



This document is scheduled to be published in the Federal Register on 08/26/2020 and available online at [federalregister.gov/d/2020-16757](https://www.federalregister.gov/d/2020-16757), and on [govinfo.gov](https://www.govinfo.gov)

## 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 projected regulations, 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 and deregulatory activity. DHS expects that this information will enable the public to be more aware of, and effectively participate in, the Department's regulatory and deregulatory 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, 2707 Martin Luther King Jr. Avenue SE, Mail Stop 0485, Washington, DC 20528-0485.

#### *Specific*

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

**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) and Executive Order 13771 "Reducing Regulation and

Controlling Regulatory Costs” (Jan. 30, 2017), which require the Department to publish a semiannual agenda of regulations. The regulatory agenda is a summary of existing and projected regulations 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 December 26, 2019, at 84 FR 71142.

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](http://www.reginfo.gov).

The Regulatory Flexibility Act (5 U.S.C. 602) requires Federal agencies to publish their regulatory flexibility agendas 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:** March 3, 2020.

**NAME: Christina E. McDonald,**  
*Associate General Counsel for Regulatory Affairs.*

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

Sequence Number	Title	Regulation Identifier Number
--------------------	-------	------------------------------------

116	Homeland Security Acquisition Regulation, Enhancement of Whistleblower Protections for Contractor Employees	1601-AA72
117	Homeland Security Acquisition Regulation: Safeguarding of Controlled Unclassified Sensitive Information (HSAR Case 2015-001)	1601-AA76
118	Homeland Security Acquisition Regulation: Information Technology Security Awareness Training (HSAR Case 2015-002)	1601-AA78
119	Homeland Security Acquisition Regulation: Privacy Training (HSAR Case 2015-003)	1601-AA79

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

Sequence Number	Title	Regulation Identifier Number
120	Collection and Use of Biometrics by U.S. Citizenship and Immigration Services	1615-AC14
121	Removing H-4 Dependent Spouses From the Classes of Aliens Eligible for Employment Authorization	1615-AC15
122	Short-Term Non-Emergency Extension for E-Verify Employers in the H-2A Program	1615-AC51

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

Sequence Number	Title	Regulation Identifier Number
123	Removal of International Entrepreneur Parole Program	1615-AC04

124	U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements	1615–AC18
125	Removal of 30-Day Processing Provision for Asylum Applicant-Related Form I-765 Employment Authorization Applications	1615–AC19
126	Asylum Application, Interview, and Employment Authorization for Applicants	1615–AC27

### U.S. Citizenship and Immigration Services—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
127	Requirements for Filing Motions and Administrative Appeals	1615–AB98
128	EB-5 Immigrant Investor Regional Center Program	1615–AC11
129	Electronic Processing of USCIS Immigration Benefit Requests	1615–AC20

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

Sequence Number	Title	Regulation Identifier Number
130	Financial Responsibility—Vessels; Superseded Pollution Funds (USCG-2017-0788)	1625–AC39

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

Sequence Number	Title	Regulation Identifier Number
-----------------	-------	------------------------------

131	Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation	1625–AB85
-----	--	-----------

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

Sequence Number	Title	Regulation Identifier Number
132	Importer Security Filing and Additional Carrier Requirements <b>(Section 610 Review)</b>	1651–AA70
133	Implementation of the Guam-CNMI Visa Waiver Program <b>(Section 610 Review)</b>	1651–AA77

#### Transportation Security Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
134	Security Training for Surface Transportation Employees	1652–AA55

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

Sequence Number	Title	Regulation Identifier Number
135	Visa Security Program Fee	1653–AA77
136	Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media	1653–AA78

137	Adjusting Program Fees for the Student and Exchange Visitor Program	1653-AA81
-----	---	-----------

**U.S. Immigration and Customs Enforcement—Final Rule Stage**

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

**Cybersecurity and Infrastructure Security Agency—Long-Term Actions**

Sequence Number	Title	Regulation Identifier Number
139	Ammonium Nitrate Security Program	1670-AA00
140	Chemical Facility Anti-Terrorism Standards (CFATS)	1670-AA01

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

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

**EO 13771 Designation:** Other

**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) and 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	To Be	Determined

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636–15, 301 7th Street SW, Washington, DC 20528

