

ongoing review process, for review by quality control, and that a personal face-to-face interview will be conducted in the future. The method of notifying the household and the specificity of the notification shall be determined by the State agency, in accordance with applicable State and Federal laws. The personal interview may take place at an appropriate State agency certification office, at the participant's home, or at a mutually agreed upon alternative location. The State agency shall determine the best location for the interview to take place, but would be subject to the same provisions as those regarding certification interviews at 7 CFR 273.2(e)(2). These regulations provide that an office interview shall be waived under certain hardship conditions. Under such hardship conditions the quality control reviewer shall either conduct the personal interview with the participant's authorized representative, if one has been appointed by the household, or with the participant in the participant's home. Except in Alaska, when an exception to the field investigation is made in accordance with this section, the interview with the participant may not be conducted by phone. During the personal interview with the participant, the reviewer shall:

* * * * *

(g) *Disposition of case reviews.* * * *

(2) *Cases not subject to review.* Active cases which are not subject to review, if they have not been eliminated in the sampling process, shall be eliminated in the review process. In addition to cases listed in 275.11(f)(1), these shall include:

* * * * *

8. In § 275.13:

a. paragraph (a) is revised;

b. the first sentence of paragraph (b) is revised;

c. the third sentence of paragraph (b) is amended to add the word “, suspension,” between the words “denial” and “or”;

d. the first sentence of paragraph (c)(1) is amended by adding the word “, suspended,” between the words “denied” and “or”;

e. the second sentence of paragraph (c)(1) is amended by adding the word “, suspend,” between the words “deny” and “or”;

f. the first sentence of paragraph (c)(2) is amended by adding the word “, suspended,” between the words “denied” and “or”;

g. paragraph (e)(1) is amended by adding a heading to the paragraph;

h. paragraph (e)(2) is revised;

i. the first sentence of paragraph (f) is amended by adding the words

“suspended or” between the words “been” and “terminated”.

The addition and revisions read as follows:

§ 275.13 Review of negative cases.

(a) *General.* A sample of households whose applications for food stamps benefits were denied or whose food stamp benefits were suspended or terminated by an action in the sample month shall be selected for quality control review. These negative cases shall be reviewed to determine whether the State agency's decision to deny, suspend, or terminate the household, as of the review date, was correct. For negative cases, the review date shall be the date of the agency's decision to deny, suspend, or terminate program benefits. The review of negative cases shall include a household case record review; an error analysis; and the reporting of review findings, including procedural problems with the action regardless of the validity of the decision to deny, suspend or terminate.

(b) *Household case record review.* The reviewer shall examine the household case record and verify through documentation in it whether the reason given for the denial, suspension, or termination is correct or whether the denial, suspension, or termination is correct for any other reason documented in the casefile. * * *

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(e) *Disposition of case review.* * * *

(1) *Cases reported as not complete.*

* * *

(2) *Cases not subject to review.*

Negative cases which are not subject to review, if they have not been eliminated in the sampling process, shall be eliminated in the review process. In addition to cases listed in § 275.11(f)(2), these shall include:

(i) A household which was dropped as a result of a correction for oversampling;

(ii) A household which was listed incorrectly in the negative frame.

* * * * *

9. In § 275.23:

a. paragraph (c)(4) is amended by adding the word “, suspension,” between the words “denial” and “or”;

b. paragraph (e)(5)(i) is amended by removing everything but the first sentence;

c. the introductory text of paragraph (e)(7)(iii) is amended by removing the word “all” and adding in its place the words “98 percent”.

d. paragraph (e)(8) is revised.

The revision reads as follows:

§ 275.23 Determination of State agency program performance.

* * * * *

(e) *State agencies' liabilities for payment error rates.* * * *

(8) *FCS Timeframes.* FCS shall notify State agencies of their payment error rates and payment error rate liabilities, if any, within nine months following the end of each fiscal year reporting period to which they pertain. FCS shall initiate collection action on each claim for such liabilities before the end of the fiscal year reporting period in which the claim arose unless an appeal relating to the claim is pending. Such appeals include arbitration cases, requests for good cause waivers, and administrative and judicial appeals pursuant to Section 14 of the Food Stamp Act. While the amount of a State's liability may be recovered through offsets to their letter of credit as identified in § 277.16(c), FCS shall also have the option of billing a State directly or using other claims collection mechanisms authorized under the Federal Claims Collection Act, depending upon the amount of the State's liability. FCS is not bound by the timeframes referenced in this subparagraph in cases where a State fails to submit QC data expeditiously to FCS and FCS determines that, as a result, it is unable to calculate a State's payment error rate and payment error rate liability within the prescribed timeframe.

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Dated: August 28, 1996.

Ellen Haas,

Under Secretary, Food, Nutrition, and Consumer Services.

