

DEPARTMENT OF HOMELAND SECURITY (DHS)

Fall 2023 Statement of Regulatory Priorities

The Department of Homeland Security (DHS or Department) was established in 2003 pursuant to the Homeland Security Act of 2002, Public Law 107-296. The DHS mission statement provides the following: “With honor and integrity, we will safeguard the American people, our homeland, and our values.”

DHS was created in the aftermath of the horrific attacks of 9/11, and its distinctive mission is defined by those words. The phrase “homeland security” refers to the security of the American people, the homeland (understood in the broadest sense), and the nation’s defining values. A central part of the mission of protecting “our values” includes fidelity to law and the rule of law, reflected above all in the Constitution of the United States, and also in statutes enacted by Congress, including the Administrative Procedure Act. That commitment is also associated with a commitment to individual dignity. Among other things, the attacks of 9/11 were attacks on that value as well.

The regulatory priorities of DHS are founded on an insistence on the rule of law -- and also on a belief that individual dignity, symbolized and made real by the opening words of the Constitution (“We the People”), the separation of powers, and the Bill of Rights (including the Due Process Clause), helps to define our mission.

Fulfilling that mission requires the dedication of more than 240,000 employees in jobs that range from aviation and border security to emergency response, from cybersecurity analyst to chemical facility inspector, from the economist seeking to identify the consequences of our actions to the scientist and policy analyst seeking to make the nation more resilient against flooding, drought, extreme heat, and wildfires. Our duties are wide-ranging, but our goal is clear: keep America safe.

There are six overarching homeland security missions that make up DHS’s strategic plan: (1) Counter terrorism and homeland security threats; (2) secure U.S. borders and approaches; (3) secure cyberspace and critical infrastructure; (4) preserve and uphold the Nation’s prosperity and economic security; (5) strengthen preparedness and resilience (including resilience from risks actually or potentially aggravated by climate change); and (6) champion the DHS workforce and strengthen the Department. See also 6 U.S.C. 111(b)(1) (identifying the primary mission of the Department).

In promoting these goals, we attempt to evaluate our practices by reference to evidence and data, and to improve them in real time. We also attempt to deliver our multiple services in a way that, at once, protects the American people and does not impose excessive or unjustified barriers and burdens on those who use them.

In achieving those goals, we are committed to public participation and to listening carefully to the American people (and to noncitizens as well). We are continually strengthening our partnerships with communities, first responders, law enforcement, and Government agencies—at the Federal, State, local, tribal, and international levels. We are accelerating the deployment of science, technology, and innovation in order to make America more secure against risks old and new -- and to perform our services better. We are becoming leaner, smarter, and more efficient, ensuring that every security resource is used as effectively as possible. We are reducing administrative burdens and simplifying our processes. For a further discussion of our mission, see the DHS website at <https://www.dhs.gov/mission>.

The regulations we have summarized below in the Department's Fall 2023 regulatory plan and agenda support the Department's mission. We are committed to continuing evaluation of our regulations, consistent with Executive Order 13563, and Executive Order 13707, and in a way that improves them over time. These regulations will improve the Department's ability to accomplish its mission. Also, these regulations address legislative initiatives such as the ones found in the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act) and the FAA Extension, Safety, and Security Act of 2016.

We emphasize here our commitments (1) To fidelity to law; (2) to treating people with dignity and respect; (3) to increasing national resilience against multiple risks and hazards, including those actually or potentially associated with climate change; (4) to modernization of existing requirements; and (5) to reducing unjustified barriers and burdens, including administrative burdens.

DHS strives for organizational excellence and uses a centralized and unified approach to managing its regulatory resources. The Office of the General Counsel manages the Department's regulatory program, including the agenda and regulatory plan. In addition, DHS senior leadership reviews each significant regulatory project in order to ensure that the project fosters and supports the Department's mission.

The Department is committed to ensuring that all of its regulatory initiatives are aligned with its guiding principles to remain faithful to law, protect civil rights and civil liberties, integrate our actions, listen to those affected by our actions, build coalitions and partnerships, develop human resources, innovate, and be accountable to the American public.

DHS is strongly committed to the principles described in Executive Orders 13563 and 12866 (as amended). Both Executive Orders 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 13563 emphasizes the importance of quantifying both costs and benefits, of

reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13563 explicitly draws attention to human dignity and to equity.

