(ix) To facilitate a ''reinstatement'' or a ''reinstatement update SEVIS status.

(b) *Verification.* (1) Prior to issuing Forms DS–2019, sponsors must verify that prospective exchange visitors:

(i) Are eligible and qualified for, and accepted into, the programs in which they will participate;

(ii) Possess adequate financial resources to participate in and complete their exchange visitor programs; and

(iii) Possess adequate financial resources to support accompanying spouses and dependents, if any.

(2) Sponsors must ensure that:

(i) Only Responsible Officers or Alternate Responsible Officers who are physically present in the United States or in a U.S. territory may print and/or sign Forms DS–2019;

(ii) Only Responsible Officers or Alternate Responsible Officers whose names are printed on Forms DS–2019 are permitted to sign the forms; and

(iii) Responsible Officers or Alternate Responsible Officers sign paper Forms DS–2019 in ink or sign Forms DS–2019 using digital signatures.

(c) *Transmission of Forms DS–2019.* Sponsors may transmit Forms DS–2019 either electronically (*e.g.,* via email) or by mailing them (*e.g.,* via postal or delivery service) to only the following individuals or entities: exchange visitors; accompanying spouses and dependents, if any; legal guardians of minor exchange visitors; sponsor staff; Fulbright Commissions and their staff; and Federal, State, or local government agencies or departments. In addition, sponsors may mail signed paper Forms DS–2019 via postal or delivery service to foreign third parties acting on their behalf for distribution to prospective exchange visitors.

(d) *Allotment requests*—(1) *Annual Form DS–2019 allotment.* Sponsors must submit an electronic request via SEVIS to the Department of State for an annual allotment of Forms DS–2019 based on the annual reporting cycle (*e.g.,* academic, calendar, or fiscal year) stated in their letter of designation or redesignation. The Department of State has sole discretion to determine the number of Forms DS–2019 it will issue to sponsors.

(2) *Expansion of program.* Requests for program expansion must include information such as, but not limited to, the justification for and source of program growth, staff increases, confirmation of adequately trained employees, noted programmatic successes, current financial information, additional overseas affiliates, additional third-party entities, explanations of how the sponsor will accommodate the anticipated program growth, and any other information the Department of State may request. The Department of State will take into consideration the current size of sponsors programs and the projected expansion of their programs in the next 12 months and may consult with the Responsible Officer and/or Alternate Responsible Officers prior to determining the number of Forms DS–2019 it will issue.

(e) *Safeguards and controls.* (1) Responsible Officers and Alternate Responsible Officers must always secure their SEVIS User Names and passwords (*i.e.,* not share User Names and passwords with any other person or to permit access to and use of SEVIS by any person).

(2) Sponsors may transmit Forms D–2019 only to the parties listed in paragraph (c) of this section. However, sponsors must transmit Forms DS–2019 to the Department of State or the Department of Homeland Security upon request.

(3) Sponsors must use the reprint function in SEVIS when exchange visitors' Forms DS–2019 are lost, stolen, or damaged, regardless of whether they are transmitting forms electronically or mailing them.

(4) Sponsors must destroy any damaged and/or unusable Forms DS–2019 (*e.g.,* forms with errors or forms damaged by a printer).

Karen Ward,

Director, Office of Private Sector Exchange Designation, Bureau of Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 2023–06157 Filed 3–27–23; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

22 CFR Chapter I

[Public Notice 11985]

RIN 1400–ZA27

Employment-Based Preference Immigrant Visa Final Action Dates and Dates for Filing for El Salvador, Guatemala, and Honduras

AGENCY: Department of State.

ACTION: Interpretation of certain statutory provisions.

SUMMARY: The Department of State (''Department'') is issuing this document to state its interpretation of certain provisions in the Immigration and Nationality Act (INA) regarding the availability of immigrant visa numbers in categories subject to an annual numerical limit. To ensure that Department practice is consistent with these INA provisions, future *Visa Bulletins,* beginning with the April 2023 *Visa Bulletin,* will reflect this interpretation with respect to the availability of employment-based preference visas for applicants from the Northern Central American countries of El Salvador, Guatemala, and Honduras (''NCA Countries'').

DATES: March 28, 2023.

FOR FURTHER INFORMATION CONTACT: Andrea Lage, Acting Senior Regulatory Coordinator, Visa Services, Bureau of Consular Affairs, 600 19th Street NW, Washington, DC 20522, 202–485–7586, *VisaRegs@state.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Applicants for immigrant visas subject to numerical limitations prescribed in sections 201–203 of the INA, 8 U.S.C. 1151–1153, are generally chargeable to their country of birth. INA 203(e), 8 U.S.C. 1153(e), governs the order in which immigrant visas in the family-sponsored and employment-based preference categories under INA 203(a)–(b), 8 U.S.C. 1153(a)–(b), respectively, are allocated, and requires that visas in these categories be made available in the order in which the associated petition is filed.

