on the numerous alternative ways in which the final Secure Handling of Ammonium Nitrate Program could carry out the requirements of the Secure Handling of Ammonium Nitrate Act.**Costs and Benefits:** The Department estimates the number of entities that purchase ammonium nitrate to range from 64,950 to 106,200. These purchasers include farms, fertilizer mixers, farm supply wholesalers and cooperatives (co-ops), golf courses, landscaping services, explosives distributors, mines, retail garden centers, and lab supply wholesalers. The Department estimates the number of entities that sell ammonium nitrate to be between 2,486 and 6,236, many of which are also purchasers. These sellers include ammonium nitrate fertilizer and explosive manufacturers, fertilizer mixers, farm supply wholesalers and co-ops, retail garden centers, explosives distributors, fertilizer applicator services, and lab supply wholesalers. Individuals or firms that provide transportation services within the distribution chain may be categorized as sellers, agents, or facilities depending upon their business relationship with the other parties to the transaction. The total number of potentially regulated farms and other businesses ranges from 64,986 to 106,236 (including overlap between the categories). The cost of this proposed rule ranges from \$300 million to \$1,041 million over 10 years at a 7 percent discount rate. The primary estimate is

the mean which is \$670.6 million. For comparison, at a 3 percent discount rate, the cost of the program ranges from \$364 million to \$1.3 billion with a primary (mean) estimate of \$814 million. The average annualized cost for the program ranges from \$43 million to \$148 million (with a mean of \$96 million), also employing a 7 percent discount rate. Because the value of the benefits of reducing risk of a terrorist attack is a function of both the probability of an attack and the value of the consequence, it is difficult to identify the particular risk reduction associated with the implementation of this rule. These elements and related qualitative benefits include point of sale identification requirements and requiring individuals to be screened against the Terrorist Screening Database (TSDB) resulting in known bad actors being denied the ability to purchase ammonium nitrate. The Department of Homeland Security aims to prevent terrorist attacks within the United States and to reduce the vulnerability of the United States to terrorism. By preventing the misappropriation or use of ammonium nitrate in acts of terrorism, this rulemaking will support the Department's efforts to prevent terrorist attacks and to reduce the Nation's vulnerability to terrorist attacks. This rulemaking is complementary to other Department programs seeking to reduce the risks posed by terrorism, including the Chemical Facility Anti-Terrorism Standards program (which seeks in part to prevent terrorists from gaining access to dangerous chemicals) and the Transportation Worker Identification Credential program (which seeks in part to prevent terrorists from gaining access to certain critical infrastructure), among other programs.

Risks: Explosives containing ammonium nitrate are commonly used in terrorist attacks. Such attacks have been carried out both domestically and internationally. The 1995 Murrah Federal Building attack in Oklahoma City claimed the lives of 167 individuals and demonstrated firsthand to America how ammonium nitrate could be misused by terrorists. In addition to the Murrah Building attack, the Provisional Irish Republican Army used ammonium nitrate as part of its London, England bombing campaign in the early 1980s. More recently, ammonium nitrate was used in the 1998 East African Embassy bombings and in November 2003 bombings in Istanbul, Turkey. Additionally, since the events of 9/11, stores of ammonium nitrate have been confiscated during raids on terrorist sites around the world, including sites in Canada, England, India, and the Philippines.

Timetable:

Action	Date	FR Cite
ANPRM	10/29/2008	73 FR 64280
Correction	11/05/2008	73 FR 65783
ANPRM Comment Period End	12/29/2008	
NPRM	08/03/2011	76 FR 46908
Notice of Public Meetings	10/07/2011	76 FR 62311
Notice of Public Meetings	11/14/2011	76 FR 70366
NPRM Comment Period End	12/01/2011	

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: Federal

Federalism: Yes

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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Department of Homeland Security (DHS)

Office of the Secretary (OS)

RIN: 1601-AA56

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Title: Petitions for Rulemaking, Amendment, or Repeal

Abstract: The Administrative Procedure Act requires all agencies to allow members of the public to petition for the issuance of new rules or changes to or repeal of existing rules. Pursuant to that requirement, DHS is proposing a petition process for departmental rulemaking actions.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: 5 USC 301; 6 USC 101 et seq; 5 USC 553(e)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/00/2012	

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

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

RIN: 1601-AA65

 [View Related Documents](#)
Title: Homeland Security Acquisition Regulation, Subcontractor Labor Hour Rates Under Time and Materials Contracts

Abstract: The Department of Homeland Security (DHS) is proposing to amend its Homeland Security Acquisition Regulation (HSAR) parts 3016 and 3052 to require DHS contracts for time and material or labor hours (T&M/LH) to include separate labor hour rates for subcontractors and a description of the method that will be used to record and bill for labor hours for both contractors and subcontractors.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Undetermined**Unfunded Mandates:** No**CFR Citation:** 48 CFR 3016; 48 CFR 3052 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 5 USC 301; 5 USC 302; 41 USC 418b (a); 41 USC 418b(b); 41 USC 414; 48 CFR part 1, subpart 1.3; DHS Delegation Number 0700**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	03/00/2012	
NPRM Comment Period End	05/00/2012	

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

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

RIN: 1601-AA28

 [View Related Documents](#)
Title: Homeland Security Acquisition Regulation (HSAR): Revision Initiative

Abstract: The Department of Homeland Security is proposing to issue changes to the Department of Homeland Security Acquisition Regulation (HSAR) as authorized by 41 U.S.C. 418b. The changes will update DHS policies and procedures; implement section 695, title VI of the Department of Homeland Security Appropriations Act for 2007; and incorporate revised agency acquisition regulatory language as necessary in parts 3001 through 3052 to correspond with the current Federal Acquisition Regulation (FAR) as promulgated by the Federal Acquisition Circulars (FACs), and current Department of Homeland Security policies.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 48 CFR 3001 to 3052 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/13/2010	75 FR 55529
NPRM Comment Period End	11/12/2010	
Final Rule	03/00/2012	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

Office of the Secretary (OS)

RIN: 1601-AA43

 [View Related Documents](#)

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

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

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: PL 109-295, sec 692

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/09/2010	75 FR 32723
NPRM Comment Period End	08/09/2010	
Final Rule	03/00/2012	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: Business

Federalism: No

Energy Affected: Undetermined

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

RIN: 1601-AA46

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Title: Implementation of OMB Guidance on Nonprocurement Debarment and Suspension

Abstract: The Department of Homeland Security has issued regulations at 2 CFR 3000 to implement the Office of Management and Budget (OMB) guidance on nonprocurement debarment and suspension. Through that action, the Department of Homeland Security joined the existing Governmentwide nonprocurement debarment and suspension system. Prior to the creation of the Department of Homeland Security, agencies, or parts of agencies, now located within DHS, were already participating in that Governmentwide system.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 2 CFR 3000 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 107-296, 116 Stat 2135; PL 103-355, 108 Stat 3243

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/16/2009	74 FR 34495
Interim Final Rule Comment Period End	08/17/2009	
Interim Final Rule Effective	08/17/2009	
Final Rule	03/00/2012	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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Office of the Secretary (OS)**

RIN: 1601-AA49

 [View Related Documents](#)**Title:** Homeland Security Acquisition Regulation (HSAR); Lead System Integrators**Abstract:** The Department of Homeland Security is proposing to issue changes to the Department of Homeland Security Acquisition Regulation to include implementation of section 6405, The U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, Public Law 110-28. The changes are planned to add new Lead System Integrator language to provide definitions, policies, prohibitions, and waiver processes for entities having a financial interest in elements of systems.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 48 CFR 3002; 48 CFR 3007; 48 CFR 3009; 48 CFR 3016; 48 CFR 3034; 48 CFR 3035; 48 CFR 3052 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, PL 110-28**Legal Deadline:** The deadline is established by section 6405 of Public Law 110-28. It requires DHS to update the Homeland Security Acquisition Regulations in order to specify fully in such regulations the matters with respect to lead system integrators set forth in section 6405.

Action	Source	Description	Date
Other	Statutory	Interim Rule	07/01/2007

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	07/15/2010	
Interim Final Rule	07/15/2010	75 FR 41097
Interim Final Rule Comment Period End	08/16/2010	
Final Rule	03/00/2012	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** Undetermined**Agency Contact:** Timothy Frank

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Office of the Secretary (OS)**

RIN: 1601-AA64

 [View Related Documents](#)**Title:** Audit Standards For Federal Awards to States, Local Governments, and Nonprofit Organizations**Abstract:** Through this interim rule, the Department of Homeland Security (DHS) creates new part 23 of title 6 of the Code of Federal Regulations (CFR). The new part 23 implements Office of Management and Budget (OMB) Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations."**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** Undetermined**CFR Citation:** 6 CFR 23 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 31 USC 7501 to 7507; OMB Circular A-133; 62 FR 35278; 68 FR 38401

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/2012	
Interim Final Rule Comment Period End	05/00/2012	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

Office of the Secretary (OS)

RIN: 1601-AA01

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Title: Production or Disclosure of Official Information in Connection With Legal Proceedings

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

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 6 CFR 5.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

Office of the Secretary (OS)

RIN: 1601-AA12

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Title: Regulations Imposing Restrictions Upon Lobbying

Abstract: This interim final rule established those procedures necessary to fulfill departmental obligations to impose restrictions upon lobbying. Except to the extent a Department component has adopted separate guidance under 31 U.S.C. 1352, the provisions of this subpart shall apply to each component of the Department of Homeland Security (DHS). This regulation establishes procedures concerning general prohibitions on lobbying and the use of certain appropriated funds, and the appropriate penalties for violations of those prohibitions. The purpose of the procedures is to ensure that neither the recipients of appropriated funds, nor the employees of DHS inappropriately solicit for action by the Congress.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 6 CFR 9.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** PL 107-296, 116 Stat 2135; 5 USC 301; 31 USC 1352, PL 101-121**Legal Deadline:** None**Timetable:**

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

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Federalism:** No**Energy Affected:** No**Agency Contact:** Robert Paschall

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Department of Homeland Security (DHS)**Office of the Secretary (OS)****RIN:** 1601-AA23 [View Related Documents](#)**Title:** Collection of Nontax Debts Owed to the Department of Homeland Security

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

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 6 CFR 11.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** PL 107-296; 116 Stat 2135; 5 USC 301; 5 USC 5514; 26 USC 6402; 31 USC 3701; 31 USC 3711; 31 USC 3716 to 3718; 31 USC 3720A and 3720B; 31 USC 3720D; ...

Legal Deadline: None**Timetable:**

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

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Energy Affected:** No**RIN Information URL:** www.regulations.gov

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Government Levels Affected: Federal**Federalism:** No**Public Comment URL:** www.regulations.gov**Department of Homeland Security (DHS)****Office of the Secretary (OS)****RIN:** 1601-AA34 [View Related Documents](#)

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

Abstract: DHS established the United States Visitor and Immigrant Status Indicator Technology Program (US-VISIT) in accordance with a series of legislative mandates requiring that DHS create an integrated automated entry-exit system that records the arrival and departure of aliens, verifies aliens' identities, and authenticates travel documents. The NPRM proposed that all aliens provide biometric identifiers at entry and upon departure at any air and sea port of entry at which facilities exist to collect such information.

Priority: Economically Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** Yes**Unfunded Mandates:** Private Sector**CFR Citation:** 8 CFR 215.1; 8 CFR 215.8 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 8 USC 1101 to 1104; 8 USC 1182; 8 USC 1184 to 1185 (pursuant to EO 13323); 8 USC 1221; 8 USC 1365a, 1365b; 8 USC 1379; 8 USC 1731 to 1732**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
NPRM	04/24/2008	73 FR 22065
NPRM Comment Period End	06/23/2008	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**RIN Information URL:** www.regulations.gov**Related RINs:** Previously Reported as 1650-AA04

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

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

RIN: 1601-AA40

 [View Related Documents](#)

Title: Nondiscrimination in Matters Pertaining to Faith-Based Organizations

Abstract: This rule will implement Executive Branch policy that, consistent with constitutional church-state parameters, faith-based organizations compete on an equal footing with other organizations for Federal funding, and participate on an equal footing with other organizations in federally funded activities. This rulemaking is intended to ensure that the Department's programs are implemented in a manner consistent with the requirements of the First Amendment to the Constitution.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

Legal Authority: EO 13279; EO 13403

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM	01/14/2008	73 FR 2187
NPRM Comment Period End	02/13/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: Organizations

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1601-AA58

 [View Related Documents](#)

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

Abstract: On February 2, 2010, the Department of Homeland Security (DHS) published an interim rule with request for comments in the Federal Register implementing amendments to its regulations to conform the grounds of discipline and procedures regulations with those promulgated by the Department of Justice (DOJ); clarify who is authorized to represent applicants and petitioners in cases before DHS; remove duplicative rules, procedures, and authority; improve the clarity and uniformity of existing regulations; make technical and procedural changes; and conform terminology. The final rule will finalize the interim rule with additional changes to terminology.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 8 USC 1101 and 1103; 8 USC 1291

Legal Deadline: None

Timetable:

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Action	Date	FR Cite
Final Rule	00/00/0000	
Interim Final Rule	02/02/2010	75 FR 5225
Interim Final Rule Comment Period End	03/04/2010	
Interim Final Rule Effective	03/04/2010	
Interim Final Rule Comment Period Extended	01/31/2011	76 FR 5267
Interim Final Rule Comment Period End	03/02/2011	

Additional Information: CIS 2446-08

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

Office of the Secretary (OS)

RIN: 1601-AA18

 [View Related Documents](#)

Title: Administration of Grants and Agreements With Institutions of Higher Education, Hospitals, and Nonprofit, Commercial, Foreign, and International Organizations

Abstract: The Department of Homeland Security would have implemented Office of Management and Budget (OMB) Circular A-110, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations." The rule would have applied to institutions of higher education, hospitals, non-profit organizations, and commercial, foreign, and international organizations that are recipients of Federal assistance. This action was withdrawn on 08/01/11 to reconsider the Department's policy in the implementation of this OMB Circular.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 2 CFR 215 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 301

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	08/01/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Federalism: No

Energy Affected: No

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

RIN: 1601-AA53

 [View Related Documents](#)

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

Abstract: The Department of Homeland Security and the Office of Personnel Management are evaluating the status of final regulations that establish a new human resources management system within DHS, as authorized by the Homeland Security Act of 2002. The affected subsystems include those governing basic pay, classification, performance management, labor relations, adverse actions, and employee appeals. These changes were designed to ensure the Department's human resources management system aligns with its critical mission requirements without compromising the statutorily protected civil service rights of its employees. At the suggestion of the Office of Information and Regulatory Affairs, DHS has decided to withdraw this entry from the Unified Agenda until and unless DHS takes further action on this regulation.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 5 CFR 9701 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 107-296

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Notice	10/07/2008	73 FR 58435
Withdrawn	12/31/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

Related RINs: Related to 3206-AK31; Previously Reported as 1601-AA21

Related Agencies: Joint: OPM

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

RIN: 1601-AA61

 [View Related Documents](#)

Title: Grants and Cooperative Agreements With State and Local Governments

Abstract: The Department of Homeland Security (DHS) would have implemented Office of Management and Budget (OMB) Circular A-102, "Grants and Cooperative Agreements with State and Local Governments." This action was withdrawn on 08/01/11 to reconsider the Department's policy in the implementation of this OMB Circular.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 5 USC 301; OMB Circular A-102, Grants and Cooperative Agreements With State and Local Governments

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	08/01/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State; Tribal

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

Office of the Secretary (OS)

RIN: 1601-AA63

 [View Related Documents](#)

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

Abstract: The REAL ID Act of 2005 (the Act) prohibits Federal agencies, effective May 11, 2008, from accepting a driver's license or personal identification card for any official purpose unless the license or card has been issued by a State that is meeting the requirements set forth in the Act. The Act sets forth certain minimum standards applicable to the driver's license issuance process. Section 205(b) of the REAL ID Act authorizes the Secretary of Homeland Security to grant States extensions of time to meet the requirements of the Act if the State provides adequate justification for noncompliance. Pursuant to the Department of Homeland Security's REAL ID regulations, States must be in full compliance with the REAL ID Act of 2005 by May 11, 2011. This final rule changes that date to January 15, 2013. At the suggestion of the Office of Information and Regulatory Affairs, DHS has decided to withdraw this entry from the Unified Agenda until and unless DHS takes further action on this regulation.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Rule	03/07/2011	76 FR 12269
Withdrawn	12/31/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

Office of the Secretary (OS)

RIN: 1601-AA66

 [View Related Documents](#)

Title: Prohibition on Federal Protective Service Guard Services Contracts With Business Concerns Owned, Controlled, or Operated by an Individual Convicted of a Felony [HSAR Case 2009-001]; Correction

Abstract: DHS is amending the Homeland Security Acquisition Regulation (HSAR) to prohibit DHS from awarding a Federal Protective Service (FPS) contract for guard services to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony. The rule is necessary to implement the provisions of Public Law 110-356, the Federal Protective Service Guard Contracting Reform Act of 2008. The rule implements this prohibition, identifies which serious felonies may prohibit a contractor from being awarded a contract; requires contractors to provide information regarding any relevant felony convictions when submitting bids or proposals; provide guidelines for the contracting officer to assess present responsibility, mitigating factors, and the risks associated with the previous conviction, and allows the contracting officer to award a contract under certain circumstances.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 48 CFR 3052.209-76 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-356, the Federal Protective Service Guard Contracting Reform Act of 2008

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/18/2009	74 FR 11512
NPRM Comment Period End	04/17/2009	
Final Rule	11/16/2009	74 FR 58851
Final Rule Effective	12/16/2009	
Final Rule; Correcting Amendment	11/15/2011	76 FR 70660

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

Related RINs: Previously Reported as 1601-AA55

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

RIN: 1615-AA41

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Title: Asylum and Withholding Definitions

Abstract: This rule proposes to amend Department of Homeland Security regulations that govern asylum eligibility. The amendments focus on portions of the regulations that deal with the definitions of membership in a particular social group, the requirements for failure of State protection, and determinations about whether persecution is inflicted on account of a protected ground. This rule codifies long-standing concepts of the definitions. It clarifies that gender can be a basis for membership in a particular social group. It also clarifies that a person who has suffered or fears domestic violence may under certain circumstances be eligible for asylum on that basis. After the Board of Immigration Appeals published a decision on this issue in 1999, Matter of R-A-, Int. Dec. 3403 (BIA 1999), it became clear that the governing regulatory standards required clarification. The Department of Justice began this regulatory initiative by publishing a proposed rule addressing these issues in 2000.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 2; 8 CFR 208 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Regulatory Plan:

Statement of Need: This rule provides guidance on a number of key interpretive issues of the refugee definition used by adjudicators deciding asylum and withholding of removal (withholding) claims. The interpretive issues include whether persecution is inflicted on account of a protected ground, the requirements for establishing the failure of State protection, and the parameters for defining membership in a particular social group. This rule will aid in the adjudication of claims made by applicants whose claims fall outside of the rubric of the protected grounds of race, religion, nationality, or political opinion. One example of such claims which often fall within the particular social group ground concerns people who have suffered or fear domestic violence. This rule is expected to consolidate issues raised in a proposed rule in 2000 and to address issues that have developed since the publication of the proposed rule. This rule should provide greater stability and clarity in this important area of the law.

Legal Basis: The purpose of this rule is to provide guidance on certain issues that have arisen in the context of asylum and withholding adjudications. The 1951 Geneva Convention relating to the Status of Refugees contains the internationally accepted definition of a refugee. United States immigration law incorporates an almost identical definition of a refugee as a person outside his or her country of origin "who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." Section 101(a)(42) of the Immigration and Nationality Act.

Alternatives: A sizable body of interpretive case law has developed around the meaning of the refugee definition. Historically, much of this case law has addressed more traditional asylum and withholding claims based on the protected grounds of race, religion, nationality, or political opinion. In recent years, however, the United States increasingly has encountered asylum and withholding applications with more varied bases, related, for example, to an applicant's gender or sexual orientation. Many of these new types of claims are based on the ground of "membership in a particular social group," which is the least well-defined of the five protected grounds within the refugee definition. On December 7, 2000, DOJ published a proposed rule in the Federal Register providing guidance on the definitions of "persecution" and "membership in a particular social group." Prior to publishing a new proposed rule, the Department will be considering how the nexus between persecution and a protected ground might be further conceptualized; how membership in a particular social group might be defined and evaluated; and what constitutes a State's inability or unwillingness to protect the applicant where the persecution arises from a non-State actor. This rule will provide guidance to the following adjudicators: USCIS asylum officers, Department of Justice Executive Office for Immigration Review (EOIR) immigration judges, and members of the EOIR Board of Immigration Appeals. The alternative to publishing this rule would be to allow the standards governing this area of law to continue to develop piecemeal through administrative and judicial precedent. This approach has resulted in inconsistent and confusing standards, and the Department has therefore determined that promulgation of the new proposed rule is necessary.

Costs and Benefits: By providing a clear framework for key asylum and withholding issues, we anticipate that adjudicators

will have clear guidance, increasing administrative efficiency and consistency in adjudicating these cases. The rule will also promote a more consistent and predictable body of administrative and judicial precedent governing these types of cases. We anticipate that this will enable applicants to better assess their potential eligibility for asylum, and to present their claims more efficiently when they believe that they may qualify, thus reducing the resources spent on adjudicating claims that do not qualify. In addition, a more consistent and predictable body of law on these issues will likely result in fewer appeals, both administrative and judicial, and reduce associated litigation costs. The Department has no way of accurately predicting how this rule will impact the number of asylum applications filed in the United States. Based on anecdotal evidence and on the reported experience of other nations that have adopted standards under which the results are similar to those we anticipate for this rule, we do not believe this rule will cause a change in the number of asylum applications filed.

Risks: The failure to promulgate a final rule in this area presents significant risks of further inconsistency and confusion in the law. The Government's interests in fair, efficient, and consistent adjudications would be compromised.

Timetable:

Action	Date	FR Cite
NPRM	12/07/2000	65 FR 76588
NPRM Comment Period End	01/22/2001	
NPRM	05/00/2012	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services (USCIS)

RIN: 1615-AA67

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

Abstract: This rule sets forth application requirements for a new nonimmigrant status. The U classification is for non-U.S. Citizen/Lawful Permanent Resident victims of certain crimes who cooperate with an investigation or prosecution of those crimes. There is a limit of 10,000 principals per year. This rule establishes the procedures to be followed in order to petition for the U nonimmigrant classifications. Specifically, the rule addresses the essential elements that must be demonstrated to receive the nonimmigrant classification, procedures that must be followed to make an application, and evidentiary guidance to assist in the petitioning process. Eligible victims will be allowed to remain in the United States. The Trafficking Victims Protection Reauthorization Act of 2008, Public Law 110-457, made amendments to the T nonimmigrant status provisions of the Immigration and Nationality Act. The Department will issue a proposed rule to make the changes required by recent legislation and to provide the opportunity for notice and comment.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Regulatory Plan:

Statement of Need: This rule provides requirements and procedures for aliens seeking U nonimmigrant status. U nonimmigrant classification is available to alien victims of certain criminal activity who assist government officials in the investigation or prosecution of that criminal activity. The purpose of the U nonimmigrant classification is to strengthen the ability of law enforcement agencies to investigate and prosecute such crimes as domestic violence, sexual assault, and trafficking in persons, while offering protection to alien crime victims in keeping with the humanitarian interests of the United States.

Legal Basis: Congress created the U nonimmigrant classification in the Battered Immigrant Women Protection Act of 2000 (BIWPA). Congress intended to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking of aliens, and other crimes, while offering protection to victims of such crimes. Congress also sought to encourage law enforcement officials to better serve immigrant crime victims.

Alternatives: USCIS has identified four alternatives, the first being chosen for the rule: 1. USCIS would adjudicate petitions on a first in, first out basis. Petitions received after the limit has been reached would be reviewed to determine whether or not they are approvable, but for the numerical cap. Approvable petitions that are reviewed after the numerical cap has been reached would be placed on a waiting list and written notice sent to the petitioner. Priority on the waiting list would be based upon the date on which the petition is filed. USCIS would provide petitioners on the waiting list with interim relief until the start of the next fiscal year in the form of deferred action, parole, or a stay of removal. 2. USCIS would adjudicate petitions on a first in, first out basis, establishing a waiting list for petitions that are pending or received after the numerical cap has been reached. Priority on the waiting list would be based upon the date on which the petition was filed. USCIS would not provide interim relief to petitioners whose petitions are placed on the waiting list. 3. USCIS would adjudicate petitions on a first in, first out basis. However, new filings would be reviewed to identify particularly compelling cases for adjudication. New filings would be rejected once the numerical cap is reached. No official waiting list would be established; however, interim relief until the start of the next fiscal year would be provided for some compelling cases. If a case was not particularly compelling, the filing would be denied or rejected. 4. USCIS would adjudicate petitions on a first in, first out basis. However, new filings would be rejected once the numerical cap is reached. No waiting list would be established nor would interim relief be granted.

Costs and Benefits: USCIS estimates the total annual cost of this interim rule to applicants to be \$6.2 million. This cost includes the biometric services fee that petitioners must pay to USCIS, the opportunity cost of time needed to submit the required forms, the opportunity cost of time required for a visit to an Application Support Center, and the cost of traveling to an Application Support Center. This rule will strengthen the ability of law enforcement agencies to investigate and prosecute such crimes as domestic violence, sexual assault, and trafficking in persons, while offering protection to alien crime victims in keeping with the humanitarian interests of the United States.

Risks: In the case of witness tampering, obstruction of justice, or perjury, the interpretive challenge for USCIS was to determine whom the BIWPA was meant to protect, given that these criminal activities are not targeted against a person. Accordingly it was determined that a victim of witness tampering, obstruction of justice, or perjury is an alien who has been directly and proximately harmed by the perpetrator of one of these three crimes, where there are reasonable grounds to conclude that the perpetrator principally committed the offense as a means: (1) To avoid or frustrate efforts to investigate, arrest, prosecute, or otherwise bring him or her to justice for other criminal activity; or (2) to further his or her abuse or exploitation of, or undue control over, the alien through manipulation of the legal system.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/17/2007	72 FR 53013
Interim Final Rule Effective	10/17/2007	
Interim Final Rule Comment Period End	11/17/2007	
NPRM	06/00/2012	

Additional Information: Transferred from RIN 1115-AG39

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

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Government Levels Affected: Federal; Local; State

Federalism: No

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

RIN: 1615-AB79

 [View Related Documents](#)

Title: New Asylum and Withholding Bars for Recruitment or Use of Child Soldiers

Abstract: The Child Soldier Accountability Act of 2008 (CSAA) establishes a criminal offense for the recruitment or use of child soldiers, and also establishes grounds of inadmissibility and removability for aliens who have engaged in such recruitment or use. The Departments of Homeland Security (DHS) and Justice (DOJ) therefore are amending their companion immigration regulations to specify that aliens who are inadmissible or deportable for recruitment or use of child soldiers are considered ineligible for asylum and withholding of removal due to the serious nonpolitical crime bar.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 208; 8 CFR 1208 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-340

Legal Deadline: CSAA requires the Attorney General and Secretary of Homeland Security (Secretary), within 60 days of the CSAA's enactment, to promulgate a final rule establishing that aliens subject to these grounds of inadmissibility or deportability shall be considered an alien with respect to whom there are serious reasons to believe that the alien committed a serious nonpolitical crime.

Action	Source	Description	Date
Other	Statutory	CSAA PL 110-340	12/02/2008

Timetable:

Action	Date	FR Cite
NPRM	01/00/2012	

Additional Information: CIS 2467-08

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related Agencies: Joint : DOJ

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

RIN: 1615-AB88

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Title: Qualifications, Designation, and Duties of Civil Surgeons, and Revocation of Civil Surgeon Designations

Abstract: Civil surgeons are physicians authorized to conduct legally required medical examinations of aliens applying for certain immigration benefits. The Department of Homeland Security regulations do not define uniform standards for civil surgeon designation or procedures for granting and revoking civil surgeon designations. This rule proposes to amend the regulations to clearly define the roles and responsibilities of the civil surgeon, as well as the role of U.S. Citizenship and Immigration Services which is responsible for administering the civil surgeon program.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 232 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1103; 8 USC 1222; 8 USC 1224

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/00/2012	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Business

Energy Affected: No

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Government Levels Affected: No

Federalism: No

Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services (USCIS)

RIN: 1615-AB89

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Title: Exception to the Persecution Bar for Asylum, Refugee, and Temporary Protected Status, and Withholding of Removal

Abstract: This joint rule proposes amendments to Department of Homeland Security (DHS) and Department of Justice (DOJ) regulations to describe the circumstances under which an applicant will continue to be eligible for asylum, refugee, or temporary protected status, special rule cancellation of removal under the Nicaraguan Adjustment and Central American Relief Act, and withholding of removal, even if DHS or DOJ has determined that the applicant's actions contributed, in some way, to the persecution of others. The purpose of this rule is to resolve ambiguity in the statutory language precluding eligibility for asylum, refugee, and temporary protected status of an applicant who ordered, incited, assisted, or otherwise participated in the persecution of others. The proposed amendment would provide a limited exception for actions taken by the applicant under duress and clarify the required levels of the applicant's knowledge of the persecution.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1; 8 CFR 208; 8 CFR 244; 8 CFR 1244 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1158; 8 USC 1226; PL 107-26; PL 110-229

Legal Deadline: None

Regulatory Plan:

Statement of Need: This rule resolves ambiguity in the statutory language precluding eligibility for asylum, refugee, and temporary protected status of an applicant who ordered, incited, assisted, or otherwise participated in the persecution of others. The proposed amendment would provide a limited exception for actions taken by the applicant under duress and clarify the required levels of the applicant's knowledge of the persecution.

Legal Basis: In *Negusie v. Holder*, 129 S. Ct. 1159 (2009), the Supreme Court addressed whether the persecutor bar should apply where an alien's actions were taken under duress. DHS believes that this is an appropriate subject for rulemaking and proposes to amend the applicable regulations to set out its interpretation of the statute. In developing this regulatory initiative, DHS has carefully considered the purpose and history behind enactment of the persecutor bar, including its international law origins and the criminal law concepts upon which they are based.

Alternatives: DHS did consider the alternative of not publishing a rulemaking on these issues. To leave this important area of the law without an administrative interpretation would confuse adjudicators and the public.

Costs and Benefits: The programs affected by this rule exist so that the United States may respond effectively to global humanitarian situations and assist people who are in need. USCIS provides a number of humanitarian programs and protection to assist individuals in need of shelter or aid from disasters, oppression, emergency medical issues, and other urgent circumstances. This rule will advance the humanitarian goals of the asylum/refugee program, and other specialized programs. The main benefits of such goals tend to be intangible and difficult to quantify in economic and monetary terms. These forms of relief have not been available to certain persecutors. This rule will allow an exception to this bar from protection for applicants who can meet the appropriate evidentiary standard. Consequently, this rule may result in a small increase in the number of applicants for humanitarian programs. To the extent a small increase in applicants occurs, there could be additional fee costs incurred by these applicants.

Risks: If DHS were not to publish a regulation, the public would face a lengthy period of confusion on these issues. There could also be inconsistent interpretations of the statutory language, leading to significant litigation and delay for the affected

public.

Timetable:

Action	Date	FR Cite
NPRM	05/00/2012	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services (USCIS)

RIN: 1615-AB92

 [View Related Documents](#)

Title: Allowing Certain H-4 Dependent Spouses to Apply for Employment Authorization

Abstract: The Department of Homeland Security proposes to amend its regulations by extending the availability of employment authorization to H-4 dependent spouses of principal H-1B nonimmigrants who have begun the process of seeking lawful permanent resident status through employment and have extended their authorized period of admission or "stay" in the U.S. under section 104(c) or 106(a) of Public Law 106-313, also known as the American Competitiveness in the Twenty-First Century Act of 2000 (AC21). Allowing the eligible class of H-4 dependent spouses to work encourages professionals with high demand skills to remain in the country and help spur the innovation and growth of U.S. companies.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 274a.12(c) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: INA sec 214(a)(1) 8 USC 1184(a)(1); INA 274A(h)(3) 8 USC 1324a(h)(3); 8 CFR 274a.12(c); sec 104(c) of PL 106-313; sec 106(a) of PL 106-313; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/00/2012	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1615-ZB03

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services (USCIS)

RIN: 1615-AB94

 [View Related Documents](#)

Title: Electronic Filing of Requests for Immigration Benefits; Requiring an Application To Change or Extend Nonimmigrant Status To Be Filed Electronically

Abstract: The Department of Homeland Security (DHS) is proposing regulations to govern the electronic filing of requests for immigration benefit requests with the U.S. Citizenship and Immigration Services (USCIS). DHS also proposes to mandate electronic applications in the new Integrated Operating Environment that is under development, with limited exceptions, for an Application to Extend/Change Nonimmigrant Status from any individual in the M, J, B-1, and B-2 classifications; change of status requests to the F, M, J, B-1, or B-2 classifications; and reinstatement of status requests in the F or M classification.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Regulatory Plan:

Statement of Need: USCIS is in the process of transforming its operations to improve service, operational efficiency, and national security. This rule will allow USCIS to modernize its processes, which will provide applicants and petitioners with better and faster services and enhance the ability of USCIS to process cases with greater accuracy, security, and timeliness.

Legal Basis: Authority for this rule falls within the broad authority of the Secretary of Homeland Security to administer DHS, the administration of immigration and nationality laws, and other delegated authority. See Homeland Security Act of 2002, Public Law 107-296 section 102 (Nov. 25, 2002), 6 U.S.C. 112, and the Immigration and Nationality Act of 1952, as amended, section 103, 8 U.S.C. 1103. The Government Paperwork Elimination Act provides that, when possible, Federal agencies are directed to make available electronic forms and provide for electronic filing and submissions when conducting agency business with the public. See Public Law 105-277, section 1703 (Oct. 21, 1998), 44 U.S.C. 3504. GPEA also establishes the means for the use and acceptance of electronic signatures. The INA provides a detailed list of classes of nonimmigrant aliens. See, e.g., INA sections 101(a)(15)(B), (C), (F), and (M); 8 U.S.C. 1101(a)(15) (B), (C), (F), and (M). The Secretary of Homeland Security may authorize a change to any other nonimmigrant classification in the case of any alien who is lawfully admitted to the United States as a nonimmigrant, maintains his or her lawful status, does not fall under certain nonimmigrant visa categories that are listed in the statute, and is not inadmissible or whose inadmissibility has been waived under the pertinent sections of the immigration and nationality laws of the United States. See INA section 248(a); 8 U.S.C. 1258(a). This rule is also proposed in compliance with Executive Order 13571 "Streamlining Service Delivery and Improving Customer Service." See Executive Order No. 13571, 76 FR 24339 (Apr. 27, 2011). Executive Order 13571 tasks each Federal department and agency with establishing an initiative that uses technology to improve the experience of individuals and entities receiving services from that Federal department or agency. See Executive Order No. 13571, section 2(a).

Alternatives: DHS has examined the alternative of maintaining paper processing for applications to extend/change status (Form I-539) and has determined that the continuation of legacy data systems and current processes do not meet the need for USCIS to modernize operations.

Costs and Benefits: DHS is proposing to mandate the electronic filing of stand-alone Applications to Extend/Change Nonimmigrant Status. Only a limited number of nonimmigrants would be impacted by this change. Specifically, those individuals in the following nonimmigrant classifications would be required to file this application electronically: B-1, B-2, F, M, or J. In transforming its immigration benefit processes into a paperless system, DHS anticipates the following benefits: •Streamlined operations •More timely submission and adjudication of the benefit requested •Reduced requests for additional or missing information •Enhanced security for the applicant •Enhanced customer service For those applicants that do not currently possess or have access to the tools needed to submit immigration benefit requests electronically--namely, computer, Internet service, and a scanner--this rule would result in additional costs to these petitioners or applicants. DHS is in the process of examining the potential monetary costs and benefits of the proposed rule.

Risks: Populations with no or limited Internet access and individuals with no or limited English proficiency may be affected by this rule. This risk can be mitigated by including a waiver process.

Timetable:

Action	Date	FR Cite
NPRM	08/00/2012	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1615-AB95

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Title: Immigration Benefits Business Transformation: Nonimmigrants; Student and Exchange Visitor Program

Abstract: The Department of Homeland Security (DHS) is amending its nonimmigrant regulations to enable U.S. Citizenship and Immigration Services (USCIS) to migrate from a paper file-based, non-integrated systems environment to an electronic, customer-focused, centralized case management environment for benefit processing. This rulemaking, the second in a series of business transformation rules, primarily focuses on 8 CFR part 214, reorganizes and streamlines general information relating to nonimmigrant classifications, and relocates other information relating to specific, individual nonimmigrant classifications to a separate subpart for each major nonimmigrant classification. DHS is making these amendments because part 214 contains more than 20 nonimmigrant classifications, and it has become very large and complex to navigate. This regulation will provide the public with simpler, better organized regulatory requirements for each nonimmigrant classification and facilitate future revisions.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 212; 8 CFR 214; 8 CFR 245; 8 CFR 248; 8 CFR 274a (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 5 USC 301; 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103

Legal Deadline: None

Regulatory Plan:

Statement of Need: USCIS is in the process of transforming its operations to improve service, operational efficiency, and national security. This rule will provide the public with clearly written, better organized regulatory requirements for each nonimmigrant classification.

Legal Basis: The Homeland Security Act of 2002, Public Law 107-296, section 102, 116 Stat. 2135 (Nov. 25, 2002), 6 U.S.C. 112, and the Immigration and Nationality Act of 1952 (INA), charge the Secretary of Homeland Security (Secretary) with administration and enforcement of the immigration and nationality laws. See INA section 103, 8 U.S.C. 1103. This rule will significantly enhance the ability of USCIS to fully implement the Government Paperwork Elimination Act (GPEA). See Public Law 105-277, tit. XVII, section 1701 to 1710, 112 Stat. 2681 at 2681-749, (Oct. 21, 1998) (codified at 44 U.S.C. 3504 & note). GPEA provides that, when possible, Federal agencies use electronic forms, electronic filing, and electronic submissions to conduct agency business with the public. Id. The USCIS modernization and transformation effort will move its operations away from a paper-based system to an electronic environment wherever possible in an effort to implement the requirements of GPEA.

