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## **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 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, Office of the General Counsel, U.S. Department of Homeland Security, 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, Sept. 19, 1980) and Executive Order 12866 “Regulatory Planning and Review” (Sept. 30, 1993) as incorporated in Executive Order 13563 “Improving Regulation and Regulatory Review” (Jan. 18, 2011), which require the Department to publish a semiannual agenda of regulations. The regulatory agenda is a summary of current and projected rulemakings as well as actions completed since the publication of the last regulatory agenda for the Department. DHS last published its semiannual regulatory agenda on June 9, 2016 at 81 FR 37308.

Beginning in fall 2007, the Internet became the basic means for disseminating the Unified Agenda of Federal Regulatory and Deregulatory Actions (“Unified Agenda”). The complete Unified Agenda is available online at [www.reginfo.gov](http://www.reginfo.gov). As required by law, however, DHS still prints various items in the **Federal Register**.

Executive Order 12866 requires Federal agencies 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 or thereafter. As in past years, for fall editions of the semiannual regulatory agenda, Federal agencies print the entire Regulatory Plan in the **Federal Register**.

The Regulatory Flexibility Act (5 U.S.C. 602) requires Federal agencies to publish their regulatory flexibility agendas in the **Federal Register**. The law provides that a regulatory flexibility agenda shall

contain, among other things, a brief description of the subject area of any rule that is likely to have a significant economic impact on a substantial number of small entities. In accordance with the publication requirements of the Regulatory Flexibility Act, DHS prints those regulatory actions that are part of DHS's regulatory flexibility agenda in the **Federal Register**.

DHS's semiannual agenda conforms to the Unified Agenda format developed by the Regulatory Information Service Center.

**Dated:** September 2, 2016.

**NAME:** Christina E. McDonald,

*Associate General Counsel for Regulatory Affairs.*

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

Sequence Number	Title	Regulation Identifier Number
307	Chemical Facility Anti-Terrorism Standards (CFATS) <b>(Reg Plan Seq No. 53)</b>	1601-AA69
308	Homeland Security Acquisition Regulation, Enhancement of Whistleblower Protections for Contractor Employees	1601-AA72

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

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

Sequence Number	Title	Regulation Identifier
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		Number
309	Ammonium Nitrate Security Program	1601-AA52

#### U.S. Citizenship and Immigration Services—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
310	Requirements for Filing Motions and Administrative Appeals <b>(Reg Plan Seq No. 55)</b>	1615-AB98

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

#### U.S. Citizenship and Immigration Services—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
311	Retention of EB-1, EB-2, and EB-3 Immigrant Workers and Program Improvements Affecting Highly-Skilled H-1B Nonimmigrant Workers <b>(Reg Plan Seq No. 60)</b>	1615-AC05

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

#### U.S. Citizenship and Immigration Services—Completed Actions

Sequence Number	Title	Regulation Identifier Number
312	U.S. Citizenship and Immigration Services Fee Schedule	1615-AC09

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

Sequence Number	Title	Regulation Identifier Number
313	Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation ( <b>Reg Plan Seq No. 61</b> )	1625–AB85

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

### U.S. Coast Guard—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
314	Seafarers' Access to Maritime Facilities ( <b>Reg Plan Seq No. 62</b> )	1625–AC15

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

### U.S. Coast Guard—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
315	Numbering of Undocumented Barges	1625–AA14
316	Outer Continental Shelf Activities	1625–AA18
317	Transportation Worker Identification Credential (TWIC); Card Reader Requirements	1625–AB21
318	Updates to Maritime Security	1625–AB38

### U.S. Coast Guard—Completed Actions

Sequence Number	Title	Regulation Identifier
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		Number
319	Inspection of Towing Vessels	1625-AB06

U.S. Customs and Border Protection—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
320	Implementation of the Guam-CNMI Visa Waiver Program <b>(Section 610 Review)</b>	1651-AA77
321	Waiver of Passport and Visa Requirements Due to an Unforeseen Emergency	1651-AA97

U.S. Customs and Border Protection—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
322	Importer Security Filing and Additional Carrier Requirements <b>(Section 610 Review)</b>	1651-AA70

Transportation Security Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
323	Security Training for Surface Transportation Employees <b>(Reg Plan Seq No. 66)</b>	1652-AA55

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

### Transportation Security Administration—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
324	General Aviation Security and Other Aircraft Operator Security	1652-AA53

### Transportation Security Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
325	Standardized Vetting, Adjudication, and Redress Services	1652-AA61