Phone: 202 447–0956

Email: nancy.harvey@hq.dhs.gov

**RIN:** 1601–AA72

---

**117. HOMELAND SECURITY ACQUISITION REGULATION: SAFEGUARDING OF CONTROLLED UNCLASSIFIED SENSITIVE INFORMATION (HSAR CASE 2015–001)**

**EO 13771 Designation:** Fully or Partially Exempt

**Legal Authority:** 5 U.S.C. 301 to 302; 41 U.S.C. 1302, 1303 and 1707

**Abstract:** This Homeland Security Acquisition Regulation (HSAR) rule would implement security and privacy measures to ensure Controlled Unclassified Information (CUI), such as Personally Identifiable Information (PII), is adequately safeguarded by DHS contractors. Specifically, the rule would define key terms, outline security requirements and inspection provisions for contractor information technology (IT) systems that store, process or transmit CUI, institute incident notification and response procedures, and identify post-incident credit monitoring requirements.

**Timetable:**

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

NPRM	01/19/17	82 FR 6429
NPRM Comment Period End	03/20/17	
NPRM Comment Period Extended	03/20/17	82 FR 14341
NPRM Comment Period Extended End	04/19/17	
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Shaundra Duggans, Procurement Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, 245 Murray Lane SW, Washington, DC 20528

Phone: 202 447-0056

Email: shaundra.duggans@hq.dhs.gov

Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636-15, 301 7th Street SW, Washington, DC 20528

Phone: 202 447-0956

Email: nancy.harvey@hq.dhs.gov

**RIN:** 1601-AA76

---

## **118. HOMELAND SECURITY ACQUISITION REGULATION: INFORMATION TECHNOLOGY**

### **SECURITY AWARENESS TRAINING (HSAR CASE 2015-002)**

**EO 13771 Designation:** Fully or Partially Exempt

**Legal Authority:** 5 U.S.C. 301 and 302; 41 U.S.C. 1707, 1302 and 1303

**Abstract:** This Homeland Security Acquisition Regulation (HSAR) rule would standardize information technology security awareness training and DHS Rules of Behavior requirements for contractor and subcontractor employees who access DHS information systems and information resources or contractor-

owned and/or operated information systems and information resources capable of collecting, processing, storing, or transmitting controlled unclassified information (CUI).

**Timetable:**

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	01/19/17	82 FR 6446
NPRM Comment Period End	03/20/17	
NPRM Comment Period Extended	03/20/17	82 FR 14341
NPRM Comment Period Extended End	04/19/17	
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Shaundra Duggans, Procurement Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, 245 Murray Lane SW, Washington, DC 20528

Phone: 202 447-0056

Email: shaundra.duggans@hq.dhs.gov

Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636-15, 301 7th Street SW, Washington, DC 20528

Phone: 202 447-0956

Email: nancy.harvey@hq.dhs.gov

**RIN:** 1601-AA78

---

**119. HOMELAND SECURITY ACQUISITION REGULATION: PRIVACY TRAINING (HSAR CASE 2015-003)**

**EO 13771 Designation:** Fully or Partially Exempt

**Legal Authority:** 5 U.S.C. 301 and 302; 41 U.S.C. 1303, 1702 and 1707

**Abstract:** This Homeland Security Acquisition Regulation (HSAR) rule would require contractors to complete training that addresses the protection of privacy, in accordance with the Privacy Act of 1974, and the handling and safeguarding of Personally Identifiable Information and Sensitive Personally Identifiable Information.

**Timetable:**

Action	Date	FR Cite
NPRM	01/19/17	82 FR 6425
NPRM Comment Period End	03/20/17	
NPRM Comment Period Extended	03/20/17	82 FR 14341
NPRM Comment Period Extended End	04/19/17	
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Candace Lightfoot, Procurement Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, Room 3636–15, 301 7th Street SW, Washington, DC 20528

Phone: 202 447–0082

Email: [candace.lightfoot@hq.dhs.gov](mailto:candace.lightfoot@hq.dhs.gov)

Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636–15, 301 7th Street SW, Washington, DC 20528

Phone: 202 447–0956

Email: [nancy.harvey@hq.dhs.gov](mailto:nancy.harvey@hq.dhs.gov)