Alternatives: The regulations for the more than 20 nonimmigrant classifications are included in 8 CFR 214. As more nonimmigrant classifications have been added to the Act and as the statutory requirements for existing classifications have become more complex, sections within 8 CFR 214 have become increasingly difficult to read, comprehend and cite. DHS will reorganize 8 CFR 214 to address this lack of clarity.

Costs and Benefits: DHS will amend its regulations at 8 CFR part 214 to streamline and reorganize the content into a more reader-friendly and logical format. DHS is not making substantive changes to the content or requirements of existing regulations. There are no additional costs anticipated as a result of this rulemaking.

Risks: This rule may initially lead to confusion of those who are familiar with the previous organization of 8 CFR 214. USCIS can mitigate this risk by informing the public of these changes.

Timetable:

Action	Date	FR Cite
NPRM	06/00/2012	

Additional Information: CIS# 2505-11. This rule (RIN 1615-AB95) is adopting the following three rules as final rules: 1615-

AA35, 1615-AA56, and 1615-AA53.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1615-AB96

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Title: Application of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to Unaccompanied Alien Children Seeking Asylum

Abstract: This rule implements the provisions of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), Public Law 110-457, 122 Stat. 5074 (Dec. 23, 2008) relating to unaccompanied alien children seeking asylum. Specifically, the rule proposes to amend Department of Homeland Security and Department of Justice regulations relating to asylum applications filed by unaccompanied alien children. The rule will amend both Departments' regulations to reflect that U.S. Citizenship and Immigration Services (USCIS) has initial jurisdiction over any asylum application filed by an unaccompanied alien child. The rule will also add new special procedures for all children in interviews before USCIS officers and for unaccompanied alien children in proceedings before immigration judges in the Executive Office for Immigration Review.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

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

Legal Authority: PL 110-457

Legal Deadline: None

Regulatory Plan:

Statement of Need: The TVPRA mandated promulgation of regulations taking into account the specialized needs of unaccompanied alien children and addressing both procedural and substantive aspects of handling unaccompanied alien children's cases. This rule will codify existing agency guidance on the specialized needs of unaccompanied alien children. The rule will also codify agency guidance implementing the TVPRA. Such guidance has been in effect since March 2009 and, based on experience gained in following the guidance, will be revised in the rule.

Legal Basis: The purpose of this rule is to comply with the TVPRA mandate to promulgate regulations taking into account the specialized needs of unaccompanied alien children and addressing both procedural and substantive aspects of handling unaccompanied alien children's cases.

Alternatives: N/A

Costs and Benefits: Congress has given USCIS initial jurisdiction over the asylum claims of unaccompanied alien children. New costs can accrue when EOIR immigration judges transfer cases involving unaccompanied alien minors to USCIS for asylum interviews and adjudication if USCIS does not grant the asylum application and the case is returned to EOIR for further adjudication. This additional cost is offset, however, when USCIS grants such an application because the costs of USCIS asylum adjudications are generally much lower than the processing of immigration court applications for that benefit. In addition, USCIS provides a non-adversarial setting for asylum seeker interviews and has recently developed extensive and ongoing training in children's issues. These factors can assist unaccompanied children in expressing their fear of return to their native countries. Unaccompanied alien children also compose a uniquely vulnerable population with often compelling protection issues; therefore, affording unaccompanied alien children every consideration in the asylum process greatly benefits them. Finally, benefits will also accrue because the regulation will improve upon the process initially implemented upon passage of the TVPRA, incorporating lessons learned and optimizing the procedures for USCIS and EOIR.

Risks: N/A

Timetable:

Action	Date	FR Cite
NPRM	06/00/2012	

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

Federalism: No

Energy Affected: No

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

RIN: 1615-AB97

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Title: Implementation of AC21, the VWPPA, and the ACWIA

Abstract: The American Competitiveness in the 21st Century Act, Public Law 106-313, was enacted on October 17, 2000, along with two bills, the Visa Waiver Permanent Program Act, Public Law 106-311, and a bill to increase the fee for certain H-1B petitions. An earlier piece of legislation, the American Competitiveness and Workforce Improvement Act (ACWIA), Public Law 105-277, was enacted to place certain conditions on the employment of H-1B workers. Together, these bills make significant changes to the H-1B classification. Public Law 106-313 increased the numerical H-1B cap to 195,000 for fiscal year 2000-2002 and the percentage of the fees that DHS receives to 4 percent. It exempts certain aliens from the numerical cap, provides for the "portability" of employment authorization, and in certain circumstances extensions of stay for certain aliens who have permanent residence applications pending. Public Law 105-277 imposes penalties for employers violating certain representations and prohibits retaliation against H-1B workers who disclose these violations. Finally, on November 2, 2002, the President approved enactment of Public Law 107-273, The 21st Century Department of Justice Appropriations Act (21st Century DOJ Appropriations Act), which codified a provision that amends section 106(a) of AC21. This regulation clarifies several interpretive questions raised by the bills and ensures that the Department practice is consistent with these laws.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 8 CFR 103; 8 CFR 202; 8 CFR 204; CFR 205; 8 CFR 214; 8 CFR 245; 8 CFR 248 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 105-277; PL 106-313; PL 107-273; INA 101(a)(15)(H); PL 106-396; 8 USC 1184(g)(5)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/00/2012	

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

Federalism: Undetermined

Energy Affected: No

Related RINs: Duplicate of 1615-AA55

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

RIN: 1615-AB98

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Title: Administrative Appeals Office: Procedural Reforms To Improve Efficiency

Abstract: This proposed rule revises the requirements and procedures for the filing of motions and appeals before the Department's U.S. Citizenship and Immigration Services and its Administrative Appeals Office. The proposed changes are intended to streamline the existing processes for filing motions and appeals and will reduce delays in the review and appellate process. This rule also makes additional changes necessitated by the establishment of the Department of Homeland Security and its components.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 204; 8 CFR 205; 8 CFR 210; 8 CFR 214; 8 CFR 245a; 8 CFR 320; 8 CFR 105 (new); ... (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1304; 6 USC 112

Legal Deadline: None

Regulatory Plan:

Statement of Need: This rule proposes to make numerous changes to streamline the current appeal and motion processes which: (1) Will result in cost savings to the Government, applicants, and petitioners; and (2) will provide for a more efficient use of USCIS officer and clerical staff time, as well as more uniformity with Board of Immigration Appeals appeal and motion processes.

Legal Basis: 5 U.S.C. 301; 5 U.S.C. 552; 5 U.S.C. 552a; 8 U.S.C. 1101 and note 1102, 1103, 1151, 1153, 1154, 1182, 1184, 1185 note (sec. 7209 of Pub. L. 108-458; title VII of Pub. L. 110-229), 1186a, 1187, 1221,1223, 1225 to 1227, 1255a, and 1255a note, 1281, 1282, 1301 to 1305, 1324a ,1356, 1372, 1379, 1409(c), 1443 to 1444, 1448, 1452, 1455, 1641, 1731 to 1732; 31 U.S.C. 9701; 48 U.S.C. 1901, 1931 note; section 643, Public Law 104-208, 110, Stat. 3009-708; section 141 of the Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands, and with the Government of Palau.; title VII of Public Law 110-229; Public Law 107-296, 116 Stat. 2135 (6 U.S.C. 1 et seq.); Public Law 82-414, 66 Stat. 173, 238, 254, 264; title VII of Public Law 110-229; E.O. 12356.

Alternatives: The alternative to this rule would be to continue under the current process without change.

Costs and Benefits: As a result of streamlining the appeal and motion process, USCIS anticipates quantitative and qualitative benefits to DHS and the public. We also anticipate cost savings to DHS and applicants as a result of the proposed changes.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	03/00/2012	

Additional Information: Previously 1615-AB29 (CIS 2311-04), which was withdrawn in 2007. DHS has included this rule in its Final Plan for the Retrospective Review of Existing Regulations, which DHS issued on August 22, 2011.

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: No

Federalism: No

Energy Affected: No

Related RINs: Duplicate of 1615-AB29

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

RIN: 1615-AA35

 [View Related Documents](#)

Title: Petitioning Requirements for the H-1C Nonimmigrant Classification Under Public Law 106-95

Abstract: On November 12, 1999, the Nursing Relief for Disadvantaged Areas Act (NRDAA) was enacted, creating a new H-1C nonimmigrant nurse category. This interim final rule amends the Department's regulations in order to implement the NRDAA as it relates to the adjudication petitions for H-1C classification. Congress did not reauthorize the NRDAA in 2009, and therefore USCIS stopped accepting petitions for the H-1C nonimmigrant category after December 21, 2009. This expiration does not affect the ability of nurses to apply for readmission and, in limited circumstances, extension of stay for H-1Cs who have not exceeded the 3-year limit for admission in this classification.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 214.1; 8 CFR 214.2; 8 CFR 248.3; 8 CFR 299.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/11/2001	66 FR 31107
Interim Final Rule Comment Period End	08/10/2001	
Final Rule	02/00/2012	

Additional Information: CIS No. 2050-00; Transferred from RIN 1115-AF76. Rule is being adopted as a final rule in RIN 1615-AB95.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Related RINs: Merge with 1615-AB95

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

RIN: 1615-AA53

 [View Related Documents](#)

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

Abstract: Section 1102 of the LIFE Act of 2000 amends the Immigration and Nationality Act to create a new nonimmigrant classification V for the spouses and children of lawful permanent residents, awaiting the availability of an immigrant visa number in the appropriate preference category, in accordance with the State Department's monthly Visa Bulletin. Eligible spouses and children of lawful permanent residents residing abroad who 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.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: 8 USC 1102; PL 106-553

Legal Deadline: None**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	09/07/2001	
Interim Final Rule	09/07/2001	66 FR 46697
Interim Final Rule Comment Period End	11/06/2001	
Final Rule	02/00/2012	

Additional Information: CIS No. 2117-01; Transferred from RIN 1115-AG08. Rule is being adopted as a final rule in RIN 1615-AB95.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Related RINs: Merge with 1615-AB95

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

RIN: 1615-AA56

 [View Related Documents](#)

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

Abstract: Section 1103 of the Legal Immigration Family Equity Act (LIFE), Public Law 106-553, finalizes the interim rule that created a new nonimmigrant classification under Immigration and Nationality Act section 101(a)(15)(K) for the spouses and children of U.S. citizens who have pending immigrant visa applications. This rule establishes this classification in DHS regulations, including creating filing and adjudication procedures, as well as procedures for adjusting status from this new nonimmigrant classification to that of a lawful permanent resident.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: PL 106-553

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		12/21/2000

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/14/2001	66 FR 42587
Interim Final Rule Comment Period End	10/15/2001	
Final Rule	02/00/2012	

Additional Information: Rule is being adopted as a Final Rule in RIN 1615-AB95.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Related RINs: Merge with 1615-AB95

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

RIN: 1615-AA59

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Title: New Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for T Nonimmigrant Status

Abstract: T classification was created by 107(e) of the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), Public Law 106-386. The T nonimmigrant classification was designed for eligible victims of severe forms of trafficking in persons who aid law enforcement with their investigation or prosecution of 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. 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. The Trafficking Victims Protection Reauthorization Act of 2008, Public Law 110-457, made amendments to the T nonimmigrant status provisions of the Immigration and Naturalization Act. The Department will issue another interim final rule to make the changes required by recent legislation and to provide the opportunity for notice and comment.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101 to 1104; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1201; 8 USC 1224 to 1227; 8 USC 1252 to 1252a; 22 USC 7101; 22 USC 7105

Legal Deadline: None

Regulatory Plan:

Statement of Need: T nonimmigrant status is available to eligible victims of severe forms of trafficking in persons who have complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking in persons, and who can demonstrate that they would suffer extreme hardship involving unusual and severe harm if removed from the United States. This rule addresses the essential elements that must be demonstrated for classification as a T nonimmigrant alien; the procedures to be followed by applicants to apply for T nonimmigrant status; and evidentiary guidance to assist in the application process.

Legal Basis: Section 107(e) of the Trafficking Victims Protection Act (TVPA), Public Law 106-386, as amended, established the T classification to create a safe haven for certain eligible victims of severe forms of trafficking in persons, who assist law enforcement authorities in investigating and prosecuting the perpetrators of these crimes.

Alternatives: To develop a comprehensive Federal approach to identifying victims of severe forms of trafficking in persons, to provide them with benefits and services, and to enhance the Department of Justice's ability to prosecute traffickers and prevent trafficking in persons in the first place, a series of meetings with stakeholders were conducted with representatives from key Federal agencies; national, State, and local law enforcement associations; non-profit, community-based victim rights organizations; and other groups. Suggestions from these stakeholders were used in the drafting of this regulation.

Costs and Benefits: There is no cost to applicants associated with this regulation. Applicants for T nonimmigrant status do not pay application or biometric fees. The anticipated benefits of these expenditures include: Assistance to trafficked victims and their families, prosecution of traffickers in persons, and the elimination of abuses caused by trafficking activities. Benefits which may be attributed to the implementation of this rule are expected to be: 1. An increase in the number of cases brought forward for investigation and/or prosecution; 2. Heightened awareness by the law enforcement community of trafficking in persons; 3. Enhanced ability to develop and work cases in trafficking in persons cross-organizationally and multi-jurisdictionally, which may begin to influence changes in trafficking patterns.

Risks: There is a 5,000-person limit to the number of individuals who can be granted T-1 status per fiscal year. Eligible applicants who are not granted T-1 status due solely to the numerical limit will be placed on a waiting list to be maintained by U.S. Citizenship and Immigration Services (USCIS). To protect T-1 applicants and their families, USCIS will use various means to prevent the removal of T-1 applicants on the waiting list, and their family members who are eligible for derivative T status, including its existing authority to grant deferred action, parole, and stays of removal.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/2002	67 FR 4784
Interim Final Rule Effective	03/04/2002	
Interim Final Rule Comment Period End	04/01/2002	
Interim Final Rule	06/00/2012	

Additional Information: CIS No. 2132-01; AG Order No. 2554-2002 There is a related rulemaking, CIS No. 2170-01, the new U nonimmigrant status (RIN 1615-AA67). Transferred from RIN 1115-AG19

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State

Small Entities Affected: No

Federalism: No

Related RINs: Related to 1615-AA67

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

RIN: 1615-AA60

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

Abstract: This rule sets forth measures by which certain victims of severe forms of trafficking who have been granted T nonimmigrant status and victims of certain criminal activity who have been granted U nonimmigrant status may apply for adjustment to permanent resident status in accordance with Public Law 106-386, Victims of Trafficking and Violence Protection Act of 2000; and Public Law 109-162, Violence Against Women and Department of Justice Reauthorization Act of 2005. The Trafficking Victims Protection Reauthorization Act of 2008, Public Law 110-457, made amendments to the T nonimmigrant status provisions of the Immigration and Naturalization Act. The Department will issue another interim final rule to make the changes required by recent legislation and to provide the opportunity for notice and comment.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101 to 1104; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1201; 8 USC 1224 to 1227; 8 USC 1252 to 1252a; 8 USC 1255; 22 USC 7101; 22 USC 7105

Legal Deadline: None

Regulatory Plan:

Statement of Need: This regulation is necessary to permit aliens in lawful T or U nonimmigrant status to apply for adjustment of status to that of lawful permanent residents. T nonimmigrant status is available to aliens who are victims of a severe form of trafficking in persons and who are assisting law enforcement in the investigation or prosecution of the acts of trafficking. U nonimmigrant status is available to aliens who are victims of certain crimes and are being helpful to the investigation or prosecution of those crimes.

Legal Basis: This rule implements the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), Public Law 106-386, 114 Stat. 1464 (Oct. 28, 2000), as amended, to permit aliens in lawful T or U nonimmigrant status to apply for adjustment of status to that of lawful permanent residents.

Alternatives: USCIS did not consider alternatives to managing T and U applications for adjustment of status. Ease of administration dictates that adjustment of status applications from T and U nonimmigrants would be best handled on a first in, first out basis, because that is the way applications for T and U status are currently handled.

Costs and Benefits: USCIS uses fees to fund the cost of processing applications and associated support benefits. The fees to be collected resulting from this rule will be approximately \$3 million in the first year, \$1.9 million in the second year, and an average about \$32 million in the third and subsequent years. To estimate the new fee collections to be generated by this rule,

USCIS estimated the fees to be collected for new applications for adjustment of status from T and U nonimmigrants and their eligible family members. After that, USCIS estimated fees from associated applications that are required such as biometrics, and others that are likely to occur in direct connection with applications for adjustment, such as employment authorization or travel authorization. The anticipated benefits of these expenditures include: Continued assistance to trafficked victims and their families, increased investigation and prosecution of traffickers in persons, and the elimination of abuses caused by trafficking activities. Benefits that may be attributed to the implementation of this rule are expected to be: 1. An increase in the number of cases brought forward for investigation and/or prosecution; 2. Heightened awareness of trafficking-in-persons issues by the law enforcement community; and 3. Enhanced ability to develop and work cases in trafficking in persons cross-organizationally and multi-jurisdictionally, which may begin to influence changes in trafficking patterns.

Risks: Congress created the U nonimmigrant status ("U visa") to provide immigration protection to crime victims who assist in the investigation and prosecution of those crimes. Although there are no specific data on alien crime victims, statistics maintained by the Department of Justice have shown that aliens, especially those aliens without legal status, are often reluctant to help in the investigation or prosecution of crimes. U visas are intended to help overcome this reluctance and aid law enforcement accordingly.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/12/2008	73 FR 75540
Interim Final Rule Effective	01/12/2009	
Interim Final Rule Comment Period End	02/10/2009	
Interim Final Rule	06/00/2012	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State

Small Entities Affected: No

Federalism: No

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

RIN: 1615-AB68

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Title: Petitions Filed on Behalf of H-1B Temporary Workers Subject to the Annual Numerical Limitation

Abstract: The Department of Homeland Security is finalizing its interim regulation governing petitions filed on behalf of alien workers subject to the annual numerical limitations applicable to the H-1B nonimmigrant classification. This rule precludes a petitioner from filing more than one H-1B petition on behalf of the same alien temporary worker in a given fiscal year if the alien is subject to a numerical limitation or is exempt from a numerical limitation by virtue of having earned a master's or higher degree from a U.S. institution of higher education. Additionally, this rule makes accommodations for petitioners seeking to file petitions on the first day on which filings will be accepted for the next fiscal year on behalf of alien workers subject to the annual numerical limitation or U.S. master's or higher degree holders exempt from this limitation. This rule also clarifies the treatment of H-1B nonimmigrant petitions incorrectly claiming an exemption from the numerical limitations. Finally, the rule removes from the regulations unnecessary language regarding the annual numerical limitation applicable to the H-1B nonimmigrant classification.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: 8 USC 1184(g); INA 214(g); INA 101(a)(15)(h); 8 USC 1101(a)(15)(H)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	03/24/2008	

Interim Final Rule	03/24/2008	73 FR 15389
Interim Final Rule Comment Period End	05/23/2008	
Final Action	03/00/2012	

Additional Information: 2434-07

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

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

RIN: 1615-AB71

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Title: Registration Requirement for Petitioners Seeking To File H-1B Petitions on Behalf of Aliens Subject to Numerical Limitations

Abstract: The Department of Homeland Security will finalize its regulations governing petitions filed on behalf of alien workers subject to annual numerical limitations. This rule proposes to establish an electronic registration program for petitions subject to numerical limitations for the H-1B nonimmigrant classification. This action is necessary because the demand for H-1B specialty occupation workers by U.S. companies may exceed the numerical limitation. This rule is intended to allow USCIS to more efficiently manage the intake and lottery process for these H-1B petitions.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: 8 USC 1184(g)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/03/2011	76 FR 11686
NPRM Comment Period End	05/02/2011	
Final Rule	10/00/2012	

Additional Information: USCIS 2443-08. Includes Retrospective Review under EO 13563.

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: No

Federalism: No

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

RIN: 1615-AB77

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Title: Application of Immigration Regulations to the Commonwealth of the Northern Mariana Islands

Abstract: This final rule amends the Department of Homeland Security (DHS) and the Department of Justice (DOJ) regulations to comply with the Consolidated Natural Resources Act of 2008 (CNRA). The CNRA extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI). This rule finalizes the interim rule and implements conforming amendments to their respective regulations.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: PL 110-229

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Consolidated Natural Resources Act (CNRA) of 2008	11/28/2009

Regulatory Plan:

Statement of Need: This rule finalizes the interim rule to conform existing regulations with the CNRA. Some of the changes implemented under the CNRA affect existing regulations governing both DHS immigration policy and procedures and proceedings before the immigration judges and the Board. Accordingly, it is necessary to make amendments both to the DHS regulations and to the DOJ regulations. The Secretary and the Attorney General are making conforming amendments to their respective regulations in this single rulemaking document.

Legal Basis: Congress extended the immigration laws of the United States to the CNMI. The stated purpose of the CNRA is to ensure effective border control procedures, to properly address national security and homeland security concerns by extending U.S. immigration law to the CNMI (phasing-out the CNMI's nonresident contract worker program while minimizing to the greatest extent practicable the potential adverse economic and fiscal effects of that phase-out), to maximize the CNMI's potential for future economic and business growth, and to assure worker protections from the potential for abuse and exploitation.

Alternatives:

Costs and Benefits: Costs: The interim rule established basic provisions necessary for the application of the INA to the CNMI and updated definitions and existing DHS and DOJ regulations in areas that were confusing or in conflict with how they are to be applied to implement the INA in the CNMI. As such, that rule made no changes that had identifiable direct or indirect economic impacts that could be quantified. Benefits: This final rule makes additional regulatory changes in order to lessen the adverse impacts of the CNRA on employers and employees in the CNMI and assist the CNMI in its transition to the INA.

Risks:

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/28/2009	74 FR 55725
Interim Final Rule Comment Period End	11/27/2009	
Correction	12/22/2009	74 FR 67969
Final Action	03/00/2012	

Additional Information: CIS 2460-08.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1615-AB76; Related to 1615-AB75

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

RIN: 1615-AB91

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Title: Approval of Construction Wage Rates in Guam

Abstract: This final rule amends the Department of Homeland Security (DHS) regulations affecting the reporting of H-2B construction wage rates in Guam. DHS has determined that U.S. Citizenship and Immigration Services (USCIS) is not the appropriate sub-agency to evaluate prevailing wage rates in Guam and is amending its regulations by removing the agency approval requirements. This direct final rule removes USCIS from the process of setting appropriate prevailing wage rates for H-2B construction occupations on Guam. The U.S. Department of Labor will now determine and evaluate prevailing wage rates for construction occupations on Guam using its current process without additional review or oversight by USCIS.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: 8 USC 1101 to 1103

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Direct Final Rule	02/00/2012	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1615-AA03

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Title: Petition To Classify Alien as Immediate Relative of a U.S. Citizen or as a Preference Immigrant; Self-Petitioning for Certain Battered or Abused Alien Spouses and Children

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

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

[Federal Regulations](#)

Legal Authority: 8 USC 1101; PL 103-322; 8 USC 1103; 8 USC 1151; 8 USC 1153 and 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1105a

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/0000	
Interim Final Rule Effective	03/26/1996	
Interim Final Rule	03/26/1996	61 FR 13061
Interim Final Rule Comment Period End	05/28/1996	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

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

RIN: 1615-AA05

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Title: Definition of the Term "Lawfully Present" for Purposes of Eligibility for Public Benefits

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

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 5 USC 552 and 552a; 8 USC 1101 and 1103; 8 USC 1201; 8 USC 1252 note and 1252B; 8 USC 1304 and 1356; 31 USC 9701

Legal Deadline: None

Timetable:

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

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State

Small Entities Affected: No

Federalism: No

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

RIN: 1615-AA12

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

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

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

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

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1615-AA14

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

Abstract: This rule amends the Department of Homeland Security (DHS) regulations relating to fingerprinting applicants and petitioners for benefits under the Immigration and Nationality Act by: 1) Canceling the Designated Fingerprinting Service program; 2) requiring applicants and petitioners for benefits to be fingerprinted at either a DHS Office or at a United States

consular or military office; 3) establishing a fee for fingerprinting by the Department; and 4) requiring confirmation from the Federal Bureau of Investigation that a full criminal background check has been completed before adjudication of a naturalization application is completed.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

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

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)
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RIN: 1615-AA17

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

Abstract: This rule implements section 203 of the Nicaraguan Adjustment and Central American Relief Act (NACARA), enacted as title II of Public Law 105-100, 111 Stat. 2160, 2193 (1997) (as amended by Technical Corrections to the Nicaraguan Adjustment and Central American Relief Act (NACARA), Public Law 105-139, Stat. 2644 (1997)). Section 203 of NACARA provides that certain Guatemalans, Salvadorans, and nationals of former Soviet Bloc countries are eligible to apply for cancellation of removal under the standards for suspension of deportation similar to those that existed prior to enactment of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). The rule establishes the authority of DHS asylum officers to adjudicate certain applications under section 203 of NACARA, provides application and adjudication procedures, identifies factors and standards relevant to eligibility, and establishes a rebuttable presumption of extreme hardship for certain NACARA beneficiaries.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM (CIS No. 1915-98)	11/24/1998	63 FR 64895
NPRM Comment Period End (CIS No. 1915-98)	01/25/1999	
Interim Final Rule (CIS No. 1915-98)	05/21/1999	64 FR 27856
Interim Rule Comment Period End	07/20/1999	

Additional Information: CIS No. 1915-98 Transferred from RIN 1115-AF14

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services (USCIS)

RIN: 1615-AA22

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Title: Inadmissibility and Deportability on Public Charge Grounds

Abstract: The Department of Homeland Security is amending its regulations governing determinations of whether an alien is inadmissible to the United States, ineligible to adjust status to lawful permanent resident, or has become deportable on public charge grounds. This rule is intended to alleviate confusion over the meaning of the term "public charge" in immigration law, reduce negative consequences generated by this confusion, and provide aliens with better guidance as to the types of public benefits that will and will not be considered in public charge determinations. This interim rule also addresses the public comments on the proposed public charge rule published on May 26, 1999, at 64 FR 28676.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 212; 8 CFR 237; 8 CFR 245a.18 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/0000	
NPRM	05/26/1999	64 FR 28676
NPRM Comment Period End	07/26/1999	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1615-AA29

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

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

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

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

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 1615-AA34

 [View Related Documents](#)

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

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

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

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

USC 1255; 8 USC 1641

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	09/06/2000	65 FR 53889
Correction to Interim Final Rule	09/27/2000	65 FR 57943
Interim Final Rule Effective	10/06/2000	
Correction to Interim Final Rule	10/20/2000	65 FR 63118
Interim Final Rule Comment Period End	11/06/2000	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

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

RIN: 1615-AA40

 [View Related Documents](#)

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

Abstract: The Department is amending its regulations governing eligibility for adjustment of status under section 245(i) of the Immigration and Nationality Act to conform the regulations to existing policy and procedures and to remove language that has been superseded by subsequent legislation. Specifically, this rule conforms the regulations to include the changes made by Public Law 105-119 and Public Law 106-544. It also provides for the changes contained in the Legal Immigration Family Equity Act of 2000 (LIFE Act). As required by the LIFE Act, this rule changes the sunset date of section 245(i) of the Immigration and Naturalization Act to 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.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

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

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

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

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

RIN: 1615-AA42

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Title: Petition To Classify Alien as Immediate Relative of a U.S. Citizen or Preference Immigrant; Adjustment of Status to That of a Person Admitted for Permanent Residence

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

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 204; 8 CFR 245 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153 and 1154; ...**Legal Deadline:** None**Timetable:**

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

Additional Information: See CIS No. 1419-91 Transferred from RIN 1115-AF94.**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No

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

RIN: 1615-AA43

 [View Related Documents](#)

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

Abstract: This rule amends Department of Homeland Security (DHS) regulations relating to intercountry adoptions by U.S. citizens. First, to facilitate the ratification of the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, signed at The Hague on May 29, 1993 (Convention), the rule establishes new administrative procedures for the

immigration of children who are habitually resident in Convention countries and who are adopted by U.S. citizens. Second, the rule makes other amendments to DHS regulations relating to the immigration of adopted children, to reflect the changes to those provisions necessary to comply with the Convention. The U.S. Senate consented to ratification of the Convention in 2000 conditioned on the adoption of the necessary implementing regulations. Accordingly, this rule is necessary to establish the regulations necessary for the United States to ratify the Convention.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

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

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Homeland Security (DHS)

U.S. Citizenship and Immigration Services (USCIS)

RIN: 1615-AA45

 [View Related Documents](#)

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

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

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 299; 8 CFR 310; 8 CFR 320; 8 CFR 322; 8 CFR 338; 8 CFR 341; 8 CFR 499; ... (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 106-395

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Child Citizenship Act of 2000	02/27/2001

Timetable:

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

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1615-AA46

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

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

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

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

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Related RINs: Merge with 1615-AB82

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

RIN: 1615-AA49

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

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

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 8 USC 1101; 8 USC 1103

Legal Deadline: None

Timetable:

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

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 1615-AA51

 [View Related Documents](#)

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

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

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

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

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

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 1615-AA63

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

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

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

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

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 1615-AA73

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

Abstract: The interim final rule amended 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 ensured that no B nonimmigrant is allowed to begin taking classes until the Department has approved the alien's request to change nonimmigrant status to that of F or M student.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	04/12/2002	67 FR 18062
Interim Final Rule Comment Period End	06/11/2002	

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 1615-AA90

 [View Related Documents](#)

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

Abstract: This rule proposes amendments to the regulations of the Department of Homeland Security to implement changes made by the 21st Century Department of Justice Appropriations Authorization of 2001. This legislation made various changes to the EB-5 alien immigrant classification.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

[Regulations](#).)**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153 and 1154; ...**Legal Deadline:**

Action	Source	Description	Date
Other	Statutory		03/02/2003

Timetable:

Action	Date	FR Cite
Final Rule	00/00/0000	
NPRM	09/28/2011	76 FR 59927
NPRM Correction	10/04/2011	76 FR 61288
NPRM Comment Period End	11/28/2011	

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

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Agency Contact:** Laura M. Dawkins

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

RIN: 1615-AB28

 [View Related Documents](#)**Title:** Extension of the Deadline for Certain Health Care Workers Required To Obtain Certificates

Abstract: This rule amends Department of Homeland Security regulations to extend the deadline by which certain health care workers from Canada and Mexico must obtain health care worker certifications. This rule applies only to affected health care workers, who, before September 23, 2003, were previously employed as TN nonimmigrant health care workers (Canadian or Mexican citizens), and held a valid license from a U.S. jurisdiction. This interim rule does not change the licensing requirements for employment purposes. Publication of this rule ensures that the U.S. health care system is not adversely affected by the expiration of the transition period for certain health care workers to present the required certification.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 212; 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 8 USC 1101 to 1103; 8 USC 1182**Legal Deadline:** None**Timetable:**

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

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**Agency Contact:** Claudia F. Young

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

RIN: 1615-AB50

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

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

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

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

Additional Information: CIS No. 2387-06

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1615-AB81

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Title: Special Immigrant Juvenile Petitions

Abstract: This rule makes procedural changes and resolves interpretive issues following the amendments mandated by Congress. It will enable juvenile aliens who have been abused, neglected, or abandoned and placed in State custody by a juvenile court, to obtain special immigrant status. Such status will enable these juveniles to be placed into more stable environments.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Rule	00/00/0000	
NPRM	09/06/2011	76 FR 54978
NPRM Comment Period End	11/07/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1615-AA19

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Title: Regulations Concerning the Convention Against Torture

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

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

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

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

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Requirements promulgated under the Immigration and Nationality Act.	02/18/1999

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/19/1999	64 FR 8478
Interim Final Rule Corrections	03/22/1999	64 FR 13881
Interim Final Rule Effective	03/22/1999	
Interim Final Rule Comment Period End	04/20/1999	
Transferred from USCIS to ICE (RIN 1653-AA63)	07/25/2011	

Additional Information: Transferred to RIN 1653-AA63 CIS No. 1976-99 Transferred from RIN 1115-AF39

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1653-AA63

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

RIN: 1615-AA24

 [View Related Documents](#)

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

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

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1157 and 1158

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/21/1999	64 FR 27660
Interim Final Rule Comment Period End	07/20/1999	
Final Action - Final Rule 1615-AB83	08/29/2011	76 FR 53764

Additional Information: CIS No. 1999-99; Transferred from RIN 1115-AF49; Rule has been adopted as a final rule in RIN 1615-AB83.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Related RINs: Merge with 1615-AB83

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

RIN: 1615-AA30

 [View Related Documents](#)

Title: Revoking Grants of Naturalization

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

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 340 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 8 USC 1103; 8 USC 1443**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/31/2000	65 FR 17127
Interim Final Rule Comment Period End	05/30/2000	
Final Action - Final Rule 1615-AB83	08/29/2011	76 FR 53764

Additional Information: CIS No.1858-97 Transferred from RIN 1115-AF63; Rule has been adopted as a final rule in RIN 1615-AB83.**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Related RINs:** Merge with 1615-AB83**Agency Contact:** Dan Konnerth

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Department of Homeland Security (DHS)
U.S. Citizenship and Immigration Services (USCIS)**RIN:** 1615-AA57 [View Related Documents](#)**Title:** Adjustment of Status for Certain Syrian Nationals Granted Asylum in the United States**Abstract:** On October 27, 2000, President Clinton signed into law Public Law 106-378, Adjustment of Status of Certain Syrian Nationals, which provides for the adjustment of status to lawful permanent resident of certain Syrian nationals, without regard to the annual numerical limitation requirement. This interim final rule discusses eligibility and sets forth application procedures for persons wishing to adjust status on the basis of Public Law 106-378. The Department issued this action as an interim rule because Public Law 106-378 provided for a 1-year application period, which ended on October 26, 2001. Publication of the interim final rule ensured that applicants were provided with as much time as possible to apply for the benefits under Public Law 106-378.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1255**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	05/17/2001	
Interim Final Rule	05/17/2001	66 FR 27445
Interim Final Rule Comment Period End	07/17/2001	
Final Action - Final Rule 1615-AB83	08/29/2011	76 FR 53764

Additional Information: Transferred from RIN 1115-AG13; Rule has been adopted as a final rule in RIN 1615-AB83.**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Related RINs:** Merge with 1615-AB83**Agency Contact:** Dan Konnerth

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

RIN: 1615-AA83

 [View Related Documents](#)

Title: Electronic Signature on Applications and Petitions for Immigration and Naturalization Benefits

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

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 5 USC 552 to 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/29/2003	68 FR 23009
Interim Final Rule Effective	05/29/2003	
Final Action - Final Rule 1615-AB83	08/29/2011	76 FR 53764
Final Action Effective	11/28/2011	

Additional Information: CIS No. 2224-02. Transferred from RIN 1115-AG79. Rule has been adopted as a final rule in RIN 1615-AB83.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Related RINs: Merge with 1615-AB83

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

RIN: 1615-AA96

 [View Related Documents](#)

Title: Eliminating the Numerical Cap on Mexican TN Nonimmigrants

Abstract: This rule eliminates the 5,500 annual limit on the number of Mexican professional admissions under the North American Free Trade Agreement (NAFTA). It also eliminates the associated requirement of a petition on Form I-129 and the certified labor condition application. Rather than submit a petition to DHS, aliens seeking TN classification will apply for a TN visa from the State Department. This rule brings the treatment of Mexican TNs under NAFTA closer to that of Canadian TNs.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/10/2004	69 FR 11287
Interim Final Rule Comment Period End	05/10/2004	
Final Action - Final Rule 1615-AB83	08/29/2011	76 FR 53764

Additional Information: CIS No. 2266-03; Transferred from RIN 1115-AH02. Rule has been adopted as a final rule in RIN 1615-AB83.**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Related RINs:** Merge with 1615-AB83**Agency Contact:** Dan Konnerth

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Department of Homeland Security (DHS)
U.S. Citizenship and Immigration Services (USCIS)**RIN:** 1615-AB14 [View Related Documents](#)**Title:** Classification of Certain Scientists of the Commonwealth of Independent States of the Former Soviet Union and the Baltic States as Employment-Based Immigrants**Abstract:** The Soviet Scientists Immigration Act of 1992 (SSI A) provided for 750 visas to be provided to eligible scientists and engineers from the former Soviet Union. Subsequent legislation extended the eligibility deadline for filing under the SSIA to September 30, 2006, and raised the numerical limit on these visas from 750 to 950. This rule will finalize the interim final rule and remove the regulations since the program has expired.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 204 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 8 USC 1103; 8 USC 1151; 8 USC 1153 and 1154**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/25/2005	70 FR 21129
Interim Final Rule Effective	05/25/2005	
Interim Final Rule Comment Period End	06/24/2005	
Final Action - 1615-AB83	08/29/2011	76 FR 53764
Final Action Effective	11/28/2011	

Additional Information: CIS No. 2277-03; Rule has been adopted as a final rule in RIN 1615-AB83.**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No

Related RINs: Merge with 1615-AB83

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

RIN: 1615-AB35

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Title: Interpretation at Asylum Interviews

Abstract: Section 208(d)(5)(B), Authority to Apply for Asylum, under the Immigration and Nationality Act, gives the Secretary the authority to provide by regulation any conditions in consideration of an asylum application. Current regulations require the asylum applicant to bring their interpreter to the asylum interview if the applicant is unable to speak English. This proposed rule would change that condition by requiring USCIS to provide interpreter services for applicants unable to speak English. This rule is necessary to help prevent misunderstanding of genuine asylum seekers' claims due to poor translation. At the suggestion of the Office of Information and Regulatory Affairs, DHS has decided to withdraw this entry from the Unified Agenda until and unless DHS takes further action on this regulation.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; Executive Order 13166; 22 USC 6743(a)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	12/31/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1615-AB54

 [View Related Documents](#)

Title: Amendments to Regulatory Provisions Regarding Refugee and Asylee Relative Petitions

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

between approval of the petition and conveyance of status upon the beneficiary. The rule also proposes to amend the regulations to reflect changes in derivative eligibility following enactment of the Child Status Protection Act. At the suggestion of the Office of Information and Regulatory Affairs, DHS has decided to withdraw this entry from the Unified Agenda until and unless DHS takes further action on this regulation.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	12/31/2011	

Additional Information: CIS No. 2372-06

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1615-AB56

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

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

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 8 CFR 2.1

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Published	06/05/2009	74 FR 26933
Interim Final Rule Effective	07/06/2009	
Interim Final Rule Comment Period End	08/04/2009	
Final Action - Final Rule 1615-AB83	08/29/2011	76 FR 53764
Final Action Effective	11/28/2011	

Additional Information: CIS No. 2405-07. Rule has been adopted as a final rule in RIN 1615-AB83.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Merge with 1615-AB83

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

RIN: 1615-AB57

 [View Related Documents](#)

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

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

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	12/31/2011	

Additional Information: CIS No. 2406-07

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1615-AB72

 [View Related Documents](#)

Title: Documents and Receipts Acceptable for Employment Eligibility Verification

Abstract: This rule proposes amendments to regulations governing the types of acceptable identity and employment authorization documents and receipts that employees may present to their employers for completion of the Form I-9, Employment Eligibility Verification. The effect of the proposed changes would be to improve the integrity of the employment verification process by ensuring that the list contains secure and fraud-resistant documents and adding safeguards to the verification process. At the suggestion of the Office of Information and Regulatory Affairs, DHS has decided to withdraw this entry from the Unified Agenda until and unless DHS takes further action on this regulation.

