

the current funding available for the Fire Prevention and Safety grants and recommended to increase the available funding from 10% to 15% of the overall appropriated amount. FEMA was unable to accept that recommendation due to existing statutory language that outlines the eligible use of funds for AFG awards.

#### Adopted Recommendations for FY 2016

##### Wellness and Fitness Micro Grants

Priority 1 Wellness and Fitness activities are now eligible when applying for a Micro Grant.

##### Change to Complete Set of PPE Definition

AFG will now consider a complete set of PPE to include two sets of gloves and two hoods.

##### Equipment Product Lifecycles

Equipment will now be scored using an additional variable of "Age Category." Equipment is assigned an age category of Short (5–7 years), Medium (8–14 years), or Long (15–20 years). These age categories are used to compare like types of equipment. Under this system, an item that should have a useful life of 10 years is only competing against other items that have a similar lifecycle. An application does not score higher or lower based on the product lifecycle of an item. It only serves to ensure a more even scoring of equipment based on type.

##### Tow Vehicles

Tow vehicles are now listed under a separate chart in the equipment section to clarify the priority levels between application types.

Dated: October 6, 2016.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

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## DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2011–0108]

RIN 1601–ZA11

### Identification of Foreign Countries Whose Nationals Are Eligible To Participate in the H–2A and H–2B Nonimmigrant Worker Programs

**AGENCY:** Office of the Secretary, DHS.

**ACTION:** Notice.

**SUMMARY:** Under Department of Homeland Security (DHS) regulations, U.S. Citizenship and Immigration

Services (USCIS) may generally only approve petitions for H–2A and H–2B nonimmigrant status on behalf of nationals of countries that the Secretary of Homeland Security, with the concurrence of the Secretary of State, has designated by notice published in the **Federal Register**. That notice must be renewed each year. This notice announces that the Secretary of Homeland Security, in consultation with the Secretary of State, is identifying 85 countries whose nationals are eligible to participate in the H–2A program and 84 countries whose nationals are eligible to participate in the H–2B program for the coming year.

**DATES: Effective Date:** The designation of these countries is effective January 18, 2017, and shall be without effect at the end of one year after January 18, 2017.

**FOR FURTHER INFORMATION CONTACT:** Timothy Simmons, Office of Policy, Department of Homeland Security, Washington, DC 20528, (202) 447–4216.

**SUPPLEMENTARY INFORMATION: Background:** Generally, USCIS may approve H–2A and H–2B petitions filed on behalf of nationals of only those countries<sup>1</sup> that the Secretary of Homeland Security, with the concurrence of the Secretary of State, has designated as participating countries. Such designation must be published as a notice in the **Federal Register** and expires after one year. USCIS, however, may allow a national from a country not on the list to be named as a beneficiary of an H–2A or H–2B petition based on a determination that such participation is in the U.S. interest. See 8 CFR 214.2(h)(5)(i)(F) and 8 CFR 214.2(h)(6)(i)(E).

In designating countries to include on the list, the Secretary of Homeland Security, with the concurrence of the Secretary of State, will take into account factors including, but not limited to: (1) The country's cooperation with respect to issuance of travel documents for citizens, subjects, nationals, and

<sup>1</sup> With respect to all references to "country" or "countries" in this document, it should be noted that the Taiwan Relations Act of 1979, Public Law 96–8, Section 4(b)(1), provides 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." 22 U.S.C. 3303(b)(1). Accordingly, all references to "country" or "countries" in the regulations governing whether nationals of a country are eligible for H–2 program participation, 8 CFR 214.2(h)(5)(i)(F)(1)(i) and 8 CFR 214.2(h)(6)(i)(E)(1), are read to include Taiwan. This is consistent with the United States' one-China policy, under which the United States has maintained unofficial relations with Taiwan since 1979.

residents of that country who are subject to a final order of removal; (2) the number of final and unexecuted orders of removal against citizens, subjects, nationals, and residents of that country; (3) the number of orders of removal executed against citizens, subjects, nationals, and residents of that country; and (4) such other factors as may serve the U.S. interest. See 8 CFR 214.2(h)(5)(i)(F)(1)(i) and 8 CFR 214.2(h)(6)(i)(E)(1). Examples of factors serving the U.S. interest that could result in the non-inclusion of a country or the removal of a country from the list include, but are not limited to, fraud, abuse, and non-compliance with the terms and conditions of the H–2 programs by nationals of that country.

In December 2008, DHS published in the **Federal Register** two notices, "Identification of Foreign Countries Whose Nationals Are Eligible to Participate in the H–2A Visa Program," and "Identification of Foreign Countries Whose Nationals Are Eligible to Participate in the H–2B Visa Program," which designated 28 countries whose nationals are eligible to participate in the H–2A and H–2B programs. See 73 FR 77043 (Dec. 18, 2008); 73 FR 77729 (Dec. 19, 2008). The notices ceased to have effect on January 17, 2010 and January 18, 2010, respectively. See 8 CFR 214.2(h)(5)(i)(F)(2) and 8 CFR 214.2(h)(6)(i)(E)(3). In implementing these regulatory provisions, the Secretary of Homeland Security, with the concurrence of the Secretary of State, has published a series of notices on a regular basis. See 75 FR 2879 (Jan. 19, 2010) (adding 11 countries); 76 FR 2915 (Jan. 18, 2011) (removing Indonesia and adding 15 countries); 77 FR 2558 (Jan. 18, 2012) (adding 5 countries); 78 FR 4154 (Jan. 18, 2013) (adding 1 country); 79 FR 3214 (Jan. 17, 2014) (adding 4 countries); 79 FR 74735 (Dec. 16, 2014) (adding 5 countries); 80 FR 72079 (Nov. 18, 2015) (removing Moldova from the H–2B program and adding 16 countries).

