

*Overview of information collection:*

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* H-1B Registration Tool.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* No Agency Form Number; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. USCIS uses the data collected on this form to determine which employers will be informed that they are eligible to submit a USCIS Form I-129, Petition for a Nonimmigrant Worker, to petition for a cap-subject beneficiary in the H-1B classification.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection H-1B Registration Tool is 192,918 and the estimated hour burden per response is 0.5 hours. Any additional time burden for fee payment processing is captured in the information collection USCIS Electronic Fee Payment Processing (OMB 1615-0131).

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 96,459 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total cost burden for purchases of equipment or services to achieve compliance with the information collection requirements of this rule (not including providing information to or keeping records for the government, or kept as part of customary and usual business or private practices), are \$0.<sup>34</sup> There are no capital, start-up, operational or maintenance costs to respondents associated with this collection of information.

**List of Subjects in 8 CFR Part 103**

Administrative practice and procedure, Authority delegations (Government agencies), Freedom of information, Immigration, Privacy, Reporting and recordkeeping requirements.

Accordingly, DHS is amending chapter I of title 8 of the Code of Federal Regulations as follows:

<sup>34</sup> As stated elsewhere in this rule, the annual transfer for registrants associated with the proposed \$10 fee is \$1,929,180.

**PART 103—IMMIGRATION BENEFITS; BIOMETRIC REQUIREMENTS; AVAILABILITY OF RECORDS**

■ 1. The authority citation for part 103 continues to read as follows:

**Authority:** 5 U.S.C. 301, 552, 552a; 8 U.S.C. 1101, 1103, 1304, 1356, 1356b, 1372; 31 U.S.C. 9701; Pub. L. 107-296, 116 Stat. 2135 (6 U.S.C. 1 *et seq.*); E.O. 12356, 47 FR 14874, 15557, 3 CFR, 1982 Comp., p. 166; 8 CFR part 2; Pub. L. 112-54, 125 Stat 550.

■ 2. Section 103.7 is amended by adding paragraph (b)(1)(i)(NNN) to read as follows:

**§ 103.7 Fees.**

- \* \* \* \* \*
- (b) \* \* \*
- (1) \* \* \*
- (i) \* \* \*

(NNN) *Registration requirement for petitioners seeking to file H-1B petitions on behalf of cap-subject aliens.* For each registration submitted to register for the H-1B cap or advanced degree exemption selection process: \$10. This fee will not be refunded if the registration is not selected or is withdrawn.

\* \* \* \* \*

**Kevin K. McAleenan,**

*Acting Secretary.*

[FR Doc. 2019-24292 Filed 11-7-19; 8:45 am]

**BILLING CODE 9111-97-P**

**DEPARTMENT OF HOMELAND SECURITY**

**8 CFR Part 217**

**RIN 1601-AA94**

**Designation of Poland for the Visa Waiver Program**

**AGENCY:** Office of the Secretary, Department of Homeland Security (DHS).

**ACTION:** Final rule; technical amendment.

**SUMMARY:** Eligible citizens, nationals, and passport holders from designated Visa Waiver Program countries may apply for admission to the United States at U.S. ports of entry as nonimmigrant aliens for a period of ninety days or less for business or pleasure without first obtaining a nonimmigrant visa, provided that they are otherwise eligible for admission under applicable statutory and regulatory requirements. On October 31, 2019, the Secretary of Homeland Security, in consultation with the Secretary of State, designated Poland as a country that is eligible to participate in the Visa Waiver Program.

Accordingly, this rule updates the list of countries designated for participation in the Visa Waiver Program by adding Poland.