**RIN:** 1601–AA79

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

**120. COLLECTION AND USE OF BIOMETRICS BY U.S. CITIZENSHIP AND IMMIGRATION SERVICES**

**EO 13771 Designation:** Other

**Legal Authority:** 8 U.S.C. 1103(a); 8. U.S.C. 1444 to 1446; 8 U.S.C. 1365a and 1365b; 8 U.S.C. 1304(a); Pub. L. 107–56; Pub. L. 107–173; Pub. L. 109–248, sec. 402(a) and 402(b)

**Abstract:** The Department of Homeland Security (DHS) will propose to update its regulations to eliminate multiple references to specific biometric types, and to allow for the expansion of the types of biometrics required to establish and verify an identity. DHS will also propose to modify age restrictions where they exist to detect, deter, or prevent human trafficking of children; establish consistent identity enrollment and verification policies and processes; and align U.S. Citizenship and Immigration Services (USCIS) biometric collection with other immigration operations. The DHS proposal will provide a definition to the public on the term biometric and how biometrics will be used in the immigration process.

**Timetable:**

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	07/00/20	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Michael J. McDermott, Acting Division Chief, Security and Public Safety Division, Office of Policy and Strategy, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW, Suite 2304, Washington , DC 20529

Phone: 202 272–8377

Fax: 202 272–1480

**RIN:** 1615–AC14

---

## 121. REMOVING H-4 DEPENDENT SPOUSES FROM THE CLASSES OF ALIENS ELIGIBLE FOR EMPLOYMENT AUTHORIZATION

**EO 13771 Designation:** Other

**Legal Authority:** 6 U.S.C. 112; 8 U.S.C. 1103(a), 1184(a)(1) and 1324a(H)(3)(B)

**Abstract:** On February 25, 2015, DHS published a final rule that amended DHS regulations to extend eligibility for employment authorization to certain H-4 dependent spouses of H-1B nonimmigrant workers who are seeking employment-based lawful permanent resident (LPR) status. DHS is publishing this notice of proposed rulemaking to propose to remove from its regulations this class of aliens for eligibility for employment authorization.

### Timetable:

Action	Date	FR Cite
NPRM	09/00/20	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Charles Locky Nimick, Chief, Business and Foreign Workers Division, Office of Policy and Strategy, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW, Suite 1100, Washington, DC 20529–2090

Phone: 202 272–8377

Fax: 202 272–1480

**RIN:** 1615–AC15

---

## 122. • SHORT-TERM NON-EMERGENCY EXTENSION FOR E-VERIFY EMPLOYERS IN THE H-2A PROGRAM

**EO 13771 Designation:** Regulatory

**Legal Authority:** Pub. L. 107–296, sec. 116; 6 U.S.C. 112; 8 U.S.C. 1103(a), 1184(a)(1), and 1324a(h)(3)(B)

**Abstract:** The Department of Homeland Security proposes to amend its regulations regarding short-term extensions for U.S. employers seeking temporary or seasonal agricultural nonimmigrant workers in the H-

2A program to provide a short-term non-emergency extension of the H-2A petition validity period by up to 14 days to U.S. employers who are participants in good standing in E-Verify.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/20	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Charles Locky Nimick, Chief, Business and Foreign Workers Division, Office of Policy and Strategy, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW, Suite 1100, Washington, DC 20529–2090

Phone: 202 272–8377

Fax: 202 272–1480

**RIN:** 1615–AC51

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

**123. REMOVAL OF INTERNATIONAL ENTREPRENEUR PAROLE PROGRAM**

**EO 13771 Designation:** Regulatory

**Legal Authority:** 8 U.S.C. 1182(d)(5)(A)

**Abstract:** On January 17, 2017, DHS published the International Entrepreneur Final Rule (the IE final rule) in the Federal Register at 82 FR 5238, with an original effective date of July 17, 2017. On May 29, 2018, DHS published a notice of proposed rulemaking (NPRM) proposing to remove the international entrepreneur parole program from DHS regulations and solicited public comments on the proposal.