[FR Doc. 96-22883 Filed 9-9-96; 8:45 am]

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 322

[INS No. 1712-95]

RIN 1115-AE07

Children Born Outside the United States; Application for Certificate of Citizenship

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: The Immigration and Naturalization Service (the Service) is proposing to amend its regulations relating to the naturalization of children born to or adopted by United States citizens abroad. This rulemaking is necessary to incorporate changes to the citizenship transmission requirements

under section 322 of the Immigration and Nationality Act.

DATES: Written comments must be submitted on or before November 12, 1996.

ADDRESSES: Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., Room 5307, Washington, DC 20536. To ensure proper handling, please reference INS number 1712-95 on your correspondence. Comments are available for public inspection at the above address by calling (202) 514-3048 to arrange for an appointment.

FOR FURTHER INFORMATION CONTACT: Jane Barker or Pearl B. Chang, Senior Adjudications Officers, Adjudications Division, Immigration and Naturalization Service, 425 I Street, NW., Room 3214, Washington, DC 20536, telephone (202) 514-5014.

SUPPLEMENTARY INFORMATION: Prior to October 25, 1994, a child born outside the United States to a United States citizen parent was not eligible for naturalization unless the child was residing permanently in the United States pursuant to a lawful admission, and was in the physical and legal custody of a United States citizen parent, who had fulfilled the residence and physical presence requirements necessary to transmit citizenship. As a result, a child could not become a United States citizen if his or her parents resided abroad or failed to meet the physical presence requirements.

Congress, through the enactment of the Immigration and Nationality Technical Corrections Act of 1994 (INTCA), Public Law 103-416, October 25, 1994, section 102, established new criteria for expeditious naturalization of children born abroad. The revised conditions of eligibility are as follows:

- (1) At least one parent is a citizen of the United States, whether by birth or naturalization;
- (2) The child is physically present in the United States pursuant to a lawful admission;
- (3) The child is under the age of 18 years and in the legal custody of the citizen parent;
- (4) If the citizen parent is an adoptive parent of the child, the child was adopted by the citizen parent before the child reached the age of 16 years and the child meets the requirements for being a child under subparagraph (E) or (F) of section 101(b)(1) of the Act;
- (5) If the citizen parent has not been physically present in the United States or its outlying possessions for a period or periods totaling not less than five

years, at least two of which were after attaining the age of fourteen years, then:

(A) The child is residing permanently in the United States with the citizen parent, pursuant to a lawful admission for permanent resident, or

(B) A citizen parent of the citizen parent has been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years.

If these requirements are met, then the child is eligible for expedited naturalization. An eligible child shall be considered a United States citizen upon approval of the application and administration of the oath of allegiance, unless the oath is waived in accordance with section 337(a) of the Act.

On July 7, 1995, and December 22, 1995, the Service issued wires to all field offices providing instructions for processing applications under section 322 filed by a United States citizen for a child born outside the United States. The Service also provided instructions for issuance of Certificates of Citizenship to children who qualified for expedited naturalization under this section.

For expedited naturalization, a United States citizen parent, not a citizen grandparent, must file Form N-600, Application for Certificate of Citizenship, or, in the case of an adopted child, Form N-643, Application for Certificate of Citizenship for an Adopted Child. A separate application is required for each child. The application must be filed with the required fee, currently \$100 for Form N-600 and \$80 for Form N-643, as specified in 8 CFR 103.7(b)(1) and accompanied by a Form N-600/N-643 Supplement A, Physical Presence of Grandparent. The application should be completed in accordance with the instructions and accompanied by the initial evidence described on the forms. For applications based on a United States citizen grandparent's physical presence in the United States, the grandparent may be living or deceased when the application is filed.

If the applicant and child reside outside the United States, the applicant should include a request with the N-600 form noting preferred interview dates. The applicant should allow sufficient time to enable the Service office to preliminarily adjudicate the application, schedule the interview, and send the appointment notice to the foreign address. A stateside interview will be scheduled and the applicant will be instructed in the procedures to apply for a visitor's visa, unless eligible under

the Visa Waiver Pilot Program. In keeping with congressional intent, field offices will make every effort to expedite the interview process.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that the rule will not have a significant economic impact on a substantial number of small entities. This proposed rule establishes procedures for United States citizen parents to apply for the expeditious naturalization of their children born outside the United States. The affected parties are not small entities, and the impact of the regulation is not an economic one.

Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 12612

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 Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Paperwork Reduction Act

The information collection requirements contained in this rule have been cleared by the Office of Management and Budget under the provisions of the Paperwork Reduction Act. Clearance numbers for these collections are contained in 8 CFR 299.5, Display of Control Numbers. The information collection requirement (Form N-600/N-643 Supplement A, Physical Presence of Grandparent) contained in this rule is being developed by the Immigration and Naturalization Service. In accordance with the Paperwork Reduction Act, the Service will publish a notice in the Federal Register notifying the public of the new information collection (Form NN-600/N-643 Supplement A).

List of Subjects in 8 CFR Part 322

Citizenship and naturalization, Infants and children, Reporting and recordkeeping requirements.

