

Department of State Retrospective Review Plan Report May 2012

| Agency/Sub-agency | RIN/OMB Control Number | Title of the Rule/ICR/Initiative | Actual or Target Completion Date | Anticipated savings in cost and/or information collection burdens; anticipated changes in benefits (please quantify, and provide a baseline, time-horizon, and affected groups) | Progress updates and anticipated accomplishments |
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| State; PM | 1400-AC90 | Revision of USML Category I (Firearms) | Proposed Rule publication planned for Spring 2012 | Regulatory clarification. This will lead to reduction of burden, in many instances, by eliminating the necessity of an export license from the Department of State. This reduction in license volume will result in cost savings to the defense industry, as fees paid by defense manufacturers and exporters to register with the Department of State are determined in part by the number of licenses submitted. Regulatory clarification also should lead to burden reduction through the decreased use of the commodity jurisdiction determination procedure, for a USML that clearly delineates defense articles should lead to less ambiguity on the part of exporters. | |
| State; PM | 1400-AD05 | Revision of USML Category II (Guns and Armament) | Proposed Rule publication planned for Spring 2012 | See above. | |
| State; PM | 1400-AD04 | Revision of USML Category III (Ammunition and Ordnance) | Proposed Rule publication planned for Spring 2012 | See above. | |
| State; PM | 1400-AD19 | Revision of USML Category IV (Launch Vehicles, etc.) | Proposed Rule publication planned for Summer 2012 | See above. | |
| State; PM | 1400-AD02 | Revision of USML Category V (Explosives, etc.) | Proposed Rule published May 2012 (77 FR 25944) | See above. | Comment period closes in June 2012. |
| State; PM | 1400-AC99 | Revision of USML Category VI (Surface Vessels of War) | Proposed Rule published December 2012 (76 FR 80302) | See above. | Comment period closed in February 2012. Assessing comments and drafting final rule. |
| State; PM | 1400-AC77 | Revision of USML Category VII (ground vehicles) | Proposed Rule published December 2011 (76 FR 76100) | See above. | Comment period closed in January 2012. Assessing comments and drafting final rule. |
| State; PM | 1400-AC96 | Revision of USML Category VIII (Aircraft) | Proposed Rule published November 2011 (76 FR 68694) | See above. | Comment period closed in December 2011. Assessing comments and drafting final rule. |

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| State; PM | 1400-AD15 | Revision of USML Category IX (Military Training Equipment) | Proposed Rule publication planned for Spring 2012 | See above. | |
| State; PM | 1400-AD16 | Revision of USML Category X (Protective Personnel Equipment) | Proposed Rule publication planned for Spring 2012 | See above. | |
| State; PM | TBD | Revision of USML Category XI (Military Electronics) | Proposed Rule publication planned for Summer 2012 | See above. | |
| State; PM | TBD | Revision of USML Category XII (Fire Control Equipment, etc.) | Proposed Rule publication planned for Summer 2012 | See above. | |
| State; PM | TBD | Revision of USML Category XIII (Materials) | Proposed Rule publication planned for May 2012 | See above. | |
| State; PM | 1400-AD03 | Revision of USML Category XIV (Toxicological Agents, etc.) | Proposed Rule publication planned for Summer 2012 | See above. | |
| State; PM | TBD | Revision of USML Category XV (Spacecraft) | Proposed Rule publication planned for Summer 2012 | See above. | |
| State; PM | 1400-AD18 | Revision of USML Category XVI (Nuclear Weapons) | Proposed Rule publication planned for Summer 2012 | See above. | |
| State; PM | TBD | Revision of USML Category XVII (Classified Articles) | Proposed Rule publication planned for Summer 2012 | See above. | |
| State; PM | TBD | Revision of USML Category XVIII (Directed Energy Weapons) | Proposed Rule publication planned for Summer 2012 | See above. | |
| State; PM | 1400-AC98 | Revision of USML Category XIX (Gas Turbine Engines) | Proposed Rule published December 2011 (76 FR 76097) | See above. | Comment period closed in January 2012. Assessing comments and drafting final rule. |
| State; PM | 1400-AD01 | Revision of USML Category XX (Submersible Vessels) | Proposed Rule published December 2012 (76 FR 80305) | See above. | Comment period closed in February 2012. Assessing comments and drafting final rule. |

