

Specifically, DHS proposed to create 8 CFR 215.9 instituting a temporary worker visa exit pilot program and requiring certain H-2A temporary agricultural workers to participate in a pilot program that requires these workers to register with Customs and Border Protection (CBP) at the time of their departure from the United States. On December 18, 2008, a final rule was published in the **Federal Register** establishing the pilot program. Pursuant to the final rule, CBP published a notice, CBP Dec. 08-48, in the same **Federal Register** that requires H-2A temporary agricultural workers entering the U.S. at the ports of San Luis and Douglas, Arizona, on or after August 1, 2009, to register with CBP at the time of departure from the United States.

On August 20, 2008, DHS published a Notice of Proposed Rulemaking in the **Federal Register** (73 FR 49109) proposing changes to requirements affecting temporary non-agricultural workers within the H-2B nonimmigrant classification and their U.S. employers.<sup>2</sup> Among other things, DHS proposed to expand the temporary worker visa exit pilot program to include the H-2B nonimmigrant classification by requiring H-2B temporary nonagricultural workers admitted at a port of entry participating in the program to register with CBP at the time of departure from the United States. DHS is publishing the final rule in today's edition of the **Federal Register**, concurrent with this Notice.

The final rule amends 8 CFR 215.9 to provide that an alien admitted with a certain temporary worker visa at a port of entry participating in the Temporary Worker Visa Exit Program must also depart at the end of his or her authorized period of stay through a port of entry participating in the program and present designated biographic and/or biometric information upon departure. The amended § 215.9 further states that CBP will publish a notice in the **Federal Register** designating which temporary workers must participate in the Temporary Worker Visa Exit Program, which ports of entry are participating in the program, which biographical and/or biometric information would be required, and the format for submission of that information by the departing designated temporary workers.

<sup>2</sup> The H-2B nonimmigrant classification applies to foreign workers coming to the U.S. temporarily to perform temporary, non-agricultural labor or services. Immigration and Nationality Act (Act or INA) sec. 101(a)(15)(H)(ii)(b), 8 U.S.C. 1101(a)(15)(H)(ii)(b); see 8 CFR 214.1(a)(2) (designation for H-2B classification).

The instant notice is being issued pursuant to amended § 215.9. It contains all the required elements referenced in 8 CFR 215.9 as amended and expands the temporary worker visa exit pilot program to include both the H-2A and the H-2B classifications. The requirements of the pilot program, the designated ports, and the effective date of the pilot program will be the same for both H-2A and H-2B temporary workers. Therefore, any alien who is admitted into the United States with an H-2A or H-2B nonimmigrant visa at a designated port on or after August 1, 2009, will be subject to the expanded pilot program.

### Temporary Worker Visa Exit Program Pilot

#### General Requirements

Any alien admitted into the United States at a designated port of entry with either an H-2A or H-2B nonimmigrant visa must depart from a designated port of entry and must submit certain biographic and biometric information at one of the kiosks established for this purpose.

#### Designated Ports of Entry

San Luis, Arizona.  
Douglas, Arizona.

#### Entry Procedures

Any nonimmigrant alien admitted with an H-2A or H-2B nonimmigrant visa at one of the designated ports of entry will be issued a CBP Form I-94, Arrival and Departure Record, and be presented with information material that explains the pilot program requirements. The information material will instruct the alien to appear in person at one of the designated ports of entry to register his or her final departure from the United States at that port on or before the date that his or her work authorization expires.

#### Exit Procedures

An alien admitted with an H-2A or H-2B nonimmigrant visa must depart at a designated port on or before the date his or her work authorization expires. At the time of departure, the alien must present the following biographic and biometric information at a kiosk installed for this purpose:

- Biographic information—name, date of birth, country of citizenship, passport number, and the name of the Consulate where the alien's visa was issued. The biographic information will be provided by scanning the alien's travel document (visa). If the scan of the visa fails, the alien will scan his or her passport. If the scan of the passport

fails, the alien will manually enter the required biographic information.

- Biometric information—a 4-finger scan from one hand.
- The departure portion of the CBP Form I-94—this must be deposited into a lockbox attached to the kiosk and the departing alien will receive a receipt verifying a successfully completed checkout registration.

#### Kiosks

Instructions for departure registration will be available in both English and Spanish for use by departing aliens at the kiosks.

Officer assistance will be available in the event that an alien is unable to utilize the designated kiosk to record his or her departure.

Dated: December 8, 2008.