Finally, the Department values public involvement in the development of its regulatory plan, agenda, and regulations. It is particularly concerned with the impact its regulations have on small businesses and startups, consistent with its commitment to promoting economic growth. DHS is also concerned to ensure that its regulations are equitable, and that they do not have unintended or adverse effects on (for example) women, disabled people, people of color, or the elderly. Its general effort to modernize regulations, and to remove unjustified barriers and burdens, is meant in part to avoid harmful effects on small businesses, startups, and disadvantaged groups of multiple sorts. DHS and its components continue to emphasize the use of plain language in our regulatory documents to promote a better understanding of regulations and to promote increased public participation in the Department's regulations. We want our regulations to be transparent and "navigable," so that people are aware of how to comply with them (and in a position to suggest improvements). DHS and its components regularly seek public input on regulatory plans, including through Requests for Information and Advanced Notices of Proposed Rulemaking, listening sessions, Federal Advisory Committees, and more.

The Fall 2023 regulatory plan for DHS includes regulations from multiple DHS components, including the Federal Emergency Management Agency (FEMA), U.S. Citizenship and Immigration Services (USCIS), the U.S. Coast Guard (the Coast Guard), U.S. Customs and Border Protection (CBP), Transportation Security Administration (TSA), U.S. Immigration and Customs Enforcement (ICE), and the Cybersecurity and Infrastructure Security Agency (CISA). We next describe the regulations that comprise the DHS fall 2023 regulatory plan.

Federal Emergency Management Agency

The Federal Emergency Management Agency (FEMA) is the government agency responsible for helping people before, during, and after disasters. FEMA supports the people and communities of our Nation by providing experience, perspective, and resources in emergency management. FEMA is particularly focused on national resilience in the face of the risks of flooding, drought, extreme heat, and wildfire; it is acutely aware that these risks, and others, are actually or potentially aggravated by climate change. FEMA seeks to ensure, to the extent possible, that changing weather conditions do not mean a more vulnerable nation. FEMA is also focused on individual equity, and it is aware that administrative burdens and undue complexity might produce inequitable results in practice.

Consistent with President Biden's Executive Order on Climate Related Financial Risk (Executive Order 14030), FEMA will propose a regulation titled *National Flood Insurance Program: Standard Flood Insurance Policy, Homeowner Flood Form*. The National Flood Insurance Program (NFIP), established

pursuant to the National Flood Insurance Act of 1968, is a voluntary program in which participating communities adopt and enforce a set of minimum floodplain management requirements to reduce future flood damages. Property owners in participating communities are eligible to purchase NFIP flood insurance. This proposed rule would revise the Standard Flood Insurance Policy by adding a new Homeowner Flood Form and five accompanying endorsements. The new Homeowner Flood Form would replace the Dwelling Form as a source of coverage for homeowners of one-to-four family residences. Together, the new Form and endorsements would more closely align with property and casualty homeowners' insurance and provide increased options and coverage in a more user-friendly and comprehensible format.

FEMA will also publish an Interim Final Rule (IFR) titled *Individual Assistance Program Equity* to further align with Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government and Executive Order 14091, Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. FEMA will amend its Individual Assistance (IA) program regulations to increase equity by simplifying processes, removing barriers to entry, and increasing eligibility for certain types of assistance under the program. Specifically, FEMA will increase eligibility for home repair assistance by amending the definitions and application of the terms safe, sanitary, and functional, allowing assistance for certain accessibility-related items, and amending its approach to evaluating insurance proceeds; allow for the re-opening of the applicant registration period when the President adds new counties to the major disaster declaration; simplify the documentation requirements for continued temporary housing assistance; simplify the appeals process; simplify the process to request approval for a late registration; remove the requirement to apply for a Small Business Administration loan as a condition of eligibility for Other Needs Assistance (ONA); and establish additional assistance under ONA for serious needs, displacement, disaster-damaged computing devices, and essential tools for self-employed individuals. FEMA also makes revisions to reflect changes to statutory authority that have not yet been implemented in regulation, to include provisions for utility and security deposit payments, lease and repair of multi-family rental housing, child care assistance, maximum assistance limits, and waiver authority.

FEMA informed the development of this IFR by seeking input on regulatory changes to the Individuals and Households Program (IHP) through an Request for Information (RFI) published on April 22, 2021, seeking public input on its programs, regulations, collections of information, and policies to ensure they effectively achieve FEMA's mission in a manner that furthers the goals of advancing equity for all, including those in underserved communities; bolstering resilience from the impacts of climate change, particularly for those disproportionately impacted by climate change; and environmental justice.¹ FEMA held public meetings and extended the comment period on the RFI to ensure all interested parties had

¹ 86 FR 21325, Apr. 22, 2021.

sufficient opportunity to provide comments.² All relevant comments received in response to the RFI, including those received during the public meetings, have been posted to the public rulemaking docket on the Federal eRulemaking portal at <https://www.regulations.gov/document/FEMA-2021-0011-0001/comment>. Commenters raised equitable concerns that FEMA will address in this IFR, such as by removing the requirement to apply for the SBA for a loan before receipt of ONA, amending FEMA's habitability standards, increasing assistance for essential tools, simplifying its appeal process, and removing documentation requirements for late registrations. FEMA will seek public comment on this IFR and will carefully consider each comment received to determine whether further changes to FEMA's IHP regulations are needed.