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| State; PM | 1400-AD07 | Update policy to reflect a new statutory provision contained in Section 520 of Public Law 112-55, which exempts from the requirement to obtain a license for exports of certain firearms components to Canada with a total transaction value not exceeding \$500.00 | Final Rule publication planned for Summer 2012 | Reduce burden by eliminating the need for the affected public to submit license applications in certain instances. | |
| State; PM | 1400-AC94 | License exemption for certain replacement parts | Final Rule publication planned by end of year 2012 | Reduce burden by eliminating the need for the affected public to submit license applications in certain instances. | NPRM published March 2011 (76 FR 13928). |
| State; PM | TBD | License Exemption for incorporated articles | Final Rule publication planned by end of year 2012 | Reduce burden by eliminating the need for the affected public to submit license applications in certain instances. | NPRM published March 2011 (76 FR 13928). |
| State; PM | 1400-AC71 | License exemption for personal use of chemical agent protective gear | Final Rule published May 2012 (77 FR 25865) | Reduce burden by eliminating the need for the affected public to submit license applications in certain instances. | |
| State; PM | 1400-AC68 | New licensing policy for transfer of defense articles to dual national and third-country national employees | Final Rule published May 2011 (76 FR 28174) | Reduce burden by eliminating the need for the affected public to submit license applications in certain instances. | |
| State; PM | 1400-AC74 | New electronic submission of registration payments | Final Rules published July and December 2011 (76 FR 45195; 76 FR 76035) | Reduce burden through process enhancements. Specifically, revisions to the form used by the public to register as defense exporters/manufacturers/brokers will cut the estimated burden time in half. As there are currently approximately 10,000 registrants, this will amount to a burden reduction of 10,000 hours annually. | |
| State; PM | 1400-AC84 | Clarification of records maintenance requirement | Proposed Rule publication planned for Summer 2012 | Reduce burden by clarifying the regulatory requirement in this instance. | |

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| State; PM | 1400-AC85 | Discontinue submissions of form DSP-53 | Final Rule published April 2012 (77 FR 22668) | Regulatory clarification. For those foreign governments requiring documentation of the Federal government's approval of the temporary importation of defense articles, which the State Department is authorized to regulate, the State Department's DSP-61 must be used. | |
| State; PM | 1400-AC91 | Change in requirements for the return of licenses | Final Rule published November 2011 (76 FR 68311) | Reduce burden by eliminating the need for the affected public to return expired license applications in certain instances. | |
| State; PM | 1400-AC37 | Revise brokering regulations | Proposed Rule published December 2011 (76 FR 78578) | Regulatory clarification. Burden reduction for that subset of registrants that register as manufacturers/exporters and brokers of defense articles, as this rule would eliminate the need to register as each separately and pay a separate registration fee. | Comment period closed in February 2012. Assessing comments. |
| State; PM | 1400-AC88 | Clarify and reflect new policy for exports made by or for the U.S. Government | Proposed Rule publication planned for Summer 2012 | Regulatory clarification, which may lead to more frequent use of this available licensing exemption. | |
| State; PM | 1400-AC81; 1400-AC83; 1400-AC93; 1400-AC97; 1400-AD08; 1400-AD10 | Update information on sanctioned countries | Final Rules published in May, August, and November 2011 (76 FR 30001; 76 FR 47990; 76 FR 68313; 76 FR 69612; 77 FR 12201; 77 FR 16670) | Regulatory clarification. Accurately describing proscribed destinations in the regulations will provide information to applicants to preclude them from expending resources pursuing contracts that will not be approved by the U.S. Government. | |
| State; PM | 1400-AC80 | Revise definition for defense service | Proposed Rule published April 2011 (76 FR 20590) | Reduce burden by eliminating the need for the affected public to submit license applications in certain instances. | Final Rule publication planned by end of year 2012. |
| State; PM | 1400-AC95 | New regulations implementing the Australia and UK | Proposed Rule published November 2011 (76 FR 72246) | Reduce burden by eliminating the need for the affected public to submit license applications in certain instances. | Final Rule for UK treaty implementation published March 2012 (77 FR 16592). Final Rule for Australia treaty |
| State; PM | 1400-AD22 | Definition for "Specially Designed" | Proposed Rule publication planned for Summer 2012 | Regulatory clarification. Provide means by which exporters may determine if an article is covered by the USML, and therefore requires Department of State export licensing. Reduce burden by eliminating the need for the affected public to submit license applications in certain instances. | |
| State; PM | 1400-AD24 | Temporary import licensing policy | Proposed Rule publication planned for Summer 2012 | Regulatory clarification. Require Department of State licensing only for those defense articles listed on the U.S. Munitions Import List. Reduce burden by eliminating the need for the affected public to submit license applications in certain instances. | |
| State; ECA | 1400-AC67 | Exchange Visitor Program - Fees and Charges | Published 2/25/2011 | An increase in fees was implemented to recoup the full costs of services which are requested and performed for the benefit of foreign nationals and U.S. corporate entities. | New fees went into effect March 25, 2011. |