**DATES:** This final rule is effective on November 11, 2019.

**FOR FURTHER INFORMATION CONTACT:** Erik Rye, Department of Homeland Security, Visa Waiver Program Office, (202) 282-9907.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

*A. The Visa Waiver Program*

Pursuant to section 217 of the Immigration and Nationality Act (INA), 8 U.S.C. 1187, the Secretary of Homeland Security (the Secretary), in consultation with the Secretary of State, may designate certain countries as Visa Waiver Program (VWP) countries<sup>1</sup> if certain requirements are met. Those requirements include, without limitation: (1) A U.S. Government determination that the country meets the applicable statutory requirement with respect to nonimmigrant visitor visa refusals for nationals of the country; (2) an official certification that it issues machine-readable, electronic passports that comply with internationally accepted standards; (3) a U.S. Government determination that the country's designation would not negatively affect U.S. law enforcement and security interests; (4) an agreement with the United States to report, or make available through other designated means, to the U.S. Government information about the theft or loss of passports; (5) a U.S. Government determination that the government accepts for repatriation any citizen, former citizen, or national not later than three weeks after the issuance of a final executable order of removal; and (6) an agreement with the United States to share information regarding whether citizens or nationals of the country represent a threat to the security or welfare of the United States or its citizens.

The INA also sets forth requirements for continued eligibility and, where appropriate, probation and/or termination of program countries.

<sup>1</sup> All references to "country" or "countries" in the laws authorizing the Visa Waiver Program are read to include Taiwan. See Taiwan Relations Act of 1979, Public Law 96-8, section 4(b)(1) (codified at 22 U.S.C. 3303(b)(1)) (providing that "[w]henver the laws of the United States refer or relate to foreign countries, nations, states, governments, or similar entities, such terms shall include and such laws shall apply with respect to Taiwan"). This is consistent with the United States' one-China policy, under which the United States has maintained unofficial relations with Taiwan since 1979.

Prior to this final rule, the designated countries in the VWP were Andorra, Australia, Austria, Belgium, Brunei, Chile, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Portugal, Republic of Korea, San Marino, Singapore, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Taiwan,<sup>2</sup> and the United Kingdom.<sup>3</sup> See 8 CFR 217.2(a).

Citizens and eligible nationals of VWP countries may apply for admission to the United States at U.S. ports of entry as nonimmigrant visitors for a period of ninety days or less for business or pleasure without first obtaining a nonimmigrant visa, provided that they are otherwise eligible for admission under applicable statutory and regulatory requirements. To travel to the United States under the VWP, an alien must satisfy the following:

- (1) Be seeking admission as a nonimmigrant visitor for business or pleasure for ninety days or less;
- (2) be a national of a program country;
- (3) present a machine-readable, electronic passport issued by a designated VWP participant country to the air or vessel carrier before departure;
- (4) execute the required immigration forms;
- (5) if arriving by air or sea, arrive on an authorized carrier;
- (6) not represent a threat to the welfare, health, safety, or security of the United States;
- (7) have not violated U.S. immigration law during any previous admission under the VWP;
- (8) possess a round-trip ticket, unless exempted by statute or federal regulation;
- (9) the identity of the alien has been checked to uncover any grounds on which the alien may be inadmissible to the United States, and no such ground has been found;
- (10) certain aircraft operators, as provided by statute and regulation, must electronically transmit information about the alien passenger;
- (11) has not been present at any time after March 1, 2011 in Iraq, Syria, or any

other country so designated by statute and regulation;

(12) waive the right to review or appeal a decision regarding admissibility or to contest, other than on the basis of an application for asylum, any action for removal; and

(13) obtain an approved travel authorization via the Electronic System for Travel Authorization (ESTA). For more information about the ESTA, please see 8 CFR 217.5 (regulation effective July 8, 2015), 80 FR 32267 (June 8, 2015), 75 FR 47701 (Aug. 9, 2010).

See sections 217(a) and 217(b) of the Immigration and Nationality Act (INA), 8 U.S.C. 1187(a)–(b); see also 8 CFR part 217.

