This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Office of the Secretary
7 CFR Parts 2 and 20

Delegations of Authority

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This document amends the delegations of authority of the Secretary of Agriculture and the General Officers of the Department to delegate the authority of the Secretary of Agriculture under section 602 of the Agricultural Trade Act of 1978, as amended, regarding export sales reporting and amends the export sales reporting regulations by revising the authority citation.

EFFECTIVE DATE: July 18, 1991.

FOR FURTHER INFORMATION CONTACT: Thomas B. McDonald, Jr., Chief, Export Sales Reporting Branch, Foreign Agricultural Service, United States Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC 20250–1000, telephone (202) 447–3273.

SUPPLEMENTAL INFORMATION: Section 602 of the Agricultural Trade Act of 1978, as amended by section 1531 of the Food, Agriculture, Conservation, and Trade Act of 1990, requires the Secretary of Agriculture (hereafter "the Secretary") to collect and publish specific information regarding export sales contracts for designated agricultural commodities. Section 812 of the Agricultural Act of 1970, as amended (7 U.S.C. 612c–3), which required export sales reporting, is repealed by section 1578 of the Food, Agriculture, Conservation, and Trade Act of 1990, effective upon publication of this final rule. Section 802 is substantively identical to section 812 of the Agricultural Act of 1970, as amended.

The delegations of authority of the Department of Agriculture are amended to delegate to the Under Secretary for International Affairs and Commodity Programs the authority of the Secretary set forth in section 602 of the Agricultural Trade Act of 1978, as amended, and to further delegate that authority to the Administrator, Foreign Agricultural Service. Also, the export sales reporting regulations are revised to update the authority citation.

The information collection requirements contained in 7 CFR part 20 have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35 and have been assigned OMB Control number 0551–0007. The current approval is through March 31, 1992.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rule making and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the Federal Register.

Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Finally, this action is not a rule as defined by the Regulatory Flexibility Act, Public Law No. 96–354, and, thus, is exempt from the provisions of that Act.

List of subjects:

7 CFR Part 2
Authority delegations (Government agencies).

7 CFR Part 20
Exports, Agricultural commodities.

Accordingly, title 7, Code of Federal Regulations is amended as follows:

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

1. The authority citation for part 2 continues to read as follows:


Subpart C—Delegations of Authority to the Under Secretary, the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, and Assistant Secretaries.

2. Section 2.21 is amended by revising paragraph (d) to read as follows:

§ 2.21 Delegations of authority to the Under Secretary for International Affairs and Commodity Programs.

(d) Related to foreign agriculture.

23. Administer the program under section 602 of the Agricultural Trade Act of 1978, as amended (7 U.S.C. 5712), relating to export sales contract reporting operations.

Subpart H—Delegations of Authority by the Under Secretary for International Affairs and Commodity Programs.

3. Section 2.68 is amended by revising paragraph (a)(15) to read as follows:

§ 2.68 Administrator, Foreign Agricultural Service.

(a) Delegations. * * *

(15) Administer the program under section 602 of the Agricultural Trade Act of 1978, as amended (7 U.S.C. 5712), relating to export sales contract reporting operations.

PART 20—EXPORT SALES REPORTING REQUIREMENTS

4. The authority citation for part 20 is revised to read as follows:


5. Section 20.1 is revised to read as follows:

§ 20.1 General.

The regulations of this part 20 are issued under section 404 of the Agricultural Trade Act of 1978, as amended, to implement the export sales reporting requirements of section 602 of the Agricultural Trade Act of 1978, as amended.

Dated: June 12, 1991.

Federal Register
Vol. 56, No. 138
Thursday, July 18, 1991
Agricultural Marketing Service

7 CFR Part 1230
[No. LS-91-001]

Pork Promotion and Research

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; Correction.

SUMMARY: AMS is correcting the cents-per-kilogram assessments for three Harmonized Tariff Systems (HTS) numbers in the table listing assessments for imported pork and pork products which appeared in the June 10, 1991, Federal Register (56 FR 26589). The incorrect cents-per-kilogram assessment of 0.597009 was listed for HTS numbers 1601.00.20105, 1601.00.20908, and 1602.49.20009. The correct cents-per-kilogram assessment for each of these three numbers is 0.595242. The cents-per-pound assessment of 0.27 cents listed for these same three HTS numbers in the final rule (56 FR 26589) is correct.


FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch—202/382-1115.

SUPPLEMENTARY INFORMATION: The following corrections are made in LS-91-001, the Pork Promotion and Research final rule to increase the amount of assessments per pound and per kilogram due on imported pork and pork products subject to assessment under the Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4801-4819) published in the June 10, 1991 Federal Register (56 FR 26589):

§ 1230.110 Assessments on imported pork and pork products.