**Jayson P. Ahern,**

*Acting Commissioner, U.S. Customs and Border Protection.*

[FR Doc. E8-30093 Filed 12-18-08; 8:45 am]

BILLING CODE 9111-14-P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5250-N-02]

### Additional Allocations for Midwest Flood Community Development Block Grant (CDBG) Disaster Recovery Grantees under the Supplemental Appropriations Act, 2008

**AGENCY:** Office of the Secretary, HUD.

**ACTION:** Notice of allocations.

**SUMMARY:** This notice advises the public of the second allocation of CDBG disaster recovery grants for the purpose of assisting in the recovery in areas covered by a declaration of major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*) as a result of natural disasters that were recent as of the law's enactment in June 2008. As described in the supplementary information section of this notice, HUD is authorized by statute and regulations to waive statutory and regulatory requirements and specify alternative requirements, upon the request of the state grantees. This notice also describes how a state receiving an allocation may implement the common application, eligibility, and administrative waivers and the common alternative and statutory requirements for the grants.

**DATES:** Effective Date: December 24, 2008.

**FOR FURTHER INFORMATION CONTACT:** Jessie Handforth Kome, Director,

Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, Department of Housing and Urban Development, 451 7th Street, SW., Room 7286, Washington, DC 20410, telephone number 202-708-3587. Persons with hearing or speech impairments may access this number through TTY by calling the Federal Information Relay Service at 800-877-8339. Facsimile inquiries may be sent to Ms. Kome at 202-401-2044. (Except for the "800" number, the telephone numbers are not toll free.)

#### SUPPLEMENTARY INFORMATION:

##### Authority to Grant Waivers

The Supplemental Appropriations Act, 2008 (Pub. L. 110-252, approved June 30, 2008) (Supplemental Appropriations Act) appropriates \$300 million, to remain available until expended, in CDBG funds for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas covered by a 2008 declaration of major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*). The Supplemental Appropriations Act authorizes the Secretary to waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or use by the recipient of these funds and guarantees, except for requirements related to fair housing, nondiscrimination, labor standards, and the environment (including requirements concerning lead-based

paint), upon a request by the state and a finding by the Secretary that such a waiver would not be inconsistent with the overall purpose of the statute. Additionally, regulatory waiver authority is provided by 24 CFR 5.110, 91.600, and 570.5.

On September 11, 2008, at 73 FR 52870, the Department published its initial allocation for grant funds for the CDBG disaster recovery grants funded under the Supplemental Appropriations Act. In that notice, the Department noted that it would make two allocations, one to the three most affected states and a second when HUD had more information to better determine the needs of each state under this appropriation. Today's **Federal Register** notice allocates the balance of the \$300 million allocation under the Supplemental Appropriations Act. Under the requirements of the Department of Housing and Urban Development Reform Act of 1989 (the HUD Reform Act), regulatory waivers must be justified and published in the **Federal Register**.

Except as described in this notice, statutory and regulatory provisions governing the CDBG program for states, including those at 24 CFR part 570, shall apply to the use of these funds. In accordance with the Supplemental Appropriations Act, HUD will reconsider every waiver granted under this notice on the 2-year anniversary of the day this notice is published.

##### Additional Waivers

Each state receiving an allocation may request additional waivers from the

Department as needed to address the specific needs related to that state's recovery activities. The Department will respond separately to state requests for waivers of provisions not covered in this notice, after working with the state to tailor the program to best meet the unique disaster recovery needs in its impacted areas.

##### Allocations

The Supplemental Appropriations Act provides \$300 million of supplemental appropriation for the CDBG program for:

Necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas covered by a declaration of major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*) as a result of recent natural disasters.

The law further notes:

That funds provided under this heading shall be administered through an entity or entities designated by the Governor of each state. Provided further, that funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a state under this heading: Provided further, that each state may use up to five percent of its allocation for administrative costs.

Table 1, shown below, lists the states receiving an allocation. Based on preliminary data, Iowa, Indiana, and Wisconsin received initial allocations for a subset of the funds. Those allocations were announced on August 4, 2008, and are included in the Table.

