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DEPARTMENT OF STATE

22 CFR Part 22

[Public Notice: 12947]

RIN 1400-AG19

Implementing First Responders Passport Act to Exempt Certain First Responders from Passport Fees

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State (“Department”) proposes an adjustment to the Schedule of Fees for Consular Services of the Department of State's Bureau of Consular Affairs (“Schedule of Fees” or “Schedule”), to implement the First Responders Passport Act by adding an additional exemption from the payment of passport fees. This exemption authorizes the Special Issuance Agency (SIA) to issue no-fee regular passports to applicants who meet the criteria listed in the statute.

DATES: This rule is effective on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Steve Jacob, Resource Management Unit, Bureau of Consular Affairs, Department of State; phone: 771-204-4677; e-mail: Fees@state.gov.

SUPPLEMENTARY INFORMATION: The First Responders Passport Act was enacted as part of the 2024 National Defense Authorization Act, 118 P.L. 31. The Act amended 22 U.S.C. 214(a) to exempt from passport fees an individual who, at the discretion of the Secretary, is :

- i. operating under a contract, grant, or cooperative agreement with the United States Government to participate in search, rescue, and other related disaster relief operations within a foreign country following a natural disaster; or
- ii. required pursuant to such contract, grant, or cooperative agreement to be available to travel abroad to assist in search, rescue, or other related disaster relief efforts immediately upon notice from the United States Government.

22 U.S.C. 214(a)(2)(E). This exemption category is hereby added to the Schedule of Fees for Consular Services (22 CFR 22.1) to implement the First Responders Passport Act. The Special Issuance Agency (SIA) processes passports for most applicants who are exempt from payment of passport fees under 22 U.S.C. 214. Applications submitted for this category will be invoiced to the sponsoring federal agency under the Department's Working Capital Fund. Funds appropriated to the Department of State will be used to cover the cost of these passports. Currently, this rule applies to two Urban Search and Rescue Teams, each of which has approximately 200 total members.

REGULATORY ANALYSES

Administrative Procedure Act

This rule implements a statutorily created exemption from the payment of passport fees. As a result, this rule is exempt from notice and comment under the "good cause" exemption of the Administrative Procedure Act. 5 U.S.C. 553(b). The Department finds that delaying the effective date of this rule to solicit comments is unnecessary and would undermine the statutory objectives of the First Responders Passport Act. Therefore, the provisions of 5 U.S.C. 553(d) are not applicable, and this rule is effective upon publication.

Regulatory Flexibility Act

The Department of State, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

This rule is not a major rule as defined by 5 U.S.C. 804.

Executive Order 12866, 14192, and 13563

The Office of Information and Regulatory Affairs has designated this rulemaking as not significant under Executive Order 12866, section 3(f), *Regulatory Planning and Review*. The Department has reviewed the regulation to ensure its consistency with the regulatory philosophy and principles set forth in Executive Order 12866.

The Department of State has considered this rule in light of Executive Order 13563 and affirms that this regulation is consistent with the guidance therein. Since this rule is not significant, it is not subject to the provisions of Executive Order 14192.

Executive Orders 12372 and 13132

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing

Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this regulation.

Executive Order 12988

The Department of State has reviewed the rule considering sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burdens.

Executive Order 13175

The Department of State has determined that this rulemaking will not have Tribal implications, will not impose substantial direct compliance costs on Indian Tribal governments, and will not pre-empt Tribal law. Accordingly, the requirements of Section 5 of Executive Order 13175 do not apply to this rulemaking.

Paperwork Reduction Act

This rule does not impose any new reporting or record-keeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects in 22 CFR Part 22

Administrative practice and procedure, Fees, Foreign Service, Immigration, Passports, Visas.

Accordingly, for the reasons stated in the preamble, 22 CFR part 22 is amended as follows:

PART 22—SCHEDULE OF FEES FOR CONSULAR SERVICES—

DEPARTMENT OF STATE AND FOREIGN SERVICE

1. The authority citation for part 22 continues to read as follows:

Authority: 8 U.S.C. 1101 note, 1153 note, 1183a note, 1351, 1351 note, 1713, 1714, 1714 note; 10 U.S.C. 2602(c); 11 U.S.C. 1157 note; 22 U.S.C. 214, 214 note, 1475e, 2504(a), 2651a, 4201,4206, 4215, 4219, 6551; 31 U.S.C. 9701; Exec. Order 10,718, 22 FR 4632 (1957); Exec. Order 11,295, 31 FR 10603 (1966).

2. In § 22.1, amend the table by revising entry 4 under the heading “Passport and Citizenship Services” to read as follows:

§ 22.1 Schedule of fees.

* * * * *

Schedule of Fees for Consular Services

Item No.	Fee
Passport and Citizenship Services	
* * * * *	
<p>4. Exemptions: The following applicants are exempted from all passport fees listed in Item 2 above:</p> <p>(a) Officers or employees of the United States and their immediate family members (22 U.S.C. 214) and Peace Corps Volunteers and Leaders (22 U.S.C. 2504(h)) proceeding abroad or returning to the United States in the discharge of their official duties</p> <p>(b) U.S. citizen seamen who require a passport in connection with their duties aboard an American flag vessel (22 U.S.C. 214(a))</p> <p>(c) Widows, children, parents, grandparents, or siblings of deceased members of the Armed Forces proceeding abroad to visit the graves of such members (22 U.S.C. 214(a))</p> <p>(d) An individual or individuals abroad, returning to the United States, when the Secretary determines that foregoing the collection of such fee is justified for humanitarian reasons or for law enforcement purposes (22 U.S.C. 214 (d)) and employees of the American National Red Cross proceeding abroad as members of the Armed Forces of the United States (10 U.S.C. 2602(c))</p> <p>(e) At the discretion of the Secretary, an individual who:</p> <p style="padding-left: 40px;">(i) Is operating under a contract, grant, or cooperative agreement with the United States Government to participate in search, rescue, and</p>	<p>NO FEE.</p> <p>NO FEE.</p> <p>NO FEE.</p> <p>NO FEE.</p> <p>NO FEE.</p>

other related disaster relief operations within a foreign country following a natural disaster; or

(ii) Is required pursuant to such contract, grant, or cooperative agreement to be available to travel abroad to assist in search, rescue, or other related disaster relief efforts immediately upon notice from the United States Government. (22 U.S.C 214 (e))

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Morvared Namdarkhan,

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U.S. Department of State.

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