**Timetable:**

Action	Date	FR Cite

NPRM	08/31/16	81 FR 60129
NPRM Comment Period End	10/17/16	
Final Rule	01/17/17	82 FR 5238
Final Rule Delay of Effective Date	07/11/17	82 FR 31887
Final Rule Effective	07/17/17	
NPRM—Removal of International Entrepreneur Parole Program	05/29/18	83 FR 24415
NPRM Comment Period End- Removal of International Entrepreneur Parole Program	06/28/18	
Final Action—Removal of International Entrepreneur Parole Program	09/00/20	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Charles Locky Nimick, Chief, Business and Foreign Workers Division, Office of Policy and Strategy, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW, Suite 1100, Washington, DC 20529–2090

Phone: 202 272–8377

Fax: 202 272–1480

**RIN:** 1615–AC04

---

**124. U.S. CITIZENSHIP AND IMMIGRATION SERVICES FEE SCHEDULE AND CHANGES TO CERTAIN OTHER IMMIGRATION BENEFIT REQUEST REQUIREMENTS**

**EO 13771 Designation:** Regulatory

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

**Abstract:** The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) conducted a FY 2019/2020 fee review for its Immigration Examinations Fee Account (IEFA), pursuant to the requirements of the Chief Financial Officers Act of 1990 (CFO Act), 31 U.S.C. 901-03 and the Immigration and Nationality Act, section 286(m), 8 U.S.C. 1356(m). The CFO Act requires each agency's chief financial officer 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." As a result of the FY 2019/2020 IEFA fee review, on November 14, 2019, DHS issued a proposed rule (84 FR 62280) to adjust USCIS' fee schedule via notice and comment rulemaking. That comment period was subsequently extended on December 9, 2019 (84 FR 67243) and reopened on January 24, 2020 (85 FR 4243). DHS is considering the comments received in developing a final rule.

**Timetable:**

Action	Date	FR Cite
NPRM	11/14/19	84 FR 62280
NPRM Comment Period Extended	12/09/19	84 FR 67243
NPRM Comment Period End	12/16/19	
NPRM Comment Period Extended End	12/30/19	
NPRM Comment Period Reopened	01/24/20	85 FR 4243
NPRM Comment Period Reopened End	02/10/20	
Final Action	09/00/20	

**Regulatory Flexibility Analysis Required: Yes**

**Agency Contact:** Kika M. Scott, Chief Financial Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, Suite 4018, 20 Massachusetts Avenue NW, Washington, DC 20529  
Phone: 202 272-8377  
Fax: 202 272-1480  
**RIN:** 1615-AC18

---

**125. REMOVAL OF 30-DAY PROCESSING PROVISION FOR ASYLUM APPLICANT-RELATED FORM I-765 EMPLOYMENT AUTHORIZATION APPLICATIONS**

**EO 13771 Designation:** Regulatory

**Legal Authority:** 8 U.S.C. 1101 and 1103; Pub. L. 103-322; 8 U.S.C. 1105a; 8 U.S.C. 1151, 1153 and 1154; 8 U.S.C. 1182; 8 U.S.C. 1186a; 8 U.S.C. 1255; Pub. L. 113-4; 5 U.S.C. 801

**Abstract:** On September 9, 2019, DHS issued a proposed rule that would withdraw a regulatory provision stating that U.S. Citizenship and Immigration Services (USCIS) has 30 days from the date an asylum applicant files the initial Form I-765, Application for Employment Authorization (EAD application) to grant or deny that initial employment authorization application. DHS also proposed removing the provision requiring that the application for renewal must be received by USCIS 90 days prior to the expiration of the employment authorization. DHS will issue a final rule to respond to public comments and finalize removal of these provisions.

**Timetable:**

Action	Date	FR Cite
NPRM	09/09/19	84 FR 47148
NPRM Comment Period End	11/08/19	
Final Action	06/00/20	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Daniel Kane, Branch Chief, Service Center Operations, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW, Washington, DC 20529–2140

Phone: 202 272–8377

**RIN:** 1615–AC19

---

## 126. ASYLUM APPLICATION, INTERVIEW, AND EMPLOYMENT AUTHORIZATION FOR APPLICANTS

**EO 13771 Designation:** Regulatory

**Legal Authority:** 8 U.S.C. 1158(d)(2)

**Abstract:** On November 14, 2019, The Department of Homeland Security (DHS) proposed regulatory amendments intended to promote greater accountability in the application process for requesting employment authorization and to deter the fraudulent filing of asylum applications for the purpose of obtaining Employment Authorization Documents (EADs). DHS is considering public comments in development of the final rule.

