

Item No.	Proposed fee	Current fee	Change in fee	Percentage increase	Estimated annual number of services requested <sup>1</sup>	Estimated change in annual fees collected <sup>2</sup>
Total <sup>3</sup> .....	80	60	20	33.33	15,900,000	\$318,000,000
*	*	*	*	*	*	*

<sup>1</sup> Projected passport workload included in this CoSM update, FY 2020, 2021 and 2022 receipts projected by the PPT directorate as of July 2020.

<sup>2</sup> The Department of State retains this fee.

<sup>3</sup> The Department anticipates implementing this fee change in FY 2022. FY 2022 volumes are used to project fee collection totals.

*Executive Orders 12372 and 13132*

This regulation will not have substantial direct effects on the states, on the relationship between the National Government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this regulation.

*Executive Order 13771*

This rule is not subject to the requirements of Executive Order 13771

(82 FR 9339, February 3, 2017) because it is a transfer rule.

*Executive Order 13175*

The Department has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal law. Accordingly, the requirements of Executive Order 13175 do not apply to this rulemaking.

*Paperwork Reduction Act*

This rule does not impose any new reporting or recordkeeping requirements subject to the Paperwork Reduction Act.

**List of Subjects in 22 CFR Part 22**

Consular services, Fees.

Accordingly, for the reasons stated in the preamble, 22 CFR part 22 is proposed to be amended as follows:

**PART 22—SCHEDULE OF FEES FOR CONSULAR SERVICES—DEPARTMENT OF STATE AND FOREIGN SERVICE**

■ 1. The authority citation for part 22 continues to read as follows:

**Authority:** 8 U.S.C. 1101 note, 1153 note, 1157 note, 1183a note, 1184(c)(12), 1201(c), 1351, 1351 note, 1714, 1714 note; 10 U.S.C. 2602(c); 22 U.S.C. 214, 214 note, 1475e, 2504(h), 2651a, 4206, 4215, 4219, 6551; 31 U.S.C. 9701; E.O. 10718, 22 FR 4632 (1957), 3 CFR, 1954–1958 Comp., p. 382; E.O. 11295, 31 FR 10603 (1966), 3 CFR, 1966–1970 Comp., p. 570.

■ 2. In § 22.1, amend the table by revising entry 2(g) under the heading “Passport and Citizenship Services” to read as follows:

**§ 22.1 Schedule of fees.**

\* \* \* \* \*

SCHEDULE OF FEES FOR CONSULAR SERVICES

Item No.	Fee
<b>Passport and Citizenship Services</b>	
2. * * *	*
(g) Passport book security surcharge (enhanced border security fee) .....	\$80
*	*

**Ian Brownlee,**  
Acting Assistant Secretary for Consular Affairs, U.S. Department of State.  
[FR Doc. 2021–06263 Filed 3–25–21; 8:45 am]  
BILLING CODE 4710–06–P

**DEPARTMENT OF HOMELAND SECURITY**  
**Coast Guard**  
**33 CFR Part 117**  
[Docket No. USCG–2020–0647]  
RIN 1625–AA09  
**Drawbridge Operation Regulation; New Jersey Intracoastal Waterway, Point Pleasant, NJ**  
AGENCY: Coast Guard, Department of Homeland Security (DHS).

**ACTION:** Notice of proposed rulemaking.  
**SUMMARY:** The Coast Guard proposes to modify the operating schedule that governs the Route 88 (Veterans Memorial) Bridge and Route 13 (Lovelandtown) Bridge across the New Jersey Intracoastal Waterway (NJICW) at Point Pleasant Canal, mile 3.0 and 3.9, respectively at Point Pleasant, NJ. This proposed modification will allow the drawbridges to be maintained in the closed position overnight.  
**DATES:** Comments and related material must reach the Coast Guard on or before April 26, 2021.