In addition, FEMA will propose a regulation titled *Update of FEMA's Public Assistance Regulations*. FEMA proposes to revise its Public Assistance program regulations to reflect current statutory authorities and implement program improvements. The proposed rule would incorporate changes brought about by amendments to the Robert T. Stafford Disaster Relief and Emergency Assistance Act. FEMA is also proposing clarifications and corrections to improve the efficiency and consistency of the Public Assistance program.

Additionally, FEMA will propose a regulation titled *Updates to Floodplain Management and Protection of Wetlands Regulations to Implement the Federal Flood Risk Management Standard* consistent with Executive Order 14030. FEMA proposes to amend its existing regulations to incorporate amendments that have been made to Executive Order 11988 and the Federal Flood Risk Management Standard (FFRMS). FEMA has engaged the public extensively on these matters. On February 5, 2015, FEMA, acting on behalf of the Mitigation Framework Leadership Group, posted a *Federal Register* notice seeking comments on a draft of the *Revised Guidelines for Implementing Executive Order 11988, Floodplain Management*.³ The 60-day comment period was extended an additional 30 days.⁴ During the public comment period for the Revised Guidelines, FEMA sent advisories to representatives from Governors' offices nationwide inviting comments on the draft Revised Guidelines. Over 25 meetings were held across the country with State, local, and Tribal officials and interested stakeholders to discuss the draft Revised Guidelines as well as 9 public listening sessions across the country attended by over 700 participants to facilitate feedback. All relevant comments received in response to these efforts have been posted to the public rulemaking docket on the Federal eRulemaking portal at <https://www.regulations.gov/document/FEMA-2015-0006-0001/comment>. Comments from meetings and listening sessions can be found at <https://www.regulations.gov/docket/FEMA-2015-0006/document>.

² See "Request for Information on FEMA Programs, Regulations, and Policies; Public Meetings; Extension of Comment Period," 86 FR 30326, June 7, 2021.

³ 80 FR 6530, Feb. 5, 2015.

⁴ 80 FR 16018, Mar. 26, 2015.

Additionally, FEMA published a Notice of Proposed Rulemaking (NPRM) in 2016⁵ seeking public comment on FEMA's proposed implementation of the Revised Guidelines. All relevant comments received in response to the 2016 NPRM have been posted to the public rulemaking docket on the Federal eRulemaking portal at <https://www.regulations.gov/document/FEMA-2015-0006-0373/comment>. The FFRMS is a flexible framework allowing agencies to choose among three approaches to define the floodplain and corresponding flood elevation requirements for federally funded projects. Existing regulations describe FEMA's process for determining whether the proposed location for an action falls within a floodplain and how to complete the action in the floodplain in light of the risk of flooding. The proposed rule would change how FEMA defines a floodplain with respect to certain actions. Additionally, under the proposed rule, FEMA would use natural systems, ecosystem process, and nature-based approaches, where practicable, when developing alternatives to locating the proposed action in the floodplain.

Finally, FEMA continues to engage with the public related to its NFIP minimum floodplain management standards. On October 12, 2021, FEMA issued an RFI to receive the public's input on revising the NFIP's floodplain management standards for land management and use regulations to better align with the current understanding of flood risk and flood risk reduction approaches. FEMA's authority under the National Flood Insurance Act requires the agency to, from time to time, develop comprehensive criteria designed to encourage the adoption of adequate State and local measures. During the RFI comment period, FEMA held three public meetings and extended the comment period on the RFI to ensure all interested parties had sufficient opportunity to provide comments.⁶ All relevant comments received in response to the RFI have been posted to the public rulemaking docket on the Federal eRulemaking portal at <https://www.regulations.gov/docket/FEMA-2021-0024/comments> and transcripts from the public meetings have also been posted at <https://www.regulations.gov/docket/FEMA-2021-0024/document>. In April 2023, FEMA requested recommendations from the Technical Mapping Advisory Council (TMAC) on modifying the definition of the Special Flood Hazard Area or modifying how it is calculated. In addition, FEMA requested a recommendation from TMAC on how FEMA might consider changing mapping procedures related to when land is filled. These recommendations will assist FEMA in exploring the feasibility of public comments received from the 2021 RFI.

The agency will propose regulations to better align the NFIP minimum floodplain management standards with FEMA's current understanding of flood risk, flood insurance premium rates, and risk reduction approaches to make communities safer, stronger, and more resilient to increased flooding. As part of the proposed regulations, FEMA is considering revisions to the NFIP minimum floodplain management standards to better protect people and property in a nuanced manner that balances community needs

⁵ 81 FR 57401, Aug. 22, 2016.