### Timetable:

Action	Date	FR Cite
NPRM	11/14/19	84 FR 62374
NPRM Comment Period End	01/13/20	
Final Action	08/00/20	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Maureen A. Dunn, Chief, Humanitarian Affairs Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Policy and Strategy, Suite 1200, 20 Massachusetts Avenue NW, Washington, DC 20529

Phone: 202 272–8377

Fax: 202 272–1480

**RIN:** 1615–AC27

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

## 127. REQUIREMENTS FOR FILING MOTIONS AND ADMINISTRATIVE APPEALS

**EO 13771 Designation:** Other

**Legal Authority:** 5 U.S.C. 552 and 552a; 8 U.S.C. 1101, 1103 and 1304; 6 U.S.C. 112

**Abstract:** The Department of Homeland Security (DHS) is proposing this rule to improve the administration of U.S. Citizenship and Immigration Services (USCIS) appeals, motions, and certifications. The proposed changes would update and restructure the regulations in order to clarify and streamline the administrative review process, increase efficiency, and reflect the establishment of DHS and its components.

**Timetable:**

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	06/00/21	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** William K. Renwick, Jr., Branch Chief, Department of Homeland Security, U.S. Citizenship and Immigration Services, Administrative Appeals Office, 20 Massachusetts Avenue NW, Washington, DC 20529–2090

Phone: 202 272–8377

Fax: 202 272–1480

**RIN:** 1615–AB98

## 128. EB–5 IMMIGRANT INVESTOR REGIONAL CENTER PROGRAM

**EO 13771 Designation:** Other

**Legal Authority:** 8 U.S.C. 1153(b)(5); Pub. L. 102–395, secs. 610 and 601(a); Pub. L. 107–273, sec. 11037; Pub. L. 101–649, sec. 121(a); Pub. L. 105–119, sec. 116; Pub. L. 106–396, sec. 402; Pub. L. 108–156, sec. 4; Pub. L. 112–176, sec. 1; Pub. L. 114–113, sec. 575; Pub. L. 114–53, sec. 131; Pub. L. 107–273

**Abstract:** The Department of Homeland Security (DHS) is considering making regulatory changes to the EB-5 Immigrant Investor Regional Center Program. DHS issued an Advance Notice of Proposed Rulemaking (ANPRM) to seek comment from the public on several topics, including: (1) The process for initially designating entities as regional centers, (2) a potential requirement for regional centers to utilize an exemplar filing process, (3) continued participation requirements for maintaining regional center designation; and (4) the process for terminating regional center designation. While DHS has gathered some information related to these topics, the ANPRM sought additional information that can help the Department make operational and security updates to the Regional Center Program while minimizing the impact of such changes on regional center operations and EB-5 investors.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/11/17	82 FR 3211
ANPRM Comment Period End	04/11/17	
NPRM	12/00/21	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Charles Locky Nimick, Chief, Business and Foreign Workers Division, Office of Policy and Strategy, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20

Massachusetts Avenue NW, Suite 1100, Washington, DC 20529–2090

Phone: 202 272–8377

Fax: 202 272–1480

**RIN:** 1615–AC11

---

## 129. ELECTRONIC PROCESSING OF USCIS IMMIGRATION BENEFIT REQUESTS

**EO 13771 Designation:** Deregulatory

**Legal Authority:** 6 U.S.C. 112; 8 U.S.C. 1103; 44 U.S.C. 3504

**Abstract:** The Department of Homeland Security (DHS) will propose to: (1) Set requirements for mandatory-online submission for immigration benefit requests and explain the requirements associated with electronic processing; and (2) make changes to existing regulations to allow end-to-end digital processing.

### Timetable:

Action	Date	FR Cite
NPRM	06/00/21	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Michael Mayhew, Chief of Staff, Immigration Records and Identity Services Directorate, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW, Washington, DC 20529

Phone: 202 272-8377

Fax: 202 272-1480

**RIN:** 1615-AC20

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

## 130. FINANCIAL RESPONSIBILITY—VESSELS; SUPERSEDED POLLUTION FUNDS (USCG-2017-0788)

**EO 13771 Designation:** Not subject to, not significant

**Legal Authority:** 33 U.S.C. 2704; 33 U.S.C. 2716 and 2716a; 42 U.S.C. 9607 to 9609; 6 U.S.C. 552; E.O. 12580; sec. 7(b), 3 CFR, 1987; Comp., p. 193; E.O. 12777, secs. 4 and 5, 3 CFR, 1991 Comp., p. 351, as amended by E.O. 13286, sec. 89, 3; 3 CFR, 2004 Comp., p. 166, and by E.O. 13638, sec. 1, 3

**Abstract:** The Coast Guard proposes to amend its rule on vessel financial responsibility to include tank vessels greater than 100 gross tons, to clarify and strengthen the rule’s reporting requirements, to conform its rule to current practice, and to remove two superseded regulations. This rulemaking will ensure the Coast Guard has current information when there are significant changes in a vessel’s operation, ownership, or evidence of financial responsibility, and reflect current best practices in the Coast Guard’s management of the Certificate of Financial Responsibility Program. This rulemaking will also promote the Coast Guard’s missions of maritime stewardship, maritime security, and maritime safety.