**ADDRESSES:** You may submit comments identified by docket number USCG–2020–0647 using Federal e-Rulemaking Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rule, call or email Mr. Mickey Sanders, Bridge Administration Branch, Fifth District, U.S. Coast Guard, telephone (757) 398–6587, email [Mickey.D.Sanders2@uscg.mil](mailto:Mickey.D.Sanders2@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

**I. Table of Abbreviations**

CFR Code of Federal Regulations  
 DHS Department of Homeland Security  
 FR Federal Register  
 OMB Office of Management and Budget

NPRM Notice of Proposed Rulemaking (Advance, Supplemental)  
 § Section  
 U.S.C. United States Code  
 NJICW New Jersey Intracoastal Waterway

**II. Background, Purpose and Legal Basis**

The New Jersey Department of Transportation, which owns and operates the Route 88 (Veterans Memorial) Bridge and Route 13 (Lovelandtown) Bridge, across the NJICW at Point Pleasant Canal, mile 3.0 and 3.9, respectively, at Point Pleasant, NJ, has requested this modification to reduce the number of bridge openings during off-peak hours.

The Route 88 (Veterans Memorial) Bridge across the NJICW at Point Pleasant Canal, mile 3.0, at Point Pleasant, NJ, has a vertical clearance of 10 feet above mean high water in the closed-to-navigation position. The

bridge currently operates under 33 CFR 117.5.

The Route 13 (Lovelandtown) Bridge across the NJICW at Point Pleasant Canal, mile 3.9, at Point Pleasant, NJ, has a vertical clearance of 30 feet above mean high water in the closed-to-navigation position. The bridge currently operates under 33 CFR 117.5.

The Point Pleasant Canal is used predominately by recreational vessels and pleasure craft. The three-year average number of bridge openings, maximum number of bridge openings, and bridge openings between 11 p.m. to 7 a.m., by month and overall for August 2017, through August 2020, as drawn from the data contained in the bridge tender logs, is presented below. There is a monthly average of two bridge openings for each bridge, from 11 p.m. to 7 a.m., from August 2017 to August 2020.

Month	Average openings	Maximum openings	Proposed openings 11 p.m.–7 a.m.
January .....	4	14	0
February .....	2	7	0
March .....	7	21	0
April .....	24	72	2
May .....	51	154	6
June .....	74	223	18
July .....	125	376	20
August .....	101	407	20
September .....	63	190	8
October .....	51	155	6
November .....	29	89	7
December .....	16	49	1

**III. Discussion of Proposed Rule**

The bridge owner has requested to modify the operating regulation for the bridges, due to the limited number of requested openings of the bridges from 11 p.m. to 7 a.m., over a period of approximately three years. The data presented in the table above demonstrates that the requested modification may be implemented with de minimis impact to navigation. This proposed modification will allow the drawbridges to be maintained in the closed position from 11:01 p.m. to 6:59 a.m. and shall open on signal, if at least four hours advance notice is given.

**IV. Regulatory Analyses**

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on these statutes and Executive orders and we discuss First Amendment rights of protestors.

*A. Regulatory Planning and Review*

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This NPRM has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB) and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the fact that an average of only two bridge openings occurred per month from 11 p.m. to 7 a.m., from August 2017 through August 2020.

*B. Impact on Small Entities*

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the bridges may be small entities, for the reasons stated in section IV.A above this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity

and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

### C. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

### D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, (Federalism), if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175, (Consultation and Coordination with Indian Tribal Governments), because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

### E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a

State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule will not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

### F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01, Rev.1, associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard has determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule promulgates the operating regulations or procedures for drawbridges. Normally such actions are categorically excluded from further review, under paragraph L49, of Chapter 3, Table 3–1 of the U.S. Coast Guard Environmental Planning Implementation Procedures.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

### V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. If your material

cannot be submitted using <https://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to <https://www.regulations.gov> and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Documents mentioned in this NPRM as being available in this docket and all public comments, will be in our online docket at <https://www.regulations.gov> and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

### List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

### PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend § 117.733 as follows:

■ a. Remove paragraphs (i) and (k);

■ b. Redesignate paragraphs (b) through (h) and (j) as paragraphs (d) through (k), respectively; and

■ c. Add new paragraphs (b) and (c).

