

Preservation Act (Pub. L. 86–523, 74 Stat. 220 (June 27, 1960) as amended, repealed, or replaced by Pub. L. 113–287, 128 Stat. 3094 (Dec. 19, 2014) (formerly codified at 16 U.S.C. 469 *et seq.*, now codified at 54 U.S.C. 312502 *et seq.*); the Antiquities Act (formerly codified at 16 U.S.C. 431 *et seq.*, now codified at 54 U.S.C. 320301 *et seq.*); the Historic Sites, Buildings, and Antiquities Act (formerly codified at 16 U.S.C. 461 *et seq.*, now codified at 54 U.S.C. 3201–320303 & 320101–320106); the Farmland Protection Policy Act (7 U.S.C. 4201 *et seq.*); the National Wildlife Refuge System Administration Act (Pub. L. 89–669, 80 Stat. 926 (Oct. 15, 1966) (16 U.S.C. 668dd–668ee)); National Fish and Wildlife Act of 1956 (Pub. L. 84–1024 (16 U.S.C. 742a, *et seq.*); the Fish and Wildlife Coordination Act (Pub. L. 73–121, 48 Stat. 401 (March 10, 1934) (16 U.S.C. 661 *et seq.*); the National Trails System Act (16 U.S.C. 1241 *et seq.*); the Administrative Procedure Act (5 U.S.C. 551 *et seq.*); the Rivers and Harbors Act of 1899 (33 U.S.C. 403); the Wild and Scenic Rivers Act (Pub. L. 90–542 (16 U.S.C. 1281 *et seq.*); the Eagle Protection Act (16 U.S.C. 668 *et seq.*); the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 *et seq.*); and the American Indian Religious Freedom Act (42 U.S.C. 1996).

This waiver does not revoke or supersede any other waiver determination made pursuant to section 102(c) of IIRIRA. Such waivers shall remain in full force and effect in accordance with their terms. I reserve the authority to execute further waivers from time to time as I may determine to be necessary under section 102 of IIRIRA.

Signature

The Acting Secretary of Homeland Security, Chad F. Wolf, having reviewed and approved this document, is delegating the authority to electronically sign this document to Chad R. Mizelle, who is the Acting General Counsel for DHS, for purposes of publication in the **Federal Register**.

Chad R. Mizelle,

Acting General Counsel.

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DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket Nos. TSA–2006–24191; USCG–2006–24196]

Exemption To Extend the Expiration Date of Certain Transportation Worker Identification Credentials

AGENCY: Transportation Security Administration (TSA), DHS.

ACTION: Notice of temporary exemption.

SUMMARY: TSA is granting a temporary exemption from requirements in 49 CFR part 1572 regarding the expiration of certain Transportation Worker Identification Credentials (TWIC®s). For the duration of this exemption, TSA will extend the expiration date of TWIC®s that expired on or after March 1, 2020, by 180 days.

DATES: This exemption becomes effective on April 10, 2020, and remains in effect through July 31, 2020, unless otherwise modified by TSA through a notice published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Stephanie Hamilton, 571–227–2851, or TWIC.Issue@tsa.dhs.gov.

SUPPLEMENTARY INFORMATION:

Background

On March 11, 2020, the World Health Organization declared the SARS–CoV–2 virus (Novel Coronavirus) and Coronavirus Disease 2019 (COVID–19) to be a global pandemic. On March 13, 2020, the President declared a National Emergency.¹ The President then issued Executive Order 13909, *Prioritizing and Allocating Health and Medical Resources to Respond to the Spread of Covid–19* (March 18, 2020), which declared: “. . . it is critical that all health and medical resources needed to respond to the spread of COVID–19 are properly distributed to the Nation’s healthcare system and others that need them most at this time.”

In response to these actions, a majority of states have imposed significant restrictions on commercial activities and individual movement, except when performing essential functions. Moreover, health experts and the government have strongly recommended that individuals practice social distancing when engaging with others, to minimize the spread of COVID–19. During this time, it is vital

to move cargo expeditiously through the supply chain, and to ensure that medical supplies and home goods reach healthcare centers and consumers. Maritime facilities and vessels are an integral part of the supply chain and must continue to operate at full capacity.

The Department of Homeland Security (DHS), through TSA and the U.S. Coast Guard (Coast Guard), published a final rule on January 25, 2007 that establishes requirements for merchant mariners and workers who need unescorted access to secure areas of maritime facilities and vessels.² These individuals must successfully complete a security threat assessment (STA) conducted by TSA and hold a TWIC® in order to enter secure areas without escort.

TSA and the Coast Guard administer the TWIC® program. Persons who are required to hold a TWIC® (defined as a mariner credentialed under 46 CFR part 10 or 12, and anyone needing unescorted access to a secure area of a vessel or facility regulated under 33 CFR parts 104, 105, or 106) are required to enroll and provide proof of identity and fingerprints at approved enrollment sites, designated and operated by a TSA trusted agent.³ TSA’s regulations require individuals who seek unescorted access to secured areas of maritime facilities and vessels to undergo an STA in order to receive a TWIC®. A TWIC® expires five years from the date of issuance⁴ and individuals must go to a TSA enrollment center to initiate a new STA to receive a new credential.