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

Action	Date	FR Cite
Withdrawn	12/31/2011	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Local; State**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**Related RINs:** Related to 1615-AB69**Agency Contact:** Miriam Hetfield

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Department of Homeland Security (DHS)**U.S. Citizenship and Immigration Services (USCIS)****RIN:** 1615-AB76 [View Related Documents](#)**Title:** Commonwealth of the Northern Mariana Islands Transitional Worker Classification

Abstract: On October 27, 2009, the Department of Homeland Security published an interim rule creating a new, temporary, Commonwealth of the Northern Mariana Islands (CNMI)-only transitional worker classification (CW classification) in accordance with title VII of the Consolidated Natural Resources Act of 2008 (CNRA). The CW classification is intended to provide for an orderly transition from the CNMI permit system to the U.S. Federal immigration system under the immigration laws of the United States, including the Immigration and Nationality Act (INA). This final rule implements the CW classification and establishes that a CW transitional worker is an alien worker who is ineligible for another classification under the INA and who performs services or labor for an employer in the CNMI during the five-year transition period. CNMI employers may now petition for such workers. The rule also establishes employment authorization incident to CW status.

Priority: Other Significant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 214.2 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** PL 110-229**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule	10/27/2009	74 FR 55094
Interim Final Rule Comment Period End	11/27/2009	
Interim Final Rule Comment Period End Extended	12/09/2009	74 FR 64997
Interim Final Rule Comment Period End	01/08/2010	
Final Rule	09/07/2011	76 FR 55502

Final Rule Effective	10/07/2011	
Final Rule Correction	11/08/2011	76 FR 69119

Additional Information: Includes Retrospective Review under E.O. 13563.

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: State

Federalism: No

Energy Affected: No

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

Related RINs: Related to 1615-AB75; Related to 1615-AB77

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

RIN: 1615-AB83

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Title: Immigration Benefits Business Transformation, Increment I

Abstract: U.S. Citizenship and Immigration Services (USCIS) is beginning a phased multi-year business transformation initiative to restructure its business processes and related information technology systems. This will enable USCIS to migrate from a paper forms-based, non-integrated systems environment to an electronic, customer-focused, centralized case management environment for benefit processing. The Department of Homeland Security (DHS) is amending its regulations to streamline benefit processing, eliminate the capture and processing of redundant data, and automate and reduce the number of its forms.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1; 8 CFR 103; 8 CFR 208; 8 CFR 209 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 301; 8 USC 1101; 8 USC 1103; 8 USC 1304; 8 USC 1356; PL 107-296, sec 2135

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Rule	08/29/2011	76 FR 53764
Final Rule Comment Period End	10/28/2011	
Final Rule Correction	11/29/2011	76 FR 73475
Final Rule Effective	11/28/2011	

Additional Information: CIS #2481-09; This rule (RIN 1615-AB83) adopted the following eight interim final rules as final rules: 1615-AA24, 1615-AA30, 1615-AA57, 1615-AA83, 1615-AA96, 1615-AB14, 1615-AB32 (previously withdrawn), and 1615-AB56. Includes Retrospective Review under E.O. 13563.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1615-AA24; Related to 1615-AA30; Related to 1615-AB32; Related to 1615-AA57; Related to 1615-AA83; Related to 1615-AA96; Related to 1615-AB14; Related to 1615-AB56

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

RIN: 1615-AB90

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Title: Ineffective Assistance of Counsel Claims in Asylum Cases

Abstract: The purpose of this proposed rule is to revise the uniform procedural and substantive requirements for finding an "extraordinary circumstance" for purposes of the one-year asylum filing deadline based on claims of ineffective assistance of counsel. This rule is intended to clarify the documentary requirements for claiming ineffective assistance of counsel. This is necessary because the alien's failure to submit evidence on key issues or copies of relevant documents may not fulfill his or her burden of proof to establish an "extraordinary circumstance" and it can result in a referral or denial of the asylum application based on the failure to meet the one-year filing deadline. At the suggestion of the Office of Information and Regulatory Affairs, DHS has decided to withdraw this entry from the Unified Agenda until and unless DHS takes further action on this regulation.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1158

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	12/31/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1625-AA03

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

Abstract: This rulemaking implements section 1013 (Claims Procedures) and section 1014 (Designation of Source and Advertisement) of the Oil Pollution Act of 1990 (OPA). An interim rule was published in 1992, and provides the basic requirements for the filing of claims for uncompensated removal costs or damages resulting from the discharge of oil, for the designation of the sources of the discharge, and for the advertisement of where claims are to be filed. The interim rule also includes the processing of natural resource damage (NRD) claims. The NRD claims, however, were not processed until September 25, 1997, when the Department of Justice issued an opinion that the Oil Spill Liability Trust Fund (OSLTF) is available, without further appropriation, to pay trustee NRD claims under the general claims provisions of OPA 90, 33 U.S.C. 2712(a)(4). This rulemaking supports the Coast Guard's broad role and responsibility of maritime stewardship.

Priority: Other Significant**Agenda Stage of Rulemaking:** PreRule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 33 CFR 136 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 33 USC 2713 and 2714**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule	08/12/1992	57 FR 36314
Correction	09/09/1992	57 FR 41104
Interim Final Rule Comment Period End	12/10/1992	
Notice of Inquiry	11/01/2011	76 FR 67385
Notice of Inquiry Comment Period End	01/30/2012	

Regulatory Flexibility Analysis Required: Business; Governmental Jurisdictions; Organizations**Government Levels Affected:** Federal; Local; State; Tribal**Federalism:** No**Energy Affected:** No**Agency Contact:** Benjamin White

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

RIN: 1625-AB51

 [View Related Documents](#)**Title:** Potable Water Standards for Inspected Vessels

Abstract: The Coast Guard is considering adding regulations in title 46 Code of Federal Regulations to require that water supplied for washing and drinking by passengers and crew meet the Food and Drug Administration (FDA) standards for potable water in 21 CFR parts 1240 and 1250. This action is being considered as a result of amendments to title 46, United States Code, section 3305(a) made by the Coast Guard and Maritime Transportation Authorization Act of 2004 (Pub. L. 108-293, Aug. 9, 2004). As most inspected vessels engage in interstate trade and are already subject to FDA regulations or already supply potable water for washing and drinking by the passengers and crew, we are seeking comments on whether such an action would be necessary.

Priority: Other Significant**Agenda Stage of Rulemaking:** PreRule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 46 CFR 32; 46 CFR 56; 46 CFR 72; 46 CFR 92; 46 CFR 108; 46 CFR 116; 46 CFR 127; 46 CFR 167-169; 46 CFR 177 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 46 USC 3305; 46 USC 3306**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Notice With Request for Comments	02/00/2012	

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

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

RIN: 1625-AB58

 [View Related Documents](#)

Title: Amendments to Chemical Testing Requirements in 46 CFR 16 and 33 CFR 95

Abstract: This rulemaking supports the Commandant's Marine Safety strategic goal by making numerous small improvements to the drug and alcohol testing program. These changes would close loopholes, increase the efficiency and reliability of drug test reporting, and reorganize 46 CFR 16 into question & answer format. Amendments to 33 CFR 95 would authorize Coast Guard civilian marine investigators to order post-accident drug tests (in the same way as active duty mariner investigators do).

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 16; 33 CFR 95 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 46 USC 2103; 46 USC 7101; 46 USC 7302; 46 USC 7701; DHS Delegation No. 0170.1

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Notice With Request for Comments	01/00/2012	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: Yes

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1625-AB74

 [View Related Documents](#)

Title: Tonnage Regulations Amendments

Abstract: The Coast Guard proposes to amend 46 CFR part 69. The proposed amendments incorporate statutory amendments made by section 303 of the Coast Guard Authorization Act of 2010. The Act requires that foreign flag vessels that engage solely on domestic voyages and undocumented vessels are measured under the International Convention. The Act also clarifies under what circumstances a vessel may use its tonnage measured under the Regulatory Measurement System to apply tonnage thresholds in international standards. The proposed rule also codifies existing Coast Guard policy previously developed to address advances in vessel technology and design that impact how tonnage should be measured.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: PreRule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 46 CFR 69 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 46 USC 2301; 46 USC 14101; 46 USC 14103; 46 USC 14302; 46 USC 14303; 46 USC 14305; 46 USC 14501; 46 USC 14503; 46 USC 14512; 46 USC 14512; 46 USC 14514; 46 USC 14522

Legal Deadline: None**Timetable:**

Action	Date	FR Cite
ANPRM	03/00/2012	

Additional Information: Docket No. USCG-2011-0522**Regulatory Flexibility Analysis Required:** Undetermined **Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Marcus J. Akins Department of Homeland Security

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Department of Homeland Security (DHS)**U.S. Coast Guard (USCG)****RIN:** 1625-AA02 [View Related Documents](#)**Title:** Discharge-Removal Equipment for Vessels Carrying Oil**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 broad role and responsibility of maritime stewardship.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 33 CFR 155 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 33 USC 1321**Legal Deadline:**

Action	Source	Description	Date
Other	Statutory		08/18/1992

Timetable:

Action	Date	FR Cite
ANPRM	08/30/1991	56 FR 43534
ANPRM Comment Period End	10/16/1991	
NPRM	09/29/1992	57 FR 44912
NPRM Comment Period End	10/29/1992	
NPRM Comment Period Extended	10/26/1992	57 FR 48489
NPRM Comment Period Extended	11/16/1992	57 FR 48489
Interim Final Rule	12/22/1993	58 FR 67988
Correction	01/26/1994	59 FR 3749
Interim Final Rule Effective	01/21/1994	
Interim Final Rule Comment Period End	02/22/1994	
Notice	02/00/2012	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** No**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**Related RINs:** Previously Reported as 2115-AD66**Agency Contact:** David A. Du Pont

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

RIN: 1625-AA12

 [View Related Documents](#)

Title: Marine Transportation-Related Facility Response Plans for Hazardous Substances

Abstract: This project would implement provisions of the Oil Pollution Act of 1990 (OPA 90) 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 broad roles and responsibilities of maritime safety and maritime stewardship by reducing the consequence of pollution incidents. This action is considered significant because of substantial public and industry interest.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

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

Legal Authority: 33 USC 1321(j); PL 101-380; PL 108-293

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Coast Guard Authorization Act of 2010	04/15/2012

Timetable:

Action	Date	FR Cite
ANPRM	05/03/1996	61 FR 20084
Notice of Public Hearings	07/03/1996	61 FR 34775
ANPRM Comment Period End	09/03/1996	
NPRM	03/31/2000	65 FR 17416
NPRM Comment Period End	06/29/2000	
Notice To Reopen Comment Period	02/17/2011	76 FR 9276
Comment Period End	05/18/2011	
Notice of Availability	01/00/2012	

Additional Information: The docket number for this rulemaking is USCG-1999-5705. The docket can be found at www.regulations.gov. The Old Docket Number is CGD 94-048. Public hearings regarding this rulemaking were held in Washington, DC, on July 30, 1996; Houston, TX, on August 5, 1996; and Houston, TX, on February 26 and 27, 1997. Public meetings for the notice of proposed rulemaking were held in New Orleans, LA, on May 10 and 11, 2000.

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

Related RINs: Related to 1625-AA13

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AA13

 [View Related Documents](#)**Title:** Tank Vessel Response Plans for Hazardous Substances

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 submit to the Coast Guard a response plan 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. Additionally, this project would update shipboard marine pollution emergency plans for noxious liquid substance (SMPEP-NLS) requirements that apply to certain nontank vessels and tank vessels. 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 broad roles and responsibilities of maritime safety and maritime stewardship by reducing the consequences of pollution incidents.

Priority: Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Undetermined**Unfunded Mandates:** No**CFR Citation:** 33 CFR 151; 33 CFR 155 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 33 USC 1231; 33 USC 1321(j); PL 101-380; PL 108-293**Legal Deadline:**

Action	Source	Description	Date
Other	Statutory	Coast Guard Authorization Act of 2010	04/15/2012

Timetable:

Action	Date	FR Cite
ANPRM	05/03/1996	61 FR 20084
Notice of Public Hearings	07/03/1996	61 FR 34775
ANPRM Comment Period End	09/03/1996	
NPRM	03/22/1999	64 FR 13734
NPRM Comment Period Extended	06/15/1999	64 FR 31994
Notice of Public Hearing	06/15/1999	64 FR 31994
NPRM Comment Period End	06/21/1999	
NPRM Extended Comment Period End	08/30/1999	
Notice To Reopen Comment Period	02/17/2011	76 FR 9276
Comment Period End	05/18/2011	
Notice of Availability	01/00/2012	

Additional Information: The docket number for this rulemaking is USCG-1998-4354. The docket is located at www.regulations.gov. The old docket number is CGD 94-032. Public meetings regarding this rulemaking were held in Washington, DC, on July 30, 1996; Houston, TX, on August 5, 1996; and Houston, TX, on February 26 and 27, 1997. Public meetings for the notice of proposed rulemaking were held in Houston, TX, on August 12 and 13, 1999.

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov**Related RINs:** Related to 1625-AA12**Agency Contact:** Raymond Martin

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E-Mail: raymond.w.martin@uscg.mil**Department of Homeland Security (DHS)****U.S. Coast Guard (USCG)**

RIN: 1625-AA14

 [View Related Documents](#)**Title:** Numbering of Undocumented Barges

Abstract: Title 46 U.S.C. 12301, as amended by the Abandoned Barge Act of 1992, requires that all undocumented barges of more than 100 gross tons operating on the navigable waters of the United States be numbered. This rulemaking would establish a numbering system for these barges. The numbering of undocumented barges will allow identification of owners of barges found abandoned. This rulemaking supports the Coast Guard's broad role and responsibility of maritime stewardship.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: 46 USC 12301

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Request for Comments	10/18/1994	59 FR 52646
Comment Period End	01/17/1995	
ANPRM	07/06/1998	63 FR 36384
ANPRM Comment Period End	11/03/1998	
NPRM	01/11/2001	66 FR 2385
NPRM Comment Period End	04/11/2001	
NPRM Reopening of Comment Period	08/12/2004	69 FR 49844
NPRM Comment Period End	11/10/2004	
Supplemental NPRM	01/00/2012	

Additional Information: The docket number for this rulemaking is USCG-1998-3798. The docket is located at www.regulations.gov. The old docket number is CGD 93-091.

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AA18

 [View Related Documents](#)

Title: Outer Continental Shelf Activities

Abstract: The Coast Guard is the lead Federal agency for workplace safety and health, other than for matters generally related to drilling and production that are regulated by the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) on facilities and vessels engaged in the exploration for, or development or production of, minerals on the Outer Continental Shelf (OCS). This project would revise the regulations on OCS activities by: 1) Adding new requirements, some of which may use classification society rules, for OCS units for lifesaving, fire protection, training, hazardous materials used as stores, and accommodation spaces; 2) adding standards for electrical and machinery installations in hazardous locations; 3) providing regulations for dynamic positioning systems; 4) providing for USCG acceptance and approval of specified classification society plan reviews, inspections, audits, and surveys; and 5) requiring foreign vessels engaged in OCS activities to comply with rules similar to those imposed on U.S. vessels similarly engaged. This project would affect the owners and operators of facilities and vessels engaged in offshore activities.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 140 to 147 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 43 USC 1333(d)(1); 43 USC 1348(c); 43 USC 1356; DHS Delegation No 0170.1

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Request for Comments	06/27/1995	60 FR 33185
Comment Period End	09/25/1995	
NPRM	12/07/1999	64 FR 68416
NPRM Correction	02/22/2000	65 FR 8671
NPRM Comment Period Extended	03/16/2000	65 FR 14226
NPRM Comment Period Extended	06/30/2000	65 FR 40559
NPRM Comment Period End	11/30/2000	
Supplemental NPRM	06/00/2012	

Additional Information: Docket Numbers: The notice of request for comments published June 27, 1995, was assigned Coast Guard docket number 95-016. Following the request for comments, that docket was terminated. This project continues under Docket No. USCG-1998-3868 and RIN 1625-AA18. This docket may be viewed online by going to www.regulations.gov.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1625-AA21

 [View Related Documents](#)

Title: Commercial Diving Operations

Abstract: This project involves reviewing and updating the commercial diving regulations, which were first adopted in 1978. 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 impact of the rules upon small entities. The project supports the Coast Guard Maritime Safety, Security, and Stewardship program's role and responsibility of reducing deaths and injuries on U.S. commercial vessels, and the Coast Guard's broad role and responsibility of maritime safety.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	06/26/1998	63 FR 34840
ANPRM Comment Period Extended	09/23/1998	63 FR 50848
ANPRM Comment Period End	11/09/1998	
Second ANPRM	01/06/2009	74 FR 414
Second ANPRM Comment Period End	03/09/2009	
NPRM	04/00/2012	

Additional Information: The docket number for this rulemaking is USCG-1998-3786. The docket can be found at www.regulations.gov.

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: No

Small Entities Affected: Business**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov**Agency Contact:** Patrick Mannion

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Department of Homeland Security (DHS)**U.S. Coast Guard (USCG)****RIN:** 1625-AA25 [View Related Documents](#)**Title:** Cargo Securing on Vessels Operating in U.S. Waters

Abstract: This rulemaking would adopt new requirements for cargo-securing manuals (CSMs) on U.S. vessels of 500 gross tons or more on domestic and international voyages and for foreign vessels of 500 gross tons or more operating in U.S. waters on international voyages, which carry cargo other than solid or liquid bulk cargo. The regulations would apply provisions on the International Convention for the Safety of Life at Sea, 1974, (SOLAS) to such vessels on international voyages by requiring them to carry and comply with a CSM that meets both U.S. and international standards. In addition, specific reporting requirements for general and containerized cargo lost or jettisoned at sea will be included to establish a means to capture data concerning lost cargo. The rule would reduce the loss of cargo, including hazardous materials, in U.S. waters, as well as reduce injuries related to cargo container accidents. In addition, this rule would enable the Coast Guard to better identify, track, and warn mariners of the threat to navigation posed by cargo lost at sea. Reducing cargo lost in U.S. waters supports the Coast Guard's broad roles and responsibilities of maritime stewardship and safety.

Priority: Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 33 CFR 97; 46 CFR 91 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 46 USC 3306**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	12/01/2000	65 FR 75201
NPRM Comment Period End	03/01/2001	
Supplemental NPRM	04/00/2012	

Additional Information: The docket number for this rulemaking is USCG-USCG-2000-7080. The docket can be found at www.regulations.gov.

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**International Impacts:** This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov**Agency Contact:** LT Douglas Tindall

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

RIN: 1625-AA89

 [View Related Documents](#)

Title: Dry Cargo Residue Discharges in the Great Lakes

Abstract: The historical practice of bulk dry cargo vessels on the Great Lakes is to discharge cargo residues ("dry cargo residue" or DCR) overboard. Dry cargo residue is cargo that remains on the deck or cargo spaces after loading or unloading operations. Generally, these residues include limestone and other clean stone, iron ore (such as taconite), coal, salt, and cement. These substances are primarily inorganic, non-toxic, and non-hazardous. Public Law 108-293, sec. 623(b), gives the Coast Guard regulatory authority over DCR discharges in the Great Lakes. An Interim Rule (73 FR 56492, Sep. 29, 2008) allows the discharge of bulk DCR in limited areas of the Great Lakes by self-propelled vessels and by any barge that is part of an integrated tug and barge unit. A supplemental notice of proposed rulemaking, prior to issuance of a final rule, is under study and could propose vessel or facility to use control measures to reduce the amount of residue discharges in the Great Lakes.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: PL 108-293

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/23/2008	73 FR 30014
NPRM Comment Period End	07/22/2008	
Interim Final Rule	09/29/2008	73 FR 56492
Interim Final Rule Comment Period End	01/15/2009	
Supplemental NPRM	03/00/2012	

Additional Information: Supplementary information about this rulemaking may be found in the docket for this rulemaking. The docket number for this rulemaking is USCG-2004-19621. The docket can be found at www.regulations.gov.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1625-AB06

 [View Related Documents](#)

Title: Inspection of Towing Vessels

Abstract: This rulemaking would implement a program of inspection for certification of towing vessels, which were previously uninspected. It would prescribe standards for safety management systems and third-party auditors and surveyors, along with standards for construction, operation, vessel systems, safety equipment, and recordkeeping.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 2; 46 CFR 15; 46 CFR 136 to 144 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 46 USC 3103; 46 USC 3301; 46 USC 3306; 46 USC 3308; 46 USC 3316; 46 USC 3703; 46 USC 8104; 46 USC 8904; DHS Delegation No 0170.1

Legal Deadline: On October 15, 2010, the Coast Guard Authorization Act of 2010 was enacted as Public Law 111-281. It

requires that a proposed rule be issued within 90 days after enactment and that a final rule be issued within 1 year of enactment.

Action	Source	Description	Date
NPRM	Statutory		01/13/2011

Timetable:

Action	Date	FR Cite
Final Rule	00/00/0000	
NPRM	08/11/2011	76 FR 49976
Notice of Public Meetings	09/09/2011	76 FR 55847
NPRM Comment Period End	12/09/2011	

Additional Information: The Regulations.gov docket number is USCG-2006-24412.

Regulatory Flexibility Analysis Required: Business;
Governmental Jurisdictions; Organizations

Government Levels Affected: State

Federalism: No

Energy Affected: Undetermined

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1625-AB21

 [View Related Documents](#)

Title: Transportation Worker Identification Credential (TWIC); Card Reader Requirements

Abstract: The Coast Guard is establishing electronic card reader requirements for maritime facilities and vessels to be used in combination with TSA's Transportation Worker Identification Credential. Congress enacted several statutory requirements within the Security and Accountability for Every (SAFE) Port Act of 2006 to guide regulations pertaining to TWIC readers, including the need to evaluate TSA's final pilot program report as part of the TWIC reader rulemaking. During the rulemaking process, we will take into account the final pilot data and the various conditions in which TWIC readers may be employed. For example, we will consider the types of vessels and facilities that will use TWIC readers, locations of secure and restricted areas, operational constraints, and need for accessibility. Recordkeeping requirements, amendments to security plans, and the requirement for data exchanges (i.e., Canceled Card List) between TSA and vessel or facility owners/operators will also be addressed in this rulemaking.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: 33 USC 1226; 33 USC 1231; 46 USC ch 701; 50 USC 191 and 192; EO 12656

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

Action	Source	Description	Date
Other	Statutory	SAFE Port Act, codified at 46 USC 70105(k)	08/20/2010

Timetable:

Action	Date	FR Cite
ANPRM	03/27/2009	74 FR 13360
Notice of Public Meeting	04/15/2009	74 FR 17444
Notice of Public Meeting Comment Period End	05/26/2009	
ANPRM Comment Period End	05/26/2009	
NPRM	07/00/2012	

Additional Information: The docket number for this rulemaking is USCG-2007-28915. The docket can be found at www.regulations.gov.

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

Related RINs: Related to 1625-AB02

Related Agencies: Common: TSA

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AB30

 [View Related Documents](#)

Title: Consolidated Cruise Ship Regulations

Abstract: This rulemaking proposes requirements for the screening of all baggage, personal items, and persons--including passengers, crew and visitors--intended for carriage on a cruise ship. New screening regulations would enhance the Coast Guard's broad role and responsibility of maritime security. It will implement an important facet of cruise ship security, further enhancing the overall security of passengers.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: 33 USC 1226; 33 USC 1231

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/00/2012	

Additional Information: The docket number for this rulemaking is USCG-2006-23846. The docket can be found at www.regulations.gov.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AB32

 [View Related Documents](#)

Title: Assessment Framework and Organizational Restatement Regarding Preemption for Certain Regulations Issued by the Coast Guard

Abstract: The proposed rule will operate in two ways. First, it will describe the Coast Guard's interpretation of the preemptive effect of certain current Coast Guard regulations. This analysis will apply to previously promulgated regulations even if a complete description of federalism implications was clearly articulated in the development of the regulation. Second, the rule will set forth criteria and a process that the Coast Guard will undertake in future regulatory projects for evaluating the preemptive impact of those regulations. This part of the analysis is prospective in nature and will lay out a roadmap for future regulatory projects regarding federalism and preemption principles. This rulemaking will support the Coast Guard's broad role and responsibility of further enhancing maritime stewardship by reinforcing a uniform maritime regulatory regime that is predictable and useful for maritime interests.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 1.06 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 14 USC 2; 14 USC 91; 33 USC 1223; 33 USC 1231; 33 USC 1903(b); 46 USC 3203; 46 USC 3306; 46 USC 3703; 46 USC 3717; 46 USC 4302; 46 USC 6101; DHS Delegation No 0170.1

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/00/2012	

Additional Information: The docket number for this rulemaking is USCG-2008-1259. The docket can be found at www.regulations.gov.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: <http://www.regulations.gov>

Public Comment URL: <http://www.regulations.gov>

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AB38

 [View Related Documents](#)

Title: Updates to Maritime Security

Abstract: The Coast Guard proposes certain additions, changes, and amendments to 33 CFR, subchapter H. Subchapter H is comprised of parts 101 through 106. Subchapter H implements the major provisions of the Maritime Transportation Security Act of 2002. This rulemaking is the first major revision to subchapter H. The proposed changes would further the goals of domestic compliance and international cooperation by incorporating requirements from legislation implemented since the original publication of these regulations, such as the SAFE Port Act, and including international standards such as STCW security training. This rulemaking has international interest because of the close relationship between subchapter H and the International Ship and Port Security Code (ISPS).

Priority: Economically Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

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

Legal Authority: 33 USC 1226; 33 USC 1231; 46 USC ch 701; 50 USC 191 and 192; EO 12656; 3 CFR 1988 Comp p 585; 33 CFR 1.05-1; 33 CFR 6.04-11; 33 CFR 6.14; 33 CFR 6.16; 33 CFR 6.19; DHS Delegation No 0170.1

Legal Deadline: None**Timetable:**

Action	Date	FR Cite
NPRM	09/00/2012	

Additional Information: The Regulations.gov docket number for this rulemaking is USCG-2007-0009. Includes Retrospective Review under E.O. 13563.

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN Information URL: <http://www.regulations.gov>

Public Comment URL: <http://www.regulations.gov>

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

RIN: 1625-AB56

 [View Related Documents](#)

Title: Vessel Documentation User Fees--Annual Renewal Fee

Abstract: The Coast Guard proposes to add to our regulations a requirement to include an additional fee for annual renewals of vessel documentation. The purpose of this rulemaking is to cover the operating costs of providing renewal services. As required by the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508) and based on criteria in 31 USC 9701, the Coast Guard must recover, to the extent of existing authority, current operating and overhead costs associated with vessel documentation, filing, and recording activities under 46 USC chapters 121 and 313. The Coast Guard reviewed current fees in 46 CFR part 67 and will propose that the fees be adjusted to accommodate changes in the cost of providing the services. These fees have not been adjusted since 1993.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 46 CFR 67 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 31 USC 9701; 46 USC 2110

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/00/2012	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

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

RIN: 1625-AB57

 [View Related Documents](#)
Title: MARPOL Annex 1 Update

Abstract: In this rulemaking, the Coast Guard would amend the regulations in subchapter O (Pollution) of title 33 of the CFR, including regulations on vessels carrying oil, oil pollution prevention, oil transfer operations, and rules for marine environmental protection regarding oil tank vessels, to reflect changes to international oil pollution standards adopted since 2004. Additionally, this regulation would update shipping regulations in title 46 to require Material Safety Data Sheets, in accordance with international agreements, to protect the safety of mariners at sea.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Undetermined**Unfunded Mandates:** Undetermined

CFR Citation: 33 CFR 151; 33 CFR 155 to 157; 46 CFR 197 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 1902; 46 USC 3306**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	03/00/2012	

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

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

RIN: 1625-AB59

 [View Related Documents](#)
Title: Harmonization of Standards for Fire Protection and Extinguishing Equipment

Abstract: The Coast Guard proposes to amend its regulations for fire prevention, protection, detection, and extinguishing equipment on inspected and uninspected vessels. The proposed rules would harmonize the Coast Guard's regulations with the appropriate national and international consensus standards for fire prevention, protection, detection, and extinguishing equipment on inspected and uninspected vessels. In addition, the proposed rules would make additional specific changes to ensure that the Coasts Guard's regulations remain current and address advances in new fire protections, prevention, detection, and extinguishing equipment technologies.

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

CFR Citation: 33 CFR 140; 33 CFR 145; 46 CFR 25; 46 CFR 28; 46 CFR 31 and 32; 46 CFR 34; 46 CFR 71 and 72; 46 CFR 76; 46 CFR 91; 46 CFR 95; 46 CFR 107 and 108; 46 CFR 116; 46 CFR 118; 46 CFR 132; 46 CFR 159; 46 CFR 161 and 162; 46 CFR 164; 46 CFR 169; 46 CFR 175; 46 CFR 177; 46 CFR 181; 46 CFR 189 and 190; 46 CFR 193 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 46 USC 3306; 46 USC 3503; 46 USC 3703; 46 USC 4102; 46 USC 4302; DHS Delegation # 0170.1**Legal Deadline:** None

Timetable:

Action	Date	FR Cite
NPRM	05/00/2012	

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

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Department of Homeland Security (DHS)**U.S. Coast Guard (USCG)****RIN:** 1625-AB60 [View Related Documents](#)**Title:** Inflatable Personal Flotation Devices**Abstract:** The Coast Guard is harmonizing structural and performance standards for inflatable recreational personal flotation devices (PFDs) with industry consensus standards. This rulemaking will also slightly modify regulatory text in anticipation of a potential rulemaking addressing the population for which PFDs are approved, but this rulemaking does not change the scope of that current population.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 46 CFR 160 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 46 USC 4302**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Rule	00/00/0000	
Direct Final Rule	03/30/2011	76 FR 17561
Direct Final Rule Comment Period End	05/31/2011	
Direct Final Rule Withdrawal Effective	09/13/2011	
Direct Final Rule--Notice of Withdrawal	09/13/2011	76 FR 56294
NPRM	12/00/2011	
NPRM Comment Period End	02/00/2012	

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

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AB63

 [View Related Documents](#)**Title:** Bulk Packaging To Allow for Transfer of Hazardous Liquid Cargoes**Abstract:** The proposed rule would permit the use of United Nations-approved portable tanks for the transfer of hazardous liquid cargoes to and from offshore supply vessels. The proposed rule would align Coast Guard regulations with the Department of Transportation's Hazardous Materials Regulations and the International Maritime Organization's International Maritime Dangerous Goods Code for the construction and use of portable tanks. The use of certain Intermediate Bulk Containers (IBCs) would also be allowed for the transfer of hazardous liquid cargoes to and from offshore supply vessels. This proposed rule would also amend the list of hazardous liquid cargoes in table 46 CFR 98.305(a) to include additional cargoes.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Undetermined**Unfunded Mandates:** Undetermined**CFR Citation:** 46 CFR 98.30; 46 CFR 98.33 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 46 USC 3306; 46 USC 3703; DHS Delegation No. 0170.1**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	02/00/2012	

Additional Information: The docket number for this rulemaking is USCG-2011-0088. The docket can be found at www.regulations.gov.**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov**Agency Contact:** LT Elizabeth J. Newton Department of Homeland Security

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E-Mail: elizabeth.j.newton@uscg.mil**Department of Homeland Security (DHS)****U.S. Coast Guard (USCG)**

RIN: 1625-AB64

 [View Related Documents](#)**Title:** Top Screen Information Collection from MTSA-Regulated Facilities Handling Chemicals**Abstract:** The Coast Guard proposes to require facilities regulated under the Maritime Transportation Security Act of 2002 (Pub. L. 107-295) (MTSA) that transport or handle certain chemicals of interest to submit a "Top-Screen" to the Department of Homeland Security (DHS). DHS developed Top-Screen under the Chemical Facility Anti-Terrorism Standards (Department of Homeland Security Appropriations Act of 2007 (Pub. L. 109-295, section 550) (CFATS). This rulemaking would not subject MTSA-regulated facilities to CFATS requirements.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 33 CFR 105 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 46 USC 70103**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	06/00/2012	

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

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AB66

 [View Related Documents](#)

Title: Revision of Coast Guard Auxiliary Regulations

Abstract: The proposed regulatory revisions would align the program's regulations with changes in statutory language that were made in 1996, 2002, and 2004. These changes would broaden the Auxiliary's role and facilitate the Auxiliary's ability to hold and manage property, and secure benefits and liability protection for its members.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: 14 USC 23; 14 USC 92; 14 USC 633; 14 USC 821

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/00/2012	

Additional Information: The docket number for this rulemaking is USCG-1999-6712. The docket can be found at www.regulations.gov.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AB67

 [View Related Documents](#)

Title: Reconsideration of Letters of Recommendation for Waterfront Facilities Handling LNG and LHG

Abstract: Under 33 CFR part 127, the Coast Guard issues a Letter of Recommendation (LOR) as to the suitability of a waterway for liquefied natural gas (LNG) or liquefied hazardous gas (LHG) marine traffic associated with a new or modified LNG or LHG facility. Currently, Coast Guard reconsideration of LORs follows the process set forth in 33 CFR 127.015, "Appeals." This rulemaking would clarify the purpose of the LOR, and would articulate a process specific to LORs. This action would increase efficiency and support the Coast Guard's mission of marine safety, security, and environmental stewardship.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 33 CFR 127.009 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 33 USC 1231; DHS Delegation No. 0170.1**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	12/16/2011	76 FR 78188
NPRM Comment Period End	03/15/2012	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Federalism:** No**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov**Agency Contact:** Ken Smith

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Department of Homeland Security (DHS)**U.S. Coast Guard (USCG)****RIN:** 1625-AB68 [View Related Documents](#)**Title:** Ballast Water Management Reporting and Recordkeeping**Abstract:** This rulemaking would amend the ballast water management reporting and recordkeeping requirement in 33 CFR part 151, subparts C and D. Obtaining a more complete understanding of vessels' ballasting operations supports the Coast Guard's broad roles and responsibilities of maritime safety and environmental stewardship.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 33 CFR 151 (To search for a specific CFR, visit the [Code of Federal Regulations](#) .)**Legal Authority:** 16 USC 4711; DHS Delegation No. 0170.1**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	12/16/2011	76 FR 78188
NPRM Comment Period End	03/15/2012	

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

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

RIN: 1625-AB78

 [View Related Documents](#)

Title: Revision of Crane Regulation Standards for Mobile Offshore Drilling Units, Offshore Supply Vessels, and Floating Outer Continental Shelf Facilities

Abstract: This rule would propose to revise the current regulations to reflect current crane inspection and design standards, and to transfer the approval of crane designs and inspections to competent third-party inspectors. This rule would support the Coast Guard's strategic goals of maritime safety and mobility, and protection of natural resources.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Undetermined**Unfunded Mandates:** No**CFR Citation:** 46 CFR 107; 46 CFR 108; 46 CFR 109 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 43 USC 1333; 46 USC 3103; 46 USC 3306; 46 USC 3307; 46 USC 3316**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	05/00/2012	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** Business; Organizations**Federalism:** No**Energy Affected:** No**Agency Contact:** Ken Smith

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

RIN: 1625-AA16

 [View Related Documents](#)

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

Abstract: The International Maritime Organization (IMO) comprehensively amended the International Convention on Standards of Training, Certification, and Watchkeeping (STCW) for Seafarers, 1978, in 1995 and 2010. The 1995 amendments came into force on February 1, 1997. This project implements those amendments by revising current rules to ensure that the United States complies with their requirements on: The training of merchant mariners, the documenting of their qualifications, and watchstanding and other arrangements aboard seagoing merchant ships of the United States. In addition, the Coast Guard has identified the need for additional changes to the interim rule issued in 1997. This project supports the Coast Guard's broad role and responsibility of maritime safety. It also supports the roles and responsibilities of the Coast Guard of reducing deaths and injuries of crew members on domestic merchant vessels and eliminating substandard vessels from the navigable waters of the United States. The Coast Guard published an NPRM on November 17, 2009, and Supplemental NPRM (SNPRM) on March 23, 2010. At a June 2010 diplomatic conference, the IMO adopted additional amendments to the STCW convention which change the minimum training requirements for seafarers. In response to feedback and to the adoption of those amendments, the Coast Guard developed a second Supplemental NPRM to incorporate the 2010 Amendments into the 1990 interim rule.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 46 CFR 10; 46 CFR 11; 46 CFR 12; 46 CFR 15 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 46 USC 2103; 46 USC chs. 71 and 73; DHS Delegation No. 0170.1**Legal Deadline:** None

Regulatory Plan:

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

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

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

Costs and Benefits: In the SNPRM, we estimated the annualized cost of this rule over a 10-year period to be \$32.8 million per year at a 7 percent discount rate. We estimate the total 10-year cost of this rulemaking to be \$230.7 million at a 7 percent discount rate and \$274.3 million at a 3 percent discount rate. The changes in anticipated costs since the publication of 2009 NPRM are due to the 2010 amendments to the STCW Convention: Medical examinations and endorsements, leadership and management skills, engine room management training, tankerman endorsements, safety refresher training and able seafarer deck and engine certification requirements. However, there would be potential savings from the costs of training requirements as the Coast Guard would accept various methods for demonstrating competence, including the on-the-job training and preservation of the "hawsepipe" programs. We anticipate the primary benefit of this rulemaking is to ensure that the U.S. meets its obligations under the STCW Convention. Another benefit is an increase in vessel safety and a resulting decrease in the risk of shipping casualties.

