

State of New Jersey Department of State

Monday
April 27, 1992

Part XIII

Department of State

Semiannual Regulatory Agenda

DEPARTMENT OF STATE (STATE)

DEPARTMENT OF STATE

22 CFR Ch. I

[Public Notice 1605]

Unified Agenda of Federal Regulations

AGENCY: Department of State.

ACTION: Semiannual publication of regulatory agenda.

SUMMARY: As required by Executive Order 12291 and the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), the April 1992 agenda of regulations of the Department of State is set forth below. This agenda was prepared under the guidelines of the December 10, 1991, memorandum from the Office of Management and Budget. The purpose of the agenda is to provide information to the public on the Department's

regulatory plans for the program year of April 1, 1992 - March 31, 1993.

FOR FURTHER INFORMATION CONTACT: Sally J. Cummins, Acting Assistant Legal Adviser for Legislation and General Management, Department of State, Room 5425, 2201 C Street NW., Washington, DC 20520-6310; telephone (202) 647-5154.

Dated: April 6, 1992.

John F. W. Rogers,
Under Secretary for Management.

DEPARTMENT OF STATE (STATE)

Prerule Stage

1762. AMENDMENT TO DEPARTMENT OF STATE ACQUISITION REGULATION (DOSAR CASE 89-011)

Legal Authority: 22 USC 2658; 22 USC 4343; 40 USC 486(c); 5 USC 301

CFR Citation: 48 CFR 601 to 670, (Revision)

Legal Deadline: None

Abstract: The DOSAR will be revised to include all agency acquisition regulations that implement and supplement the FAR. The revision will incorporate agency policy, procedures, contract clauses, solicitation provisions, and forms governing the Department of State contracting process.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Will Zehnder, Analyst, Domestic Policy and

Compliance Division, Department of State, A/OPE, Room 603, SA-6, Washington, DC 20522-0602, 703 516-1690

RIN: 1400-AA31

1763. FOREIGN PROHIBITIONS ON LONGSHORE WORK BY U.S. NATIONALS

Legal Authority: 8 USC 1288(d)

CFR Citation: 22 CFR 89

Legal Deadline: Final, Statutory, December 31, 1992.

Legal deadline reflects the statutory requirement that the list be updated on an annual basis.

Abstract: The above-mentioned statute requires the Secretary of State to compile, and update annually through Notice-and-Comment rulemaking procedures, a list, by particular longshore activity, of countries where performance of such activity is prohibited by law, regulation, or in practice in the country concerned. According to the statute cited above, the Attorney General will use this list for enforcing restrictions on work performed by crewmembers of vessels from such countries. Compilation of the list itself does not involve any significant costs and is based upon

information being provided to the Department of State by U.S. diplomatic missions overseas as well as by the public. Questions regarding the policy justification for the list and its use are best directed to the Department of Labor, Transportation, and Justice.

Timetable:

Action	Date	FR Cite
NPRM	02/27/91	56 FR 8167
NPRM Comment Period End	03/29/91	
Interim Final Rule	05/30/91	56 FR 24338
Final Rule	12/27/91	56 FR 66970
Final Rule Effective	01/01/92	
Final Rule Correction	01/04/92	57 FR 1384
ANPRM	06/00/92	
Begin Review	07/00/92	
Final Action	12/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen Miller, Office of Maritime and Land Transport, Bureau of Economic and Business Affairs, Department of State, 2201 C Street NW., Washington, DC 20520-5818, 202 647-6961

RIN: 1400-AA34

DEPARTMENT OF STATE (STATE)

Proposed Rule Stage

1764. ESTABLISHMENT OF A REGISTRY IN THE DEPARTMENT OF STATE FOR INFORMATION ABOUT EXECUTION OF INTERNATIONAL WILLS

Legal Authority: See Additional Information.

CFR Citation: 22 CFR 92.81(b)(3)

Legal Deadline: None

Abstract: By resolution of the international diplomatic conference that adopted the final text of the Convention, there was a recommendation that the Department of State establish an internal system to permit the optional registration of information to facilitate the discovery of international wills. The President transmitted the Convention to the Senate on July 2, 1986, with the recommendation that the Senate give its advice and consent to U.S. ratification of the Convention, and information about the intention to establish the Registry in the Department of State (Senate Treaty Doc. 99-29). The Senate gave advice and consent to ratification on August 2, 1991. Implementing legislation, the International Wills Act, is required before the United States can take further action to ratify the Convention.

