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Part VIII

Department of Homeland Security

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Semiannual Regulatory Agenda

**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 June 24, 2019, at 84 FR 29636.

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: August 29, 2019.

**Christina E. McDonald,**

*Associate General Counsel for Regulatory Affairs.*

**OFFICE OF THE SECRETARY—FINAL RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
264 .....	Homeland Security Acquisition Regulation: Safeguarding of Controlled Unclassified Sensitive Information (HSAR Case 2015–001).	1601–AA76
265 .....	Homeland Security Acquisition Regulation: Information Technology Security Awareness Training (HSAR Case 2015–002).	1601–AA78
266 .....	Homeland Security Acquisition Regulation: Privacy Training (HSAR Case 2015–003) .....	1601–AA79

**OFFICE OF THE SECRETARY—LONG-TERM ACTIONS**

Sequence No.	Title	Regulation Identifier No.
267 .....	Homeland Security Acquisition Regulation, Enhancement of Whistleblower Protections for Contractor Employees.	1601–AA72

**U.S. CITIZENSHIP AND IMMIGRATION SERVICES—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
268 .....	Requirements for Filing Motions and Administrative Appeals .....	1615–AB98
269 .....	EB–5 Immigrant Investor Regional Center Program .....	1615–AC11
270 .....	Removing H–4 Dependent Spouses From the Classes of Aliens Eligible for Employment Authorization ( <b>Reg Plan Seq No. 67</b> ).	1615–AC15
271 .....	U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements ( <b>Reg Plan Seq No. 68</b> ).	1615–AC18
272 .....	Electronic Processing of Immigration Benefit Requests ( <b>Reg Plan Seq No. 70</b> ) .....	1615–AC20

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 No.	Title	Regulation Identifier No.
273 .....	Inadmissibility on Public Charge Grounds .....	1615-AA22
274 .....	EB-5 Immigrant Investor Program Modernization .....	1615-AC07

U.S. COAST GUARD—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
275 .....	Financial Responsibility—Vessels; Superseded Pollution Funds (USCG-2017-0788) .....	1625-AC39

U.S. COAST GUARD—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
276 .....	Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation .....	1625-AB85

U.S. CUSTOMS AND BORDER PROTECTION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
277 .....	Importer Security Filing and Additional Carrier Requirements ( <b>Section 610 Review</b> ) .....	1651-AA70
278 .....	Implementation of the Guam-CNMI Visa Waiver Program ( <b>Section 610 Review</b> ) .....	1651-AA77

TRANSPORTATION SECURITY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
279 .....	Security Training for Surface Transportation Employees ( <b>Reg Plan Seq No. 85</b> ) .....	1652-AA55

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

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
280 .....	Visa Security Program Fee ( <b>Reg Plan Seq No. 86</b> ) .....	1653-AA77

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

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
281 .....	Procedures and Standards for Declining Surety Immigration Bonds and Administrative Appeal Requirement for Breaches.	1653-AA67

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
282 .....	Adjusting Program Fees for the Student and Exchange Visitor Program .....	1653-AA74
283 .....	Apprehension, Processing, Care and Custody of Alien Minors and Unaccompanied Alien Children .....	1653-AA75

CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
284 .....	Ammonium Nitrate Security Program .....	1670-AA00
285 .....	Chemical Facility Anti-Terrorism Standards (CFATS) .....	1670-AA01

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

*Office of the Secretary (OS)*

Final Rule Stage

**264. Homeland Security Acquisition Regulation: Safeguarding of Controlled Unclassified Sensitive Information (HSAR Case 2015-001)**

*E.O. 13771 Designation:* Fully or Partially Exempt.

*Legal Authority:* 5 U.S.C. 301 to 302; 41 U.S.C. 1302; 41 U.S.C. 1303; 41 U.S.C. 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 .....	09/00/20	

*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

**265. Homeland Security Acquisition Regulation: Information Technology Security Awareness Training (HSAR Case 2015-002)**

*E.O. 13771 Designation:* Fully or Partially Exempt.

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

Action	Date	FR Cite
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 .....	09/00/20	

*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

**266. Homeland Security Acquisition Regulation: Privacy Training (HSAR Case 2015-003)**

*E.O. 13771 Designation:* Fully or Partially Exempt.

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

*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

Action	Date	FR Cite
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 .....	09/00/20	

*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.