Risks: No risks.

Timetable:

Action	Date	FR Cite
Notice of Meeting	08/02/1995	60 FR 39306
Supplemental NPRM Comment Period End	09/29/1995	
Notice of Inquiry	11/13/1995	60 FR 56970
Comment Period End	01/12/1996	
NPRM	03/26/1996	61 FR 13284
Notice of Public Meetings	04/08/1996	61 FR 15438
NPRM Comment Period End	07/24/1996	
Notice of Intent	02/04/1997	62 FR 5197
Interim Final Rule	06/26/1997	62 FR 34505
Interim Final Rule Effective	07/28/1997	
NPRM	11/17/2009	74 FR 59353
NPRM Comment Period End	02/16/2010	
Supplemental NPRM	03/23/2010	75 FR 13715
Public Meeting Notice	08/02/2011	76 FR 46217
Supplemental NPRM	08/01/2011	76 FR 45908
Comment Period End	09/30/2011	
Final Action	01/00/2012	

Additional Information: The docket number for this rulemaking is USCG-2004-17914. The docket is located at www.regulations.gov. The old docket number is CGD 95-062. Include Retrospective Review under E.O. 13563.

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1625-AA32

 [View Related Documents](#)

Title: Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters

Abstract: This rulemaking adds performance standards to 33 CFR part 151, subparts C and D, for discharges of ballast water. It supports the Coast Guard's broad roles and responsibilities of maritime safety and maritime stewardship. This project is economically significant.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: Private Sector

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

Legal Authority: 16 USC 4711

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	03/04/2002	67 FR 9632
ANPRM Comment Period End	06/03/2002	
NPRM	08/28/2009	74 FR 44632
Public Meeting	09/14/2009	74 FR 46964
Public Meeting	09/28/2009	74 FR 49355
Public Meeting	09/22/2009	74 FR 48190
Notice--Extension of Comment Period	10/15/2009	74 FR 52941
Public Meeting Correction	10/26/2009	74 FR 54944
Public Meeting	10/22/2009	74 FR 54533
NPRM Comment Period End	12/04/2009	74 FR 52941
Final Rule	01/00/2012	

Additional Information: The Regulations.gov docket number for this rulemaking is USCG-2001-10486.

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: State

Federalism: No

Energy Affected: No

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

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1625-AA81

 [View Related Documents](#)

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

Abstract: This rulemaking finalizes one section of the January 6, 2004, interim rule that has not been addressed by subsequent related rulemakings. The section to be finalized is 46 CFR 12.01-1(a)(1): Purpose of rules in this part, which states

the rules are to provide a "comprehensive and adequate means of determining and verifying the identity, citizenship, nationality, and professional qualifications an applicant must possess to be eligible for certification to serve on merchant vessels of the United States."

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Notice of Meeting	02/20/2003	68 FR 8326
Notice of Policy	04/08/2003	68 FR 17064
Interim Final Rule	01/06/2004	69 FR 526
Correction to Interim Final Rule	02/11/2004	69 FR 6575
Interim Final Rule Comment Period End	04/05/2004	
Notice of Intent	06/16/2011	76 FR 35173
Comment Period End	08/15/2011	
Final Rule	02/00/2012	

Additional Information: The docket number for this rulemaking is USCG-2003-14500. The docket can be found at www.regulations.gov.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

Related Agencies: Common: TSA

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AA85

 [View Related Documents](#)

Title: Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Licenses and Certificates of Registry

Abstract: This rulemaking finalizes one section of the January 13, 2006, interim rule that has not been addressed by subsequent related rulemaking. The section to be finalized is 46 CFR 10.107(b): Definitions in subchapter B, specifically the definition of "Dangerous drug," which is defined as "a narcotic drug, a controlled substance, or a controlled-substance analogue (as defined in section 102 of the Comprehensive Drug Abuse and Control Act of 1970 (21 U.S.C. 802))." This definition was originally published in the January 13, 2006, interim rule as 46 CFR 10.103.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	01/13/2006	

Interim Final Rule	01/13/2006	71 FR 2154
Interim Final Rule Comment Period End	04/13/2006	
Notice of Intent	06/16/2011	76 FR 35169
Comment Period End	08/15/2011	
Final Rule	02/00/2012	

Additional Information: The docket number for this rulemaking is USCG-2004-17455. The docket can be found at www.regulations.gov.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

Related Agencies: Common: TSA

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RIN: 1625-AA99

 [View Related Documents](#)

Title: Vessel Requirements for Notices of Arrival and Departure, and Automatic Identification System

Abstract: This rulemaking would expand the applicability for Notice of Arrival and Departure (NOAD) and Automatic Identification System (AIS) requirements. These expanded requirements would better enable the Coast Guard to correlate vessel AIS data with NOAD data, enhance our ability to identify and track vessels, detect anomalies, improve navigation safety, and heighten our overall maritime domain awareness. The NOAD portion of this rulemaking could expand the applicability of the NOAD regulations by changing the minimum size of vessels covered below the current 300 gross tons, require a notice of departure when a vessel is departing for a foreign port or place, and mandate electronic submission of NOAD notices to the National Vessel Movement Center. The AIS portion of this rulemaking would expand current AIS carriage requirements for the population identified in the Safety of Life at Sea (SOLAS) Convention and the Marine Transportation Marine Transportation Security Act (MTSA) of 2002.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 62; 33 CFR 66; 33 CFR 160; 33 CFR 161; 33 CFR 164; 33 CFR 165 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 1223; 33 USC 1225; 33 USC 1231; 46 USC 3716; 46 USC 8502 and ch 701; sec 102 of PL 107-295; EO 1223

Legal Deadline: None

Regulatory Plan:

Statement of Need: There is no central mechanism in place to capture vessel, crew, passenger, or specific cargo information on vessels less than or equal to 300 gross tons (GT) intending to arrive at or depart from U.S. ports unless they are arriving with certain dangerous cargo (CDC) or at a port in the 7th Coast Guard District; nor is there a requirement for vessels to submit notification of departure information. The lack of NOAD information of this large and diverse population of vessels represents a substantial gap in our maritime domain awareness (MDA). We can minimize this gap and enhance MDA by expanding NOAD applicability to vessels greater than 300 GT, all foreign commercial vessels and all U.S. commercial vessels coming from a foreign port, and further enhance (and corroborate) MDA by tracking those vessels (and others) with AIS. This information is necessary in order to expand our MDA and provide Nation maritime safety and security.

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

Alternatives: Our goal is to extend our MDA and to identify anomalies by correlating vessel NOAD data with AIS data. NOAD and AIS information from a greater number of vessels, as proposed in this rulemaking, would expand our MDA. We considered

expanding NOAD and AIS to even more vessels, but we determined we needed additional legislative authority to expand AIS beyond what we propose in this rulemaking; and that it was best to combine additional NOAD expansion with future AIS expansion. Although not in conjunction with a proposed rule, the Coast Guard sought comment regarding expansion of AIS carriage to other waters and other vessels not subject to the current requirements (68 FR 39369, Jul. 1, 2003; USCG 2003-14878; see also 68 FR 39355). Those comments were reviewed and considered in drafting this rule and are available in this docket. To fulfill our agency obligations, the Coast Guard needs to receive AIS reports and NOADs from vessels identified in this rulemaking that currently are not required to provide this information. Policy or other non-binding statements by the Coast Guard addressed to the owners of these vessels would not produce the information required to sufficiently enhance our MDA to produce the information required to fulfill our Agency obligations.

Costs and Benefits: This rulemaking will enhance the Coast Guard's regulatory program by making it more effective in achieving the regulatory objectives, which, in this case, is improved MDA. We provide flexibility in the type of AIS system that can be used, allowing for reduced cost burden. This rule is also streamlined to correspond with Customs and Border Protection's APIS requirements, thereby reducing unjustified burdens. We are further developing estimates of cost and benefit that were published in 2008. In the 2008 NPRM, we estimated that both segments of the proposed rule would affect approximately 42,607 vessels. The total number of domestic vessels affected is approximately 17,323 and the total number of foreign vessels affected is approximately 25,284. We estimated that the 10-year total present discounted value or cost of the proposed rule to U.S. vessel owners is between \$132.2 and \$163.7 million (7 and 3 percent discount rates, respectively, 2006 dollars) over the period of analysis. The Coast Guard believes that this rule, through a combination of NOAD and AIS, would strengthen and enhance maritime security. The combination of NOAD and AIS would create a synergistic effect between the two requirements. Ancillary or secondary benefits exist in the form of avoided injuries, fatalities, and barrels of oil not spilled into the marine environment. In the 2008 NPRM, we estimated that the total discounted benefit (injuries and fatalities) derived from 68 marine casualty cases analyzed over an 8-year data period from 1996 to 2003 for the AIS portion of the proposed rule is between \$24.7 and \$30.6 million using \$6.3 million for the value of statistical life (VSL) at seven and three percent discount rates, respectively. Just based on barrels of oil not spilled, we expect the AIS portion of the proposed rule to prevent 22 barrels of oil from being spilled annually.

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

Timetable:

Action	Date	FR Cite
NPRM	12/16/2008	73 FR 76295
Notice of Public Meeting	01/21/2009	74 FR 3534
Notice of Second Public Meeting	03/02/2009	74 FR 9071
Notice of Second Public Meeting Comment Period End	04/15/2009	
NPRM Comment Period End	04/15/2009	
Final Rule	03/00/2012	

Additional Information: We have indicated in past notices and rulemaking documents, and it remains the case that we have worked to coordinate implementation of AIS MTSA requirements with the development of our ability to take advantage of AIS data (68 FR 39355 and 39370, Jul. 1, 2003). The docket number for this rulemaking is USCG-2005-21869. The docket can be found at www.regulations.gov.

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

Related RINs: Related to 1625-AA93; Related to 1625-AB28

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

RIN: 1625-AB27

 [View Related Documents](#)

Title: Nontank Vessel Response Plans and Other Vessel Response Plan Requirements

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

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 33 CFR 151; 33 CFR 155; 33 CFR 160 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Coast Guard Authorization Act of 2010	04/15/2012

Regulatory Plan:

Statement of Need: This rule implements the statutory requirement for an owner or operator of a self-propelled, nontank vessel of 400 gross tons or greater, which operates on the navigable waters of the United States, to prepare and submit an oil spill response plan to the Coast Guard. This rule specifies the content of a vessel response plan (VRP), including the requirement to plan for responding to a worst-case discharge (WCD) and a substantial threat of such a discharge as mandated in statute. The rule also specifies the procedures for submitting a VRP to the Coast Guard. This rule will improve our Nation's pollution response planning and preparedness posture, and help limit the environmental damage resulting from nontank vessel marine casualties.

Legal Basis: Section 311(j)(5) of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1321(j)(5)), as amended by section 4202 of the Oil Pollution Act of 1990 (OPA 90) (Pub. L. 101-380, 104 Stat 484); the Coast Guard and Maritime Transportation Act of 2004 (Pub. L. 108-293, 118 Stat. 102); and the Coast Guard and Maritime Transportation Act of 2006 (Pub. L. 109-241, 120 Stat. 516) sets out the statutory mandate requiring tank and nontank vessel owners or operators to prepare and submit oil or hazardous substance discharge response plans for certain vessels operating on the navigable waters of the United States.

Alternatives: In the development of these regulations, the Coast Guard considered four alternatives: Three regulatory alternatives and one non-regulatory alternative. The alternatives are—(1) Establish regulations for the submission of NTVRPs to the USCG; (2) amend the tank vessel response plan (TVRP) regulations to incorporate NTVRPs; (3) acceptance of flag-approved SOPEPs; and (4) provide interpretive guidance through a USCG's Navigation and Vessel Inspection Circular (NVIC).

Costs and Benefits: We are developing the cost and benefit estimates associated with this step of the rulemaking. The cost elements associated with this rule include: (1) Nontank vessel plan development, maintenance, and submission; (2) the service of an Oil Spill Response Organization (OSRO); (3) the contract with a Qualified Individual (QI) along with a Spill Management Team; and (4) training and exercises. We expect this proposed rule to provide quantifiable benefits in the form of barrels of oil not spilled into the water in addition to qualitative benefits, which include improved preparedness and reaction to an incident, including a worst-case discharge and improved effectiveness of onboard and shore-side response activities. In the 2009 NPRM, we estimated that the rulemaking would affect about 2,951 U.S. flag vessels and 1,228 associated planholders. We estimated the total 10-year present value cost of the proposed rule to U.S. flag nontank vessel owners and operators to be about \$111.4 million at a 7 percent discount rate and \$134.8 million at a 3 percent discount rate. We found the training and

exercise requirements to be the most costly element or over 90 percent of the total discounted cost of the proposed rule for vessel owners. We estimated the total U.S. annualized cost of the proposed rule over the 10-year period of analysis to be about \$15.8 million at both 7 and 3 percent discount rates.

Risks: Response plans are required by statute. A response plan will not prevent a discharge of oil, but it may help minimize the discharge and resulting damage to the environment. We estimate the proposed rule would prevent between 2,014 and 2,446 barrels of oil from being spilled into the water during the 10-year period of analysis.

Timetable:

Action	Date	FR Cite
NPRM	08/31/2009	74 FR 44970
Public Meeting	09/25/2009	74 FR 48891
NPRM Comment Period End	11/30/2009	
Final Rule	04/00/2012	

Additional Information: The docket number for this rulemaking is USCG-2008-1070. The docket can be found at www.regulations.gov.

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

Related RINs: Related to 1625-AA19; Related to 1625-AA26

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

RIN: 1625-AB44

 [View Related Documents](#)

Title: Carbon Dioxide Fire Suppression Systems on Commercial Vessels

Abstract: The Coast Guard proposes to amend the current regulations for carbon dioxide fire suppression systems on commercial vessels. This proposed rule concerns the use of carbon dioxide (CO₂) flooding systems to suppress fires on commercial vessels. Once, carbon dioxide systems were the only fire suppression systems that were suitable for certain manned spaces, but the potential lethality of carbon dioxide has always been a concern. In recent years, alternative systems have been developed that are comparable to carbon dioxide fire suppression, but are much safer in the event of an accidental discharge, or a discharge that takes place prematurely, before workers can evacuate the protected space. We would amend existing regulations to clarify that approved alternatives to carbon dioxide systems may be used, add new regulations to set general parameters for those approved alternatives, and add a new requirement for lockout valves in manned spaces using carbon dioxide systems.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 46 CFR 13; 46 CFR 25; 46 CFR 27; 46 CFR 34; 46 CFR 76; 46 CFR 95; 46 CFR 108; 46 CFR 118 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 1903(b); 43 USC 1333; 46 USC 2103; 46 USC 3306; 46 USC 3703; 46 USC 4102; 46 USC 4302; 46 USC 4502; 46 USC 6101; EO 12234; 45 FR 58801; 3 CFR, 1980 Comp p 277; DHS Delegation No 0170.1

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/24/2010	75 FR 8432
NPRM Comment Period End	05/25/2010	
Final Rule	01/00/2012	

Additional Information: The docket number for this rulemaking is USCG-2006-24797. The docket can be found at www.regulations.gov.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

Related RINs: Previously Reported as 1625-AB04

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

RIN: 1625-AB45

 [View Related Documents](#)

Title: Changes to Standard Numbering System, Vessel Identification System, and Boating Accident Report Database

Abstract: The Coast Guard proposed to amend its regulations related to numbering of undocumented vessels and reporting of casualties. These changes would align and modernize terminology used in the Standard Numbering System (SNS), the Vessel Identification System (VIS), and casualty reporting. The proposal would also require validation of vessel hull identification numbers, require SNS vessel owners to provide personally identifiable information, and provide administrative flexibility for States. Together, the proposed changes would improve recreational boating safety efforts, enhance law enforcement capabilities, advance maritime security, and clarify requirements for all stakeholders.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 173 and 174; 33 CFR 181 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/07/2010	75 FR 25137
NPRM Comment Period End	08/05/2010	
Reopening of Public Comment Period	08/16/2010	75 FR 49869
Reopening of Public Comment Period End	10/15/2010	
Final Rule	03/00/2012	

Additional Information: The docket number for this rulemaking is USCG-2003-14963. The docket can be found at www.regulations.gov.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

Related RINs: Previously Reported as 1625-AA70

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

RIN: 1625-AB46

 [View Related Documents](#)

Title: Lifesaving Equipment, Production Testing, and Harmonization With International Standards

Abstract: The Coast Guard is amending its regulations for certain lifesaving equipment, including launching appliances (winches and davits), release mechanisms, survival craft (lifeboats, inflatable life rafts, and inflatable buoyant apparatuses), rescue boats, and automatic disengaging devices. The rule harmonizes the Coast Guard's design, construction, and performance standards for this lifesaving equipment with international standards. In addition, the rule provides for the use of qualified independent laboratories, instead of Coast Guard inspectors, during the approval process and for production inspections of certain types of lifesaving equipment. The Coast Guard also proposed to amend the interim rule for inflatable life rafts and inflatable buoyant apparatuses to harmonize Coast Guard regulations with recently adopting international standards affecting assumed occupant weight.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 160 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 46 USC 2103 and 2104; 46 USC 3301; 46 USC 3305 and 3306; 46 USC 3703; 46 USC 4102; 46 USC 4302; 46 USC 4502; DHS Delegation 0170.1, paragraph 92

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/31/2010	75 FR 53458
NPRM Comment Period End	11/29/2010	
SNPRM	10/11/2011	76 FR 62714
Interim Final Rule	10/11/2011	76 FR 62962
Interim Final Rule Effective	11/10/2011	
SNPRM Comment Period End	11/25/2011	
Interim Final Rule	03/00/2012	

Additional Information: The docket number for this rulemaking is USCG-2010-0048 [Formerly USCG-2007-27669]. The docket can be found at www.regulations.gov.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

Energy Affected: No

RIN Information URL: <http://www.regulations.gov>

Public Comment URL: <http://www.regulations.gov>

Related RINs: Previously Reported as 1625-AB15

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

RIN: 1625-AB62

 [View Related Documents](#)

Title: Offshore Supply Vessels of At Least 6000 GT ITC

Abstract: The Coast Guard Authorization Act of 2010 removed the size limit on offshore supply vessels (OSVs). The Act also

directed the Coast Guard to issue, as soon as is practicable, a regulation to implement section 617 of the Act and to ensure the safe carriage of oil, hazardous substances, and individuals in addition to the crew on vessels of at least 6,000 gross tonnage as measured under the International Convention on Tonnage Measurement of Ships (6,000 GT ITC). Accordingly, the Coast Guard's rule will address design, manning, carriage of personnel, and related topics for OSVs of at least 6,000 GT ITC. This rulemaking will meet the requirements of the Act and will support the Coast Guard's mission of marine safety, security, and stewardship.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

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

Legal Authority: PL 111-281, sec 617

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Coast Guard Authorization Act of 2010	01/01/2012

Regulatory Plan:

Statement of Need: In section 617 of Public Law 111-281, Congress removed OSV tonnage limits and instructed the Coast Guard to promulgate regulations to implement the amendments and authorities of section 617. Additionally, Congress directed the Coast Guard to ensure the safe carriage of oil, hazardous substances, and individuals in addition to the crew on OSVs of at least 6,000 GT ITC.

Legal Basis: The statutory authority to promulgate these regulations is found in section 617(f) of Public Law 111-281.

Alternatives: The Coast Guard Authorization Act removed OSV tonnage limits and the Coast Guard will examine alternatives during the development of the regulatory analysis.

Costs and Benefits: The Coast Guard is currently developing a regulatory impact analysis of regulations that ensure the safe carriage of oil, hazardous substances, and individuals in addition to the crew on OSVs of at least 6,000 GT ITC. A potential benefit of this rulemaking is the ability of industry to expand and take advantage of new commercial opportunities in the building of larger OSVs.

Risks: No risks.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/2012	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AB70

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Title: Great Lakes Pilotage Rates--2012 Annual Review and Adjustment

Abstract: The Coast Guard proposes adjustments to the 2012 rates for pilotage services on the Great Lakes, which were last amended in February 2011. The proposed adjustments would establish new base rates and are made in accordance with a required full rulemaking procedure. This rulemaking promotes the Coast Guard's strategic goal of maritime safety.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 401 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 46 USC 9303(f)

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Overall description of the Deadline appears in 46 U.S.C. 9303(F)	03/01/2012

Timetable:

Action	Date	FR Cite
NPRM	08/04/2011	76 FR 47095
NPRM Comment Period End	10/03/2011	
Final Rule	02/00/2012	

Additional Information: The docket number for this rulemaking is USCG-2011-0328. The docket can be found at <http://www.regulations.gov>

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

Public Comment URL: <http://www.regulations.gov>

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

RIN: 1625-AB71

 [View Related Documents](#)

Title: Exemption of Certain Seagoing Barges From Inspection

Abstract: The Coast Guard would revise 46 CFR 90.05-25, 46 CFR 91.01-10, and the vessel inspection tables in 46 CFR 2.01-7, 46 CFR 24.01-5, 46 CFR 30.01-5, 46 CFR 70.05-1 46 CFR 90.05-1, and 46 CFR 188.05-1 addressing the inspection and certification of seagoing barges to align with the Coast Guard Authorization Act of 1993 (46 U.S.C. 3302), which explicitly exempts certain seagoing barges from inspection. This rule also aligns the statutory definition of seagoing barges for certification purposes with 46 U.S.C. 2101(32).

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 90.05-25; 46 CFR 91.01-10; 46 CFR 2.01-7; 46 CFR 24.01-5; 46 CFR 30.01-5; 46 CFR 70.05-1; 46 CFR 90.05-1; 46 CFR 188.05-1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 46 USC 3302; 46 USC 2101(32)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/14/2011	76 FR 77712
Direct Final Rule Comment Period End	02/13/2012	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1625-AB80

 [View Related Documents](#)

Title: Revision to Transportation Worker Identification Credential (TWIC) Requirements for Mariners

Abstract: This Policy Letter describes both short-term and long-term steps that the Coast Guard is taking to implement the requirements of section 809 of Coast Guard Authorization Act of 2010, Public Law 111-281. Section 809 excludes certain mariners from the statutory requirement to obtain and hold a Transportation Worker Identification Credential (TWIC) in order to receive a Merchant Mariner Credential (MMC). In the short-term, while working to promulgate implementing regulations, the Coast Guard is relaxing its enforcement posture for mariners without a valid TWIC who operate on board vessels that do not have a security plan. The Coast Guard is also altering its policies to allow these mariners to obtain a MMC without holding a valid TWIC. Specifically, mariners already hold or held a TWIC, and who no longer require a TWIC, may skip the TWIC enrollment process and apply for a renewal MMC directly with a Regional Examination Center (REC), in accordance with title 46 CFR, section 10.209. However, mariners that are being issued an initial MMC, or who never held a TWIC, will need to enroll for a TWIC at a TWIC enrollment center. They will also have to pay all applicable fees associated with getting a TWIC. This is required because the TWIC enrollment center is the only place where the Coast Guard can obtain biometric information (fingerprints) from the applicant. In the long-term, as part of a rulemaking to promulgate implementing regulations, the Coast Guard is considering waiving a portion of the fees for a MMC in order to compensate the mariner for the cost of enrolling for a TWIC. However, it is emphasized that such action is contingent on the promulgation of a regulation to adjust the fee structure.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 10; 46 CFR 11; 46 CFR 12; 46 CFR 15 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: sec 809 of the Coast Guard Authorization Act of 2010, PL 111-281, codified at 46 USC 70105(b)(2); 46 USC 2110(g)

Legal Deadline: None

Regulatory Plan:

Statement of Need: The Coast Guard is revising its merchant mariner credentialing regulations to implement changes made by section 809 of the Coast Guard Authorization Act of 2010, codified at 46 U.S.C. 70105(b)(2), which reduces the population of mariners who are required to obtain and hold a valid Transportation Worker Identification Credential (TWIC). Prior to section 809, 46 U.S.C. 70105(b)(2) required each mariner required to hold an MMC issued by the Coast Guard to also obtain and hold a valid TWIC issued by the Transportation Security Administration (TSA). Section 809 removes this requirement, and now a TWIC is statutorily required if the mariner is "allowed unescorted access to a secure area designated in a vessel security plan approved under section 70103 of title 46 [U.S.C.]" The Coast Guard is revising the applicability of the TWIC requirements in Coast Guard merchant mariner credentialing regulations as well as revising some of its merchant mariner credentialing processes contained in Coast Guard regulations. Current Coast Guard regulations in 46 CFR parts 10, 11, 12, and 15 contain the processes for issuing an MMC that are intertwined with TSA processes for issuing a TWIC. The Coast Guard utilizes the TWIC enrollment process to capture information necessary to issue an MMC. Although the Coast Guard is changing some of its processes for obtaining an MMC, some mariners no longer required to hold a TWIC may still have to complete the TWIC enrollment process in order to provide information necessary to obtain an MMC. For any such mariner that must still go through the TWIC enrollment process, including paying the full TWIC enrollment fee, the Coast Guard is revising its regulations to exempt these mariners from paying a portion of the MMC fees in order to offset the TWIC fee and to minimize the burden on those mariners of paying for a TWIC when the mariner is no longer statutorily required to hold one.

Legal Basis: The Coast Guard's statutory authority to promulgate regulations addressing TWIC requirements for mariners is found in 46 U.S.C. 70105(a) and (b). The Coast Guard's statutory authority to promulgate regulations addressing fee exemptions is found in 46 U.S.C. 2110(g).

Alternatives: This rulemaking implements section 809 of the 2010 Coast Guard Authorization Act. The Coast Guard is currently evaluating the alternatives as we complete the Regulatory Impact Analysis.

Costs and Benefits: This rulemaking would provide certain mariner populations a fee exemption when applying or renewing

an MMC. These mariner populations would also benefit from cost savings associated with reduced travels to TWIC enrollment centers.

Risks: No risks.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/2012	

Additional Information: DHS has included this rule in its Final Plan for the Retrospective Review of Existing Regulations, which DHS issued on August 22, 2011.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AB82

 [View Related Documents](#)

Title: Alternate Tonnage Threshold For Oil Spill Response Vessels

Abstract: The Coast Guard seeks to establish an alternate maximum tonnage threshold, for oil spill response vessels (OSRVs) that are also certificated as offshore supply vessels (OSVs). Establishing alternate tonnage thresholds provides a mechanism for the Coast Guard to regulate vessels under tonnages assigned using the system of the 1969 International Tonnage Measurement (TM) Convention at the option of a vessel's owner. This would help owners avoid the fitting of undesirable vessel design features whose sole purpose is to artificially reduce tonnage assigned under the U.S. domestic measurement system.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 46 CFR 126 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Title 46 USC secs 3702(f)(2)(A) and 14104(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/12/2011	76 FR 77128
Interim Final Rule Comment Period End	02/10/2012	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AA00

 [View Related Documents](#)**Title:** Safety Zone Regulations

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

Priority: Routine and Frequent**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 33 CFR 147; 33 CFR 165 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 14 USC 85; 33 USC 1226; 33 USC 1231; 33 USC 1333; 46 USC 701; 46 USC 3306; 46 USC 3703; 50 USC 191; 50 USC 195; 33 CFR 1.05-1; 33 CFR 6.04-1; 33 CFR 6.04-6; 33 CFR 160.5; PL 107-295; ...**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		

Additional Information: Routine and frequent rulemakings issued under this RIN will each have an individual docket number.**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**RIN Information URL:** <http://www.regulations.gov>**Public Comment URL:** <http://www.regulations.gov>**Agency Contact:** Mr. George Detweiler

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Department of Homeland Security (DHS)**U.S. Coast Guard (USCG)****RIN:** 1625-AA01 [View Related Documents](#)**Title:** Special Anchorage Areas/Anchorage Grounds Regulations

Abstract: These routine and frequent regulations are established where maritime and commercial interests require them for safety of navigation. Special anchorage areas are areas in which vessels of not more than 65 feet may anchor without displaying the required lights or sound signals because they have been found to be unnecessary to maintain marine safety in this environment. These special anchorage areas are limited geographically, and, depending on the purpose of the designation, establish both long- and short-term anchorages. Anchorage grounds are limited geographically, delineate the types and size of vessel that may use the anchorage, and may place time and other restrictions on use of the anchorage. Regulations designating 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 broad role and responsibility of maritime safety. Approximately five actions are expected annually.

Priority: Routine and Frequent**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 33 CFR 110 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 33 USC 471; 33 USC 1221 to 1236; 33 USC 2030; 33 USC 2035; 33 USC 2071**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AA06

 [View Related Documents](#)

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

Abstract: Pursuant to the Oil Pollution Act of 1990 (OPA 90), this action specifies how the Coast Guard will exercise the authority to obligate the pollution trust fund for oil spill response and clean-up efforts, and to enter into agreements with the States. The Coast Guard is evaluating the performance of the interim rule. This rulemaking supports the Coast Guard's broad role and responsibility of maritime stewardship.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 33 USC 2712

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Rule	11/13/1992	57 FR 53968
Interim Final Rule Comment Period End	02/11/1993	
Supplemental NPRM	04/00/2013	

Additional Information: This rulemaking was formerly docket number CGD92-014.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AA08

 [View Related Documents](#)

Title: Regatta and Marine Parade Regulations

Abstract: These routine and frequent regulations provide for the safety of participants and spectators during regattas and marine parades. The regulations 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 a single event of one to three days, for only part of each day), and usually encompass only a portion of a navigable waterway. These rules are promulgated by District Commanders and Captains of the Port in response to requests from event sponsors. These rulemakings support the Coast Guard's maritime safety and maritime stewardship missions with regard to the mobility of commercial and recreational vessel traffic. Approximately 50 actions are expected annually.

Priority: Routine and Frequent**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 33 CFR 100 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 33 USC 1233**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		

Additional Information: Routine and frequent rulemakings issued under this RIN will have individual docket numbers. Regatta and Marine Parade regulations are also referred to as Special Local Regulations.

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** Business; Organizations**Federalism:** No**Energy Affected:** No**RIN Information URL:** <http://www.regulations.gov>**Public Comment URL:** <http://www.regulations.gov>**Agency Contact:** Mr. George Detweiler

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Department of Homeland Security (DHS)**U.S. Coast Guard (USCG)****RIN:** 1625-AA09 [View Related Documents](#)**Title:** Drawbridge Regulations

Abstract: These routine and frequent regulations establish operating schedules and notice requirements for drawbridges across navigable waterways. Drawbridge regulations establish the permanent draw operation schedules for bridges and specify what notice mariners must give to request an opening. Short-term deviations from the permanent schedule may be issued for bridge repairs or to test the effectiveness of a proposed new opening schedule. Drawbridge regulations are promulgated by District Commanders usually at the request of the bridge owner or operator, or of local officials or local Coast Guard bridge administration officials. These routine and frequent rulemakings support the Coast Guard's broad roles and responsibilities of maritime safety and maritime stewardship in relation to the mobility of commercial and recreational vessel traffic. The total actions expected is 140 annually.

Priority: Routine and Frequent**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 33 CFR 117 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 33 USC 499**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business; Governmental Jurisdictions

Federalism: No

Energy Affected: No

RIN Information URL: <http://www.regulations.gov>

Public Comment URL: <http://www.regulations.gov>

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AA11

 [View Related Documents](#)

Title: Regulated Navigation Areas

Abstract: These routine and frequent regulations establish operating requirements for vessels within specified geographic areas to ensure safety on the navigable waters where some special or unusual circumstance exists. Regulated navigation areas are limited areas in which the Coast Guard specifies operational or vessel restrictions, such as vessel entry, movement, or departure, and vessel size, speed, horsepower, or draft limitations. Regulated navigation areas are promulgated by District Commanders, usually at the request of Coast Guard marine safety officials or local maritime safety officials. These routine and frequent rulemakings support the Coast Guard's broad roles and responsibilities of maritime safety, and maritime stewardship. A total of 5-10 actions are expected annually.

Priority: Routine and Frequent

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AA22

 [View Related Documents](#)

Title: Improvements to Maritime Safety in Puget Sound-Area Waters

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 performed a risk analysis to study the feasibility of implementing new safety measures, including extended tug escort requirements and a dedicated response vessel. Public input will help develop any future proposed rules, if deemed necessary. This rulemaking supports the Coast Guard Maritime Safety, Security, and Stewardship program's roles and responsibilities in reducing the amount of oil discharged into the marine environment and the Coast Guard's broad role and responsibility of maritime stewardship and maritime safety. This is a significant action due to substantial public interest.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 33 USC 1223 and 1224

Legal Deadline: None

Timetable:

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

Additional Information: The docket number for this rulemaking is USCG-1998-4501. The docket can be found at www.regulations.gov.

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Local; State; Tribal

Small Entities Affected: Governmental Jurisdictions

Federalism: Undetermined

Energy Affected: No

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

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AA59

 [View Related Documents](#)

Title: Rules of Practice, Procedure, and Evidence for Administrative Proceedings of the Coast Guard

Abstract: The Coast Guard maintains two separate sets of procedural rules: (1) The administrative adjudication rules against merchant mariners' licenses, certificates of registry, and documents; and (2) those for the adjudication of class II civil penalties. The rules establishing policies for bringing an administrative action (suspension or revocation against a mariner's credential) are 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 of procedure for suspension and revocation administrative hearings and for class II civil penalties, contained in part 20 of title 33 of the CFR, date from 1999, 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 broad role and responsibility of the Coast Guard to promote maritime safety. It would also align our rules with the Coast Guard and Maritime Transportation Act of 2004.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

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

Additional Information: This rulemaking revises in part the previous docket of CGD 94-101, which was terminated on December 20, 1995. The docket number for this rulemaking is USCG 1998-3472. The docket can be found at www.regulations.gov. See also the rulemaking under 1625-AB54, which deals with discovery procedures in administrative hearings.

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Related RINs: Related to 1625-AB54

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Government Levels Affected: No

Federalism: No

Public Comment URL: www.regulations.gov

Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AA77

 [View Related Documents](#)

Title: Commercial Fishing Industry Vessels

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

Priority: Economically Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

ANPRM	03/31/2008	73 FR 16815
ANPRM Comment Period End	12/15/2008	

Additional Information: The docket number for this rulemaking is USCG-2003-16158. The docket can be found at www.regulations.gov.

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AA87

 [View Related Documents](#)

Title: Security Zone Regulations

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

Priority: Routine and Frequent

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1625-AB26

 [View Related Documents](#)

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

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

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 33 USC 1226; 33 USC 1231; 46 USC 701; 50 USC 191; 33 CFR 1.05-1; 33 CFR 6.04-11; 33 CFR 6.14; 33 CFR 6.16; 33 CFR 6.19; DHS Security Delegation No 0170

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Rule	00/00/0000	
Interim Final Rule	05/20/2008	73 FR 29060
Interim Final Rule Effective	06/19/2008	
Interim Final Rule Comment Period End	07/21/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

Related RINs: Related to 1625-AA16

Agency Contact: Mayte Medina

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

RIN: 1625-AB34

 [View Related Documents](#)

Title: Installation and Use of Engine Cut-Off Switches on Recreational Vessels

Abstract: To assist in accomplishing the Coast Guard's marine safety mission, and the National Recreational Boating Safety program's performance goal of reducing recreational boating casualties, the Coast Guard is seeking data and information to inform its decision on whether it should propose requiring engine cut-off switches as a standard safety feature on propulsion machinery and/or starting controls installed on recreational boats less than 26 feet in length and require operators of these recreational boats to use the switch. This safety measure is intended to help prevent recreational boating casualties caused by persons being struck by a boat or propeller when the boat operator is separated from the operating controls (e.g., fall overboard or is ejected).

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 175 and 183 (To search for a specific CFR, visit the [Code of Federal Regulations.](#))

Legal Authority: 46 USC 4306**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
ANPRM	06/08/2011	76 FR 33161
ANPRM Comment Period End	09/06/2011	

Additional Information: The docket number for this rulemaking is USCG-2009-0206. The docket can be found at www.regulations.gov.