The additions read as follows:

#### § 117.733 New Jersey Intracoastal Waterway.

\* \* \* \* \*

(b) The draw of the Route 88 Bridge, mile 3.0, across Point Pleasant Canal at Point Pleasant, shall operate as follows:

(1) From 7 a.m. to 11 p.m. the draw shall open on signal.

(2) From 11:01 p.m. to 6:59 a.m. the draw shall open on signal, if at least four hours advance notice is given.

(c) The draw of the Route 13 Bridge, mile 3.9, across Point Pleasant Canal at Point Pleasant, shall operate as follows:

(1) From 7 a.m. to 11 p.m. the draw shall open on signal.

(2) From 11:01 p.m. to 6:59 a.m. the draw shall open on signal, if at least four hours advance notice is given.

\* \* \* \* \*

Dated: March 5, 2021.

**L.M. Dickey,**

*Rear Admiral, U.S. Coast Guard, Commander,  
Fifth Coast Guard District.*

[FR Doc. 2021-05154 Filed 3-25-21; 8:45 am]

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## LIBRARY OF CONGRESS

### U.S. Copyright Office

#### 37 CFR Chapter III

[Docket No. 2021-1]

#### Copyright Alternative in Small-Claims Enforcement (“CASE”) Act Regulations

**AGENCY:** U.S. Copyright Office, Library of Congress.

**ACTION:** Notification of inquiry.

**SUMMARY:** The U.S. Copyright Office is issuing a notification of inquiry regarding its implementation of the Copyright Alternative in Small-Claims Enforcement (“CASE”) Act. The CASE Act establishes the Copyright Claims Board (“CCB”), an alternative forum in which parties may voluntarily seek to resolve certain copyright infringement and other claims. The Office must establish regulations to govern the CCB and its procedures, including rules addressing service of notice and other documents, waiver of personal service, notifications that parties are opting out of participating in the forum, discovery, a mechanism for certain claims to be resolved by a single CCB Officer, review of CCB determinations by the Register of Copyrights, publication of records, certifications, and fees. The statute also allows the Office to adopt several optional regulations, including regulations addressing claimants’ permissible number of cases, eligible classes of works, the conduct of proceedings, and default determinations. The statute vests the Office with general authority to adopt regulations to carry out its provisions. To assist in promulgating these regulations, the Office seeks public comment regarding the subjects of inquiry discussed in this notification.

**DATES:** Initial written comments must be received no later than 11:59 p.m. Eastern Time on April 26, 2021. Written reply comments must be received no later than 11:59 p.m. Eastern Time on May 10, 2021.

**ADDRESSES:** For reasons of governmental efficiency, the Copyright Office is using the *regulations.gov* system for the submission and posting of public comments in this proceeding. All comments are therefore to be submitted

electronically through *regulations.gov*. Specific instructions for submitting comments are available on the Copyright Office’s website at <https://www.copyright.gov/rulemaking/case-act-implementation/>. If electronic submission of comments is not feasible due to lack of access to a computer and/or the internet, please contact the Office using the contact information below for special instructions.

**FOR FURTHER INFORMATION CONTACT:** John R. Riley, Assistant General Counsel, by email at [jrill@copyright.gov](mailto:jril@copyright.gov), Brad A. Greenberg, Assistant General Counsel, by email at [brgr@copyright.gov](mailto:brgr@copyright.gov), or Rachel Counts, Paralegal, by email at [rcounts@copyright.gov](mailto:rcounts@copyright.gov). They can each be reached by telephone at 202-707-8350.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

###### A. The CASE Act and the Copyright Claims Board

On December 27, 2020, the President signed into law the Copyright Alternative in Small-Claims Enforcement (“CASE”) Act of 2020.<sup>1</sup> The statute establishes the Copyright Claims Board (“CCB”), a voluntary tribunal in the Copyright Office (“Office”) comprised of three Copyright Claims Officers who have the authority to render determinations on certain copyright disputes that have a low economic value (“small copyright claims”). Congress created the CCB to address the significant challenges of litigating small copyright claims in federal court,<sup>2</sup> a problem analyzed in depth in the Office’s 2013 policy report, *Copyright Small Claims*.<sup>3</sup> This report included model legislation that Congress drew on in developing the statute, and Congress incorporated the Office’s report and supporting materials into the statute’s legislative history.<sup>4</sup>