Timetable:

Action	Date	FR Cite
Senate Advice and Consent to Ratification of the 1973 Convention	08/02/91	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: U.S. ratification of 1973 Convention providing a uniform law on the form of an international will would provide the basis for establishing the Registry.

Agency Contact: Carmen A. DiPlacido, Director, Office of Citizens Consular Services, Department of State, Bureau of Consular Affairs, Washington, DC 20520-4818, 202 647-3666

RIN: 1400-AA09

1765. ADMINISTRATIVE PRACTICE AND PROCEDURE, CLASSIFIED INFORMATION, FREEDOM OF INFORMATION, PRIVACY

Significance: Agency Priority

Legal Authority: 5 USC 552; 5 USC 552a; 5 USC 551 et seq; 5 USC app 201; EO 12356; EO 12600

CFR Citation: 22 CFR 171

Legal Deadline: None

Abstract: These rules implement the Freedom of Information Act, the Privacy Act, and other information access provisions, and set forth the practices and procedures governing the availability of information and records to the public. The practices and procedures affect: The making of requests; the review of classified and other information in response to such requests; access and denial of access to the requested information; the right to administratively appeal a denial of access; the right to request amendment of personal information; the assessment and waiver of fees in connection with the foregoing; and access to and use of financial disclosure reports. During the next twelve months we anticipate that there will be a need to amend that section of the rules which covers the Privacy Act resulting from the creation of new systems of records subject to that Act.

Timetable:

Action	Date	FR Cite
NPRM	08/26/88	53 FR 32626
NPRM Comment Period End	09/26/88	53 FR 32626
Final Action	02/21/91	56 FR 6968
Final Action Effective	02/21/91	
Continue Proposed Revisions	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Margaret Grafeld, Chief, Privacy, Plans and Appeals Division, Department of State, DS/IM/FPC/PPA, Room 1512, Washington, DC 20520-1239, 202 647-6620

RIN: 1400-AA30

1766. PROCEDURES FOR REVIEW OF ADVERSE ACTIONS

Legal Authority: 22 USC 211a; 22 USC 2705

CFR Citation: 22 CFR 51.80 to 51.89

Legal Deadline: None

Abstract: These rules provide the administrative remedy applicable to persons subject to adverse actions of denial, restriction, revocation, or invalidation of passports under 22 CFR 51.70 to 51.72. The action will amend the regulations to extend the application of the review procedures to actions of denial, restriction, revocation, or invalidation of passports based upon a finding of non-citizenship.

Timetable:

Action	Date	FR Cite
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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: William B. Wharton, Director, Office of Citizenship Appeals and Legal Assistance, Bureau of Consular Affairs, Department of State, CA/PPT/C, Room 300, SA-17, Washington, DC 20522-1705, 202 326-6175

RIN: 1400-AA33

1767. ● VISAS PART 43 DOCUMENTATION OF IMMIGRANTS

Significance: Regulatory Program

Legal Authority: PL 101-649; PL 102-232, sec 302(b)(1)(6)

CFR Citation: 22 CFR 43

Legal Deadline: None

Abstract: Miscellaneous and Technical Immigration and Naturalization Amendments of 1991, Pub. L. 102-232, was enacted on December 12, 1991, to make necessary technical corrections to the comprehensive Immigration Act of 1990, Pub. L. 101-649. The Immigration and Nationality Act at section 104 (8 USC 1104) grants the Secretary of State general authority over the issuance and refusal of visas and to promulgate necessary regulations. That statutory provision constitutes the general authority to promulgate these regulations. The technical amendments restructure the selection process in the transitional diversity program. The regulations implementing the

STATE

Proposed Rule Stage

amendments involve the adoption of a procedure used previously in a different diversity program, commonly known as the "OP-1."

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	
Final Action	08/00/92	
Final Action Effective	08/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Cornelius D. Scully, III, Office Director, Legislation, Regulations and Advisory Assistance, Department of State, 2401 E Street NW., SA-1, Washington, DC 20522-0113, 202 663-1184

RIN: 1400-AA42

1768. ● VISAS PART 40 REGULATIONS PERTAINING TO BOTH NONIMMIGRANTS AND IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Significance: Regulatory Program

Legal Authority: PL 102-138, sec 128

CFR Citation: 22 CFR 40

Legal Deadline: NPRM, Statutory, October 28, 1991.

Abstract: The Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, Pub. L. 102-138, enacted October 28, 1991, also modified certain provisions of the Immigration and Nationality Act at section 104 (8 USC 1104) grants the Secretary of State general authority over the issuance and refusal of visas and to promulgate necessary regulations. That statutory provision constitutes the general authority to

promulgate these regulations. Section 128(e)(i) mandates publication of the procedures used by the Department of State in maintaining the Visa Lookout System. This regulation will satisfy that requirement.