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

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E-Mail: jeffrey.a.ludwig@uscg.mil**Department of Homeland Security (DHS)****U.S. Coast Guard (USCG)**

RIN: 1625-AB35

 [View Related Documents](#)**Title:** Approval of Classification Societies

Abstract: This rule would incorporate the provisions of 46 U.S.C. 3316(c) regarding approval of classification societies into 46 CFR part 2. Federal law requires that classification societies conducting certain work in the United States be approved by the Coast Guard. In this rule, we detail application procedures and performance standards that classification societies must meet in order to obtain approval by the Coast Guard. Through this rule, we seek to improve marine safety and environmental protection by assuring the consistency and quality of work conducted by classification societies that review, examine, survey, or certify the construction, repair, or alteration of a vessel in the United States.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 46 CFR 2 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: sec 622, PL 111-281; 33 USC 1903; 46 USC 1333; 46 USC 2110; 46 USC 3103; 46 USC 3205; 46 USC 3306; 46 USC 3307; 46 USC 3703; 46 USC 701; EO 12234; 45 FR 58801; 3 CFR, 1980 Comp p 277; DHS Delegation No 0170.1

Legal Deadline: None**Timetable:**

Action	Date	FR Cite
Final Rule	00/00/0000	
NPRM	04/23/2010	75 FR 21212
NPRM Comment Period End	07/22/2010	
NPRM Comment Period Reopened	08/05/2011	76 FR 47531
NPRM Comment Period Reopened End	09/06/2011	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**RIN Information URL:** <http://www.regulations.gov>**Public Comment URL:** <http://www.regulations.gov>**Agency Contact:** LT Alfred J. Giordano

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

RIN: 1625-AB36

 [View Related Documents](#)
Title: General Bridge Regulation, Amendment

Abstract: This rulemaking would define the terms "Unreasonable Obstruction to Navigation" and "Unused Bridges," and clarify the use of these terms as applied to the Coast Guard's ability to require the owner to remove a bridge that is no longer used for land transportation purposes.

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

CFR Citation: 33 CFR 114 and 114.05; 33 CFR 116; 33 CFR 118 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 494; 33 USC 502**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	12/00/2012	

Additional Information: The docket number for this rulemaking is USCG-2008-1188. The docket can be found at www.regulations.gov.

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Undetermined**Federalism:** No**Energy Affected:** No**RIN Information URL:** <http://www.regulations.gov>**Public Comment URL:** <http://www.regulations.gov>**Agency Contact:** J. Christopher Jaufmann Department of Homeland Security

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

RIN: 1625-AB37

 [View Related Documents](#)
Title: Marine Vapor Control Systems

Abstract: The Coast Guard proposes to revise the existing safety regulations for facility and vessel vapor control systems (VCSs). The proposed changes would make VCS requirements more compatible with new Federal and State environmental requirements, regulate industry advancements in VCS technology, and codify the standards in the design and operation of a VCS at a tank barge cleaning facility. These changes would increase the safety of operations by regulating the design, installation, and use of VCSs, but would not require the installation or use of the systems.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No

CFR Citation: 33 CFR 154 to 156; 46 CFR 35; 46 CFR 39 (To search for a specific CFR, visit the [Code of Federal](#)

[Regulations](#).)

Legal Authority: 33 USC 1225; 42 USC 7511b(f)(2); 46 USC 3703

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Rule	00/00/0000	
NPRM	10/21/2010	75 FR 65151
NPRM Comment Period End	04/21/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

Related RINs: Previously Reported as 1625-AB01

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AB61

 [View Related Documents](#)

Title: Waiver of Citizenship Requirements for Crewmembers on Commercial Fishing Vessels

Abstract: The Coast Guard is adding to its regulations a description of the procedures for requesting and processing waivers from the citizenship requirements on commercial fishing vessels. Title 46 U.S.C. 8103 provides for relief from the requirement that not more than 25 percent of the total number of unlicensed seamen on a U.S. documented vessel may be aliens lawfully admitted to the United States under the Immigration and Nationality Act (INA) of 1952. We believe we can improve our efforts to inform the commercial fishing industry of this statutorily provided relief by incorporating our application procedure policy into our regulations.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 46 USC 4502; 46 USC 4505 and 4506; 46 USC 8103

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Rule	00/00/0000	
NPRM	08/18/2011	76 FR 51317
NPRM Correction	09/20/2011	76 FR 58226
NPRM Comment Period End	11/16/2011	

Additional Information: The docket number for this rulemaking is USCG-USCG-2010-0625. The docket can be found at www.regulations.gov.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

Related RINs: Duplicate of 1625-AB50

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

RIN: 1625-AB72

 [View Related Documents](#)

Title: Vessels in U.S. Navigable Waters--Vital System Maintenance

Abstract: This rulemaking seeks to reduce the threat to safety in U.S. navigable waters from poorly maintained vessels by requiring all vessels to maintain certain equipment and technical systems. This rulemaking supports the Coast Guard strategic goals of marine safety, maritime mobility, and the protection of marine resources.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 33 CFR 164.25 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 1222(5); 33 USC 1233; 33 USC 1231; 46 USC 2103; 46 USC 3703; DHS Delegation No. 0170.1, paragraph (70); DHS Delegation No. 0170.1, paragraph (92)(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1625-AB73

 [View Related Documents](#)

Title: Recreational Vessel Propeller-Strike and Carbon Monoxide Poisoning Casualty Prevention

Abstract: The Coast Guard is seeking public input on how to prevent recreational boating casualties caused by propeller strikes and carbon monoxide (CO) poisoning. The Coast Guard, in particular, is seeking comments on specific measures to protect recreational boaters in the water near the stern of a recreational vessel. The Coast Guard also is seeking additional ideas, specific data, and other facts relating to propeller strike and CO poisoning-related causalities to help guide the Coast Guard in selecting the best course of action to address these issues.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: Undetermined

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

Legal Authority: 46 USC 4302(a)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Rule	00/00/0000	
ANPRM	08/26/2011	76 FR 53364
ANPRM Comment Period End	11/25/2011	

Additional Information: Docket No. USCG-2011-0497

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Energy Affected: Undetermined

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

RIN: 1625-AB75

 [View Related Documents](#)

Title: Higher Volume Port Area--State of Washington

Abstract: This rulemaking would revise the definition in 33 CFR 155.1020 for a "higher volume port area" (HVPA) in the Strait of Juan de Fuca and Puget Sound, Washington, in accordance with Public Law 111-281, section 710, which requires moving the point from which the boundaries of the current HVPA are measured, west from Port Angeles to Cape Flattery, WA. Vessel response plans, describing how tankers operating in those waters would respond to a cargo spill, would need to be reviewed and possibly modified in light of the regulatory change.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 33 CFR 155.1020; ... (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 33 USC 1231; 33 USC 1321; 46 USC 3703; PL 111-281, 124 Stat. 2905, sec. 710; EO 12777; DHS Delegation No. 0170.1; ...

Legal Deadline: Public Law 111-281, 124 Stat. 2905, sec. 710 requires initiation of this rulemaking not later than Oct. 15, 2011, and completion before Oct. 15, 2015.

Action	Source	Description	Date
Other	Statutory		10/15/2015

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AB76

 [View Related Documents](#)**Title:** Wider Caribbean Region Special Area Under MARPOL Annex V**Abstract:** This rule includes the Wider Caribbean Region as a special area for the purposes of MARPOL Annex V. The designation of these areas was accomplished through the treaty. This rulemaking memorializes that action in 33 CFR part 151.53(c), where the Coast Guard maintains a list of special areas currently in effect.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 33 CFR 151.53; app A to 33 CFR 151 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 33 USC 1930(a)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Rule	00/00/0000	

Additional Information: Docket No. USCG-2009-0365**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** David Condino

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

RIN: 1625-AB53

 [View Related Documents](#)**Title:** Barges Carrying Bulk Liquid Hazardous Materials Cargoes**Abstract:** The Coast Guard is working toward harmonizing the regulations of vessels, both self-propelled and nonself-propelled, carrying bulk liquid hazardous materials on international routes with the international regulations put forth by IMO. This effort is to help clarify the regulations in 46 CFR 153. This rulemaking would support the Coast Guard's strategic goal of maritime safety.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** Undetermined**Unfunded Mandates:** No**CFR Citation:** 46 CFR 153 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 46 USC 3703; DHS Delegation 0170.1**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Withdrawn	08/08/2011	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Energy Affected:** Undetermined**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov**Agency Contact:** Suzanne C. Chang

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

RIN: 1625-AB54

 [View Related Documents](#)

Title: Clarification of Discovery Rules Used in Administrative Proceedings of the U.S. Coast Guard

Abstract: In this rulemaking project, the U.S. Coast Guard would amend the discovery rules found in 33 CFR part 20 to clarify those rules and make them easier for all parties to understand. These amendments would further define and simplify the rules for initial disclosures and discovery. This rulemaking proposes to amend Coast Guard's discovery rules in administrative hearings to clarify procedural regulations in contested proceedings and improve the efficiency of the hearing process. These amendments would further define the rules for initial disclosures and discovery and are envisioned to assist the unrepresented mariner, decrease discovery related time and burden, and reflect the best practice methods generally found in administrative law. At the suggestion of the Office of Information and Regulatory Affairs, DHS has decided to withdraw this entry from the Unified Agenda until and unless DHS takes further action on this regulation.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 33 USC 1321; 42 USC 9609; 46 USC 7701 and 7702; DHS Delegation No. 0170.1

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	12/31/2011	

Additional Information: The docket number for this rulemaking is USCG-2010-0173. The docket may be found at www.regulations.gov.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

Related RINs: Related to 1625-AA59

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Department of Homeland Security (DHS)

U.S. Coast Guard (USCG)

RIN: 1625-AB65

 [View Related Documents](#)**Title:** Limited Service Domestic Voyage Load Lines for River Barges on Lake Michigan**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 nonhazardous 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 and is voluntary for those river barge operators who seek to expand their operations onto these routes. This rulemaking supports the Coast Guard's broad roles and responsibilities of maritime safety and maritime stewardship.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 46 CFR 45 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 46 USC 51**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Rule	06/06/2011	76 FR 32323

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov**Related RINs:** Previously Reported as 1625-AA17**Agency Contact:** Tom Mielke

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E-Mail: thomas.c.mielke@uscg.dhs.gov**Department of Homeland Security (DHS)****U.S. Coast Guard (USCG)**

RIN: 1625-AB69

 [View Related Documents](#)**Title:** Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments (USCG-2011-0257)**Abstract:** This rule makes non-substantive changes throughout title 33 of the Code of Federal Regulations. The purpose of this rule is to make conforming amendments and technical corrections to Coast Guard navigation and navigable water regulations. This rule will have no substantive effect on the regulated public. These changes are provided to coincide with the annual recodification of title 33 on July 1.**Priority:** Info./Admin./Other**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 33 CFR 1; 33 CFR 27; 33 CFR 96; 33 CFR 101; 33 CFR 107; 33 CFR 115; 33 CFR 117; 33 CFR 135; 33 CFR 140; 33 CFR 148; 33 CFR 150; 33 CFR 151; 33 CFR 160; 33 CFR 161; 33 CFR 162; 33 CFR 164; 33 CFR 166; 33 CFR 167; 33 CFR 169 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 5 USC 553**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Rule	06/02/2011	76 FR 31831

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Leo Huott

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

RIN: 1625-AB77

 [View Related Documents](#)**Title:** 2011 Technical Amendments to 46 CFR**Abstract:** This rule makes non-substantive changes throughout title 46 of the Code of Federal Regulations. The purpose of this rule is to make conforming amendments and technical corrections to Coast Guard shipping regulations. This rule will have no substantive effect on the regulated public. These changes are provided to coincide with the annual recodification of title 46 on November 1.**Priority:** Info./Admin./Other**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 46 CFR 4; 46 CFR 10; 46 CFR 11; 46 CFR 15; 46 CFR 28; 46 CFR 39; 46 CFR 62; 46 CFR 110; 46 CFR 111; 46 CFR 114; 46 CFR 120; 46 CFR 125; 46 CFR 129; 46 CFR 134; 46 CFR 169; 46 CFR 175; 46 CFR 183 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 5 USC 553**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Rule	09/30/2011	76 FR 60751

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Paul Crissy

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

RIN: 1625-AB79

 [View Related Documents](#)**Title:** International Anti-Fouling System Certificate**Abstract:** This rulemaking would amend the Coast Guard's vessel inspection regulations to add the International Anti-Fouling System (IAFS) Certificate to the list of certificates a recognized classification society may issue on behalf of the Coast Guard. This action is being taken because Congress and the President enacted legislation (Pub. L. 111-281) to implement the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001. This proposed rule would enable classification societies to apply to the Coast Guard to be authorized to issue IAFS Certificates to vessel owners on behalf of the

Coast Guard.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 46 CFR 8.320 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 46 USC 3103; 46 USC 3306; 46 USC 3316; 46 USC 3703; DHS Delegation No. 0170.1**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	09/01/2011	76 FR 54419
NPRM Comment Period End	10/03/2011	
Final Rule	12/09/2011	76 FR 76896
Final Rule Effective	01/09/2012	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** John A. Meehan Department of Homeland Security

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

RIN: 1651-AA88

 [View Related Documents](#)**Title:** Morses Line Border Crossing

Abstract: CBP officers are currently stationed at Morses Line, Vermont, a border crossing located within the port limits of the port of entry of Highgate Springs/Alburg, Vermont, to accept entries of merchandise, collect duties, and enforce the various provisions of the customs, navigation, and immigration laws. As an aging facility, the Morses Line border crossing no longer meets operational, safety, and technology standards. Extensive and costly upgrades would be required to bring the border crossing in line with modern requirements. Based on internal analyses, feedback from many individuals in the local community, and consultation with members of Congress, DHS is evaluating the potential closure of the Morses Line border crossing.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** PreRule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 100.4(a) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 8 USC 1103; 19 USC 2; 19 USC 66; 19 USC 1624**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
ANPRM	10/05/2011	76 FR 61622
ANPRM Comment Period End	12/05/2011	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Federalism:** No**International Impacts:** This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.**Agency Contact:** Roger Kaplan

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

RIN: 1651-AA89

 [View Related Documents](#)

Title: Exemption From Entry Requirements for Certain Department of Defense Vessels and Aircraft

Abstract: Under current regulations, certain vessels and aircraft owned or chartered by the Department of Defense (DoD) are exempt from entry requirements and in some cases reporting requirements upon their arrival in the United States from a foreign place. The exemptions generally apply when the vessel or aircraft is transporting cargo that is solely the property of the DoD or when it is transporting passengers traveling on official business of the United States. This rule would revise the criteria for applying these exemptions to better address the manner in which the DoD moves cargo and passengers in support of its missions. Under the rule, CBP is considering whether to revise the entry exemption to make it apply to certain DoD-owned or chartered vessels and aircraft carrying cargo and/or passengers approved for carriage in the Defense Transportation System (DTS), the secure system used by DoD to move cargo and passengers in support of DoD's missions. Additionally, CBP is considering whether certain DoD-owned vessels that are transporting only passengers and/or cargo approved for carriage in the DTS should also be exempt from reporting their arrival.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 19 CFR 4.0(h); 19 CFR 4.5; 19 CFR 122.1(n); 19 CFR 122.41 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 19 USC 1433; 19 USC 1434; 19 USC 1441; 19 USC 1644a

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/00/2012	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

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

RIN: 1651-AA90

 [View Related Documents](#)

Title: Boquillas Border Crossing

Abstract: This rule would create a new border crossing in the Big Bend National Park called Boquillas. It would be established as a Class B port of entry for immigration purposes and as a Customs station for customs purposes, under the supervision of the El Paso port of entry. CBP and the National Park service plan to partner on the construction of a joint use facility in the Big Bend National Park which will provide facility requirements to operate a border crossing. On May 19, 2010, President Obama and Mexican President Calderon issued a joint statement recognizing that the Big Bend National Park in the United States and the Protected Areas of Maderas del Carmen, Canon de Santa Elena, Ocampo, and Rio Bravo del Norte in Mexico together comprise one of the largest and most significant ecological complexes in North America. The opening of the Boquillas crossing would help establish the Big Bend—Rio Bravo region as a natural area of binational interest.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 100.4(a); 19 CFR 101.4(c) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1103; 9 USC 2; 19 USC 66; 19 USC 1624

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM Correction	10/05/2011	76 FR 61288
NPRM	10/28/2011	76 FR 66862
NPRM Correction Comment Period End	11/28/2011	
NPRM Comment Period End	12/27/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

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

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Department of Homeland Security (DHS)

U.S. Customs and Border Protection (USCBP)

RIN: 1651-AA94

 [View Related Documents](#)

Title: Internet Publication of Administrative Seizure/Forfeiture Notices

Abstract: This document proposes to amend the Customs and Border Protection (CBP) regulations to allow for publication of seizure/intent-to-forfeit notices on an official Government forfeiture Web site. The changes proposed in this document are intended to reduce administrative costs and improve the effectiveness of CBP's notice procedures as Internet publication would reach a broader range of the public and provide access to more parties who may have an interest in the seized merchandise.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 19 CFR 162.45(b) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1592; 19 USC 1593a; 19 USC 1607; 19 USC 1608; 19 USC 1624; 6 USC 101; 8 USC 1324(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/00/2012	

Additional Information: Includes Retrospective Review under E.O. 13563.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1651-AA70

 [View Related Documents](#)**Title:** Importer Security Filing and Additional Carrier Requirements

Abstract: This interim final rule implements the provisions of section 203 of the Security and Accountability for Every Port Act of 2006. It amended CBP Regulations to require carriers and importers to provide to CBP, via a CBP-approved electronic data interchange system, information necessary to enable CBP to identify high-risk shipments to prevent smuggling and insure cargo safety and security. Under the rule, importers and carriers must submit specified information to CBP before the cargo is brought into the United States by vessel. This advance information will improve CBP's risk assessment and targeting capabilities, assist CBP in increasing the security of the global trading system, and facilitate the prompt release of legitimate cargo following its arrival in the United States. The interim final rule requested comments on those required data elements for which CBP provided certain flexibilities for compliance and on the revised costs and benefits and Regulatory Flexibility Analysis. CBP plans to issue a final rule after CBP completes a structured review of the flexibilities and analyzes the comments.

Priority: Economically Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** Yes**Unfunded Mandates:** Private Sector**CFR Citation:** 19 CFR 4; 19 CFR 12.3; 19 CFR 18.5; 19 CFR 103.31a; 19 CFR 113; 19 CFR 123.92; 19 CFR 141.113; 19 CFR 146.32; 19 CFR 149; 19 CFR 192.14 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** PL 109-347, sec 203; 5 USC 301; 19 USC 66; 19 USC 1431; 19 USC 1433 to 1434; 19 USC 1624; 19 USC 2071 note; 46 USC 60105**Legal Deadline:** None**Regulatory Plan:**

Statement of Need: Vessel carriers are currently required to transmit certain manifest information by way of the CBP Vessel Automated Manifest System (AMS) 24 hours prior to lading of containerized and non-exempt break bulk cargo at a foreign port. For the most part, this is the ocean carrier's or non-vessel operating common carrier's (NVOCC) cargo declaration. CBP analyzes this information to generate its risk assessment for targeting purposes. Internal and external government reviews have concluded that more complete advance shipment data would produce even more effective and vigorous cargo risk assessments. In addition, pursuant to section 203 of the Security and Accountability for Every Port Act of 2006 (Pub. L. 109-347, 6 U.S.C. 943) (SAFE Port Act), the Secretary of Homeland Security, acting through the Commissioner of CBP, must promulgate regulations to require the electronic transmission of additional data elements for improved high-risk targeting, including appropriate security elements of entry data for cargo destined to the United States by vessel prior to loading of such cargo on vessels at foreign seaports. Based upon its analysis, as well as the requirements under the SAFE Port Act, CBP is requiring the electronic transmission of additional data for improved high-risk targeting. Some of these data elements are being required from carriers (Container Status Messages and Vessel Stow Plan) and others are being required from "importers," as that term is defined for purposes of the regulations. This rule intends to improve CBP's risk assessment and targeting capabilities and enables the agency to facilitate the prompt release of legitimate cargo following its arrival in the United States. The information will assist CBP in increasing the security of the global trading system and, thereby, reducing the threat to the United States and world economy.

Legal Basis: Pursuant to section 203 of the Security and Accountability for Every Port Act of 2006 (Pub. L. 109-347, 6 U.S.C. 943) (SAFE Port Act), the Secretary of Homeland Security, acting through the Commissioner of CBP, must promulgate regulations to require the electronic transmission of additional data elements for improved high-risk targeting, including appropriate security elements of entry data for cargo destined to the United States by vessel prior to loading of such cargo on vessels at foreign seaports.

Alternatives: CBP considered and evaluated the following four alternatives: Alternative 1 (the chosen alternative): Importer Security Filings and Additional Carrier Requirements are required. Bulk cargo is exempt from the Importer Security Filing requirements; Alternative 2: Importer Security Filings and Additional Carrier Requirements are required. Bulk cargo is not exempt from the Importer Security Filing requirements; Alternative 3: Only Importer Security Filings are required. Bulk cargo is exempt from the Importer Security Filing requirements; and Alternative 4: Only the Additional Carrier Requirements are required.

Costs and Benefits: When the NPRM was published, CBP estimated that approximately 11 million import shipments conveyed by 1,000 different carrier companies operating 37,000 unique voyages or vessel-trips to the United States will be subject to the rule. Annualized costs range from \$890 million to \$7.0 billion (7 percent discount rate over 10 years). The annualized cost range estimate resulted from varying assumptions about the importers' estimated security filing transaction costs or fees charged to the importers by the filing parties, the potential for supply chain delays, and the estimated costs to carriers for transmitting additional data to CBP. The regulation may increase the time shipments are in transit, particularly for shipments consolidated in containers. For such shipments, the supply chain is generally more complex and the importer has

less control of the flow of goods and associated security filing information. Foreign cargo consolidators may be consolidating multiple shipments from one or more shippers in a container destined for one or more buyers or consignees. In order to ensure that the security filing data is provided by the shippers to the importers (or their designated agents) and is then transmitted to and accepted by CBP in advance of the 24-hour deadline, consolidators may advance their cut-off times for receipt of shipments and associated security filing data. These advanced cut-off times would help prevent a consolidator or carrier from having to unpack or unload a container in the event the security filing for one of the shipments contained in the container is inadequate or not accepted by CBP. For example, consolidators may require shippers to submit, transmit, or obtain CBP approval of their security filing data before their shipments are stuffed in the container, before the container is sealed, or before the container is delivered to the port for lading. In such cases, importers would likely have to increase the times they hold their goods as inventory, and thus incur additional inventory carrying costs to sufficiently meet these advanced cut-off times imposed by their foreign consolidators. The high end of the cost ranges presented assumes an initial supply chain delay of 2 days for the first year of implementation (2008) and a delay of 1 day for years 2 through 10 (2009 to 2017). Ideally, the quantification and monetization of the benefits of this regulation would involve estimating the current level of risk of a successful terrorist attack, absent this regulation, and the incremental reduction in risk resulting from implementation of the regulation. CBP would then multiply the change by an estimate of the value individuals place on such a risk reduction to produce a monetary estimate of direct benefits. However, existing data limitations and a lack of complete understanding of the true risks posed by terrorists prevent us from establishing the incremental risk reduction attributable to this rule. As a result, CBP has undertaken a "break-even" analysis to inform decisionmakers of the necessary incremental change in the probability of such an event occurring that would result in direct benefits equal to the costs of the proposed rule. CBP's analysis finds that the incremental costs of this regulation are relatively small compared to the median value of a shipment of goods, despite the rather large absolute estimate of present value cost. The benefit of this rule is the improvement of CBP's risk assessment and targeting capabilities, while at the same time, enabling CBP to facilitate the prompt release of legitimate cargo following its arrival in the United States. The information will assist CBP in increasing the security of the global trading system, and thereby reducing the threat to the United States and the world economy.

Risks:**Timetable:**

Action	Date	FR Cite
NPRM	01/02/2008	73 FR 90
NPRM Comment Period Extended	02/01/2008	73 FR 6061
NPRM Comment Period End	03/03/2008	
NPRM Comment Period End	03/18/2008	
Interim Final Rule	11/25/2008	73 FR 71730
Interim Final Rule Effective	01/26/2009	
Interim Final Rule Comment Period End	06/01/2009	
Correction	07/14/2009	74 FR 33920
Correction	12/24/2009	74 FR 68376
Final Action	10/00/2012	

Regulatory Flexibility Analysis Required: Business**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**International Impacts:** This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov

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

RIN: 1651-AA72

 [View Related Documents](#)
Title: Changes to the Visa Waiver Program To Implement the Electronic System for Travel Authorization (ESTA) Program**Abstract:** This interim final rule implements the Electronic System for Travel Authorization (ESTA) for aliens who travel to the

United States under the Visa Waiver Program (VWP) at air or sea ports of entry. Under the rule, VWP travelers are required to provide certain biographical information to CBP electronically before departing for the United States. This allows CBP to determine before their departure whether these travelers are eligible to travel to the United States under the VWP and whether such travel poses a security risk. The rule is intended to fulfill the requirements of section 711 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act). In addition to fulfilling a statutory mandate, the rule serves the twin goals of promoting border security and legitimate travel to the United States. By modernizing the VWP, the ESTA is intended to increase national security and to provide for greater efficiencies in the screening of international travelers by allowing for vetting of subjects of potential interest well before boarding, thereby reducing traveler delays at the ports of entry. CBP requested comments on all aspects of the interim final rule and plans to issue a final rule after completion of the comment analysis.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 8 CFR 217.5 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1103; 8 USC 1187

Legal Deadline: None

Regulatory Plan:

Statement of Need: Section 711 of the 9/11 Act requires the Secretary of Homeland Security, in consultation with the Secretary of State, to develop and implement a fully automated electronic travel authorization system that will collect biographical and other information in advance of travel to determine the eligibility of the alien to travel to the United States, and to determine whether such travel poses a law enforcement or security risk. ESTA is intended to fulfill these statutory requirements. Under this rule, VWP travelers provide certain information to CBP electronically before departing for the United States. VWP travelers who receive travel authorization under ESTA are not required to complete the paper Form I-94W when arriving on a carrier that is capable of receiving and validating messages pertaining to the traveler's ESTA status as part of the traveler's boarding status. By automating the I-94W process and establishing a system to provide VWP traveler data in advance of travel, CBP is able to determine the eligibility of citizens and eligible nationals from VWP countries to travel to the United States and to determine whether such travel poses a law enforcement or security risk, before such individuals begin travel to the United States. ESTA provides for greater efficiencies in the screening of international travelers by allowing CBP to identify subjects of potential interest before they depart for the United States, thereby increasing security and reducing traveler delays upon arrival at U.S. ports of entry.

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

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

Costs and Benefits: The purpose of ESTA is to allow DHS and CBP to establish the eligibility of certain foreign travelers to travel to the United States under the VWP, and whether the alien's proposed travel to the United States poses a law enforcement or security risk. Upon review of such information, DHS will determine whether the alien is eligible to travel to the United States under the VWP. Costs to Air & Sea Carriers CBP estimated that eight U.S.-based air carriers and eleven sea carriers will be affected by the rule. An additional 35 foreign-based air carriers and five sea carriers will be affected. CBP concluded that costs to air and sea carriers to support the requirements of the ESTA program could cost \$137 million to \$1.1 billion over the next 10 years depending on the level of effort required to integrate their systems with ESTA, how many passengers they need to assist in applying for travel authorizations, and the discount rate applied to annual costs. Costs to Travelers ESTA will present new costs and burdens to travelers in VWP countries who were not previously required to submit any information to the U.S. Government in advance of travel to the United States. Travelers from Roadmap countries who become VWP countries will also incur costs and burdens, though these are much less than obtaining a nonimmigrant visa (category B1/B2), which is currently required for short-term pleasure or business to travel to the United States. CBP estimated that the total quantified costs to travelers will range from \$1.1 billion to \$3.5 billion depending on the number of travelers, the value of time, and the discount rate. Annualized costs are estimated to range from \$133 million to \$366 million. Benefits As set forth in section 711 of the 9/11 Act, it was the intent of Congress to modernize and strengthen the security of the Visa Waiver Program under section 217 of the Immigration and Nationality Act (INA, 8 U.S.C. 1187) by simultaneously enhancing program security requirements and extending visa-free travel privileges to citizens and eligible nationals of eligible foreign countries that are partners in the war on terrorism. By requiring passenger data in advance of travel, CBP may be able to determine, before the alien departs for the United States, the eligibility of citizens and eligible nationals from VWP countries to travel to the United States under the VWP, and whether such travel poses a law enforcement or security risk. In addition to fulfilling a statutory mandate, the rule serves the twin goals of promoting border security and legitimate travel to the United States. By modernizing the VWP, ESTA is intended to both increase national security and provide for greater efficiencies in the screening of

international travelers by allowing for the screening of subjects of potential interest well before boarding, thereby reducing traveler delays based on potentially lengthy processes at U.S. ports of entry. CBP concluded that the total benefits to travelers could total \$1.1 billion to \$3.3 billion over the period of analysis. Annualized benefits could range from \$134 million to \$345 million. In addition to these benefits to travelers, CBP and the carriers should also experience the benefit of not having to administer the I-94W except in limited situations. While CBP has not conducted an analysis of the potential savings, it should accrue benefits from not having to produce, ship, and store blank forms. CBP should also be able to accrue savings related to data entry and archiving. Carriers should realize some savings as well, though carriers will still have to administer the I-94 for those passengers not traveling under the VWP and the Customs Declaration forms for all passengers aboard the aircraft and vessel.

Risks:**Timetable:**

Action	Date	FR Cite
Interim Final Action	06/09/2008	73 FR 32440
Interim Final Rule Effective	08/08/2008	
Interim Final Rule Comment Period End	08/08/2008	
Notice--Announcing Date Rule Becomes Mandatory	11/13/2008	73 FR 67354
Final Action	08/00/2012	

Additional Information: http://www.cbp.gov/xp/cgov/travel/id_visas/esta/

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

Related RINs: Related to 1651-AA83

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

RIN: 1651-AA73

 [View Related Documents](#)

Title: Establishment of Global Entry Program

Abstract: CBP already operates several regulatory and non-regulatory international registered traveler programs, also known as trusted traveler programs. In order to comply with the Intelligence Reform Terrorism Prevention Act of 2004 (IRPTA), CBP is proposing to amend its regulations to establish another international registered traveler program called Global Entry. The Global Entry program would expedite the movement of low-risk, frequent international air travelers by providing an expedited inspection process for pre-approved, pre-screened travelers. These travelers would proceed directly to automated Global Entry kiosks upon their arrival in the United States. This Global Entry Program, along with the other programs that have already been established, are consistent with CBP's strategic goal of facilitating legitimate trade and travel while securing the homeland. A pilot of Global Entry has been operating since June 6, 2008.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 235; 8 CFR 103 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1365b(k)(1); 8 USC 1365b(k)(3); 8 USC 1225; 8 USC 1185(b)

Legal Deadline: None

Regulatory Plan:

Statement of Need: CBP has been operating the Global Entry program as a pilot at several airports since June 6, 2008, and

the pilot has been very successful. As a result, there is a desire on the part of the public that CBP establish the program as a permanent program, and expanded the program to additional airports and to citizens from other countries if possible. By establishing this program, CBP will make great strides toward facilitating the movement of people in a more efficient manner, thereby accomplishing our strategic goal of balancing legitimate travel with security. Through the use of biometric and recordkeeping technologies, the risk of terrorists entering the United States would be reduced. Improving security and facilitating travel at the border, both of which are accomplished by Global Entry, are primary concerns within CBP jurisdiction.

Legal Basis: The Global Entry program is based on section 7208(k) of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), as amended by section 565 of the Consolidated Appropriations Act, which requires the Secretary of Homeland Security to create a program to expedite the screening and processing of pre-approved low risk air travelers into the United States.

Alternatives:

Costs and Benefits: Global Entry is a voluntary program that provides a benefit to the public by speeding the CBP processing time for participating travelers. Travelers who are otherwise admissible to the United States will be able to enter or exit the country regardless of whether they participate in Global Entry. CBP estimates that over a 5-year period, 250,000 enrollees will be processed (an annual average of 50,000 individuals). CBP estimates that each application will require 40 minutes (0.67 hours) of the enrollee's time to search existing data resources, gather the data needed, and complete and review the application form. Additionally, an enrollee will experience an "opportunity cost of time" to travel to an Enrollment Center upon acceptance of the initial application. We assume that 1 hour will be required for this time spent at the Enrollment Center and travel to and from the Center, though we note that during the pilot program, many applicants coordinated their trip to an Enrollment Center with their travel at the airport. CBP has used 1 hour of travel time so as not to underestimate potential opportunity costs for enrolling in the program. CBP used a value of \$28.60 for the opportunity cost for this time, which is taken from the Federal Aviation Administration's "Economic Values for FAA Investment and Regulatory Decisions, A Guide." (Jul. 3, 2007) This value is the weighted average for U.S. business and leisure travelers. For this evaluation, CBP assumed that all enrollees will be U.S. citizens, U.S. nationals, or Lawful Permanent Residents.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	11/19/2009	74 FR 59932
NPRM Comment Period End	01/19/2010	
Final Rule	12/00/2011	

Additional Information: Includes Retrospective Review under E.O. 13563.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.globalentry.gov

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

RIN: 1651-AA77

 [View Related Documents](#)

Title: Implementation of the Guam-CNMI Visa Waiver Program

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

admission for business or pleasure and solely for entry into and stay on Guam or the CNMI without a visa. This rule also establishes six ports of entry in the CNMI for purposes of administering and enforcing the Guam-CNMI Visa Waiver Program.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

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

Legal Authority: PL 110-229, sec 702

Legal Deadline:

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

Regulatory Plan:

Statement of Need: Currently, aliens who are citizens of eligible countries may apply for admission to Guam at a Guam port of entry as nonimmigrant visitors for a period of fifteen (15) days or less, for business or pleasure, without first obtaining a nonimmigrant visa, provided that they are otherwise eligible for admission. Section 702(b) of the Consolidated Natural Resources Act of 2008 (CNRA), supersedes the Guam visa waiver program by providing for a visa waiver program for Guam and the Commonwealth of the Northern Mariana Islands (Guam-CNMI Visa Waiver Program). Section 702(b) requires DHS to promulgate regulations within 180 days of enactment of the CNRA to allow nonimmigrant visitors from eligible countries to apply for admission into Guam and the CNMI, for business or pleasure, without a visa, for a period of authorized stay of no longer than 45 days.

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

Alternatives: None

Costs and Benefits: The most significant change for admission to the CNMI as a result of the rule will be for visitors from those countries who are not included in either the existing U.S. Visa Waiver Program or the Guam-CNMI Visa Waiver Program established by the rule. These visitors must apply for U.S. visas, which require in-person interviews at U.S. embassies or consulates and higher fees than the CNMI currently assesses for its visitor entry permits. CBP anticipates that the annual cost to the CNMI will be \$6 million. These are losses associated with the reduced visits from foreign travelers who may no longer visit the CNMI upon implementation of this rule. In addition, we estimate Government implementation costs of between \$87 and 91 million over the 5-year period of analysis. The anticipated benefits of the rule are enhanced security that will result from the federalization of the immigration functions in the CNMI.

Risks:

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	01/16/2009	
Interim Final Rule	01/16/2009	74 FR 2824
Interim Final Rule Comment Period End	03/17/2009	
Technical Amendment; Change of Implementation Date	05/28/2009	74 FR 25387
Final Action	10/00/2012	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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

Related RINs: Related to 1651-AA81

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U.S. Customs and Border Protection (USCBP)

RIN: 1651-AA80

 [View Related Documents](#)**Title:** Permissible Sharing of Client Records by Customs Brokers**Abstract:** This document proposes to amend Customs and Border Protection (CBP) regulations in title 19 of the Code of Federal Regulations (CFR) pertaining to the obligations of customs brokers to keep clients' information confidential.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 19 CFR 111.24 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 19 USC 66; 19 USC 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)); 19 USC 1624; 19 USC 1641**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	10/27/2010	75 FR 66050
NPRM Comment Period End	12/27/2010	
Final Action	01/00/2012	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Anita S. Harris

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RIN: 1651-AA81

 [View Related Documents](#)**Title:** Clarification of Countries and Geographic Areas Eligible for Participation in the Guam-Commonwealth of the Northern Mariana Islands Visa Waiver Program**Abstract:** This rule amends Department of Homeland Security (DHS) regulations to clarify that individuals holding British National (Overseas) (BN(O)) passports are eligible for participation in the Guam-Commonwealth of the Northern Mariana Islands (CNMI) Visa Waiver Program. The Guam-CNMI Visa Waiver Program allows certain nonimmigrant aliens to enter Guam and/or the CNMI as nonimmigrant visitors for business or pleasure without a visa for a period of authorized stay not to exceed forty-five days.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 212.1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** PL 110-229, sec 702**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/23/2011	76 FR 16231
Interim Final Rule Comment Period End	05/23/2011	
Final Action	10/00/2012	

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

Federalism: No**Energy Affected:** No**International Impacts:** This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.**Related RINs:** Related to 1651-AA77

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

RIN: 1651-AA83

 [View Related Documents](#)
Title: Electronic System for Travel Authorization (ESTA): Fee for Use of the System

Abstract: Under the Department of Homeland Security (DHS) regulations, non-immigrant aliens who wish to enter the United States under the Visa Waiver Program at air or sea ports of entry must obtain a travel authorization electronically through the Electronic System for Travel Authorization (ESTA) from Customs and Border Protection prior to departing for the United States. This rule amends the DHS regulations to require ESTA applicants to pay a fee. The fee, as authorized by section 711 of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (9/11 Act), is to ensure recovery of the full costs of providing and administering the ESTA system. This document also announces the amount of the fee.

