

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 217

[INS No. 2002-99]

RIN 1115-AF99

Adding Portugal, Singapore and Uruguay to the List of Countries Authorized To Participate in the Visa Waiver Pilot Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: The Visa Waiver Pilot Program (VWPP) permits nationals from participating countries to apply for admission to the United States for ninety (90) days or less as nonimmigrant visitors for business or pleasure without first obtaining a nonimmigrant visa. This rule amends the Immigration and Naturalization Service (Service) regulations by adding Portugal, Singapore, and Uruguay to the list of countries designated to participate in the VWPP. This action will facilitate travel to the United States and benefit United States businesses.

DATES: *Effective date.* This interim rule is effective August 9, 1999.

Comment date. Written comments must be submitted on or before October 4, 1999.

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 No. 2002-99 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: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Immigration and Naturalization Service, 425 I Street NW, Room 4064, Washington, DC 20536, Telephone number: (202) 616-7499.

SUPPLEMENTARY INFORMATION:

When Was the VWPP Established?

Public Law 99-603

Section 313 of the Immigration Reform and Control Act of 1986 (IRCA), Public Law 99-603, dated November 6, 1986, added section 217 to the Immigration and Nationality Act (Act), 8 U.S.C. 1187, which established the

VWPP. The VWPP waives the nonimmigrant visa requirement for the admission of certain aliens to the United States for a period not to exceed ninety (90) days. That original provision authorized the participation of eight countries in the Pilot Program.

How Has the VWPP Changed Since It Was Established?

Public Law 101-649

Section 201 of the Immigration Act of 1990 (IMMACT 90), Pub. L. 101-649, dated November 29, 1990, amended the VWPP by removing the eight-country cap and extending the provisions to all countries that met the qualifying provisions contained in section 217 of the Act. In addition, section 201 of IMMACT 90 also extended the period for the VWPP until September 30, 1994.

Public Law 103-416

Section 210 of the Immigration and Nationality Technical Corrections Act of 1994, Pub. L. 103-416, dated October 25, 1994, extended the expiration date of the VWPP until September 30, 1996.

Public Law 104-208

Section 635 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. 104-208, dated September 30, 1996, amended section 217 of the Act by extending the VWPP until September 30, 1997. This law also named the Attorney General as the principal designator of VWPP countries, eliminated probationary VWPP qualification status, and made countries then in such status (Ireland being the only country) permanent participating VWPP countries subject to the same disqualification criteria established for other VWPP countries. Ireland has been added as a VWPP country on a probationary basis on March 28, 1995, upon publication of an interim regulation in the **Federal Register** at 60 FR 15855.

Public Law 105-173

Pub. L. 105-173 extended the VWPP through April 30, 2000. The law also modified the statutory language relating to low visa refusal rates that could extend the VWPP to additional countries previously unable to qualify.

What Are the Requirements for VWPP Participation?

For a country to qualify as a participant in the VWPP, the country must:

- Agree to waive the visa requirement for nationals of the United States entering for business or pleasure for ninety (90) days or less;

- Meet statutorily prescribed limits on visa refusal rates for the prior 2-year period, as well as the prior year;

- Meet statutorily prescribed limits on rates of inadmissibility at Ports-of-Entry and on overstay rates; and,

- Have a machine readable passport program.

What Are the Requirements for VWPP Travelers?

The VWPP traveler must:

- Present a valid passport;
- Seek entry into United States for business or pleasure;
- Seek entry into the United States for 90 days or less (no extensions or changes/adjustments of status are allowed);
- Possess an onward or return ticket if traveling by air or sea;
- Agree to waive any right to appeal a denial of entry; and
- Not be inadmissible under the Immigration and Nationality Act.

What Countries Currently Participate in the VWPP?

The following countries currently participate in the VWPP: Andorra, Argentina, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, San Marino, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom. The United Kingdom refers only to British citizens who have the unrestricted right of permanent abode in the United Kingdom (England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man); it does not refer to British overseas citizens, British dependent territories' citizens, or citizens of British Commonwealth countries.

What Does this Rule Do?

The Attorney General, in consultation with the Secretary of State, has determined that Portugal, Singapore, and Uruguay have met the statutory requirements of section 217 of the Act. Accordingly, Portugal, Singapore, and Uruguay, and their citizens are eligible to participate in the VWPP. Effective August 9, 1999, Portugal, Singapore, and Uruguay, are added as participating countries in the VWPP. (See the Department of State rule published elsewhere in this issue of the **Federal Register**.)

Good Cause Exception

The Service implementation of this rule as an interim rule, with a 60-day provision for post-promulgation public comments, is based upon the "good

cause" exceptions found at 5 U.S.C. 553 (b) (B) and (d) (3). The reasons and the necessity for immediate implementation of this interim rule without prior notice and comment are as follows: this interim rule relieves a restriction and will facilitate business and tourist travel to the United States, Portugal, Singapore, and Uruguay.

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 this rule will not have a significant economic impact on a substantial number of small entities. This rule merely removes a restriction for both the traveling public and United States businesses.

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

The regulation adopted herein 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.

Unfunded Mandates Reform 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 1 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.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in

costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12988 Civil Justice Reform

This interim rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988.

List of Subjects in 8 CFR Part 217

Administrative practice and procedures, Aliens, Nonimmigrants, Passports and visas.

Accordingly, part 217 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 217—VISA WAIVER PILOT PROGRAM

1. The authority citation for part 217 continues to read as follows:

Authority: 8 U.S.C. 1103, 1187; 8 CFR part 2.

2. In § 217.2 paragraph (a) is amended by revising the definition for "Designated country" to read as follows:

§ 217.2 Eligibility.

(a) * * *

Designated country refers to Andorra, Argentina, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, the United Kingdom, and Uruguay. The United Kingdom refers only to British citizens who have the unrestricted right of permanent abode in the United Kingdom (England, Scotland, Wales, Northern Ireland, the Channel Islands and the Isle of Man); it does not refer to British overseas citizens, British dependent territories' citizens, or citizens of British Commonwealth countries.

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Dated: July 23, 1999.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-NM-151-AD; Amendment 39-11240; AD 99-16-05]

RIN 2120-AA64

Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Saab Model SAAB 2000 series airplanes, that requires repetitive inspections for excessive wear of the aileron control cables, cable guides, and cable pulleys located at the rear wing spars; and corrective actions, if necessary. This amendment also requires repetitive replacement of the control cables and cable guides with new or serviceable components. This amendment also provides for optional terminating action for the repetitive inspections. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness. The actions specified by this AD are intended to detect and correct excessive wear on the aileron control cables, cable guides, and cable pulleys located at the rear wing spars, which could result in broken aileron control cables and consequent reduced controllability of the airplane.

DATES: Effective September 7, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 7, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S-581.88, Linköping, Sweden. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.