In § 1230.110(b), the cents-per-kilogram assessment of .597009 is revised to .595242 for the following three HTS numbers in the table on page 26590 listed below:

<table>
<thead>
<tr>
<th>HTS No.</th>
<th>Assessment cents/Kg</th>
</tr>
</thead>
<tbody>
<tr>
<td>1601.00.20105</td>
<td>.595242</td>
</tr>
<tr>
<td>1601.00.20908</td>
<td>.595242</td>
</tr>
<tr>
<td>1602.49.20009</td>
<td>.595242</td>
</tr>
</tbody>
</table>

Done at Washington, DC on July 12, 1991.

Daniel D. Haley, Administrator.

[FR Doc. 91-17072 Filed 7-17-91; 8:45 am]

BILLING CODE 3410-10-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 217
[INS No. 1406-91]
RIN 1115-AB83
Visa Waiver Pilot Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends 8 CFR part 217 to enhance the Visa Waiver Pilot Program by permitting nationals of countries designated for the program to apply for admission at land border ports as well as at airports and seaports. This rule will simplify the forms required of an applicant by combining two forms into one and will reduce the paperwork for the inspections process under the Pilot Program.

EFFECTIVE DATE: July 18, 1991.

FOR FURTHER INFORMATION CONTACT: Virginia F. Gorman, Assistant Chief Inspector, Inspections Division, Immigration and Naturalization Service, 425 I Street NW., room 7123, Washington, DC 20536, telephone number (202) 514-3895.

SUPPLEMENTARY INFORMATION: Under the Visa Waiver Pilot Program, authorized in section 217 of the Immigration and Nationality Act, nonimmigrant visitors from countries designated jointly by the Attorney General and the Secretary of State are eligible to apply for admission into the United States as nonimmigrants for business or pleasure for ninety (90) days or less without obtaining nonimmigrant visitor visas at United States embassies or consulates. The primary goal of the pilot program is to promote international travel and tourism.

The Visa Waiver Pilot Program, as implemented on July 1, 1988, allowed applicants to apply for admission at air and sea ports after arrival on signatory carriers. However, many nationals from the designated countries commence their journeys by traveling to Canada or to Mexico and then make their initial application for admission to the United States at land border ports of entry. Because they did not arrive aboard a signatory carrier, they were not eligible for entry under the Visa Waiver Pilot Program. This rule implements section 201(a) of the Immigration Act of 1990 (IMMAct), Public Law 101-649, November 29, 1990, by expanding the avenues by which these nonimmigrants may enter the country and by providing for an initial entry at land border ports. This rule also eliminates the Visa Waiver Pilot Program Information Form and replaces it with Form I-94W, the Nonimmigrant Visa Waiver Arrival/Departure Form. This will reduce the amount of paperwork that must be completed by applicants and immigration officers under this program, thereby streamlining the inspection process.

The Service published a proposed rule, with a request for comments, in the Federal Register on May 7, 1991, at 56 FR 21101, amending 8 CFR part 217. The comment period for the proposed rule ended on May 22, 1991. The Service received six comments. Each of the comments received has been reviewed, analyzed and considered. Generally the comments supported the enhancement of the program. The following are concerns raised by several commenters and the Service's response:

One of the commenters stated that requiring that the Form I-94W be completed prior to boarding "* * * represents a radical change * * *" and creates "* * * a new, unacceptable burden for carriers * * *․ The Service recognizes this concern and has amended 8 CFR 217.6(b)(2)(vi) to require the carrier to ensure that the Form I-94W is completed and signed by the alien prior to inspection. The proposed requirement that the carrier ensure that the Form I-94W is completed and signed prior to boarding the aircraft or vessel is under review and will be addressed at a later date. Another commenter expressed concern that the extension of the program to land borders would "* * * impact on increases planned for airport staffing." The Service does not anticipate that this amendment will adversely affect airport inspections. Another concern addressed * * * exclusion procedures without a hearing * * * and the "withholding of deportation * * * for nationals of countries participating in this program. This rule does not change the required
Accordingly, part 217 of chapter 1 of title 8 of the Code of Federal Regulations is amended as follows:

**PART 217—VISA WAIVER PILOT PROGRAM**

1. The authority citation for part 217 continues to read as follows:


2. Section 217.2 is amended by revising paragraphs (a)(7) and (a)(8) as (a)(5) and (a)(6) respectively; and revising paragraphs (b) through (d) to read as follows:

   **§ 217.2 Eligibility.**

   (a) General. Notwithstanding the provisions of section 212(a)(7)(B)(i)(II) of the Act, a nonimmigrant visa may be waived for an alien who is a national of a country enumerated in § 217.5 of this part regardless of place of residence or point of embarkation who:

   (1) Is in possession of a completed and signed Form I-94W, Nonimmigrant Visa Waiver Arrival/Departure Form; and

   (2) Applicants arriving by air or sea.

   (1) Applicants must be in possession of a return trip ticket which will transport the traveler out of the United States to any other foreign port or place as long as the trip does not terminate in contiguous territory or an adjacent island; or will transport the traveler to contiguous territory or an adjacent island, if the traveler is a resident of the country of destination. A return trip ticket includes any of the following:

   (i) A round trip, non-transferable transportation ticket which is valid for a period of not less than one year;

   (ii) Airline employee passes indicating return passage;

   (iii) Individual vouchers;

   (iv) Group vouchers for charter flights only; or

   (v) Military travel orders which include military dependents for return to duty stations outside the United States on United States military flights.

