

**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, 245 Murray Lane SW, 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 January 12, 2018, at 83 FR 1872.

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: February 23, 2018.

**Christina E. McDonald,**  
*Associate General Counsel for Regulatory Affairs.*

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

Sequence No.	Title	Regulation Identifier No.
116 .....	Homeland Security Acquisition Regulation: Safeguarding of Controlled Unclassified Sensitive Information (HSAR Case 2015–001).	1601–AA76
117 .....	Homeland Security Acquisition Regulation: Information Technology Security Awareness Training (HSAR Case 2015–002).	1601–AA78
118 .....	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.
119 .....	Ammonium Nitrate Security Program .....	1601–AA52
120 .....	Chemical Facility Anti-Terrorism Standards (CFATS) .....	1601–AA69
121 .....	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.
122 .....	Registration Requirement for Petitioners Seeking To File H–1B Petitions on Behalf of Aliens Subject to Numerical Limitations.	1615–AB71
123 .....	Requirements for Filing Motions and Administrative Appeals .....	1615–AB98
124 .....	EB–5 Immigrant Investor Regional Center Program .....	1615–AC11
125 .....	Removing H–4 Dependent Spouses From the Class of Aliens Eligible for Employment Authorization .....	1615–AC15

## U.S. CITIZENSHIP AND IMMIGRATION SERVICES—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
126 .....	EB-5 Immigrant Investor Program Modernization .....	1615-AC07

## U.S. COAST GUARD—PROPOSED RULE STAGE

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	Financial Responsibility—Vessels; Superseded Pollution Funds (USCG-2017-0788) .....	1625-AC39

## U.S. COAST GUARD—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
128 .....	Seafarers' Access to Maritime Facilities .....	1625-AC15

## U.S. COAST GUARD—LONG-TERM ACTIONS

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

## U.S. COAST GUARD—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
130 .....	Numbering of Undocumented Barges .....	1625-AA14

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

Sequence No.	Title	Regulation Identifier No.
131 .....	Importer Security Filing and Additional Carrier Requirements ( <b>Section 610 Review</b> ) .....	1651-AA70
132 .....	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.
133 .....	Security Training for Surface Transportation Employees .....	1652-AA55

## TRANSPORTATION SECURITY ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
134 .....	General Aviation Security and Other Aircraft Operator Security .....	1652-AA53

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

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

FEDERAL EMERGENCY MANAGEMENT AGENCY—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
136 .....	Updates to Floodplain Management and Protection of Wetlands Regulations to Implement Executive Order 13690 and the Federal Flood Risk Management Standard.	1660-AA85

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

Office of the Secretary (OS)

Final Rule Stage

**116. 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 .....	10/00/18	

*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

**117. 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; 41 U.S.C. 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 .....	10/00/18	

*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

**118. 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
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 .....	10/00/18	

*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

**119. 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 entitled “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.”

*Timetable:*

Action	Date	FR Cite
ANPRM .....	10/29/08	73 FR 64280
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
NPRM Comment Period End.	12/01/11	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Jon MacLaren, Group Leader, Strategic Policy and Rulemaking, Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Security Compliance Division (NPPD/ISCD), 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:* 1601–AA52

**120. 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.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	08/18/14	79 FR 48693

Action	Date	FR Cite
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, National Protection and Programs Directorate, Infrastructure Security Compliance Division (NPPD/ISCD), 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:* 1601–AA69

**121. 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:* Next Action Undetermined.

*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

**122. Registration Requirement for Petitioners Seeking To File H–1B Petitions on Behalf of Aliens Subject to Numerical Limitations**

*E.O. 13771 Designation:* Other.

*Legal Authority:* 8 U.S.C. 1184(g)

*Abstract:* The Department of

Homeland Security proposes to amend its regulations governing petitions filed on behalf of alien workers subject to annual numerical limitations. This rule proposes to establish an electronic registration program for petitions subject to numerical limitations for the H–1B nonimmigrant classification. This action is being considered because the demand for H–1B specialty occupation workers by U.S. companies has often exceeded the numerical limitation. This rule is intended to allow U.S. Citizenship and Immigration Services (USCIS) to more efficiently manage the intake and lottery process for these H–1B petitions. The Department published a proposed rule on this topic in 2011. The Department intends to publish an additional proposed rule in 2018. The proposal may include a modified selection process, as outlined in section 5(b) of Executive Order 13788, Buy American and Hire American.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/03/11	76 FR 11686
NPRM Comment Period End.	05/02/11	
NPRM .....	07/00/18	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Kevin Cummings, Division Chief, Business and Foreign Workers Division, 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:* kevin.j.cummings@uscis.dhs.gov. *RIN:* 1615–AB71

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

*E.O. 13771 Designation:* Other.