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-AA79

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

*Office of the Secretary (OS)*

Long-Term Actions

**267. Homeland Security Acquisition Regulation, Enhancement of Whistleblower Protections for Contractor Employees**

*E.O. 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); 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 .....	11/00/20	

*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

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

*U.S. Citizenship and Immigration Services (USCIS)*

Proposed Rule Stage

**268. Requirements for Filing Motions and Administrative Appeals**

*E.O. 13771 Designation:* Other.  
*Legal Authority:* 5 U.S.C. 552 and 552a; 8 U.S.C. 1101; 8 U.S.C. 1103; 8 U.S.C. 1304; 6 U.S.C. 112  
*Abstract:* This rule proposes to revise the requirements and procedures for the filing of motions and appeals before the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), and its Administrative Appeals Office (AAO). The proposed changes are intended to streamline the existing processes for filing motions and appeals and are intended to reduce delays in the review and appellate process. This rule will also propose additional changes necessitated by the establishment of DHS and its components. The proposed changes are intended to promote simplicity, accessibility, and efficiency in the administration of USCIS appeals and motions. The Department will also solicit public comment on proposed changes to the AAO's appellate jurisdiction.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/00/19	

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* William K. Renwick, Jr., Acting Deputy 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, *Email:* william.k.renwick@uscis.dhs.gov.  
*RIN:* 1615-AB98

**269. EB-5 Immigrant Investor Regional Center Program**

*E.O. 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 .....	08/00/20	

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Brian Hunt, Acting 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 1200, Washington, DC 20529-2200, *Phone:* 202 272-8377, *Fax:* 202 272-1480, *Email:* brian.j.hunt@uscis.dhs.gov.  
*RIN:* 1615-AC11

**270. Removing H-4 Dependent Spouses From the Classes of Aliens Eligible for Employment Authorization**

*Regulatory Plan:* This entry is Seq. No. 67 in part II of this issue of the **Federal Register**.

*RIN:* 1615-AC15

**271. U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements**

*Regulatory Plan:* This entry is Seq. No. 68 in part II of this issue of the **Federal Register**.

*RIN:* 1615-AC18

**272. Electronic Processing of Immigration Benefit Requests**

*Regulatory Plan:* This entry is Seq. No. 70 in part II of this issue of the **Federal Register**.

*RIN:* 1615-AC20

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

*U.S. Citizenship and Immigration Services (USCIS)*

Completed Actions

**273. Inadmissibility on Public Charge Grounds**

*E.O. 13771 Designation:* Regulatory.  
*Legal Authority:* 8 U.S.C. 1101 to 1103; 8 U.S.C. 1182 and 1183; . . .  
*Abstract:* The Department of Homeland Security (DHS) proposed to codify in regulations how it will implement the public charge ground of inadmissibility under 8 U.S.C. 1182(a)(4) on October 10, 2018. After reviewing public feedback on that proposed rule, on August 14, 2019, DHS issued a final rule amending our regulations to prescribe how DHS will determine if an alien is inadmissible on public charge grounds.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/26/99	64 FR 28676
NPRM Comment Period End.	07/26/99	
NPRM .....	10/10/18	83 FR 51114
NPRM Comment Period End.	12/10/18	
Final Rule .....	08/14/19	84 FR 41292
Final Rule Effective.	10/15/19	
Final Rule; Correction.	10/02/19	84 FR 52357
Final Rule Effective; Correction.	10/15/19	

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Mark Phillips, Chief, Residence and Naturalization Division, Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Policy and Strategy, 20 Massachusetts Avenue NW, Washington, DC 20529, *Phone:* 202 272-8377, *Fax:* 202 272-1480, *Email:* mark.phillips@uscis.dhs.gov.  
*RIN:* 1615-AA22

**274. EB-5 Immigrant Investor Program Modernization.**

*E.O. 13771 Designation:* Other.  
*Legal Authority:* 8 U.S.C. 1153(b)(5)  
*Abstract:* In January 2017, the Department of Homeland Security