### U.S. Immigration and Customs Enforcement—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
326	Procedures and Standards for Declining Immigration Surety Bonds and Appeal Requirement for Breaches	1653-AA67

### Federal Emergency Management Agency—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
327	Updates to Floodplain Management and Protection of Wetlands Regulations to Implement Executive Order 13690 and the Federal Flood Risk Management Standard <b>(Reg Plan Seq No. 69)</b>	1660-AA85
328	National Flood Insurance Program (NFIP) Financial	1660-AA86

	Assistance/Subsidy Arrangement	
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References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

<b>Department of Homeland Security (DHS)</b>	<b>Proposed Rule Stage</b>
<b>Office of the Secretary (OS)</b>	

**307. CHEMICAL FACILITY ANTI-TERRORISM STANDARDS (CFATS)**

**Regulatory Plan:** This entry is Seq. No. 53 in part II of this issue of the **Federal Register**.

**RIN:** 1601-AA69

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**308. HOMELAND SECURITY ACQUISITION REGULATION, ENHANCEMENT OF WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES**

**Legal Authority:** sec 827 of the National Defense Authorization Act (NDAA) for Fiscal Year 2013, (Pub. L. 112-239, enacted January 2, 2013); 41 U.S.C. 1302(a)(2); 41 U.S.C. 1707

**Abstract:** The Department of Homeland Security (DHS) is proposing to amend its Homeland Security Acquisition Regulation (HSAR) parts 3003 and 3052 to implement section 827 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 (Pub. L. 112-239, enacted January 2, 2013) for the United States Coast Guard (USCG). Section 827 of the NDAA for FY 2013 established enhancements to the Whistleblower Protections for Contractor Employees for all agencies subject to section 2409 of title 10, United States Code, which includes the USCG.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/17	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Linda Stivaletti-Petty, Procurement Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, 245 Murray Lane, Room 3114, Washington, DC 20528

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**RIN:** 1601-AA72

<b>Department of Homeland Security (DHS)</b>	<b>Long-Term Actions</b>
<b>Office of the Secretary (OS)</b>	

**309. AMMONIUM NITRATE SECURITY PROGRAM**

**Legal Authority:** Pub. L. 110-161, 2008 Consolidated Appropriations Act, section 563

**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."

**Timetable:**

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

NPRM Comment Period End	12/01/11	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Jon MacLaren, Chief, Rulemaking Section, Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Security Compliance Division (NPPD/ISCD), 245 Murray Lane, Mail Stop 0610, Arlington, VA 20528–0610

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**RIN:** 1601–AA52

<b>Department of Homeland Security (DHS)</b>	<b>Proposed Rule Stage</b>
<b>U.S. Citizenship and Immigration Services (USCIS)</b>	

**310. REQUIREMENTS FOR FILING MOTIONS AND ADMINISTRATIVE APPEALS**

**Regulatory Plan:** This entry is Seq. No. 55 in part II of this issue of the **Federal Register**.

**RIN:** 1615–AB98

<b>Department of Homeland Security (DHS)</b>	<b>Final Rule Stage</b>
<b>U.S. Citizenship and Immigration Services (USCIS)</b>	

**311. RETENTION OF EB–1, EB–2, AND EB–3 IMMIGRANT WORKERS AND PROGRAM**

**IMPROVEMENTS AFFECTING HIGHLY–SKILLED H–1B NONIMMIGRANT WORKERS**

**Regulatory Plan:** This entry is Seq. No. 60 in part II of this issue of the **Federal Register**.

**RIN:** 1615–AC05

<b>Department of Homeland Security (DHS)</b>	<b>Completed Actions</b>
<b>U.S. Citizenship and Immigration Services (USCIS)</b>	

**312. U.S. CITIZENSHIP AND IMMIGRATION SERVICES FEE SCHEDULE**

**Legal Authority:** 8 U.S.C. 1356(m)

**Abstract:** This rule will adjust the fee schedule for U.S. Citizenship and Immigration Services (USCIS) immigration and naturalization benefit applications and petitions, including nonimmigrant applications and visa petitions. These fees fund the cost of processing applications and petitions for immigration benefits and services, and USCIS' associated operating costs. USCIS is revising these fees because the current fee schedule does not adequately recover the full costs of services provided by USCIS. Without an adjustment of the fee schedule, USCIS cannot provide adequate capacity to process all applications and petitions in a timely and efficient manner. The fee review is undertaken pursuant to the requirements of the Chief Financial Officers Act of 1990 (CFO Act), 31 U.S.C. 901-03. The CFO Act requires each agency's chief financial officer (CFO) to "review, on a biennial basis, the fees, royalties, rents, and other charges imposed by the agency for services and things of value it provides, and make recommendations on revising those charges to reflect costs incurred by it in providing those services and things of value."