*Legal Authority:* 5 U.S.C. 552; 5 U.S.C. 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 will reduce delays in the review and appellate process. This rule also proposes 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 also solicits public comment on proposed changes to the AAO's appellate jurisdiction.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/00/19	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Charles "Locky" Nimick, Deputy Chief, Administrative Appeals Office, Department of Homeland Security, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW, Washington, DC 20529-2090, *Phone:* 703 224-4501, *Email:* charles.nimick@uscis.dhs.gov.

*RIN:* 1615-AB98

**124. 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 all interested stakeholders 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 .....	03/00/19	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Edie Pearson, Chief of Policy, Immigrant Investor Program Office, Department of Homeland Security, U.S. Citizenship and Immigration Services, 131 M Street NE, Washington, DC 20529-2200, *Phone:* 202 272-8377.

*RIN:* 1615-AC11

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

*E.O. 13771 Designation:* Other.

*Legal Authority:* 6 U.S.C. 112; 8 U.S.C. 1103(a); 8 U.S.C. 1184(a)(1); 8 U.S.C. 1324a(H)(3)(B)

*Abstract:* On February 25, 2015, DHS published a final rule extending eligibility for employment authorization to certain H-4 dependent spouses of H-1B nonimmigrants who are seeking employment-based lawful permanent resident (LPR) status. DHS is publishing this notice of proposed rulemaking to amend that 2015 final rule. DHS is proposing to remove from its regulations certain H-4 spouses of H-1B nonimmigrants as a class of aliens eligible for employment authorization.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/00/18	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Kevin Cummings, Division Chief, Business and Foreign Workers Division, 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:* kevin.j.cummings@uscis.dhs.gov.

*RIN:* 1615-AC15

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

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

Final Rule Stage

**126. 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.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/13/17	82 FR 4738
NPRM Comment Period End.	04/11/17	
Final Action .....	08/00/18	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Edie Pearson, Chief of Policy, Immigrant Investor Program Office, Department of Homeland Security, U.S. Citizenship and Immigration Services, 131 M Street NE, Washington, DC 20529-2200, *Phone:* 202 272-8377.

*RIN:* 1615-AC07

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

*U.S. Coast Guard (USCG)*

Proposed Rule Stage

**127. 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 .....	12/00/18	

*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)*

Final Rule Stage

**128. Seafarers' Access to Maritime Facilities**

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

*Legal Authority:* 33 U.S.C. 1226; 33 U.S.C. 1231; Pub. L. 111-281, sec. 811

*Abstract:* This regulatory action will implement section 811 of the Coast Guard Authorization Act of 2010 (Pub. L. 111-281), which requires the owner/operator of a facility regulated by the Coast Guard under the Maritime Transportation Security Act of 2002 (Pub. L. 107-295) (MTSA) to provide a system that enables seafarers and certain

other individuals to transit between vessels moored at the facility and the facility gate in a timely manner at no cost to the seafarer or other individual. Ensuring that such access through a facility is consistent with the security requirements in MTSA is part of the Coast Guard's Ports, Waterways, and Coastal Security (PWCS) mission.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/29/14	79 FR 77981
NPRM Comment Period Re-opened.	05/27/15	80 FR 30189
NPRM Comment Period End.	07/01/15	
Final Rule .....	06/00/18	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* LCDR Yamaris Barril, Project Manager, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE, Commandant (CG-FAC-2) STOP 7501, Washington, DC 20593, *Phone:* 202 372-1151, *Email:* yamaris.d.barril@uscg.mil, *RIN:* 1625-AC15

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

*U.S. Coast Guard (USCG)*

Long-Term Actions

**129. 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

Action	Date	FR Cite
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:* Mr. Joseph Myers, Project Manager, Department of Homeland Security, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave 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. Coast Guard (USCG)*

Completed Actions

**130. Numbering of Undocumented Barges**

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

*Legal Authority:* 46 U.S.C. 12301

*Abstract:* Title 46 U.S.C. 12301, as amended by the Abandoned Barge Act of 1992, requires that all undocumented barges of more than 100 gross tons operating on the navigable waters of the United States be numbered. This rulemaking would establish a numbering system and user fees for an original or renewed Certificate of Number for these barges. The numbering of undocumented barges allows the Coast Guard to identify the owners of abandoned barges. This rulemaking supports the Coast Guard's broad role and responsibility of protecting natural resources.

*Timetable:*

Action	Date	FR Cite
Request for Comments.	10/18/94	59 FR 52646
Comment Period End.	01/17/95	
ANPRM .....	07/06/98	63 FR 36384
ANPRM Comment Period End.	11/03/98	
NPRM .....	01/11/01	66 FR 2385
NPRM Comment Period End.	04/11/01	
NPRM Reopening of Comment Period.	08/12/04	69 FR 49844
NPRM Reopening Comment Period End.	11/10/04	
Withdrawn .....	02/16/18	

*Regulatory Flexibility Analysis*

Required: Yes.