Timetable:

Action	Date	FR Cite
NPRM	04/00/92	
Final Action	08/00/92	
Final Action Effective	08/00/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cornelius D. Scully, III, Office Director, Legislation, Regulations and Advisory Assistance, Department of State, 2401 E Street NW., SA-1, Washington, DC 20522-0113, 202 663-1184

RIN: 1400-AA43

DEPARTMENT OF STATE (STATE)

Final Rule Stage

1769. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 22 USC 2658

CFR Citation: 22 CFR 135

Legal Deadline: None

Abstract: As a result of public comment, OMB has placed this rule on hold. OMB discontinued work to combine circulars A-110 and A-102. This effort would have resulted in uniform administrative requirements for grants and cooperative agreements. A new OMB task force reconvened to review provisions of circular A-110 (pertinent to institutions of higher education, hospitals, and other nonprofit organizations). Department regulations will follow circular A-110 final publication.

Timetable:

Action	Date	FR Cite
ANPRM	06/18/84	49 FR 24958
Notice of Proposed Forms	05/29/87	52 FR 20178
NPRM	06/09/87	52 FR 21820
Begin Review	06/24/87	52 FR 23729
Notice Public Comment Period End	07/28/87	52 FR 20178

Action	Date	FR Cite
NPRM Comment Period End	08/10/87	52 FR 21820
Final Rule	03/11/88	53 FR 8034
NPRM	11/04/88	53 FR 44716
NPRM Public Comment Period End	01/03/89	53 FR 44716

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Will Zehnder, Analyst, Domestic Policy and Compliance Division, Department of State, Room 603, SA-6, Washington, DC 20522-0602, 703 516-1690

RIN: 1400-AA20

1770. INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR)

Legal Authority: 22 USC 2778; EO 12735; 22 USC 2751 et seq; EO 11958; EO 12735

CFR Citation: 22 CFR 120 to 130

Legal Deadline: NPRM, Statutory, June 1, 1991.

Deadline has been extended.

Abstract: The ITAR were first published in their current form in 1955

and have been periodically amended to reflect statutory enactments and to implement foreign policy. The last substantial revision occurred in December 1984. The State Department office which administers the ITAR, the Office of Defense Trade Controls, is continually seeking ways to improve its export control function through clarification and amendment of the ITAR, as necessary. In EO 12735, the President determined that items should be removed from the USML and transferred to the jurisdiction of the Commerce Department unless significant national security interests would be jeopardized. These proposed rules will transfer many dual-use items to the Commodity Control List (CCL). Many exporters will find the new USML simplified and easier to comprehend.

Timetable:

Action	Date	FR Cite
Published	10/17/89	54 FR 42496
Administrative Changes to the International Traffic in Arms Regulations		
New License Exemptions Under ITAR	06/26/90	53 FR 25981
NPRM	07/25/91	56 FR 34037

STATE

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	08/26/91	
NPRM - Amending the ITAR (Two Rules)	09/05/91	56 FR 43894
NPRM - Two Rule Changes to the ITAR	09/16/91	56 FR 46753
Amend Prohibited Destination List	10/29/91	56 FR 55630
Amend USML	01/16/92	57 FR 1886
Designate Non-Significant Military Equipment	01/16/92	57 FR 1888
Revise List of Prohibited Destinations	02/00/92	
Amend USML	03/00/92	
Create New Category for Space-Related Articles	03/00/92	
Revision of ITAR	03/00/92	
Revision of ITAR	05/00/92	
Continue Proposed Revisions	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal

Agency Contact: Rose Biancanello, Chief, Arms Licensing Division, Bureau of Politico-Military Affairs, Department of State, PM/DTC, Room 200, Annex 6, Washington, DC 20522-0602, 703 875-6644

RIN: 1400-AA23

1771. NEW RESTRICTIONS ON LOBBYING

Significance: Regulatory Program

Legal Authority: 31 USC 1352; 22 USC 2658

CFR Citation: 22 CFR 138, (New)

Legal Deadline: None

Abstract: This interim final rule establishes a uniform regulation for nonprocurement Federal transactions among 29 Federal agencies. The regulation adopts and implements guidance published by the Office of Management and Budget (see 54 FR 52306, December 20, 1989), pursuant to section 319 of the Interior and Related Agencies Appropriations Act for Fiscal Year 1990. Section 319 added section 1352, "Limitation on use of appropriated funds to influence certain Federal

contracting and financial transactions," to title 31, United States Code. The interim final rule, published February 26, 1990, established semi-annual reporting requirements. The Federal Acquisition Regulation has been revised to provide for provisions of this rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/26/90	55 FR 6736
OMB Government-wide Guidance (Notice)	06/15/90	55 FR 24540