Prior to the CCB beginning operations, jurisdiction to hear copyright infringement suits resides exclusively in federal courts.<sup>5</sup> The statute does not displace or limit the ability to bring copyright infringement claims in federal court. Instead, the law provides an alternative forum to decide small

copyright claims in a manner that is more accessible to *pro se* parties and other parties that otherwise could not afford to litigate their claims.<sup>6</sup>

The CCB has the authority to decide copyright infringement claims (asserted by copyright holders), claims seeking a declaration of noninfringement (asserted by users of copyrighted works or other accused infringers), and misrepresentation claims under 17 U.S.C. 512(f).<sup>7</sup> District courts can also refer parties to have their disputes decided by the CCB as part of their alternative dispute resolution programs.<sup>8</sup>

While the statute mandates the creation of the CCB, it does not change the underlying copyright law with respect to these disputes. The CCB will employ existing case law in making its determinations and, in the case of conflicting judicial copyright precedents that cannot be reconciled, the CCB “shall follow the law of the Federal jurisdiction in which the action could have been brought if filed in a district court of the United States,” or, if the action could have been brought in multiple jurisdictions, the jurisdiction that “has the most significant ties to the parties and conduct at issue.”<sup>9</sup> All CCB determinations are non-precedential.<sup>10</sup> The CCB may consult with the Register of Copyrights on general issues of law, although, similarly to the Copyright Royalty Board (“CRB”), it cannot do so regarding the facts of any pending matter or the application of law to those facts.<sup>11</sup>

Participation in the CCB is voluntary for all parties.<sup>12</sup> In establishing the CCB, Congress adopted a system whereby respondents must be notified of a claim asserted against them, and have the opportunity to opt out of participating in this alternative forum.<sup>13</sup> As with private arbitration models, participants may consent to participate in CCB proceedings, waiving their ability to have a dispute heard in federal court including any right to a jury trial.<sup>14</sup> As noted below, default determinations are able to be reviewed and set aside by an Article III judge, as an additional safeguard for defaulting respondents.<sup>15</sup>

<sup>6</sup> H.R. Rep. No. 116-252, at 17.

<sup>7</sup> 17 U.S.C. 1504(c)(1)-(3).

<sup>8</sup> *Id.* 1509(b); see 28 U.S.C. 651.

<sup>9</sup> 17 U.S.C. 1503(b), 1506(a)(2); H.R. Rep. No. 116-252, at 21-22, 25-26.

<sup>10</sup> H.R. Rep. No. 116-252, at 21-22, 33.

<sup>11</sup> 17 U.S.C. 1503(b)(2); see also *id.* 802(f)(1)(A)(i) (parallel CRB provision).

<sup>12</sup> See *id.* at 1503(a), 1504(a); H.R. Rep. No. 116-252, at 17, 21.

<sup>13</sup> 17 U.S.C. 1506(g)(1), (i).

<sup>14</sup> H.R. Rep. No. 116-252, at 21; *Small Claims Report* at 97-99.

<sup>15</sup> 17 U.S.C. 1508(c)(1)(C).

<sup>1</sup> Public Law 116-260, sec. 212, 134 Stat. 1182, 2176 (2020).

<sup>2</sup> See, e.g., H.R. Rep. No. 116-252, at 18-20 (2019). Note, the statute’s legislative history cited is for H.R. 2426, 116th Cong. (2019), the CASE Act of 2019, a bill largely identical to the CASE Act of 2020.

<sup>3</sup> U.S. Copyright Office, *Copyright Small Claims* (2013) <https://www.copyright.gov/docs/smallclaims/usco-smallcopyrightclaims.pdf> (“*Small Claims Report*”).

<sup>4</sup> H.R. Rep. No. 116-252, at 19.

<sup>5</sup> 17 U.S.C. 301(a); 28 U.S.C. 1338(a).