⁶ 86 FR 59745, Oct. 28, 2021 and 86 FR 66329, Nov. 22, 2021

with the national scope of the NFIP. FEMA will also propose opportunities to make these minimum floodplain management standards improve resilience in historically underserved communities. The proposed revisions to the NFIP floodplain management minimum standards will consider how to advance the conservation of threatened and endangered species and their habitat. FEMA is also reviewing ways to further promote enhanced resilience efforts through the Community Rating System.

United States Citizenship and Immigration Services

U.S. Citizenship and Immigration Services (USCIS) is the government agency that administers and oversees lawful immigration to the United States. USCIS is firmly committed to creating and strengthening an accessible and humane immigration system. The USCIS mission statement is: “USCIS upholds America’s promise as a nation of welcome and possibility with fairness, integrity, and respect for all we serve.” The American people, through Congress, have entrusted USCIS to faithfully administer the legal immigration programs that allow foreign nationals to visit, work, study, live, and seek refuge in the United States. Every day, USCIS delivers immigration decisions to individuals, families, businesses, workers, and those seeking a place of safety and shelter in our country, whether they filed applications, petitions, requests, or appeals. The work of USCIS employees makes the possibility of America a reality for immigrants, for the communities and economies they join, and for the nation as a whole.

In achieving this mission, partnership with our stakeholders and strong public engagement is a strategic priority of USCIS to ensure we are crafting policies and regulations to reduce unnecessary burdens or barriers to legal immigration, meet the economic needs of U.S. employers, and reinvigorate the size and scope of humanitarian relief. Over the coming year, USCIS will pursue several regulatory actions in support of furthering a strong legal immigration system that operates with integrity, and that promotes integration, inclusion, and citizenship. USCIS will issue regulations that restore and strengthen the family and employment-based immigration systems, that improve the lives of survivors of domestic and sexual violence and other serious crimes, and that are nimble enough to address urgent humanitarian needs effectively and quickly. We will publish regulations that are clear and easy to understand, and include opportunities for public engagement and input.

Employment Issues, Economic Needs, and Lawful Pathways. USCIS is focused on promulgating policies that are responsive to the needs of the U.S. economy and U.S. employers, while providing lawful pathways to work in the United States and also protecting the rights of both U.S. and noncitizen workers. USCIS has recently proposed a rule to modernize and reform the H-2A and H-2B programs. The proposed rule incorporates necessary program efficiencies, aims to meet the needs of U.S. employers, and include provisions designated to protect against the exploitation or other abuse of H-2A and H-2B workers (*Modernization and Reform of the H-2 Programs*). USCIS will also propose a rule to update and streamline the H-1B program, with a goal of improving program efficiency, integrity, and flexibility including proposed changes to the registration system to reduce the possibility of misuse and fraud.

Many of these proposals will be informed by the public comments we received in response to a Request for Public Input that USCIS published on April 19, 2021, to solicit feedback from our stakeholders and customers on identifying and reducing barriers to immigration (86 FR 20398). (*Modernizing H-1B Requirements and Oversight and Providing Flexibility in the F-1 Program.*)

Improvements to the Overall Immigration System. On January 4, 2023, USCIS published a proposal to adjust certain immigration and naturalization benefit request fees (after performing the required biennial fee review) to ensure that fees charged recover full costs borne by USCIS. Following publication of the notice of proposed rulemaking and during the official comment period, on January 11, 2023, USCIS held a virtual listening session, “National Listening Session on the Proposed Rule to Adjust Certain Immigration Fees” (attended by 1,671 people), for members of the public to provide their feedback and thoughts. USCIS will consider all comments and input received from the public in developing the final rule and set fees in a manner that adheres to the ideals of removing unjustified barriers and promoting access to the immigration system (to promote, among other things, economic needs and economic growth); improving and expanding naturalization processing; and meeting the administration’s humanitarian priorities. (*USCIS Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements.*) In addition, USCIS plans to take steps to reform the regulations governing the adjustment of status to lawful permanent residence to improve the efficiency and administration of that program. USCIS will propose a rule that updates outdated regulations, reduces the potential for visa retrogression, and promotes the efficient use of immediately available immigrant visas. Many of the proposed policy and operational changes contained in this rulemaking were informed by public comments USCIS received on its April 19, 2021 Request for Public Input and are crafted to reduce barriers to lawful immigration as identified by our stakeholders. (*Improving the Regulations Governing the Adjustment of Status to Lawful Permanent Residence and Related Immigration Benefits.*) Lastly, USCIS is also planning a proposed rule to clarify and update eligibility requirements governing citizenship and naturalization. This project is also informed by information submitted by our public stakeholders in response to the 2021 Request for Public Input, as well as a CIS Ombudsman’s Webinar Series: Naturalization and Immigrant Integration on May 23, 2021 (attended by 635 people and 118 people provided written questions/comments) and a Citizenship and Naturalization Engagement on March 15, 2022 (attended by 463 people and 6 people submitted written questions/comments by email) in which the public provided comments on regulations and policies. USCIS reviewed all comments provided through the Request for Public Input and the engagements, and incorporated edits into the proposed rule as applicable. (*Citizenship and Naturalization and Other Related Flexibilities.*)