**Timetable:**

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	05/04/16	81 FR 26904
NPRM Comment Period End	07/05/16	
Final Rule	10/24/16	81 FR 73292
Final Rule Effective	12/23/16	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Joseph D. Moore, Chief Financial Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, Suite 4018, 20 Massachusetts Avenue NW., Washington, DC 20529

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**RIN:** 1615–AC09

<b>Department of Homeland Security (DHS)</b>	<b>Proposed Rule Stage</b>
<b>U.S. Coast Guard (USCG)</b>	

**313. COMMERCIAL FISHING VESSELS—IMPLEMENTATION OF 2010 AND 2012 LEGISLATION**

**Regulatory Plan:** This entry is Seq. No. 61 in part II of this issue of the **Federal Register**.

**RIN:** 1625–AB85

<b>Department of Homeland Security (DHS)</b>	<b>Final Rule Stage</b>
<b>U.S. Coast Guard (USCG)</b>	

**314. SEAFARERS’ ACCESS TO MARITIME FACILITIES**

**Regulatory Plan:** This entry is Seq. No. 62 in part II of this issue of the **Federal Register**.

**RIN:** 1625–AC15

<b>Department of Homeland Security (DHS)</b>	<b>Long-Term Actions</b>
<b>U.S. Coast Guard (USCG)</b>	

**315. NUMBERING OF UNDOCUMENTED BARGES**

**Legal Authority:** 46 U.S.C. 12301

**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 and user fees for an original

or renewed Certificate of Number for these barges. The numbering of undocumented barges allows the Coast Guard to identify the owners of abandoned barges. This rulemaking supports the Coast Guard's broad role and responsibility of protecting natural resources.

**Timetable:**

Action	Date	FR Cite
Request for Comments	10/18/94	59 FR 52646
Comment Period End	01/17/95	
ANPRM	07/06/98	63 FR 36384
ANPRM Comment Period End	11/03/98	
NPRM	01/11/01	66 FR 2385
NPRM Comment Period End	04/11/01	
NPRM Reopening of Comment Period	08/12/04	69 FR 49844
NPRM Reopening Comment Period End	11/10/04	
Supplemental NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Andrea Heck, Project Manager, Department of Homeland Security, U.S. Coast Guard, National Vessel Documentation Center, 792 T.J. Jackson Drive, Falling Waters, WV 25419

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**RIN:** 1625-AA14

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**316. OUTER CONTINENTAL SHELF ACTIVITIES**

**Legal Authority:** 43 U.S.C. 1333(d)(1); 43 U.S.C. 1348(c); 43 U.S.C. 1356; DHS Delegation No 0170.1

**Abstract:** The Coast Guard is the lead Federal agency for workplace safety and health on facilities and vessels engaged in the exploration for, or development, or production of, minerals on the Outer Continental Shelf (OCS), other than for matters generally related to drilling and production that are regulated by the Bureau of Safety and Environmental Enforcement (BSEE). This project would revise the regulations on OCS activities by: (1) Adding new requirements, for OCS units for lifesaving, fire protection, training, and helidecks; (2) providing for USCG acceptance and approval of specified classification society plan reviews, inspections, audits, and surveys; and (3) 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.

**Timetable:**

Action	Date	FR Cite
Request for Comments	06/27/95	60 FR 33185
Comment Period End	09/25/95	
NPRM	12/07/99	64 FR 68416
NPRM Correction	02/22/00	65 FR 8671
NPRM Comment Period Extended	03/16/00	65 FR 14226
NPRM Comment Period Extended	06/30/00	65 FR 40559
NPRM Comment Period End	11/30/00	
Next Action Undetermined	To Be	Determined

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Charles Rawson, Project Manager, Department of Homeland Security, U.S. Coast Guard, Commandant (CG-ENG-2), 2703 Martin Luther King Jr., Avenue, SE., STOP 7509, Washington, DC 20593-7509

Phone: 202 372-1390

Email: charles.e.rawson@uscg.mil

RIN: 1625-AA18

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### 317. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL (TWIC); CARD READER REQUIREMENTS

**Legal Authority:** 33 U.S.C. 1226; 33 U.S.C. 1231; 46 U.S.C. 701; 50 U.S.C. 191; 50 U.S.C. 192; E.O. 12656

**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 (TWIC). 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 took into account the final pilot data and the various conditions in which TWIC readers may be employed. For example, we considered 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 were also addressed in this rulemaking.