   (2) Applicants arriving at land border ports of entry. Any applicant arriving at a land border port of entry must provide evidence to the immigration officer of financial solvency and a domicile abroad to which the applicant intends to return.

   (d) Aliens in transit. An alien who is in transit through the United States is eligible to apply for admission under the Visa Waiver Pilot Program, provided the applicant meets the eligibility criteria set forth in this section.

3. Section 217.4 is amended by revising paragraphs (b) and (d) to read as follows:

   **§ 217.4 Excludability and deportability.**

   (b) Determinations of excludability and inadmissibility.

   (1) An alien who applies for admission under the provisions of section 217 of the Act, who is determined by an immigration officer not to be eligible for admission under that section or to be inadmissible from the United States under one or more of the grounds of excludability listed in section 212 of the Act (other than for lack of a visa), who is in possession of and presents fraudulent or counterfeit travel documents, will be refused admission into the United States and removed.

   (2) The removal of an alien under this section may be deferred if the alien is paroled into the custody of a Federal, State, or local law enforcement agency for criminal prosecution or punishment. This section in no way diminishes the discretionary authority of the Attorney General enumerated in section 212(d) of the Act.
of the responsibility to remove any
excludable or deportable alien at carrier
expense, as provided in § 217.6 (b) of
this part.

(2) Removal of excludable and
deportable aliens who arrived at land
border ports of entry. Removal under
this section will be by the first available
means of transportation deemed
appropriate by the district director.

4. Section 217.6 is amended by
revising paragraphs (a), (b)(1) (ii), (iv)
and (v); by revising paragraph (b)(2) (i)
and (iv); and by adding a new paragraph
(b)(2)(vi) to read as follows:

§ 217.6 Carrier agreements.

(a) General. The carrier agreements
referred to in section 217(e) of the Act
shall be made by the Commissioner on
behalf of the Attorney General and shall
be on Form I-775, Visa Waiver Pilot
Program Agreement. The term “carrier”
as used in this part refers to the owner,
charterer, lessee or authorized agent
of any commercial vessel or commercial
aircraft engaged in transporting
passengers to the United States from a
foreign place.

(b) * * *

(i) In possession of a completed
and signed Form I-94W, Nonimmigrant
Visa Waiver Arrival/Departure Form,
prior to inspection; * * *

(iv) In possession of round trip, non-
transferable passage that is valid for
one year, issued by a carrier signatory
on Form I-775, or by authorized agents
who are subcontractors to such a
carrier, and guaranteeing transportation
from the United States;

(v) Agrees that the return portion of
such passage may be used to effect
removal from the United States based
on a finding of excludability or
 deportability under § 217.4 of this part;

(2) The carrier further agrees to:

(i) Submit to the Immigration and
Naturalization Service the Form I-94W
as required by § 231 of this chapter
and section 217(e)(1)(B) of the Act;

(iv) Retain the responsibilities and
obligations enumerated in this part
should the alien under the Visa Waiver
Pilot Program depart temporarily for a
visit to foreign contiguous territory
during the period of authorized stay in
the United States;

(vi) Ensure that the form I-94W is
completed and signed by the alien prior
to inspection.

Gene McNary,
Commissioner, Immigration and
Naturalization Service.

BILLING CODE 4410-10-M

FEDERAL RESERVE SYSTEM

12 CFR Part 268

[Docket No. R-0735]

Rules Regarding Equal Opportunity

AGENCY: Board of Governors of the
Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is amending its
Rules Regarding Equal Opportunity (12
CFR part 268), by adding a new Subpart
J — Employment of Noncitizens, and
making a conforming change to §
268.101(b) (“Purpose and scope”), in
order to define the Board’s practices
regarding the employment of persons
who are not citizens of the United
States. The amendment will govern
employment of such persons consistent
with the Board’s security requirements.

The amendment replaces the Board’s
Management Policy Statement regarding
Employment of Noncitizens, which
prohibited employment of noncitizens
subject to limited exceptions. The
amendment permits the employment of
persons who are not United States
citizens in all positions which do not
require access to sensitive information
of the Board. The amendment permits
the employment of noncitizens fairly and
consistently with the Board’s policies,
including the need to protect sensitive
information of the Board.

The amendment is intended to
directly to the Board’s responsibilities
and requirements, particularly security
requirements, of the Board. The Board is
responsible, inter alia, for the
formulation and implementation of
national monetary policy, for the
supervision and regulation of bank
holding companies and state banks that
are members of the Federal Reserve
System, and for other regulatory
activities. In carrying out these
responsibilities, the Board acquires a
great deal of sensitive information the
unauthorized or untimely disclosure of
which could adversely affect the safety
and soundness of financial institutions
or cause unnecessary or unwarranted
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