TABLE 1—FEDERALLY DECLARED DISASTER WITH AN INCIDENT DATE AND DECLARATION DATE IN MAY AND JUNE 2008

Disaster No.	Incident date	Declared date	State	Disaster type	Allocation
1753 .....	3/20 to 5/19 .....	5/8/08	Mississippi .....	Severe Storms and Flooding .....	\$2,281,287.
1755 .....	4/28 to 5/14 .....	5/9/08	Maine .....	Severe Storms and Flooding .....	\$2,187,114.
1756 .....	5/10 to 5/13 .....	5/14/08	Oklahoma .....	Severe Storms, Tornadoes, and Flooding.	\$1,793,876.
1758 .....	5/2 to 5/12 .....	5/20/08	Arkansas .....	Severe Storms, Flooding, and Tornadoes.	\$4,747,501.
1759 .....	5/1 .....	5/22/08	South Dakota ....	Severe Winter Storm and Record and Near Record Snow.	\$1,987,271.
1760 .....	5/10 to 5/11 .....	5/23/08	Missouri .....	Severe Storms and Tornadoes .....	\$3,519,866.
1762 .....	5/21 .....	5/26/08	Colorado .....	Severe Storms and Tornadoes .....	\$589,651.
1763 .....	5/25 and continuing	5/27/08	Iowa .....	Severe Storms, Tornadoes, and Flooding.	1st: \$85,000,000. 2nd: \$71,690,815. Total: \$156,690,815.
1766 .....	5/30-6/27 .....	6/8/08	Indiana .....	Severe Storms and Flooding .....	1st: \$10,000,000. 2nd: \$57,012,966. Total: \$67,012,966.
1767 .....	5/1 .....	6/13/08	Montana .....	Severe Winter Storms .....	\$666,672.
1768 .....	6/5 and continuing	6/14/08	Wisconsin .....	Severe Storms, Tornadoes, and Flooding.	1st: \$5,000,000. 2nd: \$19,057,378. Total: \$24,057,378.
1769 .....	6/3 to 6/7 .....	6/19/08	West Virginia ....	Severe Storms, Tornadoes, Flooding, Mudslides, and Landslides.	\$3,127,935.

TABLE 1—FEDERALLY DECLARED DISASTER WITH AN INCIDENT DATE AND DECLARATION DATE IN MAY AND JUNE 2008—Continued

Disaster No.	Incident date	Declared date	State	Disaster type	Allocation
1770 .....	5/22 .....	6/20/08	Nebraska .....	Severe Storms, Tornadoes, and Flooding.	\$5,557,736.
1771 .....	6/1 to 7/22 .....	6/24/08	Illinois .....	Severe Storms and Flooding .....	\$17,341,434.
1772 .....	6/7 to 6/12 .....	6/25/08	Minnesota .....	Severe Storms and Flooding .....	\$925,926.
1773 .....	6/1 to 8/13 .....	6/25/08	Missouri .....	Severe Storms and Flooding .....	\$7,512,572.

The appropriation calls for funding “recent natural disasters.” Since this appropriation was enacted on June 30, 2008, HUD has interpreted the language of “recent natural disasters” to be the 16 major natural disasters with an incident and declared date in May or June of 2008. There were no declared disasters in April 2008, which allows for a “natural break.” This limited the eligibility for an allocation to the 16 disasters shown in Table 1.

For the 16 natural disasters, HUD calculated “unmet needs” for housing, business, and infrastructure recovery. Unmet needs are defined as follows:

1. *Unmet housing needs.* The number of housing units with unmet needs times the estimated cost to repair those units (less repair funds already provided by the Federal Emergency Management Agency (FEMA)). Data were provided by FEMA on October 1, 2008, and by the Small Business Administration (SBA) on October 3, 2008. Unmet housing needs are calculated using three “levels of FEMA damage”—\$8,001 to \$15,000; \$15,001 to \$28,800; and greater than \$28,800. Unmet housing needs exist where:

a. The number of owner-occupied units with unmet needs equals: Units FEMA inspectors determined would require more than \$8,000 to become habitable and that were determined by FEMA to be eligible for a repair or replacement grant (up to \$28,800).

b. The number of rental units with unmet needs equals: Units that FEMA inspectors determined would require more than \$8,000 to become habitable times the “unmet need rate” of owners. That is, if 50 percent of owner-occupied dwellings had damage not being covered by insurance or an SBA loan for a particular disaster, HUD assumes that 50 percent of rental units had damage not covered by insurance or an SBA loan.

c. The average cost to fully repair the home equals: The average real-property damage repair cost determined by the SBA for its disaster loan program (less the repair grant amount from FEMA) for the subset of homes inspected by SBA. Because SBA is inspecting for full-repair

costs, it is a better estimate of the true cost to repair.

2. *Unmet business needs.* The sum of real-property and real-content loss of small businesses applying for an SBA disaster loan as verified by SBA inspectors, less the real-property and real-content loss approved for an SBA loan. Data were provided by the SBA on October 3, 2008.

3. *Unmet infrastructure needs.* The sum of the “non-federal share” of costs eligible for funding under FEMA’s Public Assistance program. This reflects the greater of the current FEMA estimate of costs or the amount specifically determined eligible through FEMA’s Public Assistance Worksheets. Data were provided by FEMA as of October 22, 2008.