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| State; ECA | 1400-AC79 | Exchange Visitor Program - Summer Work Travel | Published 4/26/2011 | The Department projected an increase in three hours or \$20 per hour per work placement for the additional administrative requirements on each Summer Work Travel participant. The increased burden is required for necessary enhanced selection, screening, vetting, placement, monitoring and evaluations. | Comment period to the IFR closed 6/26/2011. |
| State; ECA | 1400-AD14 | Exchange Visitor Program - Summer Work Travel | Published 5/11/2012 | The Department projected an increase in burden of two additional hours per work placement for the additional administrative requirements on each Summer Work Travel participant. The increased burden is required for necessary enhanced selection, screening, vetting, placement, monitoring and evaluations. | Comment period to close July 11, 2012. |
| State; ECA | 1400-AC60 | Exchange Visitor Program - Teachers | Early 2012 | Proposing to add a cultural component to teacher exchange program which will require exchange teachers to conduct cultural presentations, reports, etc. No anticipated savings in costs. The proposed rule will undergo a 60-day comment period. | OMB opened as a significant review on December 9, 2011. |
| State; ECA | 1400-AC82 | Exchange Visitor Program - Au Pairs | Summer 2012 | The Department is proposing to redefine the educational component of the au pair program and provide a wider option of methods in meeting the educational requirement. | |
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| State; CA | 1400-AC64 | Advisory Committee Management, Department of State (22 CFR part 8) | February 15, 2012 | Removes obsolete regulation from the CFR. | |
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| State; CA | 1400-AC89 | Elimination of hearings on certain passport actions and other changes | February 29, 2012 | None. This rule revises 22 CFR Part 51 to limit administrative hearings and clarify hearing procedures, incorporate statutory passport denial and revocation requirements for certain sex offenders, and clarify availability of limited direct return passports. | Pending final Department of State review. |

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| State; CA | None | 22 CFR Part 53 Passport Requirement and Exceptions | June 30, 2012 | None | Pending final Department of State review. PPT reviewed the feasibility of charging a fee for US citizens entering US without passport, and concluded it would not be cost effective. Note that 22 CFR 53.3 does not reflect changes to waiver provisions in 22 CFR 53.2 and proposed revising regulation to correct this technical deficiency.. State will revise 22 CFR Part 53.3 to bring it in line with current provisions of section 53.2 revisions in process. |
| State; CA | | 22 CFR Part 50 Nationality | Target Completion Date Review May 30, 2012; Proposed Rule January 2013; Final Rule May 2012 | None | Revision of this rule requires coordination with USCIS which will require additional time to complete.. Pending final Department of State review. |
| State; CA | | 22 CFR Part 51 Passports | End of the quarter; three, six, nine and twelve months after start date. | None | Pending final Department of State review. |
| State; CA | | 22 CFR Part 52 Marriages | Target completion date for review June 15, 2012. Final rule August 2012. | None | This rule will be eliminated.. Pending final Department of State review. |
| State; CA | | 22 CFR Part 53 Passport Requirement and Exceptions | End of the quarter; three, six, nine and twelve months after Start Date. | None | Pending final Department of State review. |
| State; CA | | 22 CFR Part 71 Protection and Welfare of Citizens and Their Property | Target Completion Date Review August 2012. Proposed Rule January 2013. Final Rule May 2013. | None | This rule will be completely rewritten. Pending final Department of State review. |
| State; CA | | 22 CFR Part 72 Deaths and Estates | Review completed May 1, 2012. | None | No change to this rule required. Review form completed. |
| State; CA | | 22 CFR Part 92 Notarials and Related Services | Review completed May 1, 2012. | None | No change to this rule required. Review form completed. |
| State; CA | | 22 CFR Part 93 Service on Foreign State | Review completed May 1, 2012. | None | No change to this rule required. Review form completed. |