Humanitarian Relief. USCIS will propose reforms to the U nonimmigrant visa classification. The U nonimmigrant status is for noncitizen victims of certain qualifying criminal activities, and their eligible family members, who have been, are, or are likely to be helpful in the investigation or persecution of

those crimes. To streamline the procedures and enhance operational efficiency, USCIS will propose a rule to update eligibility, procedural and filing requirements governing U nonimmigrant status, and adjustment of status for those nonimmigrants. (*Victims of Qualifying Criminal Activities; Eligibility Requirements for U Nonimmigrant Status and Adjustment of Status*).

Asylum Reforms. USCIS is focused on pursuing regulations to strengthen, rebuild, and (where appropriate) streamline the asylum system, consistent with law and mission imperatives. For example, USCIS and DOJ will take steps to remove regulatory provisions that are currently enjoined (*Procedures for Asylum and Bars to Asylum Eligibility*), propose updates to clarify eligibility for asylum and withholding of removal (*Clarifying Definitions and Analyses for Fair and Efficient Asylum and Other Protection Determinations*), and propose modifications or withdrawal of other asylum-related regulatory provisions (*Asylum Eligibility and Public Health*).

United States Coast Guard

The Coast Guard is a military, multi-mission, maritime service of the United States and the only military organization within DHS. It is the principal Federal agency responsible for maritime safety, security, and stewardship in U.S. ports and waterways.

Effective governance in the maritime domain hinges upon an integrated approach to safety, security, and stewardship. The Coast Guard's policies and capabilities are integrated and interdependent, delivering results through a network of enduring partnerships with maritime stakeholders. Consistent standards of universal application and enforcement, which encourage safe, efficient, and responsible maritime commerce, are vital to the success of the maritime industry. The Coast Guard's ability to field versatile capabilities and highly trained personnel is one of the U.S. Government's most significant and important strengths in the maritime environment.

America is a maritime nation, and our security, resilience, and economic prosperity are intrinsically linked to the oceans. Safety, efficient waterways, and freedom of transit on the high seas are essential to our well-being. The Coast Guard is leaning forward, poised to meet the demands of the modern maritime environment. The Coast Guard creates value for the public through solid prevention and response efforts. Activities involving oversight and regulation, enforcement, maritime presence, and public and private partnership foster increased maritime safety, security, and stewardship.

The statutory responsibilities of the Coast Guard include ensuring marine safety and security, preserving maritime mobility, protecting the marine environment, enforcing U.S. laws and international treaties, and performing search and rescue. The Coast Guard supports the Department's overarching goals of mobilizing and organizing our Nation to secure the homeland from terrorist attacks, natural disasters, and

other emergencies. These goals include protection against the risks associated with climate change, and the Coast Guard seeks to obtain scientific information to assist in that task, while also acting to promote resilience and adaptation.

In 33 CFR 1.05-15, each year since 1995 the Coast Guard has confirmed that it considers public participation essential to effective rulemaking. We encourage you to participate. It is Coast Guard policy to provide opportunities for you to participate early in potential rulemaking projects. Also, in our notices of proposed rulemaking, in addition to soliciting your written comments, we solicit requests for public meetings to provide you an opportunity for oral comment. We also seek recommendations from our ten Federal advisory committees and publish notices of those committee meetings should you want to attend. And our regulatory advisory group composed of senior Coast Guard officials, the Marine Safety and Security Council, has published the *Proceedings* magazine since the 1940s. Available online, the magazine informs the public about the subject matter of Coast Guard regulations, as well as the rulemaking process itself.

The Coast Guard highlights the following regulatory actions, which are in the proposed rule stage:

Cybersecurity in the Marine Transportation System. The Coast Guard is proposing to update its maritime security regulations by adding cybersecurity requirements to existing regulations. This proposed rulemaking is part of an ongoing effort to address emerging cybersecurity risks and threats to maritime security by including additional security requirements to safeguard the marine transportation system.

Shipping Safety Fairways Along the Atlantic Coast. The Coast Guard published an Advance Notice of Proposed Rulemaking (ANPRM) on June 19, 2020. We have considered comments on the ANPRM to develop a proposed rule that would establish shipping safety fairways along the Atlantic Coast of the United States. Fairways are marked routes for vessel traffic. They facilitate the direct and unobstructed transit of ships. The proposed fairways will be based on studies about vessel traffic along the Atlantic Coast for which we requested public comments.