Accordingly, part 322 of chapter I of title 8 of the Code of Federal Regulations is proposed to be amended as follows:

PART 322—CHILD BORN OUTSIDE THE UNITED STATES; APPLICATION FOR CERTIFICATE OF CITIZENSHIP REQUIREMENTS

1. The title of part 322 is revised as set forth above.

2. The authority citation for part 322 continues to read as follows:

Authority: 8 U.S.C. 1103, 1433, 1443, 1448.

3. Section 322.2 is amended by removing paragraph (c) and revising paragraph (a) to read as follows:

§ 322.2 Eligibility.

(a) *General.* To be eligible for naturalization under section 322 of the Act, a child on whose behalf an application for naturalization has been filed by a parent who is, at the time of filing, a citizen of the United States, must:

(1) Comply with the requirements as provided in section 322 of the Act;

(2) Be readopted in the United States, in the case of an adopted child, if the foreign adoption was not full and final, or if the unmarried parent or United States citizen parent and spouse jointly did not see and observe the child in person prior to or during the foreign adoption proceedings; readoption requirements may be waived if the state of the United States citizen parent(s) residence does not allow readoption and recognizes the foreign adoption as full and final under that state's adoption laws;

(3) Be a person of good moral character, attached to the principles of the Constitution of the United States, and favorably disposed toward the good order and happiness of the United States; a child under the age of 14 will generally be presumed to satisfy this requirement; and

(4) Comply with all other requirements for naturalization as provided in the Act and in part 316 of this chapter, including the disqualifications contained in sections 313, 314, 315, and 318 of the Act, except:

(i) The child is not required to satisfy the residence requirements under 8 CFR 316.2(a)(3), (a)(4), (a)(5), or (a)(6); and

(ii) The child is exempt from the literacy and knowledge requirements under section 312 of the Act.

* * * * *

4. Section 322.3 is revised to read as follows:

§ 322.3 Jurisdiction for filing application.

The Forms N-600 and N-643, applications for naturalization under section 322(a) of the Act, must be filed with the appropriate office of the Service as provided in the instructions on the application.

5. Section 322.4 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 322.4 Application and examination on the application.

(a) An application for naturalization under this section on behalf of a child shall be submitted on Form N-600 by the citizen parent or, in the case of an adoptive citizen parent, Form N-643. The application must be filed with the filing fee required in § 103.7(b)(1), Form N-600/N-643 Supplement A, Physical Presence of Grandparent, Form FD-258, Fingerprint Chart (for children over the age of 14), and the initial evidence required by the instructions on the forms.

(b) An application for naturalization under this section in behalf of a child should be handled expeditiously by the Service and, in the case of an application filed from abroad, a stateside interview shall be scheduled after a preliminary adjudication of the application has been made.

(c) The child and the citizen parent must both appear at the stateside interview.

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Dated: July 1, 1996.

Doris Meissner,
Commissioner, Immigration and Naturalization Service.

[FR Doc. 96-23033 Filed 9-9-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 243

RIN 2105-AB78

[Docket No. OST-95-950, Notice No. 96-23]

Passenger Manifest Information

AGENCY: Office of the Secretary (OST), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to require that each air carrier and foreign air carrier collect basic information from specified passengers traveling on flight

segments to or from the United States. U.S. carriers would collect the information from all passengers and foreign air carriers would collect the information for U.S. citizens and lawful permanent residents of the United States. The information would include the passenger's full name and passport number and issuing country code, if a passport is required for travel. In addition, airlines would be required to solicit the name and telephone number of a person or entity to be contacted in case of emergency. Airlines would be required to make a record of passengers who decline to provide an emergency contact. The information would be provided to the Department of Transportation and the Department of State in case of an aviation disaster. The Department proposes to allow each airline to develop its own collection system, a description of which would be filed with the Department.

Alternatively, the rule would provide that DOT may waive compliance with certain requirements of the part if an air carrier or foreign carrier has in effect a signed Memorandum of Understanding with the Department of State concerning cooperation and mutual assistance following aviation disasters abroad.

DATES: Comments must be received November 12, 1996.

ADDRESSES: Comments on this notice of proposed rulemaking should be filed with: Docket Clerk, U.S. Department of Transportation, Room PL-401, Docket No. OST-95-950, 400 7th Street, SW, Washington, DC 20590. Five copies are requested, but not required.

FOR FURTHER INFORMATION CONTACT: Dennis Marvich, Office of International Transportation and Trade, DOT, (202) 366-4398; or, for legal questions, Joanne Petrie, Office of the General Counsel, DOT, (202) 366-9306.

SUPPLEMENTARY INFORMATION:

Background

During the immediate aftermath of the tragic bombing of Pan American Flight 103 over Lockerbie, Scotland on December 21, 1988, the Department of State experienced difficulties in securing complete and accurate passenger manifest information and in notifying the families of the Pan American 103 victims. The Department of State did not receive the information for "more than seven hours after the tragedy" (Report of the President's Commission on Aviation Security and Terrorism, p. 100). When the Department of State did acquire the passenger manifest information from Pan American, in accordance with current airline practice, it included only