**Timetable:**

Action	Date	FR Cite
ANPRM	03/27/09	74 FR 13360
Notice of Public Meeting	04/15/09	74 FR 17444
ANPRM Comment Period End	05/26/09	
Notice of Public Meeting Comment Period End	05/26/09	
NPRM	03/22/13	78 FR 20558
NPRM Comment Period	05/10/13	78 FR 27335

Extended		
NPRM Comment Period	06/20/13	
Extended End		
Final Rule	08/23/16	81 FR 57651
Final Rule Effective	08/23/18	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** LCDR Kevin McDonald, Project Manager, Department of Homeland Security, U.S.

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**RIN:** 1625-AB21

### 318. UPDATES TO MARITIME SECURITY

**Legal Authority:** 33 U.S.C. 1226; 33 U.S.C. 1231; 46 U.S.C. 701; 50 U.S.C. 191 and 192; E.O. 12656; 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

**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 (MTSA). 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 Security and Accountability for Every (SAFE) Port Act of 2006, and including international standards such as Standards of Training, Certification & Watchkeeping security training. This rulemaking has international interest because of the close relationship between subchapter H and the International Ship and Port Security Code (ISPS).

**Timetable:**

Action	Date	FR Cite

NPRM	To Be	Determined
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**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** LCDR Kevin McDonald, Project Manager, Department of Homeland Security, U.S.

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**RIN:** 1625-AB38

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

**319. INSPECTION OF TOWING VESSELS**

**Legal Authority:** 46 U.S.C. 3103; 46 U.S.C. 3301; 46 U.S.C. 3306; 46 U.S.C. 3308; 46 U.S.C. 3316; 46 U.S.C. 3703; 46 U.S.C. 8104; 46 U.S.C. 8904; DHS Delegation No 0170.1

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

**Timetable:**

Action	Date	FR Cite
NPRM	08/11/11	76 FR 49976
Notice of Public Meetings	09/09/11	76 FR 55847
NPRM Comment Period End	12/09/11	
Final Rule	06/20/16	81 FR 40003
Final Rule Effective	07/20/16	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** LCDR William Nabach, Project Manager, Office of Operating & Environmental Standards, CG-OES-2, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue, SE., STOP 7509, Washington, DC 20593-7509

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**RIN:** 1625-AB06

<b>Department of Homeland Security (DHS)</b>	<b>Final Rule Stage</b>
<b>U.S. Customs and Border Protection (USCBP)</b>	

**320. IMPLEMENTATION OF THE GUAM-CNMI VISA WAIVER PROGRAM (SECTION 610 REVIEW)**

**Legal Authority:** Pub. L. 110-229, sec 702

**Abstract:** The interim final rule (or the final rule planned for the coming year) 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. Section 702 of the Consolidated Natural Resources Act of 2008 (CNRA), subject to a transition period, extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI) and provides for a visa waiver program for travel to Guam and/or the CNMI. On January 16, 2009, the Department of Homeland Security (DHS), Customs and Border Protection (CBP), issued an interim final rule in the Federal Register replacing the then-existing Guam Visa Waiver Program with the Guam-CNMI Visa Waiver Program and setting forth the requirements for nonimmigrant visitors seeking admission into Guam and/or the CNMI under the Guam-CNMI Visa Waiver Program. As of November 28,

2009, the Guam-CNMI Visa Waiver Program is operational. This program allows nonimmigrant visitors from eligible countries to seek admission for business or pleasure for entry into Guam and/or the CNMI without a visa for a period of authorized stay not to exceed 45 days. This rulemaking would finalize the January 2009 interim final rule.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/16/09	74 FR 2824
Interim Final Rule Effective	01/16/09	
Interim Final Rule Comment Period End	03/17/09	
Technical Amendment; Change of Implementation Date	05/28/09	74 FR 25387
Final Action	08/00/17	

**Regulatory Flexibility Analysis Required:** No

**Agency Contact:** Stephanie Watson, Supervisory Program Manager, Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., 2.5B-38, Washington, DC 20229