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

CFR Citation: 8 CFR 217.5(a) (Revision); 8 CFR 217.5(h) (New) (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: PL 110-53, sec 711, 9/11 Act; 8 USC 1187; PL 111-145**Legal Deadline:**

Action	Source	Description	Date
Other	Statutory	According to Public Law 111-145 (March 4, 2010) DHS must establish a fee and begin assessment and collection of the fee no later than 6 months after the date of enactment.	09/04/2010

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/09/2010	75 FR 47701
Interim Final Rule Effective	09/08/2010	
Interim Final Rule Comment Period End	10/08/2010	
Final Rule	10/00/2012	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**International Impacts:** This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.**Related RINs:** Related to 1651-AA72

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

RIN: 1651-AA00

 [View Related Documents](#)**Title:** Visa Waiver Program

Abstract: On October 30, 2000, Public Law 106-396 made the Visa Waiver Pilot Program (VWPP) a permanent program. The Visa Waiver Program (VWP), allows nationals of designated countries to apply for admission to the United States at land border ports, air and sea ports, and to enter the United States for business or pleasure for up to 90 days without first obtaining a nonimmigrant visa. INS Rule No. 1799 finalizes all those VWP countries that were added through the publication of interim regulations. This rule will also incorporate those statutory changes made to section 217 of the Immigration and Nationality Act by the Illegal Immigration Reform and Responsibility Immigration Act.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 217 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 8 CFR 2; 8 USC 1187; 8 USC 1103; 8 USC 1356**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
NPRM--INS No. 1406-91 Comment Period End 5/22/91	05/07/1991	56 FR 21101
Final Rule--INS No. 1406-91 Eff. 7/18/91	07/18/1991	56 FR 32952
Interim Final Rule--INS No. 1447 Eff. 10/1/91; Comment Period End 10/15/91	09/13/1991	56 FR 46716
Interim Final Rule--1622-93; Eff. 7/29/93; Comment Period End 8/30/93; (To Be Merged With 1447R-93)	07/29/1993	58 FR 40581
Public Notice--INS No. 1674 Eff. 10/25/94; Comment Period End 09/30/96	02/21/1995	60 FR 9699
Interim Final Rule--INS No. 1685 Eff. 4/1/95; Comment Period End 5/30/95	03/28/1995	60 FR 15855
Interim Final Rule--INS No. 1777	07/08/1996	61 FR 35598
Interim Final Rule--INS No. 1782-96 With Comments (Australia)	07/29/1996	61 FR 39721
Interim Final Rule--INS 1786-96 With Comments (Slovenia)	09/30/1997	62 FR 50998
Final Rule--INS No. 1799	12/30/1998	63 FR 71726
Interim Final Rule--INS 2002-99 With Comments (Portugal, Singapore, and Uruguay)	08/03/1999	64 FR 42006
Interim Final Rule--INS 2188-02 (Removing Argentina)	02/21/2002	67 FR 7943
Interim Final Rule	03/07/2003	68 FR 10954

Additional Information: Transferred from RIN 1115-AB93**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Small Entities Affected:** No**Federalism:** No**Related RINs:** Merge with 1115-AG25**Agency Contact:** John P. Wagner

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

RIN: 1651-AA04

 [View Related Documents](#)**Title:** Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings

Abstract: Many of the provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) became effective April 1, 1997. Some provisions of the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) that were not superseded by IIRIRA became effective November 1, 1996. On March 6, 1997, INS and the Executive Office of Immigration Review (EOIR) published an interim final rule revising the asylum process; providing a mechanism for the determination and review of certain applicants who demonstrate a credible fear of persecution if returned to their own country; defining the inspection and admission process including new expedited removal procedures for aliens attempting to enter the United States through fraud or misrepresentation by apprehension, detention, and removal of aliens; addressing conduct of removal proceedings; and revising many other sections of the regulations to conform with the new laws. On December 6, 2000, INS and EOIR published the rule "Asylum Procedures" (INS No. 1865-97; RIN 1115-AE93), which finalized the asylum portions of this interim rule. DHS intends to publish a final rule to finalize the portions of this rulemaking relating to inspection and expedited removal of aliens, detention and deportation and removal of aliens, and the conduct of removal proceedings.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1; 8 CFR 3; 8 CFR 103; 8 CFR 204; 8 CFR 207; 8 CFR 209; 8 CFR 211 to 214; 8 CFR 216 to 217; 8 CFR 221 to 223 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: This rule was automatically transferred from the former INS to CBP after the creation of DHS. The general authority to promulgate immigration regulations, with certain exceptions, now lies in the Secretary of Homeland Security as per the transfer of authority from the Attorney General in the Homeland Security Act.

Action	Source	Description	Date
Other	Statutory	The statute requires the Attorney General to promulgate implementing regulations by March 1, 1997.	03/01/1997

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Final Action--INS No. 1669-94	03/22/1996	61 FR 11717
NPRM--INS No. 1788-96 Comment Period End 2/3/97	01/03/1997	62 FR 444
Interim Final Rule--INS No. 1788-96 Comment Period End 7/15/97	03/06/1997	62 FR 10312
Interim Final Rule--INS No. 1788-96 Correction	04/09/1997	62 FR 17048
Interim Final Rule Correction (Effective 04/01/97)	04/01/1997	62 FR 15362
Final Rule--INS No. 1920-98	07/22/1998	63 FR 39217

Additional Information: Transferred from RIN 1115-AE47

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 1651-AA06

 [View Related Documents](#)

Title: Establishment of Preinspected Automated Lane (PAL) Program

Abstract: This rule amends the DHS regulations by establishing a Preinspected Automated Lane (PAL) Program for the use of eligible persons and vehicles at immigration checkpoints within the United States. This rule will facilitate the passage of people and vehicles through DHS checkpoints while safeguarding the integrity of law enforcement objectives at the checkpoints.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 287; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	04/18/1997	62 FR 19024
Interim Final Rule Comment Period End	06/17/1997	

Additional Information: Transferred from RIN 1115-AE80

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 1651-AA07

 [View Related Documents](#)

Title: Amendment of the Regulatory Definition of Arriving Alien

Abstract: This rule amends the DHS regulations by changing the regulatory definition of an arriving alien. Under section 235(b)(1)(A)(i) of the Immigration and Nationality Act, which was effective on April 1, 1997, certain arriving aliens are subject to expedited removal procedures. The existing regulatory definition of arriving aliens includes parolees. As a matter of policy, the Department has decided that it is appropriate to exempt from the new expedited removal procedures aliens who were paroled into the United States before April 1997. This rule clarifies that these aliens, as well as certain other aliens who were paroled into the United States pursuant to advance parole, will not be subjected to expedited removal upon termination at parole. The rule also makes several changes in the ordering of 1.1(q) to use language that is clearer and more consistent with the wording of the statute.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 1 and 2 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	04/20/1998	63 FR 19382
Interim Final Rule Comment Period End	06/19/1998	

Additional Information: Transferred from RIN 1115-AE87

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 1651-AA08

 [View Related Documents](#)**Title:** Elimination of Immigration and Naturalization Service-Issued Mexican and Canadian Border Crossing Cards

Abstract: This rule amends the DHS regulations to eliminate the use of Form I-175, Application for Nonresident Alien Canadian Border Crossing Card, and Form I-190, Application for Nonresident Alien Mexican Border Crossing Card. It also terminates the production of Form I-185, Nonresident Alien Canadian Border Crossing Card, and Form I-586, Nonresident Alien Mexican Border Crossing Card. In addition, this rule prohibits the use of Form I-186 (previous version of Mexican Border Crossing Card), Form I-185, and Form I-586 Border Crossing Cards (BCCs) after September 30, 2002, for required use of a card containing a machine-readable biometric identifier for entry (such as the fingerprint or handprint of the alien). Under the provisions of this rulemaking, an alien seeking entry into the United States by presentation of a BCC must complete a biometric verification upon each entry.

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

CFR Citation: 8 CFR 103; 8 CFR 212; 8 CFR 214; 8 CFR 235; 8 CFR 247; 8 CFR 264; 8 CFR 286; 8 CFR 299 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		10/01/2002

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	10/01/2002	
Interim Final Rule	12/02/2002	67 FR 71442
Interim Final Rule Comment Period End	01/31/2003	

Additional Information: INS No. 1931-98 Transferred from RIN 1115-AF24**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Agency Contact:** John P. Wagner

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

RIN: 1651-AA11

 [View Related Documents](#)**Title:** Extension of 25-Mile Limit at Select Arizona Ports-of-Entry

Abstract: This rule amends the DHS regulations to extend the distance Mexican nationals with border crossing cards may travel into the United States without obtaining additional immigration documentation at selected ports-of-entry (POEs) along the United States and Mexico border. The selected POEs are located in the State of Arizona at Sasabe, Nogales, Mariposa, Douglas, and Naco. Once visitors to Arizona meet the inspection requirements of legal entry to the United States, they will be able to travel within the 75-mile border region of Arizona. This rule is intended to promote commerce in the southern Arizona border area while still ensuring that sufficient safeguards are in place to prevent illegal entry to the United States.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 235 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182 and 1183; 8 USC 1201; ...**Legal Deadline:** None**Timetable:**

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

Additional Information: INS No. 2026-99 Transferred from RIN 1115-AF60**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Agency Contact:** John P. Wagner

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Department of Homeland Security (DHS)
U.S. Customs and Border Protection (USCBP)
RIN: 1651-AA23 [View Related Documents](#)**Title:** Removal of Visa and Passport Waiver for Certain Permanent Residents of Canada and Bermuda

Abstract: Currently, certain permanent residents of Canada and Bermuda are permitted to enter the United States without a visa. Many of these former British Commonwealth countries have high rates of fraud and abuse, and the documents presented by these permanent residents, for entry to the United States, do not meet current document security standards. This rule amends the DHS regulations by providing that a passport and visa will be required for permanent residents of Canada and Bermuda having a common nationality with Canadian nationals or with British subjects in Bermuda. These permanent residents of Canada and Bermuda will be required to present a passport and visa to enter the United States. This rule also amends several other sections of the regulations that provide exceptions for these individuals based on the prior passport and visa exemption. DHS is taking this action in conjunction with the Department of State. This rule is intended to increase security and safeguard the United States.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 2; 8 CFR 212; 8 CFR 231; 8 CFR 235; 8 CFR 286 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225 to 1227; ...**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	01/31/2003	68 FR 5189
Interim Final Rule Effective	03/17/2003	
Interim Final Rule Comment Period End	04/01/2003	

Additional Information: Transferred from RIN 1115-AG68**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No

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

RIN: 1651-AA29

 [View Related Documents](#)

Title: Nonimmigrant Visa Exemption for Nationals of the British Virgin Islands Entering the United States Through St. Thomas, U.S. Virgin Islands

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

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 8 USC 1101 and 1102; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225 to 1228; 8 USC 1252

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	02/18/1999	64 FR 7989
Interim Final Rule Comment Period End	04/18/1999	64 FR 7989

Additional Information: Transferred from RIN 1115-AF28

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State

Small Entities Affected: No

Federalism: No

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

RIN: 1651-AA35

 [View Related Documents](#)

Title: Procedures Governing the Border Release Advanced Screening and Selectivity (BRASS) Program

Abstract: Amendment to part 142 of the Customs and Border Protection Regulations to provide for the Border Release Advanced Screening and Selectivity (BRASS) Program, an improved automated and electronic system that will replace the Line Release method of processing certain repetitive and high volume shipments of merchandise into the United States.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No**Unfunded Mandates:** No**CFR Citation:** 19 CFR 24; 19 CFR 123; 19 CFR 132; 19 CFR 142 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 19 USC 66; 19 USC 1448; 19 USC 1484; 19 USC 1624**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
NPRM	02/01/2002	67 FR 4930
NPRM Comment Period End	04/02/2002	

Additional Information: Transferred from RIN 1515-AC92**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Federalism:** No

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

RIN: 1651-AA38

 [View Related Documents](#)**Title:** Access to Customs Security Areas at Airports

Abstract: Amendments to part 122 of the Customs and Border Protection regulations regarding the standards for employee access to customs security areas at airports that accommodate international air commerce. Amendments involve the addition of a biennial access approval reapplication requirement, an expansion of the grounds for denial of an application for access, the addition of a requirement that each employee granted access must report certain changes in the employee's circumstances, the inclusion of several new employer responsibilities, an expansion of the grounds for revocation or suspension of access and for proposed revocation or suspension of access, and a limitation of the opportunity to have a hearing in a revocation or suspension action to only cases in which there is a genuine issue regarding a material fact. These changes are needed to enhance the security areas at all airports.

Priority: Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 19 CFR 122 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1433; 19 USC 1436; 19 USC 1448 to 1459; 19 USC 1590; 19 USC 1594; 19 USC 1623 and 1624; 19 USC 1644 to 1644a**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	07/29/2002	
Interim Final Rule	07/29/2002	67 FR 48977
Interim Final Rule Comment Period End	09/27/2002	

Additional Information: Transferred from RIN 1515-AD04**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Federalism:** No

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

RIN: 1651-AA40

 [View Related Documents](#)

Title: Passenger Name Record Information Required for Passengers on Flights in Foreign Air Transportation To or From the United States

Abstract: Amendment to part 122 of the Customs and Border Protection regulations implements a provision of the Aviation and Transportation Security Act, which requires that air carriers make Passenger Name Record (PNR) information available to CBP upon request. The availability of PNR information is necessary for purposes of ensuring aviation safety and protecting national security.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 19 CFR 122 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1431; 19 USC 1433; 19 USC 1436; 19 USC 1448; 19 USC 1459; 19 USC 1590; 19 USC 1594; 19 USC 1623 and 1624; 19 USC 1644 to 1644a; 49 USC 44909(c)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	06/25/2002	
Interim Final Rule	06/25/2002	67 FR 42710
Interim Final Rule Comment Period End	08/26/2002	

Additional Information: Transferred from RIN 1515-AD06

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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

RIN: 1651-AA60

 [View Related Documents](#)

Title: Extension of Time Limit on Admission of Certain Mexican Nationals

Abstract: The rule extends the period of time certain Mexican nationals may remain in the United States without obtaining additional immigration documentation. The rule extends the time limit to which border crossing card holders may remain in the United States for up to 30 days without being issued a Form I-94. The rule is intended to promote commerce along the border while ensuring that sufficient safeguards are in place to prevent illegal entry into the United States.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 235 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1183; 8 USC 1185; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined	00/00/0000	
Interim Final Rule	08/13/2004	69 FR 50051
Interim Final Rule Comment Period End	10/12/2004	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Agency Contact: Maureen Dugan

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

RIN: 1651-AA67

 [View Related Documents](#)

Title: Abbreviation or Waiver of Training for State or Local Law Enforcement Officers Authorized To Enforce Immigration Law During a Mass Influx of Aliens

Abstract: This rule would amend DHS regulations to authorize the Secretary to waive normally required training requirements in the event that the number of State or local law enforcement officers available to respond in an expeditious manner to urgent and quickly developing events during a declared mass influx of aliens is insufficient to protect public safety, public health, and national security.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 28 CFR 65 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 98-473; 8 USC 1101; PL 102-410

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	02/26/2003	
Interim Final Rule	02/26/2003	68 FR 8820
Interim Final Rule Comment Period End	04/28/2003	

Additional Information: Transferred from RIN 1115-AG84

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

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

RIN: 1651-AA85

 [View Related Documents](#)

Title: Academic Honorarium for B Nonimmigrant Aliens

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

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/30/2002	67 FR 37727
NPRM Comment Period End	07/29/2002	
Final Action	12/00/2012	

Additional Information: CIS No. 2100-00 Transferred from RIN 1115-AF97 Transferred from RIN 1615-AA44

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 1651-AA93

 [View Related Documents](#)

Title: Closing of the Port of Whitetail, Montana

Abstract: U.S. Customs and Border Protection (CBP) is proposing to close the port of entry of Whitetail, Montana. The proposed change is part of CBP's continuing program to more efficiently utilize its personnel, facilities, and resources, and to provide better service to carriers, importers, and the general public.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 19 CFR 101.3(b)(1); 8 CFR 100.4(a) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 5 USC 301; 6 USC 112; 6 USC 203; 6 USC 211; 8 USC 1103; 19 USC 2; 19 USC 66; 19 USC 1624

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Rule	00/00/0000	
NPRM	08/24/2011	76 FR 52890
NPRM Comment Period End	10/24/2011	

Additional Information: Includes Retrospective Review under E.O. 13563.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

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

Agency Contact: Roger Kaplan

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Department of Homeland Security

U.S. Customs and Border Protection

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Department of Homeland Security (DHS)

U.S. Customs and Border Protection (USCBP)

RIN: 1651-AA75

 [View Related Documents](#)

Title: Issuance of an Arrival and Departure Form (I-94) Valid for Multiple Entries for Certain Aliens

Abstract: Under the current regulations, Customs and Border Protection (CBP) is required to issue a new Arrival and Departure form (I-94) to an alien who has been granted an extended period of parole upon each entry to the United States. This document announces that CBP is proposing to amend current regulations regarding the parole granted aliens for humanitarian reasons and for the purpose of significant public benefit to allow CBP to issue one I-94 that would be valid multiple times to aliens granted extended parole. Under this proposal, the I-94 would be valid for a specified pre-authorized period, rather than requiring CBP to continue to re-issue subsequent I-94 multiple times during the specified parole period. At the suggestion of the Office of Information and Regulatory Affairs, DHS has decided to withdraw this entry from the Unified Agenda until and unless DHS takes further action on this regulation.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 212.5(e)(1)(i) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1182(d)(5)(A); 8 USC 1101 and note; 8 USC 1102 and 1103; ...

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	12/31/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Customs and Border Protection (USCBP)

RIN: 1651-AA91

 [View Related Documents](#)

Title: Civil Monetary Penalties Inflation Adjustment

Abstract: The Debt Collection Improvement Act of 1996 (Improvement Act) requires the head of each government agency to

adjust each civil monetary penalty within their jurisdiction every four years to ensure that the penalties maintain their deterrent effect. This document amends the Department of Homeland Security (DHS) and the Department of Justice (DOJ) regulations, 8 CFR 280.53 and 8 CFR 1280.53, to adjust for inflation various civil monetary penalties assessed under the Immigration and Nationality Act (INA). The adjusted penalties are calculated according to a statutory formula provided in the Federal Civil Penalties Inflation Adjustment Act of 1990 (Adjustment Act).

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 280.53; 8 CFR 1280.53 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 28 USC 2461 note; PL 104-134, sec 31001

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Rule	12/01/2011	76 FR 74625
Final Action Effective	01/03/2012	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Related Agencies: Joint : EOIR

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Department of Homeland Security (DHS)

U.S. Customs and Border Protection (USCBP)

RIN: 1651-AA92

 [View Related Documents](#)

Title: Changes to the In-Bond Process

Abstract: Under the U.S. Customs and Border Protection (CBP) regulations, imported merchandise may be transported in-bond. This process allows imported merchandise to be entered at one U.S. port of entry without appraisal or payment of duties and transported by a bonded carrier to another U.S. port of entry provided all statutory and regulatory conditions are met. At the destination port, the merchandise is officially entered into the commerce of the United States and duties paid, or, the merchandise is exported. This rule would make various changes to the in-bond regulations to enhance CBP's ability to regulate and track in-bond merchandise and to ensure that the in-bond merchandise is properly entered and duties are paid or that the in-bond merchandise is exported. Among other things, the proposed changes would eliminate the paper in-bond application (CBP Form 7512) and require carriers or their agents to electronically file the in-bond application.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 19 CFR 4.82; 19 CFR 10.60; 19 CFR 12.5; 19 CFR 12.11; 19 CFR 18; 19 CFR 19.15; 19 CFR 113.63; 19 CFR 122.18; 19 CFR 123; 19 CFR 141.61; 19 CFR 142.18; 19 CFR 142.28; 19 CFR 143.1; 19 CFR 144; 19 CFR 146 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 19 USC 66; 19 USC 1448 and 1484; 19 USC 1490; 19 USC 1551 and 1551a; 19 USC 1552 to 1553a; 19 USC 1557 and 1565; 19 USC 1623 and 1624; 19 USC 1646a

Legal Deadline: None

Timetable:

Action	Date	FR Cite
This Rule is Now Assigned RIN 1515-AD81	07/20/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Related RINs: Merge with 1515-AD81

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

RIN: 1652-AA01

 [View Related Documents](#)

Title: Aviation Security Infrastructure Fees (ASIF)

Abstract: In a Final Rule the Transportation Security Administration (TSA) will complete an economic analysis, respond to comments received and take final action on the February 20, 2002, interim final rule (IFR). The IFR established the Aviation Security Infrastructure Fee (ASIF) imposed on air carriers and foreign air carriers in air transportation, foreign air transportation, and intrastate air transportation to help defray TSA's costs of providing U.S. civil aviation security services. The Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; Nov. 19, 2001), codified at 49 U.S.C. 44940, requires TSA to impose a uniform fee, the "September 11th Security Fee," on certain aviation passengers at no more than \$2.50 per enplanement originating in the United States, up to \$5.00 per one-way trip and \$10.00 per round trip. To the extent that TSA estimates that the September 11th Security Fee will not cover TSA's estimated annual costs for providing specified security services, ATSA authorizes TSA to impose a second fee, the ASIF, on carriers based on the costs they incurred for screening passengers and property in calendar year 2000.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 49 CFR 1511 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; 49 USC 40113; 49 USC 44901; 49 USC 44940

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	02/18/2002	
Notice--Information Collection; Approval	02/28/2002	67 FR 9355
Interim Final Rule; Fed Reg Correction	02/25/2002	67 FR 8579
Interim Final Rule	02/20/2002	67 FR 7926
Interim Final Rule; Comment Period End	03/18/2002	
Interim Final Rule; Comment Period Extended	03/20/2002	67 FR 12954
Interim Final Rule; Extension of Comment Period End	04/02/2002	
Notice--Guidance Appendix A	05/01/2002	67 FR 21582
Notice-Information Collection; 60-Day New Collection	01/27/2004	69 FR 3938
Notice-Information Collection; 30-Day New Collection	05/18/2004	69 FR 28141
Notice-Information Collection; 60-Day Renewal	05/09/2007	72 FR 26417
Notice-Information Collection; 30-Day Renewal	09/06/2007	72 FR 51238
Notice-Information Collection; 60-Day Renewal Records Retention	03/04/2010	75 FR 9920
Notice-Information Collection; 30-Day Renewal Records Retention	08/05/2010	75 FR 47311
NPRM	12/00/2012	

Additional Information: Transferred from RIN 2110-AA02 Includes Retrospective Review under E.O. 13563

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1652-AA00; Related to 1652-AA43

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

RIN: 1652-AA43

 [View Related Documents](#)

Title: Modification of the Aviation Security Infrastructure Fee (ASIF) (Market Share)

Abstract: On February 20, 2002 (67 FR 7926), the Transportation Security Administration (TSA) published an interim final rule (IFR) that established the Aviation Security Infrastructure Fee (ASIF), which is imposed on air carriers and foreign air carriers in air transportation, foreign air transportation, and intrastate air transportation to help defray TSA's costs of providing U.S. civil aviation security services. TSA is developing a notice of proposed rulemaking (NPRM) that will propose to amend current ASIF requirements, see 49 CFR part 1511, by modifying the method that TSA uses to assess the ASIF, reapportioning the amount to be paid per airline. The NPRM will also respond to any comments submitted regarding the IFR. On November 5, 2003, the Transportation Security Administration (TSA) published a notice requesting comment on possible changes in order to allow for open industry and public input. TSA sought comments on issues regarding how to impose the ASIF, and whether, when, and how often the ASIF should be adjusted.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 49 CFR 1511 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 49 USC 44901; 49 USC 44940

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Notice; Requesting Comment-Imposition of the Aviation Security Infrastructure Fee (ASIF)	11/05/2003	68 FR 62613
Notice--Imposition of ASIF; Comment Period Extended	12/31/2003	68 FR 75611
Notice--Imposition of ASIF; Comment Period End	01/05/2004	
Notice--Imposition of ASIF; Extended Comment Period End	02/05/2004	
NPRM	12/00/2012	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1652-AA00; Related to 1652-AA01

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

RIN: 1652-AA53

 [View Related Documents](#)

Title: General Aviation Security and Other Aircraft Operator Security

Abstract: On October 30, 2008, the Transportation Security Administration (TSA) issued a Notice of Proposed Rulemaking (NPRM), proposing to amend current aviation transportation security regulations to enhance the security of general aviation by expanding the scope of current requirements, and by adding new requirements for certain large aircraft operators and airports serving those aircraft. TSA also proposed that all aircraft operations, including corporate and private charter operations, with aircraft having a maximum certificated takeoff weight (MTOW) above 12,500 pounds (large aircraft) be required to adopt a large aircraft security program. TSA also proposed to require certain airports that serve large aircraft to adopt security programs. TSA is preparing a supplemental NPRM (SNPRM), which will include a comment period for public comments. After considering comments received on the NPRM and meeting with stakeholders, TSA decided to revise the original proposal to tailor security requirements to the general aviation industry. TSA is considering alternatives to the following proposed provisions in the SNPRM: (1) The type of aircraft subject to TSA regulation; (2) compliance oversight; (3) watch list matching of passengers; (4) prohibited items; (5) scope of the background check requirements and the procedures used to implement the requirement; and (6) other issues. Additionally, in the SNPRM, TSA plans to propose security measures for foreign aircraft operators. U.S. and foreign operators would implement commensurate measures under the proposed rule.

Priority: Economically Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Yes

Unfunded Mandates: Private Sector

CFR Citation: 49 CFR 1515; 49 CFR 1520; 49 CFR 1522; 49 CFR 1540; 49 CFR 1542; 49 CFR 1544; 49 CFR 1550 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 6 USC 469; 18 USC 842; 18 USC 845; 46 USC 70102 to 70106; 46 USC 70117; 49 USC 114; 49 USC 114(f)(3); 49 USC 5103; 49 USC 5103a; 49 USC 40113; 49 USC 44901 to 44907; 49 USC 44913 to 44914; 49 USC 44916 to 44918; 49 USC 44932; 49 USC 44935 to 44936; 49 USC 44942; 49 USC 46105

Legal Deadline: None

Regulatory Plan:

Statement of Need: This rule would enhance current security measures and might apply security measures currently in place for operators of certain types of aircraft to operators of other aircraft, including general aviation operators. While the focus of TSA's existing aviation security programs has been on air carriers and commercial operators, TSA is aware that general aviation aircraft of sufficient size and weight may inflict significant damage and loss of lives if they are hijacked and used as missiles. TSA has current regulations that apply to large aircraft operated by air carriers and commercial operators, including the twelve-five program, the partial program, and the private charter program. However, the current regulations in 49 CFR part 1544 do not cover all general aviation operations, such as those operated by corporations and individuals, and such operations do not have the features that are necessary to enhance security. Therefore, TSA is preparing a SNPRM which proposes to establish

new security measures for operators, including general aviation operators, that are not covered under TSA's current regulations.

Legal Basis: 49 U.S.C. 114, 40113, 44903.

Alternatives: DHS considered continuing to use voluntary guidance to secure general aviation, but determined that to ensure that each aircraft operator maintains an appropriate level of security, these security measures would need to be mandatory requirements.

Costs and Benefits: TSA has not quantified benefits. Unquantified benefits of this rule include those in the areas of security and quality governance. The rule would enhance security by expanding the mandatory use of security measures to certain operators of large aircraft that are not currently required to have a security plan. These measures would deter malicious individuals from perpetrating acts that might compromise transportation or national security by using large aircraft for these purposes. As stated above, TSA is revising this proposed rule and preparing a SNPRM. Aircraft operators, passengers, and TSA would incur costs to comply with the requirements of the proposed rule. TSA is currently evaluating the costs of the revised rule which will be published in the SNPRM. TSA uses a break-even analysis to assess the trade-off between the beneficial effects of the SNPRM and the costs of implementing the rulemaking. This break-even analysis uses scenarios extracted from the TSA Transportation Sector Security Risk Assessment (TSSRA) to determine the degree to which the SNPRM must reduce the overall risk of a terrorist attack in order for the expected benefits of the SNPRM to justify the estimated costs. For its analyses, TSA uses scenarios with varying levels of risk, but only details the consequence estimates. To maintain consistency, TSA developed the analyses with a method similar to that used for the break-even analyses conducted in earlier DHS rules. After estimating the total consequences of each scenario by monetizing lives lost, injuries incurred, capital replacement, and clean-up, TSA will use this figure and the annualized cost of the SNPRM to calculate the frequency of attacks averted in order for the SNPRM to break even.

Risks: This rulemaking addresses the national security risk of general aviation aircraft being used as a weapon or as a means to transport persons or weapons that could pose a threat to the United States.

Timetable:

Action	Date	FR Cite
NPRM	10/30/2008	73 FR 64790
Notice--NPRM Comment Period Extended	11/25/2008	73 FR 71590
Notice--Public Meetings; Requests for Comments	12/28/2008	73 FR 77045
NPRM Comment Period End	12/29/2008	
NPRM Extended Comment Period End	02/27/2009	
Supplemental NPRM	09/00/2012	

Additional Information: Public Meetings held on: Jan. 6, 2009, at White Plains, NY; Jan. 8, 2009, at Atlanta, GA; Jan 16, 2009, at Chicago, IL; Jan. 23, 2009, at Burbank, CA; and Jan. 28, 2009, at Houston, TX. Additional Comment Sessions held in Arlington, VA, on April 16, 2009, May 6, 2009, and June 15, 2009.

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: Local

Federalism: No

Energy Affected: No

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

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

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

RIN: 1652-AA54

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Title: Sensitive Security Information: Disclosure in Federal Civil Court Proceedings

Abstract: The Transportation Security Administration (TSA) is proposing to revise its regulations governing the protection of Sensitive Security Information (SSI) to implement section 525(d) of the U.S. Department of Homeland Security (DHS) Appropriations Act of 2007, which grants civil litigants or their counsel who do not currently have a need to know SSI access to specific SSI in Federal district court proceedings, if certain requirements are met. Sensitive Security Information is primarily information that would be detrimental to transportation security or safety if publicly disclosed. This proposed rule would establish an administrative process by which a limited number of individuals representing parties in Federal civil court proceedings would apply to TSA for access to SSI for use in the litigation.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 49 CFR 1515; 49 CFR 1520 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; PL 109-295, sec 525; PL 110-161, sec 522; PL 110-329, sec 510; PL 111-83, sec 510

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/00/2012	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1652-AA55

 [View Related Documents](#)

Title: Freight Railroads, Public Transportation and Passenger Railroads, and Over-the-Road Buses--Security Training of Employees

Abstract: The Transportation Security Administration (TSA) will propose a new regulation to improve the security of freight railroads, public transportation and passenger railroads, and over-the-road buses in accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007. This rulemaking will propose general requirements for the owner/operators of a freight railroad, a public transportation system or passenger railroad, and over-the-road bus operation determined by TSA to be high-risk to develop and implement a security training program to prepare security-sensitive employees, including frontline employees identified in sections 1402 and 1501 of the Act, for potential security threats and conditions. The rulemaking will also propose extending the security coordinator and reporting security incident requirements applicable to rail operators under current 49 CFR part 1580 to the non-rail transportation components of covered public transportation agencies. In addition, the rulemaking will also propose requiring the affected over-the-road bus owner/operators to identify security coordinators and report security incidents, similar to the requirements for rail in current 49 CFR 1580. The regulation will take into consideration any current security training requirements or best practices.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 49 CFR 1520; 49 CFR 1570; 49 CFR 1580; 49 CFR 1582 (New); 49 CFR 1584 (New) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; PL 110-53, secs 1408, 1517, and 1534

Legal Deadline: According to section 1408 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266), interim final regulations for public transportation agencies are due 90 days after the date of enactment (Nov. 1, 2007), and final regulations are due 1 year after the date of enactment of this Act.

Action	Source	Description	Date
Other	Statutory	Interim Rule for public transportation agencies is due 90 days after date of enactment.	11/01/2007
Other	Statutory	Rule for railroads and over-the-road buses are due 6 months after date of enactment.	02/03/2008
Other	Statutory	Rule for public transportation agencies is due 1 year after date of enactment.	08/03/2008

Regulatory Plan:

Statement of Need: A security training program for freight railroads, public transportation agencies and passenger railroads, and over-the-road bus operations is proposed to prepare freight railroad security-sensitive employees, public transportation and passenger railroad security-sensitive employees, and over-the-road bus security sensitive employees for potential security threats and conditions.

Legal Basis: 49 U.S.C. 114; sections 1408, 1517, and 1534 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266).

Alternatives: TSA is required by statute to publish regulations requiring security training programs for these owner/operators. As part of its notice of proposed rulemaking, TSA will seek public comment on the alternative ways in which the final rule could carry out the requirements of the statute.

Costs and Benefits: TSA will estimate the costs that the freight railroad systems, public transportation agencies and

passenger railroads, and over-the-road bus (OTRB) entities covered by this proposed rule would incur following its implementation. These costs will include estimates for the following elements: (1) Creating or modifying a security training program and submitting it to TSA; (2) Training (initial and recurrent) all security-sensitive employees; (3) Maintaining records of employee training; (4) Being available for inspections; (5) As applicable, providing information on security coordinators and alternates; and (6) As applicable, reporting security concerns. TSA will also estimate the costs TSA itself would expect to incur with the implementation of this rule. TSA has not quantified benefits. However, the primary benefit of the Security Training NPRM will be to enhance United States surface transportation security by reducing the vulnerability of freight railroad systems, public transportation agencies, and passenger railroads to terrorist activity through the training of security-sensitive employees. TSA uses a break-even analysis to assess the trade-off between the beneficial effects of the Security Training NPRM and the costs of implementing the rulemaking. This break-even analysis uses scenarios extracted from the TSA Transportation Sector Security Risk Assessment (TSSRA) to determine the degree to which the Security Training NPRM must reduce the overall risk of a terrorist attack in order for the expected benefits of the NPRM to justify the estimated costs. For its analyses, TSA uses scenarios with varying levels of risk, but only details the consequence estimates. To maintain consistency, TSA developed the analyses with a method similar to that used for the break-even analyses conducted in earlier DHS rules. After estimating the total consequence of each scenario by monetizing lives lost, injuries incurred, and capital replacement and clean-up, TSA will use this figure and the annualized cost of the NPRM for freight rail, public transportation and passenger rail, and OTRB operators to calculate a breakeven annual likelihood of attack.

Risks: The Department of Homeland Security aims to prevent terrorist attacks within the United States and to reduce the vulnerability of the United States to terrorism. By providing for security training for personnel, TSA intends in this rulemaking to reduce the risk of a terrorist attack on this transportation sector.

Timetable:

Action	Date	FR Cite
NPRM	05/00/2012	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Local

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

Related RINs: Related to 1652-AA57; Related to 1652-AA59

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

RIN: 1652-AA56

 [View Related Documents](#)

Title: Freight Railroads and Passenger Railroads--Vulnerability Assessment and Security Plan

Abstract: The Transportation Security Administration (TSA) will propose a new regulation to improve the security of freight railroads and passenger railroads in accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007. This rulemaking will propose thresholds for which a risk determination can be made to determine whether a freight railroad and passenger railroad should be considered "high risk." The rulemaking will also propose requirements for vulnerability assessments and security plans for owner/operators of those railroads. The proposed requirements include procedures for TSA's review and approval of these assessments and plans, and recordkeeping requirements. The regulation will take into consideration any current security assessment and planning requirements or best practices.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 49 CFR 1520; 49 CFR 1570; 49 CFR 1580; 49 CFR 1582 (New) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; PL 110-53, sec 1512

Legal Deadline: According to section 1512 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266), a final regulation for freight railroads and passenger railroads is due no later than 12 months after the date of enactment of the Act.

Action	Source	Description	Date
Other	Statutory	Rule for freight railroads and passenger railroads is due no later than 12 months after date of enactment.	08/03/2008

Regulatory Plan:

Statement of Need: The rulemaking will propose requirements for owner/operators of high-risk freight railroads and high-risk passenger railroads to conduct vulnerability assessments and carry-out security plans to address the railroad carrier's preparedness and response for potential security threats and conditions.

Legal Basis: 49 U.S.C. 114; section 1512 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266).

Alternatives: TSA is required by statute to publish regulations requiring vulnerability assessments and security plans for owner/operators of high-risk freight railroads and high-risk passenger railroads. As part of its notice of proposed rulemaking, TSA will seek public comment on the alternative ways in which the final rule could carry out the requirements of the statute.

Costs and Benefits: TSA will estimate the costs that the freight rail systems and passenger railroad carriers covered by this proposed rule would incur following its implementation. These costs will include estimates for the following elements: (1) Completing, modifying, or updating a vulnerability assessment and submitting it to TSA; (2) Developing, modifying, or updating a security plan and submitting it to TSA; (3) Implementing a security plan; (4) Maintaining records, including master copies of the vulnerability assessment and security plan and all plans or documents referenced in the security plan; and (5) Being available for inspection. The expected primary benefit of the Vulnerability Assessment and Security Plan NPRM will be to enhance U.S. surface transportation security by reducing vulnerability to terrorist attacks in two different ways. First, vulnerability assessments, as required in this proposed rule, would identify assets and infrastructure that are critical to owner/operators and provide an assessment of security risks that need to be mitigated at these locations. Second, in an effort to mitigate security risks, security plans would help target resources and mitigation strategies toward security gaps in an owner/operator's specific freight or passenger railroad operation to address the risks identified by the vulnerability assessments. TSA has not quantified benefits. For the purposes of this rulemaking, TSA employs a break even analysis to compare the cost of the risk reduction resulting from the proposed rule with the dollar value of the type of terrorist attacks that could potentially be averted due to the requirements in the proposed rule. This provides a framework for evaluating the tradeoff between program costs and benefits. For purposes of this analysis, TSA evaluates three scenarios in the freight rail mode of surface transportation and three scenarios in the passenger railroad mode of surface transportation covered by the proposed rule. For each scenario, TSA calculates a total monetary consequence from an estimated statistical value of the human casualties and capital replacement resulting from the attack. TSA compared an expected value of the monetary cost of an attack to the each rail mode and TSA's annualized cost of conducting vulnerability assessments and implementing security plans, discounted at 7 percent, to estimate how often an attack of that nature would need to be averted for the expected benefits to equal estimated costs. For a given level of pre-existing or baseline risk of an attack, the calculation of the break-even point—the reduction in baseline risk for which the estimated costs and expected benefits are equal—and a detailed description of each scenario is presented in the regulatory evaluation for this NPRM.