*Agency Contact:* Andrea Heck, Project Manager, Department of Homeland Security, U.S. Coast Guard, National Vessel Documentation Center, 792 T.J. Jackson Drive, Falling Waters, WV 25419, *Phone:* 304 271-2400, *Email:* andrea.m.heck@uscg.mil.

*RIN:* 1625-AA14

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

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

Long-Term Actions

**131. 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 to 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	

Action	Date	FR Cite
NPRM Comment Period Extended.	02/01/08	73 FR 6061
NPRM Comment Period End.	03/18/08	
Interim Final Rule Effective.	11/25/08	73 FR 71730
Interim Final Rule Comment Period End.	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.

*RIN:* 1651-AA70

**132. 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 Effective.	01/16/09	74 FR 2824
Interim Final Rule Comment Period End.	01/16/09	
Interim Final Rule Comment Period End.	03/17/09	
Technical Amendment; Change of Implementation Date.	05/28/09	74 FR 25387
Final Action .....	05/00/19	

*Regulatory Flexibility Analysis*

Required: No.

*Agency Contact:* Stephanie Watson, Supervisory Program Manager, Department of Homeland Security, U.S. Customs and Border Protection, Office of Field Operations, 1300 Pennsylvania Avenue NW, 2.5B-38, Washington, DC 20229, *Phone:* 202 325-4548, *Email:* stephanie.e.watson@cbp.dhs.gov.

*RIN:* 1651-AA77

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

*Transportation Security Administration (TSA)*

Final Rule Stage

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

*E.O. 13771 Designation:* Other. *Legal Authority:* 49 U.S.C. 114; Pub. L. 110-53, secs. 1405, 1408, 1501, 1512, 1517, 1531, and 1534

*Abstract:* The 9/11 Act requires security training for employees of higher-risk freight railroad carriers, public transportation agencies (including rail mass transit and bus systems), passenger railroad carriers, and over-the-road bus (OTRB)

companies. This final rule implements the regulatory mandate. Owner/operators of these higher-risk railroads, systems, and companies will be required to train employees performing security-sensitive functions, using a curriculum addressing preparedness and how to observe, assess, and respond to terrorist-related threats and/or incidents. As part of this rulemaking, the Transportation Security Administration (TSA) is expanding its current requirements for rail security coordinators and reporting of significant security concerns (currently limited to freight railroads, passenger railroads, and the rail operations of public transportation systems) to include the bus components of higher-risk public transportation systems and higher-risk OTRB companies. TSA is also adding a definition for Transportation Security-Sensitive Materials (TSSM). Other provisions are being amended or added, as necessary, to implement these additional requirements.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/16/16	81 FR 91336
NPRM Comment Period End.	03/16/17	
Final Rule .....	09/00/18	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Chandru (Jack) Kalro, Deputy Director, Surface Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–1145, *Email:* [surfacefrontoffice@tsa.dhs.gov](mailto:surfacefrontoffice@tsa.dhs.gov).

Alex Moscoso, Chief Economist, Economic Analysis Branch—Cross Modal Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–5839, *Email:* [alex.moscoso@tsa.dhs.gov](mailto:alex.moscoso@tsa.dhs.gov).

Traci Klemm, Assistant Chief Counsel, Regulations and Security Standards, Department of Homeland Security, Transportation Security Administration, Office of Chief Counsel, 601 South 12th Street, Arlington, VA 20598–6002, *Phone:* 571 227–3596, *Email:* [traci.klemm@tsa.dhs.gov](mailto:traci.klemm@tsa.dhs.gov).

RIN: 1652–AA55

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

*Transportation Security Administration (TSA)*

Completed Actions

**134. General Aviation Security and Other Aircraft Operator Security**

*E.O. 13771 Designation:* Derogatory. *Legal Authority:* 6 U.S.C. 469; 18 U.S.C. 842; 18 U.S.C. 845; 46 U.S.C. 70102 to 70106; 46 U.S.C. 70117; 49 U.S.C. 114; 49 U.S.C. 114(f)(3); 49 U.S.C. 5103; 49 U.S.C. 5103a; 49 U.S.C. 40113; 49 U.S.C. 44901 to 44907; 49 U.S.C. 44913 to 44914; 49 U.S.C. 44916 to 44918; 49 U.S.C. 44932; 49 U.S.C. 44935 to 44936; 49 U.S.C. 44942; 49 U.S.C. 46105