MARPOL Annex VI; Prevention of Air Pollution from Ships. The Coast Guard is proposing regulations to carry out the provisions of Annex VI of the MARPOL Protocol, which is focused on the prevention of air pollution from ships. The Act to Prevent Pollution from Ships has already given direct effect to most provisions of Annex VI, and the Coast Guard and the Environmental Protection Agency have carried out some Annex VI provisions through previous rulemakings. This proposed rulemaking would fill gaps in the existing framework for carrying out the provisions of Annex VI. Chapter 4 of Annex VI contains shipboard energy efficiency measures that include short-term measures reducing carbon emissions linked to climate change. This proposed rulemaking would apply to U.S.-flagged ships. It would also apply to foreign-flagged ships operating either in U.S. navigable waters or in the U.S. Exclusive Economic Zone.

Regarding outreach in the development of this proposed rulemaking, in June 2018, the Coast Guard held a public workshop regarding Implementation of Regulation 14.1.3 of MARPOL Annex VI (Global 0.50% Sulfur Cap). In October 2011, we held a public meeting on the International Maritime Organization guidelines for exhaust gas cleaning systems for marine engines with respect to Regulations 4 and 14 of MARPOL Annex VI. And in December 2010, we requested comments regarding a study on Ship Emission Reduction Technology for cargo and passenger vessels, including what methods or equipment were then under development that might meet the MARPOL Annex VI requirements.

United States Customs and Border Protection

Customs and Border Protection (CBP) is the Federal agency principally responsible for the security of our Nation's borders, both at and between the ports of entry into the United States. CBP must accomplish its border security and enforcement mission without stifling the flow of legitimate trade and travel. The primary mission of CBP is its homeland security mission, that is, to prevent terrorists and terrorist weapons from entering the United States. An important aspect of this mission involves improving security at our borders and ports of entry, but it also means extending our zone of security beyond our physical borders.

CBP is also responsible for administering laws concerning the importation of goods into the United States and enforcing the laws concerning the entry of persons into the United States. This includes regulating and facilitating international trade; collecting import duties; enforcing U.S. trade, immigration and other laws of the United States at our borders; inspecting imports; overseeing the activities of persons and businesses engaged in importing; enforcing the laws concerning smuggling and trafficking in contraband; apprehending individuals attempting to enter the United States illegally; protecting our agriculture and economic interests from harmful pests and diseases; servicing all people, vehicles, and cargo entering the United States; maintaining export controls; and protecting U.S. businesses from theft of their intellectual property.

In carrying out its mission, CBP's goal is to facilitate the processing of legitimate trade and people efficiently without compromising security, and public input is an important tool in meeting this goal. CBP regularly seeks input from Federal Advisory Committees, issues formal Requests for Information, and holds listening sessions and symposia, including those on forced labor, green trade, and the 21st Century Customs Framework. However, some of CBP's rules further law enforcement purposes and are therefore not ripe for robust public outreach prior to their issuance. CBP's public Newsroom, with details on upcoming public engagements, is available at: <https://www.cbp.gov/newsroom>.

Consistent with its primary mission of homeland security, CBP intends to issue several regulations that are intended to improve security at our borders and ports of entry. During the upcoming year, CBP will

also work on various projects to streamline CBP processing, reduce duplicative processes, reduce various burdens on the public, and automate various paper forms. CBP highlights one of those projects below.

Advance Passenger Information System: Electronic Validation of Travel Documents. CBP intends to amend current Advance Passenger Information System (APIS) regulations to incorporate additional carrier requirements that would further enable CBP to determine whether each passenger is traveling with valid, authentic travel documents prior to the passenger boarding the aircraft. The proposed regulation would require commercial air carriers to receive a second message from CBP that would state whether CBP matched the travel documents of each passenger to a valid, authentic travel document recorded in CBP's databases. The proposed regulation would also require air carriers to transmit additional data elements regarding contact information through APIS for all commercial aircraft passengers arriving in the United States to support border operations and national security. CBP expects that the collection of these elements would enable CBP to further support the Center for Disease Control and Prevention's mission in monitoring and tracing the contacts for persons involved in health incidents. This action will result in time savings to passengers and cost savings to CBP, carriers, and the public.

In addition to the regulations that CBP issues to promote DHS's mission, CBP issues regulations related to the mission of the Department of the Treasury. Under section 403(1) of the Homeland Security Act of 2002, the former-U.S. Customs Service, including functions of the Secretary of the Treasury relating thereto, transferred to the Secretary of Homeland Security. As part of the initial organization of DHS, the Customs Service inspection and trade functions were combined with the immigration and agricultural inspection functions and the Border Patrol and transferred into CBP. The Department of the Treasury retained certain regulatory authority of the U.S. Customs Service relating to customs revenue function. In the coming year, CBP expects to continue to issue regulatory documents that will facilitate legitimate trade and implement trade benefit programs. For a discussion of CBP regulations regarding the customs revenue function, see the regulatory plan of the Department of the Treasury.