Phone: 202 325-4548

Email: stephanie.e.watson@cbp.dhs.gov

**RIN:** 1651-AA77

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**321. WAIVER OF PASSPORT AND VISA REQUIREMENTS DUE TO AN UNFORESEEN EMERGENCY**

**Legal Authority:** 212(a)(7)(B) INA 8 U.S.C. 1182(a)(7)

**Abstract:** This rule proposes to reinstate a 1996 amendment to 8 CFR 212.1(g) regarding a waiver of documentary requirements for nonimmigrants seeking admission to the United States. The 1996 amendment allowed the former Immigration and Naturalization Service (INS) to waive passport and visa

requirements due to an unforeseen emergency while preserving its ability to fine carriers for unlawfully transporting aliens to the United States who do not have a valid passport or visa. On November 20, 2009, the United States Court of Appeals for the Second Circuit invalidated the 1996 amendment based on procedural grounds.

**Timetable:**

Action	Date	FR Cite
NPRM	03/08/16	81 FR 12032
NPRM Comment Period End	05/09/16	
Final Rule	12/00/16	
Final Rule Effective	01/00/17	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Joseph R. O'Donnell, Program Manager, Fines, Penalties and Forfeitures Division, Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW., Washington, DC 20229

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**RIN:** 1651-AA97

Department of Homeland Security (DHS)	Long-Term Actions
U.S. Customs and Border Protection (USCBP)	

**322. IMPORTER SECURITY FILING AND ADDITIONAL CARRIER REQUIREMENTS (SECTION 610 REVIEW)**

**Legal Authority:** Pub. L. 109-347, sec 203; 5 U.S.C. 301; 19 U.S.C. 66; 19 U.S.C. 1431; 19 U.S.C. 1433 to 1434; 19 U.S.C. 1624; 19 U.S.C. 2071 (note); 46 U.S.C. 60105

**Abstract:** This final rule implements the provisions of section 203 of the Security and Accountability for Every Port Act of 2006. On November 25, 2008, Customs and Border Protection (CBP) published an

interim final rule (CBP Dec. 08–46) in the Federal Register (73 FR 71730), that finalized most of the provisions proposed in the NPRM. It requires carrier and importers to provide to CBP, via a CBP approved electronic data interchange system, certain advance information pertaining to cargo brought into the United States by vessel to enable CBP to identify high-risk shipments to prevent smuggling and ensure cargo safety and security. The interim final rule did not finalize six data elements that were identified as areas of potential concern for industry during the rulemaking process and, for which, CBP provided some type of flexibility for compliance with those data elements. CBP solicited public comment on these six data elements, is conducting a structured review, and also invited comments on the revised Regulatory Assessment and Final Regulatory Flexibility Analysis. (See 73 FR 71782-85 for regulatory text and 73 CFR 71733-34 for general discussion.) The remaining requirements of the rule were adopted as final. CBP plans to issue a final rule after CBP completes a structured review of the flexibilities and analyzes the comments.

**Timetable:**

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	01/02/08	73 FR 90
NPRM Comment Period End	03/03/08	
NPRM Comment Period Extended	02/01/08	73 FR 6061
NPRM Comment Period End	03/18/08	
Interim Final Rule	11/25/08	73 FR 71730
Interim Final Rule Effective	01/26/09	
Interim Final Rule Comment Period End	06/01/09	
Correction	07/14/09	74 FR 33920
Correction	12/24/09	74 FR 68376
Final Action	11/00/17	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Craig Clark, Program Manager, Vessel Manifest & Importer Security Filing, Office of Cargo and Conveyance Security, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Washington, DC 20229

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**RIN:** 1651-AA70

<b>Department of Homeland Security (DHS)</b>	<b>Proposed Rule Stage</b>
<b>Transportation Security Administration (TSA)</b>	

**323. SECURITY TRAINING FOR SURFACE TRANSPORTATION EMPLOYEES**

**Regulatory Plan:** This entry is Seq. No. 66 in part II of this issue of the **Federal Register**.

**RIN:** 1652-AA55

<b>Department of Homeland Security (DHS)</b>	<b>Long-Term Actions</b>
<b>Transportation Security Administration (TSA)</b>	

**324. GENERAL AVIATION SECURITY AND OTHER AIRCRAFT OPERATOR SECURITY**

**Legal Authority:** 6 U.S.C. 469; 18 U.S.C. 842; 18 U.S.C. 845; 46 U.S.C. 70102 to 70106; 46 U.S.C. 70117; 49 U.S.C. 114; 49 U.S.C. 114(f)(3); 49 U.S.C. 5103; 49 U.S.C. 5103a; 49 U.S.C. 40113; 49 U.S.C. 44901 to 44907; 49 U.S.C. 44913 to 44914; 49 U.S.C. 44916 to 44918; 49 U.S.C. 44932; 49 U.S.C. 44935 to 44936; 49 U.S.C. 44942; 49 U.S.C. 46105

**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 considering publishing a supplemental NPRM (SNPRM) in response to comments received on the NPRM.