**Timetable:**

Action	Date	FR Cite
NPRM	05/13/20	85 FR 28802
NPRM Comment Period End	08/11/20	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Benjamin White, Project Manager, National Pollution Funds Center, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE, STOP 7605, Washington, DC 20593–7605

Phone: 202 795–6066

Email: benjamin.h.white@uscg.mil

**RIN:** 1625–AC39

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

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

**EO 13771 Designation:** Other

**Legal Authority:** 46 U.S.C. 4502 and 5103; Pub. L. 111–281

**Abstract:** The Coast Guard proposes to implement those requirements of 2010 and 2012 legislation that pertain to uninspected commercial fishing industry vessels and that took effect upon enactment of the legislation but that, to be implemented, require amendments to Coast Guard regulations affecting those vessels. The applicability of the regulations is being changed, and new requirements are being added to safety training, equipment, vessel examinations, vessel safety standards, the documentation of maintenance, and the termination of unsafe operations. This rulemaking promotes the Coast Guard's maritime safety mission.

**Timetable:**

Action	Date	FR Cite
NPRM	06/21/16	81 FR 40437
NPRM Comment Period Extended	08/15/16	81 FR 53986
NPRM Comment Period End	10/19/16	
NPRM Comment Period Extended End	12/18/16	
Final Rule	To Be	Determined

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Joseph Myers, Project Manager, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE, STOP 7501, Washington, DC 20593-7501

Phone: 202 372-1249

Email: joseph.d.myers@uscg.mil

**RIN:** 1625-AB85

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

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

**EO 13771 Designation:** Regulatory

**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 and 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 Notice of Proposed Rulemaking. 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 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.

### **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	06/01/09	
Period End		
Correction	07/14/09	74 FR 33920
Correction	12/24/09	74 FR 68376
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Brian Sale, Branch Chief, Manifest & Conveyance Security Division, Cargo & Conveyance, Office of Field Operation, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Washington, DC 20229

Phone: 202 325-3338

Email: [brian.a.sale@cbp.dhs.gov](mailto:brian.a.sale@cbp.dhs.gov)

**RIN:** 1651-AA70

---

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

**EO 13771 Designation:** Fully or Partially Exempt

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

**Abstract:** The interim final 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. 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	06/00/21	

**Regulatory Flexibility Analysis Required:** No

**Agency Contact:** Neyda Yejo, Program Manager, Electronic System for Travel Authorization, Office of Field Operations, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Washington, DC 20229

Phone: 202 344-2373

Email: [neyda.i.yejo@cbp.dhs.gov](mailto:neyda.i.yejo@cbp.dhs.gov)

**RIN:** 1651-AA77

<b>Department of Homeland Security (DHS)</b>	<b>Completed Actions</b>
--	--------------------------

### 134. SECURITY TRAINING FOR SURFACE TRANSPORTATION EMPLOYEES

**EO 13771 Designation:** Other

**Legal Authority:** 49 U.S.C. 114; Pub. L. 110–53, secs. 1405, 1408, 1501, 1512, 1517, 1531, and 1534

**Abstract:** The 9/11 Act requires security training for employees of higher-risk freight railroad carriers, public transportation agencies (including rail mass transit and bus systems), passenger railroad carriers, and over-the-road bus (OTRB) companies. This final rule implements the regulatory mandate.

Owner/operators of these higher-risk railroads, systems, and companies will be required to train employees performing security-sensitive functions, using a curriculum addressing preparedness and how to observe, assess, and respond to terrorist-related threats and/or incidents. As part of this rulemaking, the Transportation Security Administration (TSA) is expanding its current requirements for rail security coordinators and reporting of significant security concerns (currently limited to freight railroads, passenger railroads, and the rail operations of public transportation systems) to include the bus components of higher-risk public transportation systems and higher-risk OTRB companies. TSA is also adding a definition for Transportation Security-Sensitive Materials (TSSM). Other provisions are being amended or added, as necessary, to implement these additional requirements.