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Will Zehnder, Analyst, Domestic Policy and Compliance Division, Department of State, A/OPE, Room 603, SA-6, Washington, DC 20522-0602, 703 516-1690

RIN: 1400-AA29

1772. VISAS; PART 41 DOCUMENTATION OF NONIMMIGRANTS UNDER THE INA, AS AMENDED

Significance: Regulatory Program

Legal Authority: PL 101-649, title II; PL 101-649, Sec 204; PL 101-649, Sec 205; PL 101-649, Sec 206; PL 101-649, Sec 207; PL 101-649, Sec 208; PL 101-649, Sec 209; PL 101-649, Sec 201

CFR Citation: 22 CFR 41.51; 22 CFR 41.53; 22 CFR 41.54; 22 CFR 41.55; 22 CFR 41.56; 22 CFR 41.57; 22 CFR 41.58; 22 CFR 41.2(1); 22 CFR 41.2(j); 22 CFR 41.35

Legal Deadline: NPRM, Statutory, October 1, 1991.

Abstract: The Immigration Act of 1990 (the "Act"), Pub. L. 101-649, enacted on November 29, 1990, constitutes a comprehensive revision of the United States immigration law. This rule modified certain nonimmigrant visa classifications and created others. The Immigration and Nationality Act at section 104 (8 U.S.C. 1104) grants the Secretary of State general authority over the issuance and refusal of visas and to promulgate necessary regulations.

Timetable:

Action	Date	FR Cite
Proposed Rule; Passport and Visa Waiver Requirements (22 CFR 41.2(j))	07/30/91	56 FR 36029
NPRM - Modification of Nonimmigrant Visa Classifications	09/03/91	56 FR 43565
Interim Rule; Visa Waiver Pilot Program (22 CFR 41.2(1))	09/13/91	56 FR 46716
Proposed Rule; Creation of New NIV Classification	01/06/92	57 FR 00341
Final Rule; Creation of New NIV Classification	05/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Cornelius D. Scully, III, Office Director, Legislation, Regulations and Advisory Assistance, Department of State, Bureau of Consular Affairs, 2401 E Street, NW., SA-1, Washington, DC 20522-0113, 202 663-1184

RIN: 1400-AA36

1773. VISAS; PART 42 DOCUMENTATION OF IMMIGRANTS UNDER THE INA, AS AMENDED

Significance: Regulatory Program

Legal Authority: PL 101-649, title I; PL 101-649, sec 154; PL 101-649, sec 155

CFR Citation: 22 CFR 42; 22 CFR 42.72; 22 CFR 42.54

Legal Deadline: NPRM, Statutory, October 1, 1991.

Abstract: The Immigration Act of 1990 (the "Act"), Pub. L. 101-649, enacted on November 29, 1990, constitutes a comprehensive revision of the United States immigration law. This rule partially restructured the immigrant visa system. The Immigration and Nationality Act at section 104 (8 U.S.C. 1104) grants the Secretary of State general authority over the issuance and refusal of visas and to promulgate necessary regulations.

STATE

Final Rule Stage

Timetable:

Action	Date	FR Cite
Final Rule - Expedited Issuance of Certain Lebanese Visas	05/03/91	56 FR 20347
Final Rule - Extended Validity of IVs for Hong Kong	07/16/91	56 FR 32322
Final Rule - Extended Validity of IVs for Hong Kong	07/17/91	56 FR 52503
Interim Final Rule - Reorganize Immigrant Visa Regulations	10/01/91	56 FR 49678
Interim Final Rule - Various Amendments	10/01/91	56 FR 49675
Interim Final Rule Effective	10/01/91	
Interim Final Rule Comment Period End	10/31/91	
Final Rule - Various Amendments	05/00/92	

Action Date FR Cite

Final Rule, 05/00/92
Reorganization of Immigrant Visa Regulations

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Cornelius D. Scully, III, Office Director, Legislation, Regulations and Advisory Assistance, Department of State, Bureau of Consular Affairs, 2401 E Street, NW., SA-1, Washington, DC 20522-0113, 202 663-1184

RIN: 1400-AA37

1774. ● VISAS PART 45 DOCUMENTATION OF IMMIGRANTS UNDER SECTION 124 OF PUBLIC LAW 101-649

Legal Authority: PL 101-232, sec 302(b)(1)(5)