**Timetable:**

Action	Date	FR Cite
NPRM	10/30/08	73 FR 64790
NPRM Comment Period End	12/29/08	
Notice—NPRM Comment Period Extended	11/25/08	73 FR 71590
NPRM Extended Comment Period End	02/27/09	
Notice—Public Meetings; Requests for Comments	12/18/08	73 FR 77045
Supplemental NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 1652–AA53

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

### **325. STANDARDIZED VETTING, ADJUDICATION, AND REDRESS SERVICES**

**Legal Authority:** 49 U.S.C. 114, 5103A, 44903 and 44936; 46 U.S.C. 70105; 6 U.S.C. 469; Pub. L. 110–53, secs 1411, 1414, 1520, 1522 and 1531

**Abstract:** Aspects of this rulemaking will be incorporated into other agency rulemaking. Accordingly, TSA is withdrawing this rulemaking.

The Transportation Security Administration (TSA) intends to 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. The scope of the rulemaking will include transportation workers who are required to undergo an STA, including surface, maritime, and aviation workers. TSA will comply with certain vetting-related requirements of the Implementing Recommendations of the 9/11 Commission Act, Pub. L. 110-53 (Aug. 3, 2007). TSA will propose fees to cover the cost of all STAs. TSA plans to improve the processing of STAs and streamline existing regulations by simplifying language and removing redundancies. TSA will propose revisions to the Alien Flight Student Program (AFSP) regulations. TSA published an interim final rule for AFSP 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.

**Timetable:**

Action	Date	FR Cite
Withdrawn	08/16/16	

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 1652-AA61

<b>Department of Homeland Security (DHS)</b>	<b>Proposed Rule Stage</b>
<b>U.S. Immigration and Customs Enforcement (USICE)</b>	

**326. PROCEDURES AND STANDARDS FOR DECLINING IMMIGRATION SURETY BONDS AND APPEAL REQUIREMENT FOR BREACHES**

**Legal Authority:** 8 U.S.C. 1103

**Abstract:** The U.S. Immigration and Customs Enforcement (ICE) proposes to set forth standards and procedures ICE will follow before making a determination to stop accepting immigration bonds posted by a surety company that has been certified to issue bonds by the Department of the Treasury. Treasury administers the Federal corporate surety program and, in its current regulations, allows agencies to prescribe "for cause" standards and procedures for declining to accept bonds from Treasury-certified sureties. ICE would also require surety companies seeking to overturn a breach determination to file an administrative appeal raising all legal and factual defenses in this appeal.

**Timetable:**

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	11/00/16	

**Regulatory Flexibility Analysis Required:** Yes

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RIN: 1653-AA67

<b>Department of Homeland Security (DHS)</b>	<b>Final Rule Stage</b>
<b>Federal Emergency Management Agency (FEMA)</b>	

**327. UPDATES TO FLOODPLAIN MANAGEMENT AND PROTECTION OF WETLANDS**

**REGULATIONS TO IMPLEMENT EXECUTIVE ORDER 13690 AND THE FEDERAL FLOOD RISK MANAGEMENT STANDARD**

**Regulatory Plan:** This entry is Seq. No. 69 in part II of this issue of the **Federal Register**.

RIN: 1660-AA85

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**328. NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FINANCIAL ASSISTANCE/SUBSIDY ARRANGEMENT**

**Legal Authority:** 42 U.S.C. 4001 et seq.

**Abstract:** The Federal Emergency Management Agency (FEMA) is proposing to remove the copy of the Financial Assistance/Subsidy Arrangement and the summary of the Financial Control Plan from the appendices of its National Flood Insurance Program regulations, as it is no longer necessary or appropriate to retain a contract, agreement, or any other arrangement between FEMA and private insurance companies in the Code of Federal Regulations.

**Timetable:**

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	05/23/16	81 FR 32261
NPRM Comment Period End	07/22/16	
Final Rule	11/00/16	

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 1660-AA86

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