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| State; CA | | 22 CFR Part 94 International Child Abduction | Review completed May 1, 2012. | None | No change to this rule required. Review form completed. |
| State; CA | | 22 CFR Part 96 Accreditation of Agencies and Approval of Persons Under the Inter-Country Adoption Act of 2000 (IAA) | Review completed May 1, 2012. | None | No change to this rule required. Review form completed. |
| State; CA | | 22 CFR Part 97 Issuance of Adoption Certificates and Custody Declarations In Hague Convention Adoption Cases | Review completed May 1, 2012. | None | No change to this rule required. Review form completed. |
| State; CA | | 22 CFR Part 98 Inter Country Adoption Convention Record Preservation | Target Completion Date April 1, 2012 | None | No change to this rule required. Review form completed. |
| State; CA | | 22 CFR Part 99 Reporting on Convention and Non-Convention Adoptions of Emigrating Children | Review completed May 1, 2012. | None | No change to this rule required. Review form completed. |
| State; CA | | 22 CFR Part 102 Civil Aviation United States Aircraft Accidents Abroad | Target completion date for review October 2012. Proposed Rule January 2012. Final Rule May 2013 | None | CA/OCS/PRI will be coordinating with other federal agencies (FAA, Transportation, NTSB), the Office of the Legal Adviser, and the Department of State, Bureau of Economic and Business Affairs Transportation Affairs Division in reviewing and rewriting this regulation.. Pending final Department of State review. |
| State; CA | | 22 CFR Part 193 Benefits for Hostages in Iraq, Kuwait, or Lebanon | Target completion of review June 2012. Final Rule September 2012. | This program no longer exists. | CA/OCS/PRI will be eliminating this regulation.. Pending final Department of State review. |

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| State; CA | 1400-AC57 | Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates (MRV and BCC Rule) | December 6, 2011 | The rule adopted without change the interim final rule published in the Federal Register, 75 FR 28188, on May 20, 2010. Per OMB Circular A-25, section 6(a)(1), (a)(2)(a), the Department adjusted the fees to recover the actual cost of providing nonimmigrant visa and border crossing card application services that benefit specific individuals, as opposed to the general public: - Changed the non-petition-based nonimmigrant visa (except E category) and adult border crossing cards from \$131 to \$140. - Established new tiers of the application fee for certain categories of petition-based nonimmigrant visas and treaty trader and investor visas to more equitably reflect the true cost of producing that particular product: H, L, O, P, Q, and R category nonimmigrant visas set at \$150; E category nonimmigrant visas set at \$390; K category nonimmigrant visas set at \$350 - Increased the fee for border crossing cards for Mexican citizens under age 15 whose parent or guardian has or is applying for a border crossing card from \$13 to \$14 to reflect a congressionally mandated surcharge that went into effect in 2009. | Published December 6, 2011 as 76 FR 76032. |
| State; CA | 1400-AC58 | Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates | February 2, 2012 | The rule will adopt the interim final rule published in the Federal Register, 75 FR 36522, on June 28, 2010. Per OMB Circular A-25, section 6(a)(1), (a)(2)(a), the Department will adjust the fees to recover the actual cost of providing consular services that benefit specific individuals, as opposed to the general public. Some of the fees will be higher or lower from the last publication of the final Schedule of Fees to reflect the Department's actual costs of providing the services, as produced by the 2009 Cost of Service Model (CoSM), the Department's activity-based costing model. | Published February 2, 2012 as 77 FR 5177. Amends 22 CFR Part 22. |
| State; CA | 1400-AD11 | Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates | Target publication date of June 2012. | The interim rule will amend 22 CFR Part 22 to make changes to the Schedule of Fees for Consular Services for Overseas Citizens Services. The Department of State is adjusting the fees to ensure that fees for consular services reflect the actual cost to the U.S. Government and that sufficient resources are available to meet the costs of providing all consular services, particularly those that support Americans traveling abroad who require assistance. | Sent to OMB for E.O. 12866 review on April 5, 2012. Amends 22 CFR Part 22. |

