

DEPARTMENT OF HOMELAND SECURITY (DHS)

Fall 2024 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 2024 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 those found in the Implementing Recommendations of the 9/11 Commission Act of 2007, Cyber Incident Reporting for Critical Infrastructure Act of 2022, and EB-5 Reform and Integrity Act of 2022.

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 its regulatory initiatives are aligned with its guiding principles to remain faithful to law, protect the security of our homeland, 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 2024 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 2024 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. FEMA is committed to engaging with the public throughout the regulatory process and regularly seeks written public comments and holds public meetings and listening sessions to seek public input on regulatory initiatives. FEMA has made a series of efforts to make assistance available promptly to those who need it, and to reduce administrative barriers and burdens. FEMA continues to prioritize those efforts and to improve them.

FEMA continues to engage with the public related to its National Flood Insurance Program (NFIP) minimum floodplain management standards. As part of the public engagement process, FEMA engaged over 500 individuals, organizations, and other entities and received more than 400 public comments. On October 12, 2021, for example, FEMA issued a Request for Information (RFI). FEMA sought 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 (on November 4, 2021, November 15, 2021, and December 15, 2021) via web conference. FEMA also extended the comment period of the RFI to ensure all interested parties had sufficient opportunity to provide comments. At all three public meetings, reasonable accommodations were available for people with disabilities and the December 15, 2021, meeting was conducted in English and in Spanish. FEMA posted transcripts from the public meetings to the rulemaking docket. Over 330 people attended the public webinars and there were 49 verbal comments provided at the webinars.

The public meeting attendees by organization type are as follows: 1 percent from media; 3 percent from academia; 3 percent from contractors; 4 percent non-profits; 9 percent from the private sector; 10 percent not reported; 19 percent from the general public; 22 percent from Federal Government employees; and 29 percent from State, Local, Tribal, & Territorial Governments.

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.

FEMA will propose regulations to 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 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 work, study, live, and seek refuge in the United States. Every day, USCIS delivers decisions on requests for immigration benefits to individuals, families, businesses, workers, and those seeking a place of safety and shelter in our country. Consistent with law, 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 that we are crafting policies and regulations that meet the economic needs of U.S. employers, reduce unnecessary burdens or barriers to legal immigration, combat fraud and illegality in multiple forms, and reinvigorate the size and scope of humanitarian relief. USCIS holds a variety of external stakeholder events to share information and gather feedback on our programs and policies. In addition to in-person events, USCIS often holds virtual webinars and engagements. Consideration of stakeholder feedback is critical in informing USCIS policy and programs, and all information on how to participate in USCIS engagements can be found online at www.uscis.gov/outreach.

For example, on April 19, 2021, USCIS published a Request for Public Input (RPI) titled “Identifying Barriers Across USCIS Benefits and Services.” See [86 FR 20398](https://www.federalregister.gov/2021/04/19/2021-08398) (Apr. 19, 2021). This RPI allowed members of the public to provide feedback on all aspects on the immigration process. USCIS also holds national and local engagements on a wide range of topics to promote transparency, to share information with the public and gather feedback on programs and policies. See <https://www.uscis.gov/outreach/uscis-engagements>

Over the coming year, USCIS will pursue several regulatory actions in support of furthering a strong legal immigration system that operates with integrity, that does not allow circumvention of the law, and that promotes integration, inclusion, and citizenship. USCIS will issue regulations that strengthen lawful employment-based and family-based immigration pathways, improve the overall efficiency of government

resources in managing the immigration system, improve the lives of survivors of serious crimes, and 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, providing lawful pathways to work in the United States and protecting the rights of both U.S. and noncitizen workers.

On September 20, 2023, USCIS proposed a rule to modernize and reform the H-2A and H-2B programs. USCIS proposed several regulatory changes to achieve necessary program efficiencies that would improve overall program management while also meeting the needs of U.S. employers. Additionally, USCIS proposed several regulatory changes designed to protect against the exploitation or other abuse of H-2A and H-2B workers. Many of the proposals were informed by public feedback USCIS received from labor unions, worker advocacy groups and employer and industry groups during listening sessions held in May 2022. Participants in these listening sessions highlighted the need for increased worker protections and increased worker flexibilities and provided suggestions for improved efficiencies in the H-2 programs, among other things. After carefully considering public comments received, USCIS intends to issue a final rule updating the H-2A and H-2B nonimmigrant worker programs. (*Modernizing H-2 Program Requirements, Oversight and Worker Protections*).