**Timetable:**

Action	Date	FR Cite
Notice; Request for Comment	06/14/13	78 FR 35945
Notice; Comment Period End	07/15/13	
NPRM	12/16/16	81 FR 91336
NPRM Comment Period End	03/16/17	
Final Rule	03/23/20	85 FR 16456
Final Rule Effective	06/22/20	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Chandru (Jack) Kalro, Deputy Director, Surface Division, Department of Homeland Security, Transportation Security Administration, Policy, Plans, and Engagement, 601 South 12th Street, Arlington, VA 20598–6028

Phone: 571 227–1145

Email: surfacefrontoffice@tsa.dhs.gov

Alex Moscoso, Chief Economist, Economic Analysis Branch–Coordination & Analysis Division, Department of Homeland Security, Transportation Security Administration, Policy, Plans, and Engagement, 601 South 12th Street, Arlington, VA 20598–6028

Phone: 571 227–5839

Email: alex.moscoso@tsa.dhs.gov

Traci Klemm, Assistant Chief Counsel, Regulations and Security Standards, Department of Homeland Security, Transportation Security Administration, Chief Counsel's Office, 601 South 12th Street, Arlington, VA 20598–6002

Phone: 571 227–3596

Email: traci.klemm@tsa.dhs.gov

**RIN:** 1652–AA55

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

**135. VISA SECURITY PROGRAM FEE**

**EO 13771 Designation:** Other

**Legal Authority:** 8 U.S.C. 1356

**Abstract:** ICE seeks to enable the expansion of the Visa Security Program (VSP) by proposing to move it to a user-fee funded model (as opposed to relying on appropriations). The VSP leverages resources in the National Capital Region (NCR) and at U.S. diplomatic posts overseas to vet and screen

visa applicants; identifies and prevents the travel of those who constitute potential national security and/or public safety threats; and launches investigations into criminal and/or terrorist affiliated networks operating in the U.S. and abroad. The fees collected as a result of this rule would fund an expansion of the VSP, enabling ICE to extend visa security screening and vetting operations and investigative efforts to more visa-issuing posts overseas, and in turn, enhance the U.S. government's ability to prevent travel to the United States by illicit actors.

**Timetable:**

Action	Date	FR Cite
NPRM	12/00/20	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Sharon Hageman, Acting Regulations Unit Chief/Chief Economist, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Mail Stop 5006, Washington, DC 20536

Phone: 202 732-3462

Email: sharon.hageman@ice.dhs.gov

**RIN:** 1653-AA77

---

**136. ESTABLISHING A FIXED TIME PERIOD OF ADMISSION AND AN EXTENSION OF STAY  
PROCEDURE FOR NONIMMIGRANT ACADEMIC STUDENTS, EXCHANGE VISITORS, AND  
REPRESENTATIVES OF FOREIGN INFORMATION MEDIA**

**EO 13771 Designation:** Other

**Legal Authority:** 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1182 and 1184

**Abstract:** U.S. Immigration and Customs Enforcement (ICE) will propose to modify the period of authorized stay for certain categories of nonimmigrants traveling to the United States by eliminating the availability of "duration of status" and by providing a maximum period of authorized stay with options for extensions for each applicable visa category.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/20	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Sharon Hageman, Acting Regulations Unit Chief/Chief Economist, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Mail Stop 5006, Washington, DC 20536

Phone: 202 732–3462

Email: sharon.hageman@ice.dhs.gov

**RIN:** 1653–AA78

### 137. • ADJUSTING PROGRAM FEES FOR THE STUDENT AND EXCHANGE VISITOR PROGRAM

**EO 13771 Designation:** Other

**Legal Authority:** 8 U.S.C. 1372(e); 8 U.S.C. 1372(g); 8 U.S.C. 1356(m); 8 U.S.C. 1356(n)

**Abstract:** ICE will propose a regulation to adjust fees that the Student and Exchange Visitor Program (SEVP) charges individuals and organizations to improve compliance and enforcement related to nonimmigrant students. ICE has determined that increasing the fees is necessary to support increased compliance including worksite enforcement, investigating fraud related to nonimmigrant employment, and enforcement regarding nonimmigrant students who violate their status. The SEVP fee schedule was last adjusted in a rule published on May 23, 2019.