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| State; CA | 1400-AD06 | Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates | 29-Mar-12 | The interim rule will amend 22 CFR Part 22 to make changes to the Department's Schedule of Fees that reflect the full cost to the Department for providing consular services that benefit specific individuals, as opposed to the general public, per OMB Circular A-25. Some of the fees will be higher or lower from the last publication of the final Schedule of Fees to reflect the Department's actual costs of providing the services, as produced by the 2011 Cost of Service Model (CoSM), the Department's activity-based costing model. | Published March 29, 2012 as 77 FR 18907. Amends 22 CFR Part 22. |
| State; CA | 1400-AC86 | 22 CFR 42.24 -- IASA Hague Adoptions | Final Rule targeted late Spring 2012 | This regulation implements the International Adoption Simplification Act, which provides, among other things, for adult sibling adoptions by U.S. citizen parents. The legislation also enables the extension of certain benefits of the Hague Convention to American citizen parents by a regulation that advances the public interest while safeguarding adopted children. Under this legislation, U.S. parents can adopt siblings who would otherwise be ineligible for adoption due to their age. This age-out protection eliminates unnecessary cost and resource burdens to those who seek adult sibling adoptions by permitting U.S. parents to file an immediate relative petition for the adult sibling of an already or concurrently adopted child. Additionally, this rule advances a cornerstone policy of immigration law; family reunification. The objective of this regulation is to minimize the costs and burdens on individuals by making the adoption process more transparent and protect the interests of the adopted child. Under this amended rule, the general public will continuously benefit from cost savings as U.S. parents and will be able to adopt siblings which meet the definitions of the International Adoption Simplification Act. This amended regulation benefits families and the general public interest as it allows the reunification of siblings at no significant added cost to the Department. | Interim Final Rule published on November 1, 2011. Comment period closed December 1, 2011 with comments received. Final Rule in clearance with publication targeted Summer 2012. |