On October 23, 2023, USCIS proposed a rule to update and streamline the H-1B program, with a goal of improving program efficiency, integrity, and flexibility. The proposed rule was informed by public comments USCIS received in response to a Request for Public Input (RPI) that USCIS published on April 19, 2021. The RPI solicited feedback from USCIS stakeholders and customers on identifying and reducing barriers to immigration (86 FR 20398). USCIS finalized a portion of the proposed rule on February 2, 2024, by implementing a beneficiary-centric selection process for H-1B registrations and other integrity measures with the rule titled “Improving the H-1B Registration Selection Process and Program Integrity” (89 FR 7456). USCIS intends to issue a final rule addressing the remaining provisions of the October 23, 2023 proposed rule. (*Modernizing H-1B Requirements and Oversight, Providing Flexibility in the F-1 Program, and Program Improvements Affecting Other Nonimmigrant Workers*). USCIS hosted two national engagements in January 2024 on the registration process and online filing of Form I-129 for H-1B petitions leading up to the cap season. The first event had 4,300 virtual attendees and the second had 9,000. Additionally, USCIS launched Tech Talks sessions in February to help guide organizations and legal representatives through the process and where individuals could ask questions about the organizational accounts and online filing. There were 8 Tech Talks held in February 2024, with attendance ranging from 700 to 1,200 virtual attendees.

USCIS also plans to take action to address public comments received on USCIS's most recent temporary final rule (TFR) that provided a temporary increase to the automatic extension period for expiring Employment Authorization Documents (EADs) for certain renewal EAD applicants. On May 4, 2022, and April 8, 2024, DHS temporarily amended its regulations to increase the automatic extension period for the EADs of certain renewal EAD applicants from up to 180 days to up to 540 days. The purpose of these two TFRs was to help prevent qualifying renewal EAD applicants from experiencing a lapse in their employment authorization and documentation through no fault of their own. USCIS is considering public comments received, including on whether to permanently increase the automatic extension period from up to 180 days to up to 540 days to help prevent future risks of such lapses. (*Temporary Increase of the Automatic Extension Period of Employment Authorization and Documentation for Certain Renewal Applicants*).

Lastly, USCIS intends to take action to support continued implementation of the EB-5 Reform and Integrity Act of 2022 (RIA), which the President signed on March 15, 2022. USCIS plans to publish a proposed rule to update and codify significant integrity provisions to the employment-based, fifth preference (EB-5) visa category for immigrant investors and the associated Regional Center Program, as specified by the RIA. (*EB-5 Reform and Integrity Act of 2022; Ensuring the Integrity of the EB-5 Program*). In addition, USCIS plans to propose a rule adjusting EB-5 immigration benefit request fees. The rule, if finalized, will provide USCIS the resources necessary to accomplish the goals of the RIA. (*USCIS Employment-Based Immigrant Visa, Fifth Preference (EB-5) Fee Rule*).

Improvements to the Efficiency of the Immigration System. 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 process. 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. USCIS crafted changes to reduce unjustified and excessive barriers to lawful immigration identified by commenters. The proposed changes include permitting concurrent filing of a visa petition and the application for adjustment of status for the employment-based 4th preference (certain special immigrants) category, including religious workers; permitting the transfer of the underlying basis of a pending adjustment of status application; clarifying the requirement for physical presence outside the United States for nonimmigrant religious workers; extending priority date retention to certain employment-based preference categories; clarifying when a visa becomes available for purposes of the age calculation under the Child Status Protection Act; and authorizing compelling circumstances employment authorization for certain derivative beneficiaries waiting for immigrant visa availability. (*Improving the Regulations Governing the Adjustment of Status to Lawful Permanent Residence and Related Immigration Benefits*).

USCIS is also planning to propose updates to adoption-related regulatory provisions to conform with current international and federal laws on adoptions, as well as proposals to clarify and update eligibility requirements governing citizenship and naturalization. This project is also informed by information the public stakeholders submitted in response to the 2021 Request for Public Input. In addition, the project is informed by two events in which the public provided comments on regulations and policies: a CIS Ombudsman's Webinar Series: Naturalization and Immigrant Integration on May 23, 2021, (635 people attended and 118 people provided written questions/comments) and a USCIS Citizenship and Naturalization Engagement on March 15, 2022 (463 people attended and 6 people submitted written questions/comments by email). USCIS also reviewed all comments provided through the Request for Public Input and the engagements, and incorporated comments into the proposed rule as applicable. (*Modernizing Adoptions and Naturalization*).