(DHS) proposed to amend its regulations governing the employment-based, fifth preference (EB-5) immigrant investor classification. In general, under the EB-5 program, individuals are eligible to apply for lawful permanent residence in the United States if they make the necessary investment in a commercial enterprise in the United States and create or, in certain circumstances, preserve 10 permanent full-time jobs for qualified U.S. workers. This rule sought public comment on a number of proposed changes to the EB-5 program regulations. Such proposed changes included: Raising the minimum investment amount; allowing certain EB-5 petitioners to retain their original priority date; changing the designation process for targeted employment areas; and other miscellaneous changes to filing and interview processes. On July 25, 2019, DHS issued a final rule. This final rule changes certain aspects of the EB-5 program that are in need of reform and updates the regulations to reflect statutory changes and codify existing policies. This final rule makes five major categories of revisions to the existing EB-5 program regulations. Three of these categories, which involve (i) priority date retention; (ii) increasing the investment amounts; and (iii) reforming the TEA designations, are substantive. The two other major categories, focused on (iv) the removal of conditions; and (v) miscellaneous changes, involve generally technical adjustments to the EB-5 program.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/13/17	82 FR 4738
NPRM Comment Period End.	04/11/17	
Final Rule .....	07/24/19	84 FR 35750
Final Rule Effective.	11/21/19	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Edie Pearson, Division Chief, Policy and Strategic Learning, Department of Homeland Security, U.S. Citizenship and Immigration Services, Immigrant Investor Program Office, 131 M Street NE, Washington, DC 20529-2200, *Phone:* 202 272-8377, *Fax:* 202 272-1480, *Email:* edie.c.pearson@uscis.dhs.gov.

RIN: 1615-AC07

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

*U.S. Coast Guard (USCG)*

Proposed Rule Stage

**275. Financial Responsibility—Vessels; Superseded Pollution Funds (USCG-2017-0788)**

*E.O. 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 CFR, 2014 Comp., p. 227; Department of Homeland; Security Delegation Nos. 0170.1 and 5110, Revision 01

*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 .....	12/00/19	

*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)**

*U.S. Coast Guard (USCG)*

Long-Term Actions

**276. Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation**

*E.O. 13771 Designation:* Other.  
*Legal Authority:* 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	
Second NPRM Comment Period 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)**

*U.S. Customs and Border Protection (USCBP)*

Long-Term Actions

**277. Importer Security Filing and Additional Carrier Requirements (Section 610 Review)**

*E.O. 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:*

Action	Date	FR Cite
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 .....	To Be Determined	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Craig Clark, Branch Chief, Advance Data Programs and Cargo Initiatives, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Washington, DC 20229, Phone: 202 344–3052, Email: [craig.clark@cbp.dhs.gov](mailto:craig.clark@cbp.dhs.gov).

RIN: 1651–AA70

**278. Implementation of the Guam-CNMI Visa Waiver Program (Section 610 Review)**

*E.O. 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	

Action	Date	FR Cite
Technical Amendment; Change of Implementation Date.	05/28/09	74 FR 25387
Final Action .....	12/00/20	

*Regulatory Flexibility Analysis Required:* No.

*Agency Contact:* Cheryl C. Peters, Program Manager, Office of Field Operations, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, 3.3C–12, Washington, DC 20229, Phone: 202 344–1707, Email: [cheryl.c.peters@cbp.dhs.gov](mailto:cheryl.c.peters@cbp.dhs.gov).  
RIN: 1651–AA77

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

*Transportation Security Administration (TSA)*

Final Rule Stage

**279. Security Training for Surface Transportation Employees**

*Regulatory Plan:* This entry is Seq. No. 85 in part II of this issue of the **Federal Register**.  
RIN: 1652–AA55

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

*U.S. Immigration and Customs Enforcement (USICE)*

Proposed Rule Stage

**280. Visa Security Program Fee**

*Regulatory Plan:* This entry is Seq. No. 86 in part II of this issue of the **Federal Register**.  
RIN: 1653–AA77

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

*U.S. Immigration and Customs Enforcement (USICE)*

Final Rule Stage

**281. Procedures and Standards for Declining Surety Immigration Bonds and Administrative Appeal Requirement for Breaches**

*E.O. 13771 Designation:* Not subject to, not significant.

*Legal Authority:* 8 U.S.C. 1103  
*Abstract:* 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 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 would also require surety companies seeking to overturn a breach determination to file an administrative appeal raising all legal and factual defenses.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/05/18	83 FR 25951
NPRM Comment Period End.	08/06/18	
Final Action .....	12/00/19	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Mark Lawyer, Chief, Regulations, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Mail Stop 5006, Washington, DC 20536, *Phone:* 202 732-5683, *Email:* mark.lawyer@ice.dhs.gov. *RIN:* 1653-AA67

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

*U.S. Immigration and Customs Enforcement (USICE)*

Completed Actions

**282. Adjusting Program Fees for the Student and Exchange Visitor Program**

*E.O. 13771 Designation:* Not subject to, not significant.