#### Waiver Justification

The waivers, alternative requirements, and statutory changes described in the September 11, 2008, notice apply to the CDBG supplemental disaster recovery funds appropriated in the Supplemental Appropriations Act, not to funds provided under the regular CDBG program. These actions provide additional flexibility in program design and implementation and implement statutory requirements unique to this appropriation. The September 11, 2008, notice provides further justification for the waivers.

#### Application for Allocations Under the Supplemental Appropriations Act

The waivers and alternative requirements streamline the pre-grant process and set the guidelines for states’ applications requesting their allocations. A state receiving an allocation under this notice will be granted the waivers and alternative requirements provided in the September 11, 2008, notice if the state requests in writing that HUD grant it the waivers and alternative requirements of that notice and describes good cause why such waivers should be granted. HUD encourages each grantee that receives an allocation under this notice to submit an Action Plan for Disaster Recovery to HUD as soon as practicable following an

allocation announcement. By March 13, 2009, if a state has: (1) Failed to submit a substantially complete application, (2) submitted an application for less than its total allocation, or (3) waived its rights to the entire allocation, HUD may notify the state of the reduction in its allocation amount and proceed to reallocate the funds to another state receiving disaster recovery funds under this notice.

#### Applicable Rules, Statutes, Waivers, and Alternative Requirements

1. *General note.* Prerequisites to a grantee’s receipt of CDBG disaster recovery assistance include adoption of a citizen participation plan; publication of its proposed Action Plan for Disaster Recovery; public notice and comment; and submission of an Action Plan for Disaster Recovery to HUD, including certifications. Except as described in this notice, statutory and regulatory provisions governing the CDBG program for states, including those at 42 U.S.C. 5301 *et seq.* and 24 CFR part 570, shall apply to the use of these funds.

2. The waivers provided in the September 11, 2008, notice will be granted and the alternative requirements of that notice provided to a state that receives an allocation of grant funds under this notice and that requests in writing that HUD grant it the waivers and alternative requirements of that notice and describes good cause for granting such waivers.

#### Duration of Funding

Availability of funds provisions in 31 U.S.C. 1551–1557, added by section 1405 of the National Defense Authorization Act for Fiscal Year 1991 (Pub. L. 101–510), limit the availability of certain appropriations for expenditure. This limitation may not be waived. However, the Supplemental Appropriations Act for these grants directs that these funds be available until expended unless, in accordance with 31 U.S.C. 1555, the Department determines that the purposes for which the appropriation has been made have been carried out and no disbursement has been made against the appropriation

for 2 consecutive fiscal years. In such case, the Department shall close out the grant prior to expenditure of all funds.

#### Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers for the disaster recovery grants under this notice are as follows: 14.219; 14.228.

#### Finding of No Significant Impact

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The FONSI is available for public inspection between 8 a.m. and 5 p.m. weekdays in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street, SW., Room 10276, Washington, DC 20410-0500. Due to security measures at the HUD Headquarters building, an advance appointment to review the docket file must be scheduled by calling the Regulations Division at 202-708-3055 (this is not a toll-free number). Hearing or speech-impaired individuals may access this number through TTY by calling the toll-free Federal Information Relay Service at 800-877-8339.

Dated: December 9, 2008.

**Roy A. Bernardi,**

*Deputy Secretary.*

[FR Doc. E8-30185 Filed 12-18-08; 8:45 am]

BILLING CODE 4210-67-P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5186-N-51]

### Federal Property Suitable as Facilities To Assist the Homeless

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

**FOR FURTHER INFORMATION CONTACT:** Kathy Ezzell, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 708-1234; TTY number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800-927-7588.

**SUPPLEMENTARY INFORMATION:** In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for "off-site use only" recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Rita, Division of Property Management, Program Support Center, HHS, room 5B-17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by

GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-800-927-7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: **Energy:** Mr. Mark Price, Department of Energy, Office of Engineering & Construction Management, MA-50, 1000 Independence Ave, SW., Washington, DC 20585; (202) 586-5422; **GSA:** Mr. John Smith, Deputy Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th & F Streets, NW., Washington, DC 20405; (202) 501-0084; **NAVY:** Mrs. Mary Arndt, Acting Director, Department of the Navy, Real Estate Services, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE., Suite 1000, Washington, DC 20374-5065; (202) 685-9305 (These are not toll-free numbers).

Dated: December 11, 2008.

**Mark R. Johnston,**

*Deputy Assistant Secretary for Special Needs.*

**Title V, Federal Surplus Property Program  
Federal Register Report for 12/19/2008**

#### Suitable/Available Properties

##### *Building*

California

Boyle Heights SSA Bldg.  
N. Breed St.

Los Angeles, CA 90033  
Landholding Agency: GSA  
Property Number: 54200840010