USCIS will also propose reforms to the U nonimmigrant visa classification. U nonimmigrant status is for noncitizen victims of certain criminal activities, and their qualifying family members, who have been, are, or are likely to be helpful in the investigation or prosecution of those crimes. USCIS holds public engagements on a regular basis. For example, in FY24, USCIS provided a U Visa training to the Chicago Police Department on February 14, 2024, and to the Law Enforcement Immigration Taskforce on June 3, 2024. Each engagement attracted a virtual audience of 30 law enforcement officials. The engagements furthered USCIS' goal to increase law enforcement agencies' (LEA) awareness of best practices and USCIS tools for the U visa program. Such tools include the LEA hotline for program inquiries and the U Visa Law Enforcement Resource Guide. In addition, USCIS held a virtual national engagement for 94 legal service providers on June 18, 2024. USCIS received 20 pre-submitted stakeholder questions and 13 live inquiries, allowing USCIS to stay updated on the most pressing program challenges faced by the legal service community and provide timely solutions. Through engagements throughout the fiscal year, USCIS considered feedback and questions to inform the regulatory and policy needs of the U visa program. 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*).

Changes Related to Asylum and Withholding of Removal. USCIS also intends to take action to improve the efficient allocation and use of government resources in the asylum and statutory withholding of removal portfolio. On May 13, 2024, DHS published a proposed rule to allow asylum officers to consider the potential applicability of certain bars to asylum and statutory withholding of removal during certain fear screenings. USCIS is considering public comments received and plans to issue a final rule. (*Application of Certain Mandatory Bars in Fear Screenings*).

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.

The United States 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.

Since 1995 the Coast Guard has confirmed, in 33 CFR 1.05-15, that it considers public participation essential to effective rulemaking. It is Coast Guard policy to provide opportunities for early participation in potential rulemaking projects. Also, in our notices of proposed rulemaking, in addition to soliciting your written comments, Coast Guard solicits requests for public meetings to provide an opportunity for oral comment.

Coast Guard also seeks recommendations from our ten Federal advisory committees and publish notices of those committee meetings. In addition, the Coast Guard has members on the State Department's Shipping Coordination Committee and participates in the Committee's public meetings, discussing

shipping initiatives to be considered by the International Maritime Organization (IMO). Those initiatives, if included as part of international agreements, can lead to Coast Guard implementing regulations. Coast Guard maintains an IMO-related webpage with a calendar of upcoming public meetings. Those meetings provide an opportunity for the public to interface with the Coast Guard and other U.S. delegates to comment on the U.S. position for each IMO agenda item.

Finally, our regulatory advisory group, the Marine Safety and Security Council, is composed of senior Coast Guard officials. It 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 two regulatory projects:

Cybersecurity in the Marine Transportation System. On February 22, 2024, the Coast Guard published a proposed rule 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. Coast Guard is reviewing public comments and working on a final rule.

Shipping Safety Fairways Along the Atlantic Coast. The Coast Guard published an Advance Notice of Proposed Rulemaking (ANPRM) on June 19, 2020. After considering comments on the ANPRM, Coast Guard published a proposed rule on January 19, 2024. It would establish shipping safety fairways along the Atlantic Coast of the United States. Fairways are marked routes that prevent the establishment of fixed obstructions within designated corridors. They facilitate the direct and unobstructed transit of ships. The proposed fairways are based on studies about vessel traffic along the Atlantic Coast for which Coast Guard 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 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, the Coast Guard held in person public meetings in

Washington, DC. Each was attended by 40 or more persons. On June 5, 2018, the Coast Guard held a public workshop regarding Implementation of Regulation 14.1.3 of MARPOL Annex VI (Global 0.50% Sulfur Cap). On October 12 and 13, 2011, the Coast Guard 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. Also, in December 2010, the Coast Guard 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. The committees meet quarterly. Meetings are held virtually and in physical locations such as Washington, DC, Charleston, SC, and Arlington, VA. Meetings are open to the public. The committees also issue formal Requests for Information, and hold listening sessions and symposia, such as the following ones: Trade Facilitation and Cargo Security Summit in Philadelphia on March 24-28, 2024, and in Boston, MA, on April 17-19, 2023; ones on forced labor, (virtually and in Washington, DC, on March 14-15, 2023), and one on green trade (Alexandria, VA, on July 11, 2023). All programs are open to the public. Attendees include individuals, importers, brokers,

freight forwarders, express consignment operators, trade groups, and law firms. CBP's public Newsroom, provides details on upcoming public engagements, and 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 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 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 would 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 actions that are required to meet statutory mandates, 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. These engagements include TSA's statutorily mandated aviation and surface advisory committees, which have representation from a broad range of transportation stakeholders. These committees meet quarterly, with at least one meeting per year open to the public. These meetings provide TSA with an opportunity to engage with, and provide feedback from, the public and affected stakeholders on TSA's policies. As noted below, TSA also issues advance notices of proposed rulemaking when necessary to obtain additional formal feedback before initiating a rulemaking.