Risks: The Department of Homeland Security aims to prevent terrorist attacks within the United States and to reduce the vulnerability of the United States to terrorism. By providing for owner/operators of high-risk freight railroads and owner/operators of high-risk passenger railroads to conduct vulnerability assessments and adopt and carry out security plans, TSA intends in this rulemaking to reduce the risk of a terrorist attack on the passenger rail transportation sector.

Timetable:

Action	Date	FR Cite

NPRM

09/00/2012

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Local**Federalism:** Undetermined**Energy Affected:** No**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov**Related RINs:** Related to 1652-AA58; Related to 1652-AA60**Agency Contact:** Scott Gorton

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

RIN: 1652-AA61

 [View Related Documents](#)**Title:** Standardized Vetting, Adjudication, and Redress Services

Abstract: The Transportation Security Administration (TSA) will propose new regulations to revise and standardize the procedures, adjudication criteria, and fees for most of the security threat assessments (STA) of individuals for which TSA is responsible. In accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act), the scope of the rulemaking will include transportation workers from all modes of transportation who are required to undergo an STA in other regulatory programs, including certain aviation workers and frontline employees for public transportation agencies and railroads. In addition, TSA will propose fees to cover the cost of the STAs, and credentials for some personnel. TSA plans to improve efficiencies in processing STAs and streamline existing regulations by simplifying language and removing redundancies. As part of this proposed rule, TSA will propose revisions to the Alien Flight Student Program (AFSP) regulations. TSA published an interim final rule for ASFP on September 20, 2004. TSA regulations require aliens seeking to train at Federal Aviation Administration-regulated flight schools to complete an application and undergo an STA prior to beginning flight training. There are four categories under which students currently fall; the nature of the STA depends on the student's category. TSA is considering changes to the AFSP that would improve the equity among fee payers and enable the implementation of new technologies to support vetting.

Priority: Economically Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Undetermined**Unfunded Mandates:** Undetermined**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 49 USC 114; PL 110-53, secs 1411, 1414, 1520, 1522, 1602; 6 USC 469**Legal Deadline:** None

Regulatory Plan:

Statement of Need: Through this rulemaking, TSA proposes to carry out statutory mandates to perform security threat assessments (STA) of certain transportation workers pursuant to the 9/11 Act. Also, TSA proposes to fully satisfy 6 U.S.C. 469, which requires TSA to fund security threat assessment and credentialing activities through user fees. The proposed rulemaking would increase transportation security by enhancing identification and immigration verification standards, providing for more thorough vetting, improving the reliability and consistency of the vetting process, and increasing fairness to vetted individuals by providing more robust redress and reducing redundant STA requirements.

Legal Basis: 49 U.S.C. 114(f): Under the Aviation and Transportation Security Act (ATSA) (Pub. L. 170-71, Nov. 19, 2001, 115 Stat. 597), TSA assumed responsibility to oversee the vetting of certain aviation workers. See 49 U.S.C. 44936. Under the Maritime Transportation Security Act (MTSA), (Pub. L. 107-295, sec. 102, Nov. 25, 2002, 116 Stat. 2064), codified at 46 U.S.C. 70105, TSA vets certain merchant mariners and individuals who require unescorted access to secure areas of vessels and maritime facilities. Under the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) (Pub. L. 107-56, Oct. 25, 2001, 115 Stat. 272), TSA vets individuals seeking hazardous materials endorsements (HME) to commercial driver's licenses (CDL) issued by the States. In the Implementing Recommendation of the 9/11 Commission Act of 2007 (Pub. L. 110-53, Aug. 3, 2007, 121 Stat. 266), Congress directed TSA to vet additional populations of transportation workers, including certain public transportation and railroad workers. In 6 U.S.C. 469, Congress directed TSA to fund vetting and credentialing programs through user fees.

Alternatives: TSA considered a number of viable alternatives to lessen the impact of the proposed on entities deemed "small" by the Small Business Administration (SBA) standards. This included: (1) Extending phone pre-enrollment to populations eligible to enroll via the web; and (2) changing the current delivery and activation process and instituting centralized activation of biometric credentials that allow applicants to receive their credentials through the mail rather than returning to the enrollment center to pick up the credential. These alternatives are discussed in detail in the rule and regulatory evaluation.

Costs and Benefits: TSA conducted a regulatory evaluation to estimate the costs regulated entities, individuals, and TSA would incur to comply with the requirements of the NPRM. The NPRM would impose new requirements for some individuals, codify existing requirements not included in the Code of Federal Regulations (CFR), and modify current STA requirements for many transportation workers. The primary benefit of the NPRM would be that it will improve TSA's vetting product, process, and structure by improving STAs, increasing equity, decreasing reliance on appropriated funds, and improving reusability of STAs and mitigating redundant STAs. TSA has not quantified benefits. TSA uses a break-even analysis to assess the trade-off between the beneficial effects of the NPRM and the costs of implementing the rulemaking. This break-even analysis uses scenarios from the TSA Transportation Sector Security Risk Assessment (TSSRA) to determine the degree to which the NPRM must reduce the overall risk of a terrorist attack in order for the expected benefits of the NPRM to justify the estimated costs. For its analyses, TSA uses scenarios with varying levels of risk, but only details the consequence estimates. To maintain consistency, TSA developed the analyses with a method similar to that used for the break-even analyses conducted in earlier DHS rules. After estimating the total consequences of each scenario by monetizing lives lost, injuries incurred, capital replacement, and clean-up, TSA will use this figure and the annualized cost of the NPRM to calculate the frequency of attacks averted in order for the NPRM to break even. TSA estimates that the total savings to the alien flight students, over a 5-year period, will be \$18,107 at a 7 percent discount rate.

Risks:**Timetable:**

Action	Date	FR Cite
NPRM	08/00/2012	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Energy Affected:** No**Related RINs:** Related to 1652-AA35**Agency Contact:** Hao-y Tran Froemling

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

RIN: 1652-AA38

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Title: Aircraft Repair Station Security

Abstract: The Transportation Security Administration (TSA) proposed to add a new regulation to improve the security of domestic and foreign aircraft repair stations, as required by the section 611 of Vision 100--Century of Aviation Reauthorization Act and section 1616 of the 9/11 Commission Act of 2007. The regulation proposed general requirements for security programs to be adopted and implemented by repair stations certificated by the Federal Aviation Administration (FAA). A notice of proposed rulemaking (NPRM) was published in the Federal Register on November 18, 2009, requesting public comments to be submitted by January 19, 2010. The comment period was extended to February 19, 2010, on request of the stakeholders to allow the aviation industry and other interested entities and individuals additional time to complete their comments. TSA has coordinated its efforts with the FAA throughout the rulemaking process to ensure that the final rule does not interfere with FAA's ability or authority to regulate part 145 repair station safety matters.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 49 CFR 1554 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; 49 USC 44924

Legal Deadline: Section 611(b)(1) of Vision 100--Century of Aviation Reauthorization Act (Pub. L. 108-176; Dec. 12, 2003; 117 Stat. 2490), codified at 49 U.S.C. 44924, requires TSA issue "final regulations to ensure the security of foreign and domestic aircraft repair stations." Section 1616 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110-531; Aug. 3, 2007; 21 Stat. 266) requires TSA issue a final rule on foreign repair station security.

Action	Source	Description	Date
Other	Statutory	Rule within 240 days of the date of enactment of Vision 100.	08/08/2004
Other	Statutory	Rule within 1 year after the date of enactment of 9/11 Commission Act.	08/03/2008

Regulatory Plan:

Statement of Need: The Transportation Security Administration (TSA) is proposing regulations to improve the security of domestic and foreign aircraft repair stations. The NPRM proposed to require repair stations that are certificated by the Federal Aviation Administration to adopt and carry out a security program. The proposal will codify the scope of TSA's existing inspection program. The proposal also provides procedures for repair stations to seek review of any TSA determination that security measures are deficient.

Legal Basis: Section 611(b)(1) of Vision 100-Century of Aviation Reauthorization Act (Pub. L. 108-176; Dec. 12, 2003; 117 Stat. 2490), codified at 49 U.S.C. 44924, requires TSA to issue "final regulations to ensure the security of foreign and domestic aircraft repair stations" within 240 days from date of enactment of Vision 100. Section 1616 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266) requires that the FAA may not certify any foreign repair stations if the regulations are not issued within 1 year after the date of enactment of the 9/11 Commission Act unless the repair station was previously certificated or is in the process of certification.

Alternatives: TSA is required by statute to publish regulations requiring security programs for aircraft repair stations. As part of its notice of proposed rulemaking, TSA sought public comment on the numerous alternative ways in which the final rule could carry out the requirements of the statute.

Costs and Benefits: TSA anticipates costs to aircraft repair stations mainly related to the establishment of security programs,

which may include adding such measures as access controls, a personnel identification system, security awareness training, the designation of a security coordinator, employee background verification, and contingency plan. The NPRM estimated the total 10-year undiscounted cost of the program at \$344 million. The cost of the program, annualized and discounted at 7 percent, is \$241 million. Security coordinator and training costs represent the largest portions of the program. TSA has not quantified benefits. However, a major line of defense against an aviation-related terrorist act is the prevention of explosives, weapons, and/or incendiary devices from getting on board a plane. To date, efforts have been primarily related to inspection of baggage, passengers, and cargo, and security measures at airports that serve air carriers. With this rule, attention is given to aircraft that are located at repair stations, and to aircraft parts that are at repair stations, themselves to reduce the likelihood of an attack against aviation and the country. Since repair station personnel have direct access to all parts of an aircraft, the potential exists for a terrorist to seek to commandeer or compromise an aircraft when the aircraft is at one of these facilities. Moreover, as TSA tightens security in other areas of aviation, repair stations increasingly may become attractive targets for terrorist organizations attempting to evade aviation security protections currently in place. TSA uses a break-even analysis to assess the trade-off between the beneficial effects of the final rule and the costs of implementing the rulemaking. This break-even analysis uses three attack scenarios to determine the degree to which the final rule must reduce the overall risk of a terrorist attack in order for the expected benefits of the final rule to justify the estimated costs. For its analyses, TSA uses scenarios with varying levels of risk, but only details the consequence estimates. To maintain consistency, TSA developed the analyses with a method similar to that used for the break-even analyses conducted in earlier DHS rules. After estimating the total consequences of each scenario by monetizing lives lost, injuries incurred, and capital replacement, TSA will use this figure and the annualized cost of the final rule to calculate the frequency of attacks averted in order for the final rule to break even.

Risks: The Department of Homeland Security aims to prevent terrorist attacks within the United States and to reduce the vulnerability of the United States to terrorism. By requiring security programs for aircraft repair stations, TSA will focus on preventing unauthorized access to repair work and to aircraft to prevent sabotage or hijacking.

Timetable:

Action	Date	FR Cite
Notice--Public Meeting; Request for Comments	02/24/2004	69 FR 8357
Report to Congress	08/24/2004	
NPRM	11/18/2009	74 FR 59873
NPRM Comment Period Extended	12/29/2009	74 FR 68774
NPRM Comment Period End	01/19/2010	
NPRM Extended Comment Period End	02/19/2010	
Final Rule	09/00/2012	

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1652-AA64

 [View Related Documents](#)
Title: Air Cargo Screening

Abstract: Section 1602 of the Implementing Recommendations of the 9/11 Commission Act of 2007 mandates that 100 percent of air cargo transported on passenger aircraft, operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation, be screened by August 2010, to ensure the security of all such passenger aircraft carrying cargo. To meet this mandate, the Transportation Security Administration (TSA) issued an Interim Final Rule (IFR), on September 16, 2009, that established the Certified Cargo Screening Program (CCSP) that certifies shippers, manufacturers, and other entities to screen air cargo intended for transport on a passenger aircraft. Under this rulemaking, each certified cargo screening facility (CCSF) and its employees and authorized representatives that will be screening cargo must successfully complete a security threat assessment. The CCSF must also submit to an assessment of their security measures by TSA-approved validators, screen cargo using TSA-approved methods, and initiate strict chain-of-custody measures to ensure the security of the cargo throughout the supply chain prior to tendering it for transport on passenger aircraft.

Priority: Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** Yes**Unfunded Mandates:** Private Sector

CFR Citation: 49 CFR 1520; 49 CFR 1522; 49 CFR 1540; 49 CFR 1544; 49 CFR 1548 and 1549 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-53, sec 1602; 49 USC 114; 49 USC 40113; 49 USC 44901 to 44905; 49 USC 44913 to 44914; 49 USC 44916; 49 USC 44935 to 44936; 49 USC 46105

Legal Deadline: Section 1602 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110-53, 121 Stat. 266, 478, Aug. 3, 2007) requires that the Secretary of Homeland Security establish a system to screen 50 percent of cargo on passenger aircraft NLT 18 months after the date of enactment and 100 percent of such cargo NLT 3 years after the date of enactment. The 9/11 Act also requires that TSA issue a final rule NLT 1 year after the effective date of the interim final rule (Nov. 2010).

Action	Source	Description	Date
Other	Statutory	Screen 50 percent of cargo on passenger aircraft.	02/03/2009
Other	Statutory	Screen 100 percent of cargo on passenger aircraft.	08/03/2010
Other	Statutory	1 year after effective date of the interim final rule.	11/03/2010

Timetable:

Action	Date	FR Cite
Interim Final Rule; Request for Comments	09/16/2009	74 FR 47672
Interim Final Rule Effective	11/16/2009	
Interim Final Rule Comment Period End	11/16/2009	
Final Rule; Request for Comments	08/18/2011	76 FR 51848
Final Rule; Correction	08/25/2011	76 FR 53080
Final Rule Effective	09/19/2011	
Final Rule; Comment Period End	09/19/2011	
Final Rule; Reopening of Comment Period	09/30/2011	76 FR 60755
Final Rule; Reopened Comment Period End	10/31/2011	
Notice	06/00/2012	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Federalism:** No**Energy Affected:** No**Agency Contact:** Victor Parker

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

RIN: 1652-AA00

 [View Related Documents](#)

Title: Imposition and Collection of Passenger Civil Aviation Security Service Fees

Abstract: The Transportation Security Administration (TSA) will take final action on the December 31, 2001, interim final rule (IFR) by completing an economic analysis and responding to comments received. The IFR established passenger civil aviation security service fees, known as the "September 11th Security Fee" in the amount of \$2.50 per enplanement on passengers of domestic and foreign carriers in air transportation, foreign air transportation, and intrastate air transportation originating in the United States, up to \$5.00 per one-way trip and \$10.00 per round trip. The fees are required under 49 U.S.C. 44940 to pay TSA for the costs of providing Federal civil aviation security services.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 49 CFR 1510 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 44940

Legal Deadline: Section 118 of the Aviation and Transportation Security Act (ATSA) (Pub. L. 107-71; Nov. 19, 2001), codified at 49 U.S.C. 44940, requires that within 60 days of ATSA's enactment, or as soon as possible thereafter, TSA impose uniform security service fees on passengers of domestic and foreign air carriers in air transportation, publish notice of these fees in the Federal Register, and exempt TSA from procedural rulemaking requirements of 5 U.S.C. 553 and user-fee requirements from 31 U.S.C. 9701.

Action	Source	Description	Date
Other	Statutory	sec 118 directs TSA to impose uniform security service fees on certain aviation passengers within 60 days of enactment of ATSA, or as soon as possible thereafter.	01/19/2002

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	12/31/2001	
Interim Final Rule	12/31/2001	66 FR 67698
Notice-Information Collection; Emergency Processing	01/31/2002	67 FR 4866
Notice-Information Collection; Approval	02/19/2002	67 FR 7582
Interim Final Rule Comment Period End	03/01/2002	
Interim Final Rule Comment Period Reopened	03/28/2002	67 FR 14879
Interim Final Rule Reopened Comment Period End	04/30/2002	
Notice-Information Collection; 30-Day Renewal	07/10/2002	67 FR 45784
Notice-Partial Waiver of Independent Audit Requirement of Final Rule	01/23/2003	68 FR 3192
Notice-Information Collection; 60-Day Renewal	05/06/2005	70 FR 24108
Notice-Information Collection; 30-Day Renewal	07/27/2005	70 FR 43441
Notice-Information Collection; 60-Day Renewal	07/02/2008	73 FR 37981
Notice-Information Collection; 30-Day Renewal	09/05/2008	73 FR 51832

Additional Information: Transferred from RIN 2110-AA01

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

Federalism: No

Energy Affected: No

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

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

RIN: 1652-AA02

 [View Related Documents](#)

Title: Civil Aviation Security Rules

Abstract: On February 22, 2002, the Transportation Security Administration (TSA) published a final rule with a request for comment. This final rule transferred the Federal Aviation Administration's (FAA) rules (14 CFR 91, 107, 108, 109, 121, 129, 135, 139, 191) governing civil aviation security to TSA (49 CFR parts 1500, 1520, 1540, 1542, 1544, 1546, 1548, 1550). ATSA mandated the transfer of these aviation security responsibilities from FAA to TSA. This final rule made some revisions to the FAA rules in order to enhance security as required by ATSA (Pub. L. 107-71; Nov. 19, 2001). The ATSA required that by November 19, 2002, the responsibility for inspecting persons and property carried by aircraft operators and foreign air carriers be transferred to TSA and that TSA employees (or companies under contract with TSA) conduct the inspection and screening. In response to the 2002 final rule, TSA received 11 comments. TSA is preparing to publish another final rule that closes out the 2002 final rule.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 49 CFR 1500 to 1550 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Final Rule Effective	12/28/2001	
Final Rule (Organization and Delegation of Powers)	12/28/2001	66 FR 67117
Final Rule Effective	02/17/2002	

Final Rule	02/22/2002	67 FR 8340
Final Rule Comment Period End	03/25/2002	

Additional Information: Transferred from RIN 2110-AA03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1652-AA03

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Title: Security Programs for Aircraft Weighing 12,500 Pounds or More

Abstract: On February 22, 2002, the Transportation Security Administration (TSA) published the interim final rule, known as the "Twelve-Five Rule," which requires operators of aircraft with a maximum certificated takeoff weight of 12,500 pounds or more to implement a TSA-approved security program, known as the "Twelve-Five Security Program." The rule also requires that certain aircraft operators conduct criminal history records checks on their flight crew members, and restrict access to the flight deck. These measures were necessary to comply with congressional mandates and to enhance security in air transportation. TSA plans to publish a final rule in order to respond to the public comments and close out this rulemaking. Security programs constitute Sensitive Security Information (SSI), which is disclosed only to persons with a need to know, in accordance with 49 CFR part 1520. Therefore, the proposed Twelve-Five Security Program was distributed, for comment only, to the operators subject to the rule. TSA responded to the comments received, but because the comments and responses contained SSI, they were not made public. TSA amended the program, where appropriate, to accommodate the comments received on the security program. TSA provided the final security program to affected entities, and completed a training program for the operators to ensure that they operate in accordance with the final security program. In addition, TSA developed a fingerprint collection process that enables all affected operators to complete the fingerprint-based criminal history records checks of their flight crew members, as required by the Twelve-Five Rule. Affected operators were required to be in compliance with the rule by April 1, 2003.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 49 CFR 1540; 49 CFR 1544 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; 49 USC 5103; 49 USC 40119; 49 USC 44901 to 44907; 49 USC 44913 and 44914; 49 USC 44916 to 44918; 49 USC 44935 and 44936; 49 USC 44942; 49 USC 46105

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

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

Timetable:

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

Additional Information: Transferred from RIN 2110-AA04

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

Related RINs: Related to 1652-AA04

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

RIN: 1652-AA08

 [View Related Documents](#)

Title: Protection of Sensitive Security Information (SSI)

Abstract: The Transportation Security Administration (TSA) will issue a rulemaking document responding to comments received on the May 18, 2004, interim final rule (IFR). In the IFR, published jointly with the Office of the Secretary of Transportation (OST) in May 2004, TSA revised its Sensitive Security Information (SSI) regulations to expand the 2002 regulatory framework governing information generally related to aviation security to cover information related to security in maritime transportation, consistent with the security framework required by the U.S. Coast Guard's regulations implementing the Maritime Transportation Security Act (MTSA). This expansion was the main theme of the IFR. However, the IFR also continued TSA's 2002 regulations

coverage for vulnerability assessments and, with some changes, certain other SSI for all modes. TSA and OST issued a technical amendment to the IFR in January 2005 to address provisions of the regulations that inadvertently restricted sharing of SSI. Specifically, the amendment removed the limiting words "aviation or maritime" from 49 CFR 15.11 and 49 CFR 1520.11 in order to clearly permit the sharing of vulnerability assessments and other documents properly designated as SSI with covered persons who meet the need-to-know requirements regardless of mode of transportation.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 49 CFR 15; 49 CFR 1520 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; 49 USC 5103; 49 USC 40119; 49 USC 44901 to 44907; 49 USC 44913 and 44914; 49 USC 44916 to 44918; 49 USC 44935 and 44936; 49 USC 44942; 49 USC 46105

Legal Deadline: None

Timetable:

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

Additional Information: Joint rulemaking with Department of Transportation, Office of the Secretary (RIN No. 2105-AD33)
Transferred from RIN 2110-AA10

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1652-AA05; Related to 1652-AA49 **Related Agencies:** Joint: OST

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**Title:** Criminal History Records Checks (CHRC)

Abstract: The Transportation Security Administration (TSA) will consolidate all requirements which relate to criminal history record checks (CHRC) in another rulemaking action, RIN 1652-AA61, Standardized Vetting, Adjudication, and Redress Services. On December 6, 2001, the Federal Aviation Administration (FAA) published a final rule that required each airport operator and aircraft operator that had adopted a security program under 14 CFR parts 107 or 108 to conduct fingerprint-based CHRCs for individuals, if they had not already undergone CHRCs. The rule applied to those who either have, or apply for, unescorted access authority to the Security Identification Display Area (SIDA) of an airport; authority to authorize others to have unescorted access; and screening functions. The FAA determined the rule was needed because the then current employment investigation method was not adequate and to ensure that individuals in these positions did not have disqualifying criminal offenses. Rules governing civil aviation security were transferred from the FAA to the Transportation Security Administration (TSA). Parts 107 and 108 of title 14 of the Code of Federal Regulations (CFR) on Airport Security and Aircraft Operator Security, respectively, are now codified in 49 CFR parts 1540, 1542, and 1544.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** Undetermined**Unfunded Mandates:** Undetermined**CFR Citation:** 49 CFR 1540; 49 CFR 1542; 49 CFR 1544 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 49 USC 114; 49 USC 40113; 49 USC 44936**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
Final Rule Effective	12/06/2001	
Final Rule; Request for Comments	12/06/2001	66 FR 63474
Final Rule; Comment Period End	01/07/2002	
Final Rule; Comment Period Reopened	01/25/2002	67 FR 3810
Final Rule; Reopened Comment Period End	03/11/2002	

Additional Information: Transferred from RIN 2110-AA11**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Undetermined**Small Entities Affected:** Business**Federalism:** Undetermined**Energy Affected:** No**Related RINs:** Related to 2120-AH53; Related to 1652-AA09; Related to 1652-AA10; Related to 1652-AA61**Agency Contact:** Thomas Philson

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

RIN: 1652-AA16

 [View Related Documents](#)

Title: Transportation of Explosives From Canada to the United States Via Commercial Motor Vehicle and Railroad Carrier
Abstract: This Interim Final Rule (IFR), published by the Transportation Security Administration (TSA) on February 6, 2003, addressed security issues regarding transportation of explosives by commercial motor vehicles and railroads. It established requirements applicable to all motor carriers, motor private carriers, and railroad carriers not using U.S. citizens or lawful permanent aliens as drivers or railroad crews licensed in Canada to transport explosives to the United States. In August 2006, TSA issued an IFR superseding this February 2003 IFR as it relates to motor carriers (see RIN No. 1652-AA50). This was further amended by the Transportation Worker Identification Credential (TWIC) final rule, issued January 25, 2007 (RIN No. 1652-AA41).

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** Undetermined**Unfunded Mandates:** No**CFR Citation:** 49 CFR 1570; 49 CFR 1572 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 49 USC 114; 49 USC 5103 to 5103a; 49 USC 40113; 49 USC 46105**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	02/03/2003	
Interim Final Rule; Request for Comments	02/06/2003	68 FR 6083
Interim Final Rule; Comment Period End	03/10/2003	

Additional Information: Transferred from RIN 2110-AA18**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**Related RINs:** Related to 1652-AA41; Related to 1652-AA50**Agency Contact:** Thomas Philson

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

RIN: 1652-AA35

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Title: Flight Training for Aliens and Other Designated Individuals; Security Awareness Training for Flight School Employees

Abstract: The Transportation Security Administration (TSA) will take final action on the September 20, 2004, interim final rule (IFR) by completing a regulatory analysis, amending the rule to incorporate the exemptions and interpretations, and responding to comments received. The IFR was published on September 20, 2004 (69 FR 56324). The IFR created a new part 1552, Flight Schools, in title 49 of the Code of Federal Regulations (CFR). This IFR applies to flight schools and to individuals who apply to obtain flight training. After comments were received, new exemptions and interpretations were issued. TSA also issued a notice on April 13, 2009, that prescribes requests from alien flight students undergoing recurrent training. TSA requires flight schools to notify TSA when aliens and other individuals designated by TSA apply for flight training or recurrent training. TSA has established standards relating to the security threat assessment process that TSA will conduct to determine whether such individuals are a threat to aviation or national security, and thus prohibited from receiving flight training. In addition, TSA has established a fee to cover a portion of the costs of the security threat assessments that TSA will perform under this rule. Finally, TSA has established standards on security awareness training for certain flight school employees. These requirements will help ensure that individuals who intend to use aircraft to perform terrorist attacks in the United States do not obtain flight training that would enable them to do so. These requirements will also improve security at flight schools.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 49 CFR 1552 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 6 USC 469(b); 49 USC 114; 49 USC 44939; 49 USC 46105

Legal Deadline: Requires Transportation Security Administration (TSA) to promulgate an interim final rule (IFR) implementing the requirements of section 612 of Vision 100—Century of Aviation Reauthorization Act (Pub. L. 108-176, Dec. 12, 2003; 117 Stat. 2490), including the fee provisions, not later than 60 days after the enactment of the Act.

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

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	09/20/2004	
Interim Final Rule; Request for Comments	09/20/2004	69 FR 56324
Interim Final Rule; Comment Period End	10/20/2004	
Notice--Information Collection; 60-Day Renewal	11/26/2004	69 FR 68952
Notice--Information Collection; 30-Day Renewal	03/30/2005	70 FR 16298
Notice--Information Collection; 60-Day Renewal	06/06/2008	73 FR 32346
Notice--Information Collection; 30-Day Renewal	08/13/2008	73 FR 47203
Notice--Alien Flight Student Program Recurrent Training Fees	04/13/2009	74 FR 16880

Additional Information: Includes Retrospective Review under E.O. 13563

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1652-AA61

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

RIN: 1652-AA49

 [View Related Documents](#)
Title: Ronald Reagan Washington National Airport: Enhanced Security Procedures for Certain Operations

Abstract: This Interim Final Rule (IFR), published by the Transportation Security Administration (TSA) on July 19, 2005, creates a new part 1562, subpart B, for General Aviation, in title 49 of the Code of Federal Regulations (CFR). TSA plans to publish a final rule to respond to the public comments and close out this rulemaking. This IFR restores access to Ronald Reagan Washington National Airport (DCA) infrastructures for certain aircraft operations, while maintaining the security of critical Federal Government and other assets in the Washington, DC, Metropolitan Area. From September 11, 2001, until the IFR became effective, general aviation aircraft operations had been prohibited at DCA. This rule applies to all passenger aircraft operations into or out of DCA, except foreign air carrier operations functioning under 49 CFR part 1546.101(a) or (b) and U.S. air carrier operations operating under a full security program required by 49 CFR part 1544. The rule establishes security procedures for aircraft operators and gateway airport operators, and security requirements relating to crewmembers, passengers, and armed security officers onboard aircraft operating to or from DCA.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 49 CFR 1520; 49 CFR 1540; 49 CFR 1562 (To search for a specific CFR, visit the [Code of Federal Regulations](#))**Legal Authority:** 46 USC 70102 to 70106; 46 USC 70117; 49 USC 114; 49 USC 5103; 49 USC 40113 and 40114; 49 USC 44901 to 44907; 49 USC 44913 and 44914; 49 USC 44916 to 44918; 49 USC 44935 and 44936; 49 USC 44942; 49 USC 46105**Legal Deadline:** None**Timetable:**

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

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Small Entities Affected:** Business; Organizations**Federalism:** No**Energy Affected:** No**Related RINs:** Related to 1652-AA08**Agency Contact:** Thomas Philson

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

RIN: 1652-AA50

 [View Related Documents](#)

Title: Drivers Licensed by Canada or Mexico Transporting Hazardous Materials To and Within the United States

Abstract: This Interim Final Rule (IFR), published by the Transportation Security Administration (TSA) on August 7, 2006, announced that a commercial motor vehicle driver licensed in Canada or Mexico who holds a Free and Secure Trade (FAST) program card may use that card as an acceptable credential to transport placarded amounts of hazardous materials or any quantity of a material listed as a select agent or toxin in 42 CFR part 73 within the United States. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) requires that, as of August 10, 2006, commercial motor vehicle drivers licensed in Canada or Mexico who transport hazardous materials in the United States must undergo a background check similar to the one required of U.S.-licensed operators with a hazardous materials endorsement (HME) on a commercial driver's license (CDL). This rule announced TSA's determination that the background check required to obtain a credential under the FAST program meets the background check requirements of SAFETEA-LU. This interim rule also removed TSA's preexisting 49 CFR 1572.201 procedures for commercial drivers licensed in Canada who transport explosives into the United States (see RIN 1652-AA16).

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 49 CFR 1572.201 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 5103a(h)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule, Part VI	08/07/2006	71 FR 44874
Interim Final Rule Effective	08/10/2006	
Interim Final Rule; Comment Period End	10/06/2006	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1652-AA16

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

RIN: 1652-AA57

 [View Related Documents](#)

Title: Freight Railroads--Security Training of Employees

Abstract: This rulemaking action has been merged with RIN 1652-AA55 and is hereby withdrawn as a separate action. The Transportation Security Administration (TSA) will propose a new regulation to improve the security of freight railroads in accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007. The rulemaking will propose general requirements for a security training program to prepare freight railroad security-sensitive employees, including frontline employees identified in section 1501 of the Act, for potential security threats and conditions. The regulations will take into consideration any current security training requirements or best practices.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 49 CFR 1520; 49 CFR 1570; 49 CFR 1580 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 49 USC 114; PL 110-53, sec 1517

Legal Deadline: According to section 1517 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266), TSA must issue a regulation no later than 6 months after the date of enactment of this Act.

Action	Source	Description	Date
Other	Statutory	Rule is due 6 months after date of enactment.	02/03/2008

Timetable:

Action	Date	FR Cite
Withdrawn	12/31/2011	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

Related RINs: Merge with 1652-AA55; Related to 1652-AA59

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

RIN: 1652-AA58

 [View Related Documents](#)

Title: Freight Railroads--Vulnerability Assessment and Security Plan

Abstract: This rulemaking action has been merged with RIN 1652-AA56 and is hereby withdrawn as a separate action. The Transportation Security Administration (TSA) will propose a new regulation to improve the security of freight rail transportation in accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007. The rulemaking will propose requirements for vulnerability assessments and security plans for owner/operators of freight railroads determined by TSA to be high risk. The proposed requirements include procedures for TSA's review and approval of these assessments and plans, and recordkeeping requirements.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 49 CFR 1520; 49 CFR 1570; 49 CFR 1580 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 49 USC 114; PL 110-53, sec 1512

Legal Deadline: According to section 1512 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266), TSA must issue a regulation no later than 12 months after date of enactment of this Act.

Action	Source	Description	Date
Other	Statutory	Rule due 12 months after date of enactment.	08/03/2008

Timetable:

Action	Date	FR Cite
Withdrawn	12/31/2011	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

Related RINs: Merge with 1652-AA56; Related to 1652-AA60

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

RIN: 1652-AA59

 [View Related Documents](#)

Title: Over-the-Road Buses--Security Training of Employees

Abstract: This rulemaking action has been merged with RIN 1652-AA55 and is hereby withdrawn as a separate action. The Transportation Security Administration (TSA) will propose a new regulation to improve the security of over-the-road bus transportation in accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007. This rulemaking will propose general requirements for the owner/operator of an over-the-road bus operation determined by TSA to be high-risk to develop and implement a security training program to prepare security-sensitive employees, including frontline employees identified in section 1501 of the Act, for potential security threats and conditions. The regulation will take into consideration any current security training requirements or best practices.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 49 CFR 1520; 49 CFR 1570; 49 CFR 1584 (New) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 49 USC 114; PL 110-53, sec 1534

Legal Deadline: According to section 1534 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007, 121 Stat. 266), TSA must issue a regulation no later than 6 months after date of enactment of this Act.

Action	Source	Description	Date
Other	Statutory	Rule due 6 months after date of enactment.	02/03/2008

Timetable:

Action	Date	FR Cite
Withdrawn	12/31/2011	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

Related RINs: Merge with 1652-AA55; Related to 1652-AA57

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Department of Homeland Security

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

RIN: 1652-AA60

 [View Related Documents](#)

Title: Over-the-Road Buses--Vulnerability Assessment and Security Plan

Abstract: This rulemaking action has been merged with RIN 1652-AA56 and is hereby withdrawn as a separate action. The Transportation Security Administration (TSA) will propose a new regulation to improve the security of over-the-road bus transportation in accordance with the Implementing Recommendations of the 9/11 Commission Act of 2007. This rulemaking will propose requirements for vulnerability assessments and security plans for owner/operators of over-the-road bus operations determined by TSA to be high-risk. The proposed requirements include procedures for TSA's review and approval of these assessments and plans, and recordkeeping requirements. The regulation will take into consideration any current security assessment and planning requirements or best practices.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: Undetermined

Unfunded Mandates: Undetermined

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

Legal Authority: 49 USC 114; PL 110-53, sec 1531

Legal Deadline: According to section 1531 of Public Law 110-53, Implementing Recommendations of the 9/11 Commission Act of 2007 (Aug. 3, 2007; 121 Stat. 266), TSA must issue a regulation no later than 18 months after date of enactment (Feb. 3, 2009) of this Act.

Action	Source	Description	Date
Other	Statutory	section 1531 directs TSA to issue a regulation no later than 18 months after date of enactment.	02/03/2009

Timetable:

Action	Date	FR Cite
Withdrawn	12/31/2011	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Energy Affected: Undetermined

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

Related RINs: Merge with 1652-AA56; Related to 1652-AA58

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

RIN: 1653-AA44

 [View Related Documents](#)

Title: Clarification of Eligibility Criteria for F and M Students and for Schools Certified by the Student and Exchange Visitor Program To Enroll F and/or M Students

Abstract: This proposed rule will clarify the criteria for nonimmigrant academic and/or professional and vocational students and exchange visitors (J status) to maintain nonimmigrant status. In addition, the regulation will clarify the criteria for the schools certified by the Student and Exchange Visitor Program (SEVP) to enroll students and to fulfill their associated recordkeeping, retention, and reporting requirements to SEVP in F or M classification. The regulation will also codify refinements in policy and procedures that have evolved since the last major regulatory update in 2002 and since the establishment of SEVP more than six years ago, and remove obsolete provisions in the regulations used before and during implementation of the Student and Exchange Visitor Information System (SEVIS). Finally, the regulation will incorporate language supporting a major reprogramming of SEVIS, known as SEVIS II.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 214.3; 8 CFR 214.4 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1356(m); PL 107-56; PL 107-173

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/00/2012	

Additional Information: Includes Retrospective Review under E.O. 13563.

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: No

Federalism: No

Related RINs: Related to 1653-AA42

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

RIN: 1653-AA60

 [View Related Documents](#)

Title: Continued Detention of Aliens Subject to Final Orders of Removal

Abstract: This notice of proposed rulemaking (NPRM) is proposing to amend the Department of Homeland Security (DHS) regulatory provisions for custody determinations for aliens in immigration detention who are subject to an administratively final order of removal. The proposed amendment would add a paragraph to 8 CFR 241.4(g) providing that U.S. Immigration and Customs Enforcement (ICE) shall have a reasonable period of time to effectuate an alien's removal where the alien is not in

immigration custody when the order of removal becomes administratively final. The proposed rule would also clarify the removal period time frame afforded to the agency following an alien's compliance with his or her obligations regarding removal subsequent to a period of obstruction or failure to cooperate. The rule proposes to make conforming changes to 241.13(b)(2). Lastly, the rule proposes to add a paragraph to 8 CFR 241.13(b)(3) to make clear that aliens certified by the Secretary under section 236A of the Immigration and Nationality Act, 8 U.S.C. 1226a, are not subject to the provisions of 8 CFR 241.13, in accordance with the separate detention standard provided under the Act.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

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

Legal Authority: 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1231; 8 USC 1253

Legal Deadline: None

Regulatory Plan:

Statement of Need: The companion final rule will improve the post order custody review process in the final rule related to the Detention of Aliens Subject to Final Orders of Removal in light of the U.S. Supreme Court's decisions in *Zadvydas v. Davis*, 533 U.S. 678 (2001), *Clark v. Martinez*, 543 U.S. 371 (2005) and conforming changes as required by the enactment of the Homeland Security Act of 2002 (HSA). This notice of proposed rulemaking (NPRM) will propose to amend 8 CFR 241.1(g) to provide for a new 90-day removal period once an alien comes into compliance with his or her obligation to make timely application in good faith for travel or other documents and not conspire or act to prevent removal.