CFR Citation: 22 CFR 45.3(a)

Legal Deadline: None

Abstract: Miscellaneous and Technical Immigration and Naturalization

Amendments of 1991, Pub. L. 102-232, was enacted on December 12, 1991, to make necessary technical corrections to the Comprehensive Immigration Act of 1990, Pub. L. 101-649. The Immigration and Nationality Act at section 104 (8 USC 1104) grants the Secretary of State general authority over the issuance and refusal of visas and to promulgate necessary regulations. That statutory provision constitutes the general authority to promulgate these regulations. Section 302(b)(1)(5) amends section 124 of the Immigration Act of 1990, relating to the transition for employees of U.S. businesses operating in Hong Kong.

Timetable:

Action	Date	FR Cite
Final Action	04/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Cornelius D. Scully, III, Office Director, Legislation, Regulations and Advisory Assistance, Department of State, 2401 E Street NW., SA-1, Washington, DC 20522-0113, 202 663-1184

RIN: 1400-AA44

DEPARTMENT OF STATE (STATE)

Completed Actions

1775. BANKING SERVICES—PROCEDURES FOR RESTRICTING

CFR Citation: 22 CFR 152

Completed:

Reason	Date	FR Cite
Withdrawn	01/06/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David C. Fields, 202 647-3416

RIN: 1400-AA07

1776. VISAS; PART 40 REGULATIONS PERTAINING TO BOTH NONIMMIGRANTS AND IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Significance: Regulatory Program

CFR Citation: 22 CFR 40

Completed:

Reason	Date	FR Cite
Final Action - restructuring of grounds of ineligibilities	07/02/91	56 FR 30422
Final Action Effective	06/01/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Cornelius D. Scully, III, 202 663-1184

RIN: 1400-AA35

1777. VISAS; PART 43 DOCUMENTATION OF IMMIGRANTS

Significance: Regulatory Program

CFR Citation: 22 CFR 43.6; 22 CFR 43.11

Completed:

Reason	Date	FR Cite
Final Action	05/03/91	56 FR 20347
Final Action Effective	06/03/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Cornelius D. Scully, III, 202 663-1184

RIN: 1400-AA38

1778. VISAS; PART 45 DOCUMENTATION OF IMMIGRANTS UNDER SECTION 124 OF PUBLIC LAW 101-649

Significance: Regulatory Program

CFR Citation: 22 CFR 45

STATE

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	07/17/91	56 FR 32503
Final Action Effective	08/16/91	

Small Entitles Affected: Undetermined**Government Levels Affected:**
Undetermined**Agency Contact:** Cornelius D. Scully,
III, 202 663-1184**RIN:** 1400-AA39**1779. VISAS; PART 47
DOCUMENTATION OF IMMIGRANTS
UNDER SECTION 134 OF PUBLIC LAW
101-649****Significance:** Regulatory Program**CFR Citation:** 22 CFR 47**Completed:**

Reason	Date	FR Cite
Final Action	07/16/91	56 FR 32324
Final Action Effective	08/15/91	

Small Entitles Affected: Undetermined**Government Levels Affected:**
Undetermined**Agency Contact:** Cornelius D. Scully,
III, 202 663-1184**RIN:** 1400-AA40**1780. ● CANCELLATION OF ALL
PASSPORTS TO FACILITATE THE
FOREIGN TRAVEL OF UNITED
STATES CITIZENS AND NATIONALS
WHICH ARE DESIGNATED AS VALID
ONLY FOR TRAVEL TO ISRAEL****Significance:** Agency Priority**Legal Authority:** PL 102-138, sec 129;
PL 102-140, sec 503**CFR Citation:** 22 CFR 51**Legal Deadline:** Final, Statutory,
January 26, 1992.**Abstract:** This rule revises the passport regulations to cancel all valid or potentially valid passports that are designated as valid only for travel to Israel.**Timetable:**

Action	Date	FR Cite
Final Action	01/29/92	57 FR 3282
Final Action Effective	04/25/92	

Small Entitles Affected: None**Government Levels Affected:** Federal**Agency Contact:** William B. Wharton,
Director, Office of Citizenship Appeals
and Legal Assistance, Bureau of
Consular Affairs, Department of State,
CA/PPT/C, Room 300, SA-17,
Washington, DC 20522-1705, 202 326-
6172**RIN:** 1400-AA41

[FR Doc. 92-8508 Filed (04-24-92; 8:45 am)]

BILLING CODE 4710-10-F