*Legal Authority:* 8 U.S.C. 1372; 8 U.S.C. 1762; 8 U.S.C. 1101; 8 U.S.C. 1356; 31 U.S.C 901 to 903; 31 U.S.C. 902; . . .

*Abstract:* This final rule adjusted fees that the Student and Exchange Visitor Program (SEVP) charges individuals and organizations. In 2017, SEVP conducted a comprehensive fee study and determined that current fees do not recover the full costs of the services provided. ICE determined that adjusting fees was necessary to fully recover the increased costs of SEVP operations, program requirements, and to provide the necessary funding to sustain initiatives critical to supporting national security. The SEVP fee schedule was last adjusted in a rule published on September 26, 2008.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/17/18	83 FR 33762
NPRM Comment Period End.	09/17/18	
Final Action .....	05/23/19	84 FR 23930
Final Action Effective.	06/24/19	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Sharon Snyder, Unit Chief, Policy and Response Unit, Department of Homeland Security, U.S. Immigration and Customs Enforcement, Potomac Center North STOP 5600, 500 12th Street SW, Washington, DC 20536-5600, *Phone:* 703 603-5600. *RIN:* 1653-AA74

**283. Apprehension, Processing, Care and Custody of Alien Minors and Unaccompanied Alien Children**

*E.O. 13771 Designation:* Regulatory. *Legal Authority:* 8 U.S.C. 1103; 8 U.S.C. 1182; 8 U.S.C. 1225 to 1227; 8 U.S.C. 1362

*Abstract:* In 1985, a class-action suit challenged the policies of the former Immigration and Naturalization Service (INS) relating to the detention, processing, and release of alien children; the case eventually reached the U.S. Supreme Court. The Court upheld the constitutionality of the challenged INS regulations on their face and remanded the case for further proceedings consistent with its opinion. In January 1997, the parties reached a comprehensive settlement agreement, referred to as the Flores Settlement Agreement (FSA). The FSA was to terminate five years after the date of final court approval; however, the termination provisions were modified in 2001, such that the FSA does not terminate until 45 days after publication of regulations implementing the agreement.

Since 1997, intervening statutory changes, including passage of the Homeland Security Act (HSA) and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPPRA), have significantly changed the applicability of certain provisions of the FSA. The rule codifies the relevant and substantive terms of the FSA and enables the U.S. Government to seek termination of the FSA and litigation concerning its enforcement. Through this rule, DHS and HHS have created a pathway to ensure the humane detention of family units while satisfying the goals of the FSA. The rule also implements related provisions of the TVPPRA.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/07/18	83 FR 45486
NPRM Comment Period End.	11/06/18	
Final Rule .....	08/23/19	84 FR 44392
Final Rule Effective.	10/22/19	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Mark Lawyer, Chief, Regulations, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Mail Stop 5006, Washington, DC 20536, *Phone:* 202 732-5683, *Email:* mark.lawyer@ice.dhs.gov. *RIN:* 1653-AA75

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

*Cybersecurity and Infrastructure Security Agency (CISA)*

Long-Term Actions

**284. Ammonium Nitrate Security Program**

*E.O. 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:*

Action	Date	FR Cite
ANPRM .....	10/29/08	73 FR 64280
ANPRM 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

Action	Date	FR Cite
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:* Jon MacLaren, Group Leader, Strategic Policy and Rulemaking, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency, Infrastructure Security Compliance Division, 245 Murray Lane SW, Mail Stop 0610, Arlington, VA 20528-0610, *Phone:* 703 235-5263, *Fax:* 703 603-4935, *Email:* jon.m.maclaren@hq.dhs.gov.

*RIN:* 1670-AA00

**285. Chemical Facility Anti-Terrorism Standards (CFATS)**

*E.O. 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:*

Action	Date	FR Cite
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:* Jon MacLaren, Group Leader, Strategic Policy and Rulemaking, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency, Infrastructure Security Compliance Division, 245 Murray Lane SW, Mail Stop 0610, Arlington, VA 20528-0610, *Phone:* 703 235-5263, *Fax:* 703 603-4935, *Email:* jon.m.maclaren@hq.dhs.gov.

*RIN:* 1670-AA01

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