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. The purpose of the security directives were to implement a number of urgently needed protections against cyber intrusions. The first security directive, which TSA issued in May 2021, requires critical pipeline owner/operators to (a) report confirmed and potential cybersecurity incidents to the 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 security directive. A second security directive, which TSA 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. Following several technical roundtables held with the industry during the summer of 2022, TSA updated the second directive to require owners/operators to achieve critical security outcomes through performance-based measures. Through these roundtables, participants provided input on how TSA could make the requirements less prescriptive, and more performance based, while ensuring that the security outcomes of the security directive would continue to be met. In December 2021 and October 2022, TSA imposed similar requirements on certain rail operations to address emerging threats. TSA has since renewed these security directives with revisions. TSA is committed to enhancing and sustaining cybersecurity for all modes of transportation and intends to issue a rulemaking to codify these and other requirements. TSA published an advance notice of

proposed rulemaking (ANPRM) on November 30, 2022, and accepted public comments up to February 1, 2023. TSA considered the thirty-seven comments received in developing a notice of proposed rulemaking (NPRM) published in November 2024, which includes a discussion of comments on the ANPRM. As noted above, TSA also has regular engagement with the industry through the statutorily mandated Surface Transportation Security Advisory Committee (STSAC), which meets at least quarterly. To ensure free discussion on sensitive security information, all but one of the quarterly meetings are closed to members. TSA held an ad hoc meeting of the STSAC on September 23, 2021, for the express purpose of getting input on cybersecurity initiatives to inform the NPRM.

REAL ID Phased Approach for Card-Based Enforcement. TSA will issue a final rule explicitly permitting federal agencies to use a phased approach to implement the card-based enforcement provisions of the REAL ID regulations after the May 7, 2025, enforcement deadline. The final rule would allow federal agencies--after considering relevant factors including security, operational feasibility, and public impact -- to use a phased approach. To ensure that agencies' enforcement plans consistently and appropriately advance the objectives of the REAL ID regulations, this rule would require agencies to coordinate their plans with DHS and would require full enforcement to be in place by May 5, 2027. One of the goals of this rule is to ensure that federal agencies are well-positioned to begin enforcing the REAL ID regulations on May 7, 2025 – and to do so in a manner that meets the objectives of the REAL ID Act and regulations while providing agencies with the flexibility to conduct enforcement in a manner that minimizes operational and security risks. TSA published an NPRM on September 12, 2024, and accepted comments through October 15, 2024. TSA received over 11,000 public comments and will consider the comments when developing the final rule. In addition, since fall 2023, TSA held multiple meetings with 11 state licensing jurisdictions with lower REAL ID adoption rates on REAL ID compliance. Beginning in September 2023, TSA has also held monthly meetings with Federal agency stakeholders in preparation for the May 7, 2025, REAL ID deadline. As TSA continues to develop this regulation, TSA seeks to engage Federal agencies, State and territorial licensing jurisdictions, and members of the public affected by implementation of REAL ID requirements.

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 and immigration system 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. DHS, 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). The goal of the proposed regulation would be to more efficiently use ICE's limited detention resources by clarifying the scope and applicability of custody provisions, 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) leads the national effort to understand, manage, and reduce risk to the cyber and physical infrastructure that Americans rely on every hour of every day. CISA's mission expands across three primary areas: cybersecurity, infrastructure security, and emergency communications. CISA is the operational lead for federal cybersecurity and the national coordinator for critical infrastructure security and resilience.

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.

Cybersecurity Incident Reporting for Critical Infrastructure Act (CIRCIA) Reporting Requirements. CISA is required to issue regulations to implement certain aspects of the Cybersecurity Incident Reporting for Critical Infrastructure Act of 2022 (CIRCIA). CIRCIA was signed into law in March 2022. CIRCIA directs

CISA to develop and implement regulations requiring covered entities to submit reports to CISA regarding covered cyber incidents and ransom payments. CIRCIA required CISA to publish a Notice of Proposed Rulemaking (NPRM) within 24 months of the date of enactment of CIRCIA. CISA 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. CISA published the NPRM on April 4, 2024. Consistent with CIRCIA's statutory direction to issue a Final Rule within 18 months of publication of the NPRM, CISA is planning to issue a Final Rule in October 2025.

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