**Timetable:**

Action	Date	FR Cite
NPRM	11/00/20	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Sharon Hageman, Acting Regulations Unit Chief/Chief Economist, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Mail Stop 5006, Washington, DC 20536

Phone: 202 732–3462

Email: sharon.hageman@ice.dhs.gov

RIN: 1653-AA81

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

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

**EO 13771 Designation:** Not subject to, not significant

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

**Abstract:** U.S. Immigration and Customs Enforcement (ICE) is establishing 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 when the company does not cure deficient performance. 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 new bonds from Treasury-certified sureties. ICE will also require surety companies seeking to overturn a breach determination to file an administrative appeal raising all legal and factual defenses.

**Timetable:**

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
NPRM	06/05/18	83 FR 25951
NPRM Comment Period End	08/06/18	
Final Action	07/00/20	

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Sharon Hageman, Acting Regulations Unit Chief/Chief Economist, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Mail Stop 5006, Washington, DC 20536

Phone: 202 732-3462

Email: sharon.hageman@ice.dhs.gov

RIN: 1653-AA67

<b>Department of Homeland Security (DHS)</b>	<b>Long-Term Actions</b>
<b>Cybersecurity and Infrastructure Security Agency (CISA)</b>	

**139. AMMONIUM NITRATE SECURITY PROGRAM**

**EO 13771 Designation:** Other

**Legal Authority:** 6 U.S.C. 488 et seq.

**Abstract:** This rulemaking will implement the December 2007 amendment to the Homeland Security Act titled "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." In June 2019, DHS published a notice announcing the availability of a redacted version of a technical report titled Ammonium Nitrate Security Program Technical Assessment. Sandia National Laboratories developed the report. DHS requested public comments on the report and its application to the proposed definition of ammonium nitrate. DHS will review and consider all the comments received and then determine the next appropriate steps for this rulemaking.

**Timetable:**

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
ANPRM	10/29/08	73 FR 64280
ANPRM Correction	11/05/08	73 FR 65783
ANPRM Comment Period	12/29/08	
End		

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	
Notice of Availability	06/03/19	84 FR 25495
Notice of Availability Comment Period End	09/03/19	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Lona Saccomando, Chemical Facility of Interest (CFOI) Coordinator, Infrastructure Security Compliance Division, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency, 245 Murray Lane SW, Mail Stop 0610, Arlington, VA 20528–0610

Phone: 703 603–4868

Email: lona.sacomando@cisa.dhs.gov

**RIN:** 1670–AA00

---

#### **140. CHEMICAL FACILITY ANTI-TERRORISM STANDARDS (CFATS)**

**EO 13771 Designation:** Other

**Legal Authority:** 6 U.S.C. 621 to 629

**Abstract:** The Department of Homeland Security (DHS) previously invited public comment on an advance notice of proposed rulemaking (ANPRM) for potential revisions to the Chemical Facility Anti-Terrorism Standards (CFATS) regulations. The ANPRM provided an opportunity for the public to provide recommendations for possible program changes. DHS is reviewing the public comments received in response to the ANPRM, after which DHS intends to publish a Notice of Proposed Rulemaking. In addition, DHS intends to publish a notice announcing the availability of a retrospective analysis of the data, assumptions, and methodology that were used to support the 2007 CFATS interim final rule. The intent of the retrospective analysis is to determine the most accurate assessment of the costs and

burdens of the program and to update or confirm previous cost estimates based on observed data from the operation of the CFATS program since 2007.

**Timetable:**

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
ANPRM	08/18/14	79 FR 48693
ANPRM Comment Period End	10/17/14	
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** Yes

**Agency Contact:** Lona Saccomando, Chemical Facility of Interest (CFOI) Coordinator, Infrastructure Security Compliance Division, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency, 245 Murray Lane SW, Mail Stop 0610, Arlington, VA 20528-0610

Phone: 703 603-4868

Email: lona.sacomando@cisa.dhs.gov

**RIN:** 1670-AA01

[FR Doc. Filed 06-30-20; 0:00 AM]

**BILLING CODE 9110-9B-P**

[FR Doc. 2020-16757 Filed: 8/25/2020 8:45 am; Publication Date: 8/26/2020]