#### B. Designation of Poland

The Department of Homeland Security, in consultation with the Department of State, has evaluated Poland for VWP designation to ensure that it meets the requirements set forth in section 217 of the INA, as amended by section 711 of the Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110–53. The Secretary has determined that Poland has satisfied the statutory requirements for initial VWP designation; therefore, the Secretary, in consultation with the Secretary of State, has designated Poland as a program country.<sup>4</sup>

This final rule adds Poland to the list of countries authorized to participate in the VWP. Accordingly, beginning November 11, 2019, eligible citizens and nationals of Poland may apply for admission to the United States at U.S. ports of entry as nonimmigrant visitors for business or pleasure for a period of ninety days or less without first obtaining a nonimmigrant visa, provided that they are otherwise eligible for admission under applicable statutory and regulatory requirements.

## II. Statutory and Regulatory Requirements

### A. Administrative Procedure Act

Under the Administrative Procedure Act (5 U.S.C. 553(b)), an agency may waive the normal notice and comment requirements if it finds, for good cause, that they are impracticable, unnecessary, or contrary to the public interest. The final rule merely lists a country that the Secretary of Homeland Security, in consultation with the Secretary of State, has designated as a VWP eligible country in accordance with section 217(c) of the INA, 8 U.S.C.

1187(c). This amendment is a technical change to merely update the list of VWP countries. Therefore, notice and comment for this rule is unnecessary and contrary to the public interest because the rule has no substantive impact, is technical in nature, and relates only to management, organization, procedure, and practice. For the same reasons, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

This final rule is also excluded from the rulemaking provisions of 5 U.S.C. 553 as a foreign affairs function of the United States because it advances the President's foreign policy goals and directly involves relationships between the United States and its alien visitors. Accordingly, DHS is not required to provide public notice and an opportunity to comment before implementing the requirements under this final rule.

### B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 603(b)), as amended by the Small Business Regulatory Enforcement and Fairness Act of 1996 (SBREFA), requires an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of a proposed rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions) when the agency is required "to publish a general notice of proposed rulemaking for any proposed rule." Because this rule is being issued as a final rule, on the grounds set forth above, a regulatory flexibility analysis is not required under the RFA.

DHS has considered the impact of this rule on small entities and has determined that this rule will not have a significant economic impact on a substantial number of small entities. The individual aliens to whom this rule applies are not small entities as that term is defined in 5 U.S.C. 601(6). Accordingly, there is no change expected in any process as a result of this rule that would have a direct effect, either positive or negative, on a small entity.

### C. Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

<sup>2</sup> Taiwan refers only to individuals who have unrestricted right of permanent abode on Taiwan and are in possession of an electronic passport bearing a personal identification (household registration) number.

<sup>3</sup> The United Kingdom refers only to British citizens who have the unrestricted right of permanent abode in the United Kingdom (England, Scotland, Wales, Northern Ireland, the Channel Islands, and the Isle of Man); it does not refer to British overseas citizens, British dependent territories' citizens, or citizens of British Commonwealth countries.

<sup>4</sup> The Secretary of State nominated Poland for participation in the VWP on October 3, 2019.

**D. Executive Order 12866**

This amendment does not meet the criteria for a “significant regulatory action” as specified in Executive Order 12866.

**E. Executive Order 13132**

The rule will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, DHS has determined that this final rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

**F. Executive Order 12988 Civil Justice Reform**

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

**G. Paperwork Reduction Act**

The Department of Homeland Security is modifying OMB Control Number 1651–0111, Arrival and Departure Record, to allow eligible Poland passport holders to use the Electronic System for Travel Authorization (ESTA) to apply for authorization to travel under the VWP prior to departing for the United States. CBP uses the information to assist in determining if an applicant is eligible for travel under the VWP. The Department is requesting emergency processing of this change to 1651–0111 as the information is essential to the mission of the agency and is needed prior to the expiration of time periods established under the PRA. Because of the designation of Poland for participation in the VWP, the Department is requesting OMB approval of this information collection in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

The addition of Poland to the Visa Waiver Program will result in an estimated annual increase to information collection 1651–0111 of 300,000 responses and 75,000 burden hours. The total burden hours for ESTA, including Poland, is as follows:

*Estimated annual reporting burden:* 3,625,000 hours.