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| State; CA | | 22 CFR 41.54 -- Issuance of Full Validity L Visas to Qualified Applicants | Final Rule published February 14, 2012 (77 FR 8119) | <p>Extending the validity for L visas reduces unnecessary burden on U.S. employers and allows consular officers to perform their duties in a cost-effective manner. The revised rule extends the validity period of L visas issued to foreign nationals to a period equal to that afforded to U.S. travelers. As the previous rule tied L visa validity to the length of the underlying petition, for many nationalities seeking L visas, validity will increase by two years. In 2010, State issued approximately 145,000 L visas, over half of which to nationals of India. Nationals from France, England, Mexico, South Korea, and Japan comprised the remaining majority of L applicants. Under the new regulation, applicants from these countries, accounting for over two-thirds of all L applicants, are entitled to 60 month validity periods, a substantial increase from the previous limit of 36 months. By extending the validity period to 60 months, over 100,000 L applicants in 2010 would have received an added two years of validity without having to renew their visa. Applicants save time and resources as they are not required to renew their visas outside the United States as frequently, a process that results in inconvenience to the visa holder and disruption to business. By permitting an L visa holder to remain in the United States for a longer period of time, L employees may remain at work, providing continuity for employers and making America a favorable destination to conduct business. As a result, the Department benefits from both reduced processing costs and eased administrative strain at overseas embassies and consulates as the extended validity period saves consular officers almost 3500 hours in interview time, a significant resource saving for State. Reduced renewal applications due to longer validity allow consular officers to more efficiently process applications, making Department operations more cost-effective to better facilitate legitimate travel. Expanding the validity for L visas will not significantly affect small businesses as L visas are for intracompany transferees, primarily issued only to employees of large multinational corporations such as Deloitte, IBM, and Honeywell.</p> | Final Rule published on February 14, 2012 (77 FR 8119). |
| State; CA | 1400-AD17 | 22 CFR 41.2 -- Exemption or Waiver by Secretary of State and Secretary of Homeland Security of passport and/or visa requirements for certain categories of nonimmigrants | Targeted September 2012 | <p>This regulation will reduce fraud and address security concerns created by the previous rule which allowed temporary workers from certain Caribbean nations to enter the United States without a visa. The regulation will require a passport and a visa for individuals proceeding to the United States as an agricultural worker if they are a British, French, or Netherlands national, or a national of Antigua, Barbados, Grenada, Jamaica, or Trinidad and Tobago, who has residence in British French, or Netherlands territory located in the adjacent islands of the Caribbean area, or has residence in Antigua, Barbados, Grenada, Jamaica, or Trinidad and Tobago. The rule will lessen the possibility that persons who pose security risks to the United States or will potentially violate their immigration status improperly gain admission to the United States. Extending the visa requirement to these Caribbean H-2A agricultural workers will better protect them from employment and recruitment-based abuses by ensuring that they have been informed, and are aware of, their rights and responsibilities during the visa process. This regulation will prevent</p> | Rule has been drafted and is in final clearance with OMB. |

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| State; CA | 1400-AD21 | 22 CFR 41.22 -- Officials of Foreign Governments | Targeted September 2012 | <p>This regulation permits family members of diplomats assigned to the United States to accept employment with international organizations and obtain visas that reflect their status as employees of such organizations, rather than dependents of their diplomatic family member. Amending this rule clarifies existing policy and renders conditions for employment more clear to spouses of "A" visa holders. By facilitating employment with international organizations, the regulation promotes an important policy of the U.S. government to support international organizations operating within its borders. The Department faces no added burdens with this amended regulation as the process of visa issuance remains the same for affected visa applicants with only the resulting classification changing. At the same time, international organizations will benefit significantly from a facilitated hiring process for the spouses of "A" visa holders, making their operations both more cost-efficient and continuously-staffed. These benefits will continue annually as the Department will issue these visas upon request from the applicant. The savings will come at no added cost to the Department as there will be no added burdens to current practice.</p> | Rule has been drafted and is in clearance. |
| State; CA | | 22 CFR 41.2 -- Exemption or Waiver by Secretary of State and Secretary of Homeland Security of passport and/or visa requirements for certain categories of nonimmigrants | Targeted September 2012 | <p>This regulation revises an existing regulation to comply with a court decision requiring joint action between DHS and the Department of State. The amended provisions permit a waiver of the visa and passport requirement for individuals traveling without them due to unforeseen or emergency circumstances. The Department of State is publishing the regulation with extensive coordination with the Department of Homeland Security after a court directed that the regulation be promulgated as a joint action between the two agencies. The Department will also publish this rule with a period for public comment. The published rule will provide clarity to industry, rendering the bifurcated role between both agencies more clear to airline carriers. Implementing this regulation will provide clarity to industry, saving businesses an average of \$48,000 per year in fines. In FY08 and FY09, the two years preceding the court's invalidation of the regulation, 32 carriers were assessed fines for non-compliance as a result of transporting aliens without a valid visa or unexpired passport due to an unforeseen emergency. The fine, \$3000 for each alien, amounts to an average of \$48,000 in fines per year. By rendering more clear the shared role of the Department of State and the Department of Homeland Security in implementing the rule, the Department hopes to make business practices more predictable for industry. The savings will come at no added cost to the Department as there will be no added burdens to current practice.</p> | In drafting. |