INA 202(a)(2), 8 U.S.C. 1152(a)(2), imposes a ''per country'' limit of seven (7) percent of the total number of available family-sponsored and employment-based preference immigrant visas each fiscal year to nationals of individual foreign states. If the Department determines that preference visa issuances to nationals of a particular country will exceed the per-country limit, that country is identified in the *Visa Bulletin* as ''oversubscribed'' and INA 202(e), 8 U.S.C. 1152(e), requires that visas in each preference category must be pro-rated to ensure distribution across all preference categories. Individual family-sponsored and employment-based preference categories are also deemed ''oversubscribed'' when worldwide demand exceeds the number of immigrant visas available in those categories. Final action dates are listed in the *Visa Bulletin* when countries and visa categories are oversubscribed, and immigrant visas in categories with final action dates are available only to applicants with priority dates earlier than the listed final action date.

The EB–4 category consists of special immigrants as defined in the INA, including certain religious workers, certain current and former U.S. Government employees abroad, certain officers and employees of international organizations, and certain special

immigrant juveniles (SIJs). *See* sections 203(b)(4) and 101(a)(27) of the INA, 8 U.S.C. 1153(b)(4), 1101(a)(27).

II. Discussion of the Change Reflected in the April 2023 Visa Bulletin

The Department seeks to clarify that the INA permits prorated allocation of available visas within an employment-based preference category to nationals from an individual country only when family-sponsored and employment-based preference visa demand from that country will exceed its per-country limit under INA section 202(a)(2), 8 U.S.C. 1152(a)(2). Consistent with this interpretation, the Department is no longer assigning separate final action and filing dates for individuals chargeable to any of the NCA Countries in the EB–4 category and individuals chargeable to these three countries are now subject to the dates in the column headed ''All Chargeability Areas Except Those Listed'' (referred to herein as ''ROW,'' meaning the rest of the world). The Department is required to make this change to bring Department practice, as reflected in the *Visa Bulletin,* into compliance with these INA provisions. As a result of this change, there is no longer a need for a separate column for the NCA Countries in the employment-based preference ''Final Action Dates'' and ''Dates for Filing'' charts in the *Visa Bulletin.*

Specifically, INA 202(a), 8 U.S.C. 1152(a), makes clear that the per-country limit, which is implemented by setting final action dates for a country in the *Visa Bulletin,* is triggered only when preference immigrant visa demand from a country will exceed seven percent of the total number of preference visas made available in INA section 203(a)–(b), 8 U.S.C. 1153(a)–(b); that is, seven percent of the total number available for all family-sponsored and employment-based preference immigrant visas available worldwide.

This change corrects misapplication of the law in prior *Visa Bulletins,* beginning with the May 2016 *Visa Bulletin,* which added a separate column to the ''Final Action Dates for Employment-Based Preference Cases'' table, showing that EB–4 applicants chargeable to the NCA Countries were assigned an EB–4 final action date separate from the ROW column and these three countries were listed as ''oversubscribed'' and subject to the pro-rating provision at INA 202(e)(3), 8 U.S.C. 1152(e)(3). The May 2016 *Visa Bulletin* explained that ''extremely high demand'' in the EB–4 category (including the EB–4 subcategory for Certain Religious Workers (SR)) for applicants from the NCA Countries required implementation of final action dates in the EB–4 category for these countries. EB–4 final action dates were thus established for these three countries since May 2016 based on their high demand for EB–4 visas. The same approach was reflected in subsequent *Visa Bulletins* and in the corresponding table with ''Dates for Filing of Employment-Based Visa Applications,'' beginning with the October 2017 *Visa Bulletin.* However, that contravenes the Department's current interpretation of the statutory prerequisite for when a country can be deemed oversubscribed and allocation of preference visas can be pro-rated: that the INA provision on pro-rating is based on a country's demand for more than seven percent of *all* preference visas, not one subcategory.

As none of the NCA Countries are expected to exceed the per-country limit under INA 202(a)(2), 8 U.S.C. 1152(a)(2), there is no basis under the INA to set final action dates and dates for filing for employment-based preference visas that are specific to those countries.

Julie Stufft,

Deputy Assistant Secretary for Visa Services, Bureau of Consular Affairs, Department of State.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2023–0257]

RIN 1625–AA00

Safety Zone; Missouri River Mile Markers 175.5–176.5, Jefferson City, MO

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all navigable waters in the Missouri River at Mile Marker (MM) 175.5 to 176.5. The safety zone is needed to protect personnel, vessels, and the marine environment from all potential hazards associated with electrical line work. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Upper Mississippi River (COTP) or a designated representative.

DATES: This rule is effective without actual notice from March 28, 2023 through April 21, 2023. For the purposes of enforcement, actual notice will be used from March 22, 2023, until March 28, 2023.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2023–0257 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email MSTC Nathaniel Dibley, Sector Upper Mississippi River Waterways Management Division, U.S. Coast Guard; telephone 314–269–2550, email *Nathaniel.D.Dibley@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of The Port Sector Upper Mississippi River
DHS Department of Homeland Security
FR Federal Register
MM Mile marker
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. We must establish this temporary safety zone immediately to protect personnel, vessels, and the marine environment from potential hazards created by the electrical work and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying this rule would be contrary to the public interest because immediate action is needed to respond to the potential safety hazards associated with the ongoing construction work.