Legal Basis:

Alternatives:

Costs and Benefits: This proposed rule will clarify the regulatory provisions concerning the removal of aliens that are subject to an administratively final order of removal. DHS does not anticipate there will be cost impacts to the public as a result of the rule.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	04/00/2012	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Related RINs: Related to 1653-AA13

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

RIN: 1653-AA13

 [View Related Documents](#)

Title: Continued Detention of Aliens Subject to Final Orders of Removal

Abstract: The U.S. Department of Homeland Security is finalizing, with amendments, the interim rule that was published on November 14, 2001, by the former Immigration and Naturalization Service (Service). The interim rule included procedures for conducting custody determinations in light of the U.S. Supreme Court's decision in *Zadvydas v. Davis*, 533 U.S. 678 (2001), which held that the detention period of certain aliens who are subject to a final administrative order of removal is limited under section 241(a)(6) of the Immigration and Nationality Act (Act) to the period reasonably necessary to effect their removal. The interim rule amended section 241.4 of title 8, Code of Federal Regulations (CFR), in addition to creating two new sections: 8 CFR 241.13 (establishing custody review procedures based on the significant likelihood of the alien's removal in the reasonably foreseeable future) and 241.14 (establishing custody review procedures for special circumstances cases). Subsequently, in the case of *Clark v. Martinez*, 543 U.S. 371 (2005), the Supreme Court clarified a question left open in *Zadvydas*, and held that

section 241(a)(6) of the Act applies equally to all aliens described in that section. This rule amends the interim rule to conform to the requirements of Martinez. Further, the procedures for custody determinations for post-removal period aliens who are subject to an administratively final order of removal, and who have not been released from detention or repatriated, have been revised in response to comments received and experience gained from administration of the interim rule published in 2001. This final rule also makes conforming changes as required by the enactment of the Homeland Security Act of 2002 (HSA). Additionally, certain portions of the final rule were determined to require public comment and, for this reason, have been developed into a separate/companion notice of proposed rulemaking; RIN 1653-AA60.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1231; 8 USC 1253; ...

Legal Deadline: None

Regulatory Plan:

Statement of Need: This rule will improve the post order custody review process in the final rule related to the Detention of Aliens Subject to Final Orders of Removal in light of the U.S. Supreme Court's decisions in *Zadvydas v. Davis*, 533 U.S. 678 (2001), *Clark v. Martinez*, 543 U.S. 371 (2005) and conforming changes as required by the enactment of the Homeland Security Act of 2002 (HSA). A companion notice of proposed rulemaking (NPRM) will propose to amend 8 CFR 241.1(g) to provide for a new 90-day removal period once an alien comes into compliance with his or her obligation to make timely application in good faith for travel or other documents and not conspire or act to prevent removal.

Legal Basis:

Alternatives:

Costs and Benefits: The changes are administrative and procedural in nature, and will not result in cost impacts to the public. The benefits of making these changes to the regulations will allow for expedited review of the post-order custody review process.

Risks:

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/14/2001	66 FR 56967
Interim Final Rule Comment Period End	01/14/2002	
Final Action	04/00/2012	

Additional Information: INS No. 2156-01 Transferred from RIN 1115-AG29

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 1653-AA56

 [View Related Documents](#)

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

Abstract: Currently, foreign students in F-1 nonimmigrant status who have been enrolled on a full-time basis for at least one full academic year in a college, university, conservatory, or seminary certified by U.S. Immigration and Custom Enforcement's (ICE) Student and Exchange Visitor Program (SEVP) are eligible for 12 months of optional practical training (OPT) to work for a U.S. employer in a job directly related to the student's major area of study. The maximum period of OPT is 29 months for F-1

students who have completed a science, technology, engineering, or mathematics (STEM) degree and accept employment with employers enrolled in U.S. Citizenship and Immigration Services' (USCIS) E-Verify employment verification program. Employers of F-1 students with an extension of post-completion OPT authorization must report to the student's designated school official (DSO) within 48 hours after the OPT student has been terminated from, or otherwise leaves, his or her employment with that employer prior to end of the authorized period of OPT. The final rule will respond to public comments and may make adjustments to the regulations.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

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

Legal Authority: 8 USC 1101 to 1103; 8 USC 1182; 8 USC 1184 to 1187; 8 USC 1221; 8 USC 1281 and 1282; 8 USC 1301 to 1305

Legal Deadline: None

Regulatory Plan:

Statement of Need: ICE will improve SEVP processes by publishing the Final Optional Practical Training (OPT) rule, which will respond to comments on the OPT interim final rule (IFR). The IFR increased the maximum period of OPT from 12 months to 29 months for nonimmigrant students who have completed a science, technology, engineering, or mathematics (STEM) degree and who accept employment with employers who participate in the U.S. Citizenship and Immigration Services' (USCIS) E-Verify employment verification program.

Legal Basis:

Alternatives: DHS is considering several alternatives to the 17-month extension of OPT and cap-gap extension, ranging from taking no action to further extension for a larger populace. The interim final rule addressed an immediate competitive disadvantage faced by U.S. industries and ameliorated some of the adverse impacts on the U.S. economy. DHS continues to evaluate both quantitative and qualitative alternatives.

Costs and Benefits: Based on an estimated 12,000 students per year that will receive an OPT extension and an estimated 5,300 employers that will need to enroll in E-verify, DHS projects that this rule will cost students approximately \$1.49 million per year in additional information collection burdens, \$4,080,000 in fees, and cost employers \$1,240,000 to enroll in E-Verify and \$168,540 per year thereafter to verify the status of new hires. However, this rule will increase the availability of qualified workers in science, technology, engineering, and mathematical fields; reduce delays that place U.S. employers at a disadvantage when recruiting foreign job candidates, thereby improving strategic and resource planning capabilities; increase the quality of life for participating students, and increase the integrity of the student visa program.

Risks:

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/08/2008	73 FR 18944
Interim Final Rule Comment Period End	06/09/2008	
Final Rule	08/00/2012	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

RIN Information URL: www.dhs.gov/sevis/

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

RIN: 1653-AA62

 [View Related Documents](#)

Title: Addition of Law Enforcement Specialists to 8 CFR Parts 103 and 287

Abstract: U.S. Immigration and Customs Enforcement is revising 8 CFR parts 103 and 287 to add a new job classification,

"law enforcement specialist," to the list of immigration officer positions in section 103.1(b), the list of immigration officers authorized to exercise arrest power in section 287.5(c), and the list of immigration officers authorized to issue detainees in section 287.7(b). This revision is necessary to increase efficiencies and optimize Agency resources.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 103; 8 CFR 287 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1187

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	06/00/2012	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Homeland Security (DHS)

U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA05

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Title: Requiring Aliens Ordered Removed From the United States To Surrender to the Department of Homeland Security for Removal

Abstract: This rule amends the regulations of the Department of Homeland Security to establish that an alien who becomes subject to an administratively final order of removal, deportation, or exclusion has an affirmative duty to surrender to U.S. Immigration and Customs Enforcement (ICE). An alien generally must meet his or her surrender obligations within 45 days of the date the order becomes final. In addition, an obligor of a bonded alien has a duty to ensure that such alien meets his or her surrender obligations under this rule. ICE will no longer send to aliens notices demanding their surrender. ICE also will no longer send to obligors notices demanding the delivery of bonded aliens. A bonded alien's failure to meet his or her surrender obligations pursuant to this rule constitutes a breach of the alien's bond.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 240.13 to 240.19 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1103; 8 USC 1231; 8 USC 1253

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM	09/04/1998	63 FR 47205
NPRM Comment Period End	11/03/1998	
Supplemental NPRM	05/09/2002	67 FR 31157
Supplemental NPRM Comment Period End	06/10/2002	

Additional Information: Transferred from RIN 1115-AE82

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 1653-AA06

 [View Related Documents](#)

Title: Early Release for Removal of Criminal Aliens in State Custody for Nonviolent Offenses

Abstract: The final rule will establish an administrative process whereby criminal aliens in State custody convicted of nonviolent offenses may be removed prior to completion of their sentence of imprisonment. The rule will implement the authority contemplated by Congress to enhance the ability of the United States to remove criminal aliens.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1251; 8 USC 1253; 8 USC 1255; 8 USC 1330

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
NPRM-INS No. 1848-97	07/12/1999	64 FR 37461
NPRM Comment Period End	09/10/1999	

Additional Information: INS No.1848-97 Transferred from RIN 1115-AE83

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State

Small Entities Affected: No

Federalism: No

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

RIN: 1653-AA08

 [View Related Documents](#)

Title: Power of Secretary of the Department of Homeland Security To Terminate Deportation Proceedings and Initiate Removal Proceedings

Abstract: This rule proposes to implement section 309(c)(3) of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) by affording certain aliens rendered ineligible for relief from deportation in the law the opportunity to have their deportation proceedings terminated and removal proceedings initiated in order to apply for relief. Certain permanent resident aliens rendered ineligible for section 212(c) relief by the Antiterrorism and Effective Death Penalty Act and certain nonpermanent resident aliens rendered ineligible for suspension of deportation by the stop-time rule in IIRIRA may apply for "repapering" (as it is commonly known) under this rule. This process would not apply to aliens eligible for 212(c) relief pursuant to the procedures described in the Executive Office for Immigration Review rulemaking.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 239 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 104-208**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
NPRM	11/30/2000	65 FR 71273
NPRM Comment Period End	01/29/2001	

Additional Information: INS No. 2083-00 Transferred from RIN 1115-AF87**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Agency Contact:** Alexander Hartman

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

RIN: 1653-AA09

 [View Related Documents](#)**Title:** Protection and Assistance for Victims of Trafficking

Abstract: This rule amends 28 CFR and sets forth implementing guidance for section 107(c) of the Victims of Trafficking and Violence Protection Act of 2000. The Secretary, the Attorney General, and the Secretary of State are promulgating these regulations for Federal law enforcement and Department of State (DOS) officials regarding the protection of victims of severe forms of trafficking who are in custody, the access of such victims to information about their rights and translation services, and the training of appropriate DHS and DOS personnel in identifying and protecting such victims. The rule also addresses the authority of Federal law enforcement officials to permit the continued presence in the United States of certain victims of severe forms of trafficking who are potential witnesses in order to aid prosecutions.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 28 CFR 1100 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103 and 1104; 8 USC 1252; 22 USC 7101; 22 USC 7105; ...**Legal Deadline:**

Action	Source	Description	Date
Other	Statutory	Statutory deadline for promulgation of regulations.	04/28/2001

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	07/24/2001	66 FR 38514
Interim Final Rule Comment Period End	10/22/2001	

Additional Information: INS No. 2133-01 Transferred from RIN 1115-AG20**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Alexander Hartman

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

RIN: 1653-AA14

 [View Related Documents](#)
Title: Custody Procedures

Abstract: This rule amends Department regulations on the period of time after an alien's arrest within which the Department must make a determination whether the alien will be continued in custody or released on bond or recognizance and whether to issue a notice to appear and warrant of arrest. This rule provides that unless voluntary departure has been granted, DHS must make such determinations within 48 hours of arrest, except in the event of emergency or other extraordinary circumstance, in which case the Department must make such determinations within an additional reasonable period of time.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 287 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 8 USC 1103; 8 USC 1182; 8 USC 1225 and 1226; 8 USC 1251; ...**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule Effective	09/17/2001	66 FR 48334
Interim Final Rule Published	09/20/2001	66 FR 48334
Interim Final Rule Comment Period End	11/19/2001	

Additional Information: INS No 2171-01 Transferred from RIN 1115-AG40**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No

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

RIN: 1653-AA20

 [View Related Documents](#)
Title: Technical Amendments Relating to Immigration Bonds

Abstract: When DHS receives a cash bond, it is deposited into an account where interest is accumulated from the date the bond is posted to the date that the bond is paid out. If a cancelled cash bond is unclaimed after a year, the principal and any accumulated interest are transferred to the U.S. Department of the Treasury account entitled "Payments of Unclaimed Moneys of Individuals Whose Whereabouts Are Unknown." This regulation concerns the computation of interest on cash bonds. It does not mention the Treasury Department requirement concerning the disposition of funds from unclaimed cash bonds. Since some cash bonds obligors have questioned the curtailment of interest a year after the bond is cancelled, we believe that this regulation should include language that clarifies the Department's requirement to comply with Treasury's regulation.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 293 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1103; 31 USC 1322; 31 USC 9308

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Additional Information: INS No. 2258-03 Transferred from RIN 1115-AG97

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Agency Contact: Lori Genest

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

RIN: 1653-AA29

 [View Related Documents](#)

Title: Changes in Registration Policies and Monitoring of Certain Nonimmigrants

Abstract: This rule amends DHS regulations for the registration and monitoring of certain nonimmigrant aliens. This rule amends existing regulations by suspending the 30-day and annual re-registration requirements for aliens who are subject to the National Security Entry-Exit Registration System (NSEERS) registration. Instead of requiring all aliens subject to NSEERS to appear for 30-day and/or annual registration interviews, DHS will utilize a more tailored system in which it will notify individual aliens of future registration requirements. This rule also eliminates the requirement for those nonimmigrant aliens subject to special registration who are also enrolled in the Student and Exchange Visitor Information System (SEVIS) to separately notify DHS of changes in educational institutions and addresses. Additionally, this rule clarifies how nonimmigrant aliens may apply for relief from special registration requirements and clarifies that certain alien crewmen are not subject to the departure requirements. Finally, certain conforming amendments have been made to existing regulations to reflect that the former Immigration and Naturalization Service has been abolished and its functions transferred from the Department of Justice to DHS, under the Homeland Security Act of 2002 (HSA), Public Law 107-296.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 8 USC 1184 and 1185; 8 USC 1302; 8 USC 1303; 8 USC 1305

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule	12/02/2003	68 FR 67578
Interim Final Rule Comment Period End	02/02/2004	

Additional Information: ICE No. 2301-03

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 1653-AA30

 [View Related Documents](#)**Title:** Extending the Period of Duration of Status for Certain F and J Nonimmigrant Aliens

Abstract: This interim rule amended DHS regulations to provide that the Secretary may publish a notice to extend the duration of status, under specified conditions, of certain F-1 and J-1 nonimmigrant aliens who may be affected adversely because the numerical limit (cap) on H-1B nonimmigrant aliens has been reached prior to the end of a given fiscal year. This rule was a necessary stopgap measure because of a large number of F-1 and J-1 nonimmigrant aliens seeking a change of nonimmigrant status to that of H-1B after completion of their studies or their program. However, many of these aliens were unable to change their nonimmigrant status for the remainder of a given fiscal year because of the cap on H-1B petitions. This rule allows such aliens to avoid a lapse in their status because of a circumstance that is not under their control.

Priority: Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 214 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186; ...**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	06/15/1999	64 FR 32146
Interim Final Rule Comment Period End	08/16/1999	

Additional Information: CIS No. 1992-99 Transferred from RIN 1615-AA27**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Related RINs:** Previously Reported as 1115-AF54**Agency Contact:** Sharon Snyder

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

RIN: 1653-AA31

 [View Related Documents](#)**Title:** Requiring Certification of All Service-Approved Schools for Enrollment in the Student and Exchange Visitor Information System (SEVIS)

Abstract: This rule continues the implementation of the process by which schools may be approved to obtain access to the Student and Exchange Visitor Information System (SEVIS). On October 30, 2001, President George W. Bush issued Homeland Security Directive No. 2 requiring DHS to conduct periodic reviews of all institutions certified to receive nonimmigrant students. The Enhanced Border Security and Visa Entry Reform Act of 2002, Public Law 107-173 enacted May 14, 2002, also requires a periodic review of school approvals. This rule governs the review and certification process that DHS uses to approve schools to enroll foreign students. While DHS had in place an existing process for certifying and decertifying schools, DHS requires all previously approved schools to apply for certification in accordance with these new mandates cited above, prior to being allowed to enroll in SEVIS.

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

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

Legal Authority: 5 USC 552 to 552a; 8 USC 1101; 8 USC 1103; 8 USC 1304; 8 USC 1356; 31 USC 1907; EO 12356

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
Interim Final Rule Effective	09/25/2002	
Interim Final Rule	09/25/2002	67 FR 60107
Interim Final Rule Comment Period End	11/25/2002	

Additional Information: CIS No. 2217-02 Transferred from RIN 1615-AA77

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Previously Reported as 1115-AG71

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Department of Homeland Security (DHS)

U.S. Immigration and Customs Enforcement (USICE)

RIN: 1653-AA45

 [View Related Documents](#)

Title: Strengthening Control Over Immigration Surety Bonds

Abstract: The Department continues to experience problems collecting the funds for breached surety bonds. Several surety companies and/or their bonding agents continue to circumvent administrative remedies to address immigration surety bond claims sent out by the Department and have evaded the judicial review process. This rule proposes to strengthen the Department's control over the collection of immigration surety bonds by improving current DHS procedures and by providing the Department with stronger enforcement measures. Specifically, this rule will require surety companies and bonding agents to exhaust administrative remedies by using the Department's appeal procedures, as a prerequisite to challenging the Department's actions under the Administrative Procedure Act, before seeking judicial review of DHS actions. Also, this rule limits the exposure of the Department in cases when bonding agents have acted improperly or when authorities have been denied by their corporate principals and encourages surety companies and bonding agents to respond early if there are any issues or disputes with the Department's claim. Further, the rule formalizes DHS' reporting requirements to the Department of Treasury and provides notification to the Treasury of high-dollar volume of unpaid debt over 90 days old. Lastly, the rule adds an enforcement measure to suspend acceptance of surety bonds from bonding agents and/or surety companies that have large unpaid balances or who do not otherwise respond to DHS invoices. This rule is necessary to ensure that the Department receives funds owed by the surety companies.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

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

Legal Authority: 8 USC 1103; 8 USC 1356; 31 USC 9701; 31 USC 9305; PL 104-208

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Additional Information: Prior RIN 1653-AA16 was withdrawn in Spring 2004 Agenda

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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

RIN: 1653-AA61

 [View Related Documents](#)

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

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

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

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

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 1615-AA99 Transferred from RIN 1615-AB44

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: Undetermined

Related RINs: Previously Reported as 1615-AB44; Previously Reported as 1115-AF15

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

RIN: 1653-AA43

 [View Related Documents](#)

Title: Amendment of Regulations for F and M Students in Flight Training and for Schools Certified by DHS To Enroll F and/or M Students in Flight Training

Abstract: This regulation will ensure that, in the interest of national security, DHS provides efficient and effective oversight for flight training programs. This regulation will also reflect differences between flight programs and promote flight safety by expanding practical training opportunities for international flight students. At the suggestion of the Office of Information and Regulatory Affairs, DHS has decided to withdraw this entry from the Unified Agenda until and unless DHS takes further action on this regulation.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 8 CFR 214; 22 CFR 62 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	12/31/2011	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal

Small Entities Affected: Business

Federalism: No

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Department of Homeland Security (DHS)

Federal Emergency Management Agency (FEMA)

RIN: 1660-AA21

 [View Related Documents](#)

Title: Management Costs

Abstract: Section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) requires FEMA to promulgate regulations establishing management cost rates for grantees and subgrantees. Management cost rates are used to determine the maximum amount of funds provided to grantees and subgrantees to reimburse the indirect costs, administrative expenses, and other expenses not directly chargeable to a specific project incurred by the grantees and subgrantees in the management and administration of Stafford Act grants. FEMA established management cost rates and procedures in a 2007 interim final rule. As a result of public comments, FEMA will propose substantive revisions to the rate structure, the rates themselves, and the application process.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 206; 44 CFR 207 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 5165(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/30/2002	67 FR 56130
NPRM Comment Period End	09/30/2002	
Interim Final Rule	10/11/2007	72 FR 57869
Interim Final Rule Comment Period End	11/13/2007	
Interim Final Rule Effective	11/13/2007	
Reopening Comment Period	08/29/2008	73 FR 50881
Reopening Comment Period End	09/29/2008	
Notice of Meeting and Reopening Comment Period	11/24/2008	73 FR 70894
Reopening Comment Period End	12/11/2008	
Second NPRM	04/00/2012	

Additional Information: Transferred from RIN 3067-AD29; Docket ID FEMA-2006-0035

Regulatory Flexibility Analysis Required: No
Small Entities Affected: Governmental Jurisdictions
Energy Affected: No
RIN Information URL: www.regulations.gov

Government Levels Affected: Local; State; Tribal
Federalism: No

Public Comment URL: www.regulations.gov

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

RIN: 1660-AA51

 [View Related Documents](#)

Title: Update of FEMA's Public Assistance Regulations

Abstract: This proposed rule would revise the Federal Emergency Management Agency's Public Assistance program regulations. Many of these changes reflect amendments made to the Robert T. Stafford Disaster Relief and Emergency Assistance Act by the Post-Katrina Emergency Management Reform Act of 2006 and the Security and Accountability For Every Port Act of 2006. The proposed rule also proposes to reflect lessons learned from recent events, and propose further substantive and non-substantive clarifications and corrections to improve upon the Public Assistance regulations. This proposed rule is intended to improve the efficiency and consistency of the Public Assistance program, as well as implement new statutory authority by expanding Federal assistance, improving the Project Worksheet process, empowering grantees, and improving State Administrative Plans.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 206 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 5121 to 5207

Legal Deadline: None

Regulatory Plan:

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

Legal Basis: The legal authority for the changes in this proposed rule is contained in the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 to 5207, as amended by the Post-Katrina Emergency Management Reform Act of 2006, Public Law 109-295, the Security and Accountability For Every Port Act of 2006, 6 U.S.C. 901 note, the Local Community Recovery Act of 2006, Public Law 109-218, 120 Stat. 333, and the Pets Evacuation and Transportation Standards Act of 2006, Public Law 109-308, 120 Stat. 1725.

Alternatives: One alternative is to revise some of the current regulatory requirements (such as application deadlines) in addition to implementing the amendments made to the Stafford Act by (1) the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA), Public Law 109-295, 120 Stat. 1394; 2) the Security and Accountability For Every Port Act of 2006 (SAFE Port Act), Public Law 109-347, 120 Stat. 1884; 3) the Local Community Recovery Act of 2006, Public Law 109-218, 120 Stat. 333; and 4) the Pets Evacuation and Transportation Standards Act of 2006 (PETS Act), Public Law 109-308, 120 Stat. 1725. Another alternative is to expand funding by expanding force account labor cost eligibility to Category A Projects (debris removal).

Costs and Benefits: The proposed rule is expected to have economic impacts on the public, grantees, subgrantees, and FEMA. The expected benefits are a reduction in property damages, societal losses, and losses to local businesses, as well as improved efficiency and consistency of the Public Assistance program. FEMA estimates the primary economic impact of the proposed rule is the additional transfer of funding from FEMA through the Public Assistance program to grantees and subgrantees that is effectuated by this rulemaking.

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

Timetable:

Action	Date	FR Cite
NPRM	03/00/2012	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State; Tribal

Federalism: Yes

Energy Affected: No

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

RIN: 1660-AA68

 [View Related Documents](#)

Title: Housing Assistance Due to Structural Damage

Abstract: Under the authority of section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (Stafford Act), the Federal Emergency Management Agency (FEMA) provides grants to individuals and households to repair or replace their homes after a Presidentially declared major disaster or emergency. FEMA proposes to revise its repair, replacement, and housing construction assistance regulations to clarify the eligibility criteria for assistance and implement changes to section 408 of the Stafford Act that were made by the Post-Katrina Emergency Management Reform Act of 2006.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 206 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 5174

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/00/2012	

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

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

RIN: 1660-AA73

 [View Related Documents](#)**Title:** Public Assistance Cost Estimating Format for Large Projects**Abstract:** In this rule the Federal Emergency Management Agency (FEMA) proposes the implementation of the Cost Estimating Format (CEF) as the standard estimating procedure for large permanent work projects authorized under the Public Assistance program. FEMA also proposes to implement set ceiling and floor thresholds of plus or minus 10 percent. Under this rule, FEMA would reimburse an applicant for the portion of an overrun that is greater than the 10 percent ceiling threshold, but FEMA would not reimburse an applicant for an overrun that is more than the CEF estimate but less than the 10 percent ceiling threshold. If there is an underrun, an applicant would retain the portion of the underrun that is less than the 10 percent floor threshold to use for mitigation activities, but would return the portion of the underrun that is greater than the 10 percent floor threshold.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 44 CFR 206 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 42 USC 5172(e)(3)(C)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	02/00/2012	

Additional Information: Formerly 1660-AA33**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; Local; State**Federalism:** No**Energy Affected:** No**Agency Contact:** Tod Wells

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

RIN: 1660-AA23

 [View Related Documents](#)**Title:** Disaster Assistance; Crisis Counseling Regular Program; Amendment to Regulation

Abstract: The interim final rule allows the Assistant Administrator for the Disaster Assistance Directorate to extend the deadline for the Crisis Counseling Regular Program in limited circumstances.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 206 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 5121 to 5207

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Applicability Date	09/11/2001	
Interim Final Rule Effective	03/03/2003	
Interim Final Rule	03/03/2003	68 FR 9899
Interim Final Rule Comment Period End	05/02/2003	
Final Action	12/00/2011	

Additional Information: Transferred from RIN 3067-AD32

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State; Tribal

Small Entities Affected: Governmental Jurisdictions

Federalism: No

Energy Affected: No

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

RIN: 1660-AA07

 [View Related Documents](#)

Title: National Urban Search and Rescue Response System

Abstract: The interim final rule standardized the financing, administration, and operation of the US&R System, and standardized the relationships between DHS and "Sponsoring Agencies" of the US&R System--those State or local government agencies that agree to organize and administer a US&R Task Force.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 208 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 5121 et seq; 6 USC 722

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	12/18/2002	67 FR 77627
NPRM Comment Period End	02/03/2003	
Interim Final Rule Effective	02/24/2005	
Interim Final Rule	02/24/2005	70 FR 9182
Interim Final Rule Comment Period End	04/11/2005	

Additional Information: Transferred from RIN 3067-AC93; Legacy ID DHS-2004-0010; Docket ID FEMA-2004-0001

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: Governmental Jurisdictions**Federalism:** No**Energy Affected:** No**RIN Information URL:** www.regulations.gov**Public Comment URL:** www.regulations.gov

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

RIN: 1660-AA09

 [View Related Documents](#)**Title:** National Flood Insurance Program (NFIP); Insurance Coverage and Rates**Abstract:** This rule would apply full-risk premium rates under the NFIP to structures: 1) That have suffered multiple flood losses; and 2) whose owners decline an offer of funding to eliminate or reduce future flood damage.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Long-term Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 44 CFR 61 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 42 USC 4001 et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	08/05/1999	64 FR 42632
NPRM Comment Period End	09/07/1999	

Additional Information: Transferred from RIN 3067-AD02**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No

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

RIN: 1660-AA18

 [View Related Documents](#)**Title:** Disaster Assistance; Federal Assistance to Individuals and Households**Abstract:** This rulemaking implements section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. In doing so, the notice of proposed rulemaking would propose further revisions to 44 CFR part 206, subpart D (the Individuals and Households Program) and remove subpart E (Individual and Family Grant Programs). Among other things, it would propose to

implement section 689 of the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA), which is related to individuals with disabilities. It would also propose to revise FEMA's regulations to allow for the payment of security deposits and the costs of utilities, excluding telephone service. Additionally, the rule would propose to implement section 689f of PKEMRA by authorizing assistance to relocate individuals displaced from their predisaster primary residence, to and from alternate locations for short- or long-term accommodations.

Priority: Economically Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 44 CFR 206 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 5174

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		10/15/2002

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	
NPRM	01/23/2002	67 FR 3412
NPRM Comment Period End	03/11/2002	
Interim Final Rule	09/30/2002	67 FR 61446
Corrections Effective	10/09/2002	
Corrections	10/09/2002	67 FR 62896
Interim Final Rule Effective	10/15/2002	
Interim Final Rule Comment Period End	04/15/2003	

Additional Information: Transferred from RIN 3067-AD25; Docket ID FEMA-2008-0005

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.regulations.gov

Public Comment URL: www.regulations.gov

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

RIN: 1660-AA22

 [View Related Documents](#)

Title: National Flood Insurance Program (NFIP); Group Flood Insurance Policy (GFIP)

Abstract: The interim final rule amended the Group Flood Insurance Policy, as a result of the consolidation of sections 408 and 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by section 206 of the Disaster Mitigation Act of 2000.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 61 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 4001 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	

Interim Final Rule Effective	09/30/2002	
Interim Final Rule	09/30/2002	67 FR 61460
Interim Final Rule Comment Period End	04/15/2003	

Additional Information: Transferred from RIN 3067-AD31

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1660-AA28

 [View Related Documents](#)

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

Abstract: This rule amends the Financial Assistance/Subsidy Arrangement (the Arrangement) between FEMA and the private sector insurers that sell and service flood insurance. Among other things, the rule establishes when FEMA is responsible for litigation costs and when the insurers are responsible, and clarifies issues of jurisdiction and choice of law when the insurers are sued.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 62 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 4001 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	10/14/2003	68 FR 59146
NPRM Comment Period End	11/13/2003	
Interim Final Rule	07/30/2004	69 FR 45607
Interim Final Rule Comment Period End	09/28/2004	
Interim Final Rule Effective	10/01/2004	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1660-AA47

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Title: Disaster Assistance; Public Assistance Repetitive Damage

Abstract: This proposed rule implements aspects of the Disaster Mitigation Act of 2000 by reducing the Federal cost share of FEMA Public Assistance to public and certain private nonprofit facilities repetitively damaged in the preceding 10 years by the same type of event, and for which required hazard mitigation has not been implemented. The Federal Government should not repetitively reimburse eligible applicants for damage that could be prevented through mitigation efforts. The reduced Federal cost share of the proposed rule is intended to provide an incentive to mitigate repetitive damage, promote measures that reduce future loss to life and property, protect Federal investment in public infrastructure, and help build disaster-resistant communities.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 206.226 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 5172

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	08/11/2009	74 FR 40124
NPRM Comment Period End	10/13/2009	

Additional Information: Docket ID FEMA-2008-0006

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State; Tribal

Small Entities Affected: Governmental Jurisdictions

Federalism: No

Energy Affected: No

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

RIN: 1660-AA02

 [View Related Documents](#)

Title: Disaster Assistance; Hazard Mitigation Grant Program

Abstract: On May 1, 1998, the Federal Emergency Management Agency (FEMA) published a Notice of Proposed Rulemaking (NPRM) to revise the categories of projects eligible for funding under the Hazard Mitigation Grant Program (HMGP). The NPRM proposed to define eligible mitigation activities under the HMGP to include minor flood control projects that do not duplicate the efforts and authorities of other Federal agencies. It proposed to include vegetation management programs for wildfire hazard mitigation and erosion hazard mitigation in the list of eligible activities; it proposed to remove development or improvement of warning systems from the list of eligible project types; and modified language relating to general, allowable open space, recreational, and wetlands management uses. FEMA is withdrawing the NPRM so that relevant issues involved in the NPRM may be further considered and because portions of it are redundant or outdated.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 206 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 5121 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/01/1998	63 FR 24143
NPRM Comment Period End	07/01/1998	
NPRM - Notice of Withdrawal	10/03/2011	76 FR 61070

Additional Information: Transferred from RIN 3067-AC69

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State; Tribal

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1660-AA29

 [View Related Documents](#)

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

Abstract: FEMA changed the Financial Assistance/Subsidy Arrangement (the Arrangement) to extend its term of October 1, 2002, through September 30, 2003, to a term of October 1, 2002, through December 31, 2003. The second interim final rule extended the Arrangement from October 1, 2002, through May 1, 2004. The third interim final rule extends the Arrangement to a term of October 1, 2002, through September 30, 2004. The Arrangement defines the duties and responsibilities of insurers that sell and service insurance under the Write-Your-Own Program. It also identifies the responsibilities of the Government to provide financial and technical assistance to these insurers. FEMA changed the Financial Assistance/Subsidy Arrangement (the Arrangement) to extend its term of October 1, 2002, through September 30, 2003, to a term of October 1, 2002, through December 31, 2003 and then extended the term two more times by Interim Final Rule. On July 30, 2004, FEMA changed the language in appendix A of part 62 so that the Arrangement term would be set for future years without individual changes each year to the CFR. See 69 FR 45607. The rulemaking found at RIN 1660-AA28 has now overtaken this rulemaking and thus FEMA is withdrawing this entry.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 62 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 4001 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/05/2003	68 FR 52700
Interim Final Rule Comment Period End	10/06/2003	
Interim Final Rule Effective	10/01/2003	
Interim Final Rule	12/31/2003	68 FR 75453
Interim Final Rule Effective	01/01/2004	
Interim Final Rule Comment Period End	03/01/2004	
Interim Final Rule	04/30/2004	69 FR 23657
Interim Final Rule Effective	05/02/2004	
Interim Final Rule Comment Period End	06/29/2004	
Withdrawn	07/22/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No**Federalism:** No**Energy Affected:** No**Related RINs:** Related to 1660-AA28**Agency Contact:** Edward L. Connor

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

RIN: 1660-AA30

 [View Related Documents](#)**Title:** National Flood Insurance Program; Standard Flood Insurance Policy; Expansion of Increased Cost of Compliance (ICC) Coverage and Prospective Payment of Flood Insurance Premiums**Abstract:** This rule proposes to amend the National Flood Insurance Program regulations to incorporate the statutory changes in the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Pub. L. 108-264). Specifically, this rule would address sections 105 (Amendments to Additional Coverage for Compliance With Land Use and Control Measures) and 209 (Prospective Payment of Flood Insurance Premiums). Section 105 authorizes the extension of Increased Cost of Compliance coverage, which currently applies when a community is enforcing its substantial damage or cumulative substantial damage ordinance, to also include those properties for which an offer of mitigation assistance is made under a variety of FEMA-funded mitigation programs. Section 209 directs that if a policyholder is determined to be paying a lower premium than is required due to an error in the floodplain determination, the higher premium may only be charged prospectively. At the suggestion of the Office of Information and Regulatory Affairs, DHS has decided to withdraw this entry from the Unified Agenda until and unless DHS takes further action on this regulation.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 44 CFR 61 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 42 USC 4011(b)(4); 42 USC 4015(f); 42 USC 4121(a)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Withdrawn	12/31/2011	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Federal; Local; State; Tribal**Federalism:** No**Energy Affected:** No**Agency Contact:** Thomas Hayes

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

RIN: 1660-AA48

 [View Related Documents](#)

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

Abstract: The Federal Emergency Management Agency (FEMA) proposes to amend its regulations regarding the FEMA, Federal Insurance Administration, Financial Assistance/Subsidy Arrangement (Arrangement). The Arrangement is between the Write-Your-Own (WYO) Companies and FEMA. The Arrangement defines the duties and responsibilities of insurers that sell and service flood insurance under the WYO Program. The Arrangement also identifies the financial and technical assistance FEMA will provide to these insurers. FEMA proposes to amend the Arrangement to increase the amount of compensation to the WYO Companies in recognition of additional expenses incurred by the WYO Companies in implementing the requirements of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004. At the suggestion of the Office of Information and Regulatory Affairs, DHS has decided to withdraw this entry from the Unified Agenda until and unless DHS takes further action on this regulation.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 62 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 4011

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	12/31/2011	

Additional Information: Docket ID FEMA-2007-0002

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal

Federalism: No

Energy Affected: No

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

RIN: 1660-AA55

 [View Related Documents](#)

Title: Executive Reserve for Employment During Periods of National Defense Emergency

Abstract: This notice of proposed rulemaking would provide the procedures to establish and to train a nucleus executive reserve for employment in executive positions in the Federal Government during periods of national defense emergency.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 328 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 50 USC app 2160

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	07/22/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

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

RIN: 1660-AA60

 [View Related Documents](#)

Title: Federal Emergency Management Agency Stafford Act Mission Assignments

Abstract: If an emergency or major disaster is declared, FEMA may issue work orders known as Mission Assignments (MAs) to any other Federal agency directing that agency to complete a specified task, with or without reimbursement. The MA sets forth funding, other managerial controls and guidance. FEMA issues MAs to other Federal agencies to meet the urgent, immediate, or short-term needs of States or local governments unable to provide the resources needed to save lives, protect property, or preserve public health or safety during an emergency or major disaster or to avert the threat of an emergency or major disaster. One of the primary goals of this proposed rule is to improve the MA process and program at FEMA. In keeping with this, the rule revises the MA regulations (44 CFR 206.5, 206.7, and 206.8) to improve the standardization, efficiency, and effectiveness of the MA program. The proposed changes add to the regulations a description of the three types of MAs: Federal operations support, technical assistance, and direct Federal assistance mission assignments. The proposed changes also add provisions regarding the MA task order, reporting requirements, and time limitations. The rule implements two Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA) provisions: (1) Reimbursement for precautionary evacuations and (2) for durable medical equipment. Sections 681(a)(5) and (b)(1)(a) of PKEMRA amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) to explicitly state that precautionary evacuation is a response effort that may be mission-assigned to another Federal agency or carried out directly by FEMA. FEMA proposes to revise 44 CFR 206.5(a) and (b) to include Federal agency assistance for precautionary evacuations through mission assignments. This proposed change is not intended to add to or otherwise change FEMA's Public Assistance authorities. FEMA currently provides funding for the evacuation of people and pets as emergency protective measures to save lives as established in 44 CFR 206.225. An example of this was the evacuation of people from the Gulf Coast in the days before Hurricane Gustav. This proposed change is intended to revise the regulations to conform to the language of the Stafford Act and ensure that there is no confusion that precautionary evacuations by the State and local governments may be assisted by Federal agencies through MAs from FEMA and/or coordinated by FEMA after an emergency has been declared. Section 689(b)(1) of PKEMRA amended section 403(a)(2) of the Stafford Act to include durable medical equipment in the list of items that may be distributed by Federal agencies to address immediate threats to life and property resulting from a major disaster. To implement this new authority, FEMA proposes to revise the regulations to include the authority to direct any Federal agency to utilize its authorities and the resources granted to it under Federal law to distribute durable medical equipment.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 44 CFR 206.2; 44 CFR 206.5; 44 CFR 206.7; 44 CFR 206.8 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 5170a; 42 USC 5192

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	07/22/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State; Tribal

Small Entities Affected: Governmental Jurisdictions

Federalism: No

Energy Affected: No

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