Transportation Security Administration

The Transportation Security Administration (TSA) protects the Nation's transportation systems to ensure freedom of movement for people and commerce. TSA applies an intelligence-driven, risk-based approach to all aspects of its mission. This approach results in layers of security to mitigate risks effectively and efficiently. In fiscal year 2024, TSA is prioritizing the following actions. In general, TSA has prioritized actions that are required to meet statutory mandates and, that are necessary for national security, and that are consistent with the goals of Executive Order 14058, Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government.

Consistent with Executive Order 14094, Modernizing Regulatory Review, TSA endeavors, as practicable and appropriate, to proactively engage parties that are interested in or affected by TSA rulemaking. With respect to the actions described below, TSA has used a range of measures to engage the public, including advance notices of proposed rulemakings, public meetings, and advisory committees.

Enhancing Surface Cyber Risk Management. On January 28, 2021, the President issued the National Security Memorandum on Improving Cybersecurity for Critical Infrastructure Controls Systems. Consistent with this priority of the Administration and in response to the ongoing cybersecurity threat to pipeline systems, TSA used its authority under 49 U.S.C. 114 to issue security directives to owners and operators of TSA-designated critical pipelines that transport hazardous liquids and natural gas to implement a number of urgently needed protections against cyber intrusions. The first directive, issued in May 2021, requires critical pipeline owner/operators to (a) report confirmed and potential cybersecurity incidents to DHS's Department of Cybersecurity and Infrastructure Security Agency (CISA); (b) designate a Cybersecurity Coordinator to be available 24 hours a day, seven days a week; (3) review current cybersecurity practices; and (4) identify any gaps and related remediation measures to address cyber-related risks and report the results to TSA and CISA within 30 days of issuance of the SD. A second security directive, first issued in July 2021, requires these owners and operators to (1) implement specific mitigation measures to protect against ransomware attacks and other known threats to information technology and operational technology systems; (2) develop and implement a cybersecurity contingency and recovery plan; and (3) conduct a cybersecurity architecture design review. TSA updated the second directive to require owners/operators to achieve critical security outcomes through performance-based measures. In December 2021 and October 2022, TSA imposed similar requirements on certain rail operations to address emerging threats. TSA is committed to enhancing and sustaining cybersecurity for all modes of transportation and intends to issue a rulemaking that may codify these and other requirements following an opportunity for notice and comment. TSA published an advance notice of proposed rulemaking on this topic in November 2022.

Flight Training Security Program. Through an interim final rule, TSA created a new part 1552, Flight Schools, in title 49 of the Code of Federal Regulations (CFR). The IFR requires flight schools to notify TSA when noncitizens, and other individuals designated by TSA, apply for flight training or recurrent training. TSA subsequently issued exemptions and interpretations in response to comments on the IFR, questions raised during operation of the program since 2004, and a notice extending the comment period on May 18, 2018. Based on the comments and questions received, TSA is finalizing the rule with modifications that may include changing the frequency of security threat assessments from a high-frequency event-based interval to a time-based interval, clarify the definitions and other provisions of the rule, and enable industry to use TSA-provided electronic recordkeeping systems for all documents required to demonstrate compliance with the rule. These and other changes will provide significant cost-savings to the industry and individuals seeking flight training while also enhancing security.

REAL ID Applicability to Mobile Driver's Licenses. TSA will issue a final rule to amend the REAL ID regulation to address mobile driver's licenses (mDL). The REAL ID Act of 2005 and DHS implementing regulation set minimum requirements for state-issued driver's licenses and identification cards accepted by Federal agencies for official purposes, which include accessing Federal facilities, boarding federally regulated commercial aircraft, entering nuclear power plants, and any other purposes that the Secretary shall determine. The REAL ID Modernization Act (December 2020) clarifies that the REAL ID Act applies to mobile or digital driver's licenses that have been issued in accordance with regulations prescribed by DHS. This final rule will amend 6 CFR part 37 to set the minimum technical requirements and security standards for mDLs to enable Federal agencies to accept mDLs for official purposes. to establish a process that states must follow to apply for a mDL waiver from the REAL ID regulations. This rulemaking would also enable federal agencies to accept state mDLs for official purposes from states who are issued such a waiver under this final rule.

Frequency of Renewal Cycle for Indirect Air Carrier Security Programs. TSA's regulations for Indirect Air Carriers (IACs) in 49 CFR part 1548 currently require annual renewal of an IAC's security program and prompt notification to TSA of any changes to operations-related to information previously provided to TSA. Through this rulemaking, TSA will modify the regulation to allow for a three-year renewal schedule, rather than annual renewal. This change will align the security program renewal requirement with those applicable to other regulated entities within the air cargo industry.