*Abstract:* On October 30, 2008, the Transportation Security Administration (TSA) issued a notice of proposed rulemaking (NPRM), proposing to amend current aviation transportation security regulations to enhance the security of general aviation by expanding the scope of current requirements and by adding new requirements for certain large aircraft operators and airports serving those aircraft. TSA also proposed that all aircraft operations, including corporate and private charter operations, with aircraft having a maximum certified takeoff weight (MTOW) above 12,500 pounds (large aircraft) be required to adopt a large aircraft security program. TSA also proposed to require certain airports that serve large aircraft to adopt security programs. TSA has decided to not pursue this rulemaking.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/30/08	73 FR 64790
NPRM Comment Period End.	12/29/08	
Notice—NPRM Comment Period Extended.	11/25/08	73 FR 71590
NPRM Extended Comment Period End.	02/27/09	
Notice—Public Meetings; Requests for Comments.	12/18/08	73 FR 77045
Notice of Withdrawal.	03/16/18	83 FR 11667

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Kevin Knott, Branch Manager, Industry Engagement Branch—Aviation Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, 601 South 12th Street,

Arlington, VA 20598–6028, *Phone:* 571 227–4370, *Email:* [kevin.knott@tsa.dhs.gov](mailto:kevin.knott@tsa.dhs.gov).

Alex Moscoso, Chief Economist, Economic Analysis Branch—Cross Modal Division, Department of Homeland Security, Transportation Security Administration, Office of Security Policy and Industry Engagement, 601 South 12th Street, Arlington, VA 20598–6028, *Phone:* 571 227–5839, *Email:* [alex.moscoso@tsa.dhs.gov](mailto:alex.moscoso@tsa.dhs.gov).

Christine Beyer, Senior Counsel, Regulations and Security Standards, Department of Homeland Security, Transportation Security Administration, Office of Chief Counsel, TSA–2, HQ, E12–336N, 601 South 12th Street, Arlington, VA 20598–6002, *Phone:* 571 227–3653, *Email:* [christine.beyer@tsa.dhs.gov](mailto:christine.beyer@tsa.dhs.gov).

RIN: 1652–AA53

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

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

Proposed Rule Stage

**135. 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 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 .....	05/00/18	
NPRM Comment Period End.	07/00/18	

*Regulatory Flexibility Analysis Required: Yes.*



*Agency Contact:* Beth Cook, Deputy Chief, Office of the Principal Legal Advisor, Department of Homeland Security, U.S. Immigration and Customs Enforcement, Suite 200, 166 Sycamore Street, Williston, VT 05495, *Phone:* 802 288-7742, *Email:* [beth.e.cook@ice.dhs.gov](mailto:beth.e.cook@ice.dhs.gov).

Brad Tuttle, Attorney Advisor, Department of Homeland Security, U.S. Immigration and Customs Enforcement, 500 12th Street SW, Washington, DC 20536, *Phone:* 202 732-5000, *Email:* [bradley.c.tuttle@ice.dhs.gov](mailto:bradley.c.tuttle@ice.dhs.gov).

*RIN:* 1653-AA67

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

*Federal Emergency Management Agency (FEMA)*

Completed Actions

**136. Updates to Floodplain Management and Protection of Wetlands Regulations To Implement Executive Order 13690 and the Federal Flood Risk Management Standard**

*E.O. 13771 Designation:* Deregulatory.  
*Legal Authority:* E.O. 11988, as amended; 42 U.S.C. 5201; 6 U.S.C. 101 *et seq.*

*Abstract:* The Federal Emergency Management Agency (FEMA) plans to withdraw a notice of proposed rulemaking (NPRM) that published on August 22, 2016. The NPRM proposed changes to FEMA’s “Floodplain Management and Protection of Wetlands” regulations to implement Executive Order 13690, which established the Federal Flood Risk Management Standard (FFRMS). FEMA also plans to withdraw a proposed supplementary policy (FEMA Policy: 078-3), which clarified how FEMA

would apply the FFRMS. On August 15, 2017, the President issued Executive Order 13807, which revoked Executive Order 13690. Accordingly, FEMA plans to withdraw the NPRM and proposed supplementary policy.

*Timetable:*

Action	Date	FR Cite
NPRM .....	08/22/16	81 FR 57401
NPRM Comment Period End.	10/21/16	
Notice of Withdrawal.	03/06/18	83 FR 9473

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Kristin Fontenot, Office of Environmental and Historic Preservation, Department of Homeland Security, Federal Emergency Management Agency, 400 C Street SW, Washington, DC 20472, *Phone:* 202 646-2741, *Email:* [kristin.fontenot@fema.dhs.gov](mailto:kristin.fontenot@fema.dhs.gov).

*RIN:* 1660-AA85

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