*Estimated number of respondents:* 14,500,000 respondents.

*Estimated average annual burden per respondent:* 15 minutes.

**List of Subjects in 8 CFR Part 217**

Air carriers, Aliens, Maritime carriers, Passports and visas.

**Amendments to the Regulations**

For the reasons stated in the preamble, DHS amends part 217 of title 8 of the Code of Federal Regulations (8 CFR part 217) as set forth below.

**PART 217—VISA WAIVER PROGRAM**

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

**Authority:** 8 U.S.C. 1103, 1187; 8 CFR part 2.

■ 2. In § 217.2(a), the definition of “Designated country” is revised to read as follows:

**§ 217.2 Eligibility.**

(a) \* \* \*

*Designated country* refers to Andorra, Australia, Austria, Belgium, Brunei, Chile, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, San Marino, Singapore, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Taiwan, and the United Kingdom. The United Kingdom refers only to British citizens who have the unrestricted right of permanent abode in the United Kingdom (England, Scotland, Wales, Northern Ireland, the Channel Islands, and the Isle of Man); it does not refer to British overseas citizens, British dependent territories’ citizens, or citizens of British Commonwealth countries. Taiwan refers only to individuals who have unrestricted right of permanent abode on Taiwan and are in possession of an electronic passport bearing a personal identification (household registration) number.

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**Kevin McAleenan,**

*Acting Secretary.*

[FR Doc. 2019–24328 Filed 11–7–19; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF AGRICULTURE**

**Food Safety and Inspection Service**

**9 CFR Part 327**

[Docket No. FSIS–2016–0002]

RIN [0583–AD64]

**Eligibility of the People’s Republic of China (PRC) To Export to the United States Poultry Products From Birds Slaughtered in the PRC**

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is amending the Federal poultry products inspection regulations to add the People’s Republic of China (PRC) as eligible to export to the United States poultry products from birds slaughtered in the PRC. FSIS has reviewed the PRC’s poultry laws, regulations, and inspection system, as implemented, and has determined that they are equivalent to the Poultry Products Inspection Act (PPIA), the regulations implementing this statute, and the United States’ food safety system for poultry. Under this final rule, slaughtered poultry, or parts or other products thereof, processed in certified PRC establishments, are eligible for export to the United States. All such products are subject to reinspection at United States ports of entry by FSIS inspectors.

**DATES:** Effective December 9, 2019.

**FOR FURTHER INFORMATION CONTACT:** Roberta Wagner, Assistant Administrator, Office of Policy and Program Development, Food Safety and Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250–3700; Telephone: (202) 205–0495.

**SUPPLEMENTARY INFORMATION:**

**Background**

On June 16, 2017, FSIS published a proposed rule in the **Federal Register** (82 FR 27625) to amend FSIS’s poultry products inspection regulations to list the PRC as eligible to export to the United States poultry products from birds slaughtered in the PRC. FSIS proposed this action after the Agency conducted a documentary review of the PRC’s laws, regulations, and poultry slaughter inspection system, as well as an in-country audit of the system, and determined that it is equivalent to the U.S. system established under the Poultry Products Inspection Act (PPIA) and its implementing regulations. This final rule is consistent with the provisions of the proposed rule.

The PRC is already eligible to export processed poultry products to the United States if the products are derived from poultry slaughtered in the United States or in other countries with a poultry slaughter inspection system equivalent to that of the United States. Under this final rule, the PRC is eligible to export to the United States poultry products derived from birds slaughtered in the PRC. The PRC may not export raw poultry at this time because of restrictions owing to animal disease risk put in place by the USDA Animal and