United States Immigration and Customs Enforcement

U.S. Immigration and Customs Enforcement (ICE) is the principal criminal investigative arm of DHS and one of the three Department components charged with the criminal and civil enforcement of the Nation's immigration laws. Its primary mission is to protect national security, public safety, and the integrity of our borders through the criminal and civil enforcement of Federal law governing border control, customs, trade, and immigration. In carrying out this mission and consistent with Executive Order 14058 on Transforming Federal Customer Experience And Service Delivery To Rebuild Trust In Government ICE is committed to providing opportunities for the public to engage in the improvement of our programs, processes, and services. For example, on October 26, 2021, DHS published a notice in the Federal Register titled Remote Document Examination for Form I-9, Employment Eligibility Verification: Request for Public Input, (<https://www.govinfo.gov/content/pkg/FR-2021-10-26/pdf/2021-23260.pdf>) seeking comments from the public regarding document examination practices associated with Form I-9. ICE carefully considered this input resulting in a final rule and procedure that incorporates commenters suggestions. During the coming fiscal year, ICE will focus rulemaking efforts on regulations pertaining to processing improvements, including the rules mentioned below.

Clarifying and Revising Custody Determination Procedures for Noncitizens Subject to Discretionary Detention (INA 236(a)/8 U.S.C. 1226 detention). The Department of Homeland Security (DHS), U.S.

Immigration and Customs Enforcement (ICE) and the Department of Justice (DOJ) Executive Office for Immigration Review (EOIR) (collectively, the Departments) are planning to amend the regulations that govern detention and release determinations for noncitizens subject to the custody provisions in section 236 of the Immigration and Nationality Act (Act), 8 U.S.C. 1226(a). The goal of the proposed regulation would be to clarify the scope and applicability of section 236(a) of the Act, 8 U.S.C. 1226(a), and the procedures that apply under that section, including the burden and standard of proof for continued detention at initial custody determinations and any custody redetermination hearings, and related issues. This rulemaking is consistent with Executive Order 14058, which directs agencies to take actions that improve service delivery and customer experience by decreasing administrative burdens, enhancing transparency, and improving the efficiency and effectiveness of government.

Cybersecurity and Infrastructure Security Agency

The Cybersecurity and Infrastructure Security Agency (CISA) is responsible for leading the national effort to develop cybersecurity and critical infrastructure security programs, operations, and associated policy to enhance the security and resilience of physical and cyber infrastructure.

Ammonium Nitrate Security Program. This rule implements a 2007 amendment to the Homeland Security Act. The amendment requires DHS to “regulate the sale and transfer of ammonium nitrate facility ... to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.” CISA published a Notice of Proposed Rulemaking in 2011. CISA is planning to issue a Supplemental Notice of Proposed Rulemaking.

Chemical Facility Anti-Terrorism Standards (CFATS). This rule would update CFATS’ Risk Based Performance Standards to enhance cybersecurity requirements, modify the counting rules associated with release-flammable chemicals, remove release-explosive chemicals, and adjust the Screening Threshold Quantities of Appendix A to account for the updated risk analysis methodology. CISA previously invited public comment on an Advance Notice of Proposed Rulemaking (ANPRM) during August 2014 for potential revisions to the CFATS regulations. The ANPRM provided an opportunity for the public to provide recommendations for possible program changes. In June 2020, CISA published for public comment a retrospective analysis of the CFATS program. And in January 2021, CISA invited additional public comment through an ANPRM concerning the removal of certain explosive chemicals from CFATS. CISA intends to address many of the subjects raised in both ANPRMs and the retrospective analysis in this regulatory action, including potential updates to CFATS cybersecurity requirements and Appendix A to the CFATS regulations. CISA is planning to issue a notice of proposed rulemaking.

Cybersecurity Incident Reporting for Critical Infrastructure Act Regulations. CISA will propose regulations to implement certain aspects of the Cybersecurity Incident Reporting for Critical Infrastructure Act of 2022

(CIRCI A). Specifically, CIRCI A directs CISA to develop and implement regulations requiring covered entities to submit reports to CISA regarding covered cyber incidents and ransom payments. CIRCI A requires CISA to publish a Notice of Proposed Rulemaking (NPRM) within 24 months of the date of enactment of CIRCI A as part of the process for developing these regulations. CISA previously issued a Request for Information on September 12, 2022, and held a series of listening sessions seeking public input on potential aspects of the proposed regulation prior to publication of the NPRM. CISA is planning to issue a Notice of Proposed Rulemaking.

A more detailed description of the priority regulations that comprise the DHS regulatory plan follows.