There are 2,294,797 active TWIC®s in circulation today, and TSA records indicate that 234,536, or approximately 10% of them, will expire in the next six months. Social distancing practices in response to the COVID–19 crisis make gathering at enrollment centers unwise or prohibited. Approximately one-third of TSA’s TWIC® enrollment centers have been forced to close because they are collocated with commercial or government offices that are closed as a result of COVID–19. For those that are operating, the process of collecting fingerprints, which is required for TWIC®, and completing the enrollment process may introduce risk to enrollment center staff or TWIC® applicants.

² The final rule implements requirements in the Maritime Transportation Security Act (MTSA), Public Law 107–295, 116 Stat. 2064 (November 25, 2002), and the Security and Accountability for Every Port Act of 2006 (SAFE Port Act), Public Law 109–347 (October 13, 2006).

³ See 49 CFR 1572.17.

⁴ See 49 CFR 1572.23(a).

¹ See Proclamation 9994, *Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID–19) Outbreak* (March 13, 2020). Published at 85 FR 15337 (March 18, 2020).

Authority and Determination

TSA may grant an exemption from a regulation if TSA determines that the exemption is in the public interest.⁵ TSA has determined that it is in the public interest to grant an exemption from the current expiration standard in 49 CFR part 1572, which is five years from the date of issuance, given the need for transportation workers to continue to work without interruption during the current the COVID-19 crisis. This exemption will allow TWIC® holders to continue to provide vital services during the COVID-19 crisis, while TSA ensures effective transportation security vetting.

TSA has determined that there is little to no risk to transportation security associated with this exemption for the following reasons:

1. The extension of expiration dates applies only to individuals who have already successfully completed a comprehensive STA;
2. The extension of expiration dates is applicable to a relatively small percentage of TWIC® holders and is for a set, limited duration subject to possible modification by TSA before the end of the effective period to ensure consistency with the duration and scope of the COVID-19 crisis;⁶
3. TSA will continue to recurrently vet these TWIC® holders against Federal terrorism and national security-related watch lists, and the DHS Office of Biometric Identity Management (OBIM) IDENT system (a DHS-wide system for storage and processing of biometric and biographic information for national security) for security threat, criminal history, and immigration status checks during the extension period; and
4. TSA retains its full authority to suspend or immediately revoke an individual's TWIC® if the agency determines the holder is no longer eligible, in accordance with 49 CFR 1572.5(b) and 1572.19(c).

⁵ See 49 U.S.C. 114(q). The Administrator may grant an exemption from a regulation prescribed in carrying out this section if the Administrator determines that the exemption is in the public interest. The Administrator of TSA delegated this authority to the Executive Assistant Administrator for Operations Security, effective March 26, 2020, during the period of the COVID-19 National Emergency.

⁶ The exemption remains in effect until July 31, 2020, unless otherwise modified by TSA through a notice published in the **Federal Register**. TSA considered tying the duration of the exemption to the duration of a public health emergency declaration, but believes that providing a set day is necessary because individuals without expired TWIC®s need a set date in order to initiate the steps necessary to renew their TWIC®s.

Exemption

1. *Eligibility.* This exemption applies to TWIC®s that expire on or after March 1, 2020.

2. *New Expiration Dates for Eligible TWIC®s.* For the duration of this exemption, the expiration date for an eligible TWIC® is 180 days after the expiration date that appears on the face of the credential. TSA deems these eligible TWIC®s to be valid for the purpose of unescorted access to secured areas of maritime facilities and vessels. If the 180-day period extends beyond the duration of this temporary exemption, the TWIC® will be valid for the remainder of the extended 180-day period based on the expiration date of the TWIC®.

3. *Continuation of Vetting.* For the duration of the exemption, TSA will continue to recurrently vet the holders of the eligible TWIC®s against governmental watch lists for security threat, criminal history, and immigration status. TSA retains its full authority to suspend or immediately revoke an individual's TWIC® if the agency determines the holder is no longer eligible, in accordance with 49 CFR 1572.5(b) and 1572.19(c).

Stacey Fitzmaurice,

Executive Assistant Administrator for Operations Support.

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7027-N-08]

60-Day Notice of Proposed Information Collection: Quality Control Requirements for Direct Endorsement Lenders; OMB Control No.: 2502-0600

AGENCY: Office of the Assistant Secretary for Housing- Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* June 15, 2020.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to

the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410-5000; telephone 202-402-3400 (this is not a toll-free number) or email at Colette.Pollard@hud.gov for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339. Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410-5000; telephone 202-402-3400 (this is not a toll-free number) or email at Colette.Pollard@hud.gov for copies of available documents can be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Quality Control Requirements for Direct Endorsement Lenders.

OMB Approval Number: 2502-0600.

Type of Request: Revision.

Form Number: Not Applicable.

Description of the need for the information and proposed use: Per 24 CFR 202.8(3), a Direct Endorsement (DE) lender that sponsors third party originators (TPOs) is, "responsible to the Secretary for the actions of its third party originators or mortgagees in originating loans or mortgages, unless applicable law or regulation requires specific knowledge on the part of the party to be held responsible." As a result, DE lenders are responsible for conducting quality control reviews on TPO originations of FHA-insured mortgage loans and ensuring that their Quality Control Plans contain this oversight provision. This creates an information collection burden on DE lenders, since these institutions must also conduct quality control on loans they originate and underwrite. DE lenders must conduct quality control reviews on a sample of loans that they originate or underwrite, including loans originated by TPOs. For the purposes of this information collection, it is assumed that the number of loans reviewed by each DE lender will comply with the Sample Size Standard and Sample Composition Standard described in HUD Handbook 4000.1, Section V.A.3.a.