The Secretary of Homeland Security has determined, with the concurrence of the Secretary of State, that 84 countries previously designated in the November 18, 2015 notice continue to meet the standards identified in that notice for eligible countries and therefore should remain designated as countries whose nationals are eligible to participate in the H–2A program. Additionally, the Secretary of Homeland Security has determined, with the concurrence of the Secretary of State, that 83 countries previously designated in the November 18, 2015 notice continue to meet the standards identified in that notice for eligible countries and therefore should

remain designated as countries whose nationals are eligible to participate in the H-2B program.

Further, the Secretary of Homeland Security, with the concurrence of the Secretary of State, has determined that it is now appropriate to add one country whose nationals are eligible to participate in the H-2A and H-2B programs. This determination is made taking into account the four regulatory factors identified above. The Secretary of Homeland Security also considered other pertinent factors including, but not limited to, evidence of past usage of the H-2A and H-2B programs by nationals of the country to be added, as well as evidence relating to the economic impact on particular U.S. industries or regions resulting from the addition or continued non-inclusion of specific countries. In consideration of all of the above, this notice designates for the first time St. Vincent and the Grenadines as a country whose nationals are eligible to participate in the H-2A and H-2B programs.

**Designation of Countries Whose Nationals Are Eligible To Participate in the H-2A and H-2B Nonimmigrant Worker Programs**

Pursuant to the authority provided to the Secretary of Homeland Security under sections 214(a)(1), 215(a)(1), and 241 of the Immigration and Nationality Act (8 U.S.C. 1184(a)(1), 1185(a)(1), and 1231), I am designating, with the concurrence of the Secretary of State, nationals from the following countries to be eligible to participate in the H-2A nonimmigrant worker program:

Andorra  
 Argentina  
 Australia  
 Austria  
 Barbados  
 Belgium  
 Belize  
 Brazil  
 Brunei  
 Bulgaria  
 Canada  
 Chile  
 Colombia  
 Costa Rica  
 Croatia  
 Czech Republic  
 Denmark  
 Dominican Republic  
 Ecuador  
 El Salvador  
 Estonia  
 Ethiopia  
 Fiji  
 Finland  
 France  
 Germany  
 Greece

Grenada  
 Guatemala  
 Haiti  
 Honduras  
 Hungary  
 Iceland  
 Ireland  
 Israel  
 Italy  
 Jamaica  
 Japan  
 Kiribati  
 Latvia  
 Lichtenstein  
 Lithuania  
 Luxembourg  
 Macedonia  
 Madagascar  
 Malta  
 Mexico  
 Moldova  
 Monaco  
 Montenegro  
 Nauru  
 The Netherlands  
 Nicaragua  
 New Zealand  
 Norway  
 Panama  
 Papua New Guinea  
 Peru  
 The Philippines  
 Poland  
 Portugal  
 Romania  
 Samoa  
 San Marino  
 Serbia  
 Singapore  
 Slovakia  
 Slovenia  
 Solomon Islands  
 South Africa  
 South Korea  
 Spain  
 St. Vincent and the Grenadines  
 Sweden  
 Switzerland  
 Taiwan  
 Thailand  
 Timor-Leste  
 Tonga  
 Turkey  
 Tuvalu  
 Ukraine  
 United Kingdom  
 Uruguay  
 Vanuatu

Pursuant to the authority provided to the Secretary of Homeland Security under sections 214(a)(1), 215(a)(1), and 241 of the Immigration and Nationality Act (8 U.S.C. 1184(a)(1), 1185(a)(1), and 1231), I am designating, with the concurrence of the Secretary of State, nationals from the following countries to be eligible to participate in the H-2B nonimmigrant worker program:

Andorra  
 Argentina  
 Australia  
 Austria  
 Barbados  
 Belgium  
 Belize  
 Brazil  
 Brunei  
 Bulgaria  
 Canada  
 Chile  
 Colombia  
 Costa Rica  
 Croatia  
 Czech Republic  
 Denmark  
 Dominican Republic  
 Ecuador  
 El Salvador  
 Estonia  
 Ethiopia  
 Fiji  
 Finland  
 France  
 Germany  
 Greece  
 Grenada  
 Guatemala  
 Haiti  
 Honduras  
 Hungary  
 Iceland  
 Ireland  
 Israel  
 Italy  
 Jamaica  
 Japan  
 Kiribati  
 Latvia  
 Lichtenstein  
 Lithuania  
 Luxembourg  
 Macedonia  
 Madagascar  
 Malta  
 Mexico  
 Monaco  
 Montenegro  
 Nauru  
 The Netherlands  
 Nicaragua  
 New Zealand  
 Norway  
 Panama  
 Papua New Guinea  
 Peru  
 The Philippines  
 Poland  
 Portugal  
 Romania  
 Samoa  
 San Marino  
 Serbia  
 Singapore  
 Slovakia  
 Slovenia  
 Solomon Islands  
 South Africa

South Korea  
 Spain  
 St. Vincent and the Grenadines  
 Sweden  
 Switzerland  
 Taiwan  
 Thailand  
 Timor-Leste  
 Tonga  
 Turkey  
 Tuvalu  
 Ukraine  
 United Kingdom  
 Uruguay  
 Vanuatu

This notice does not affect the status of aliens who currently hold valid H-2A or H-2B nonimmigrant status. Persons currently holding such status, however, will be affected by this notice should they seek an extension of stay in H-2 classification, or a change of status from one H-2 status to another. Similarly, persons holding nonimmigrant status other than H-2 status are not affected by this notice unless they seek a change of status to H-2 status.

Nothing in this notice limits the authority of the Secretary of Homeland Security or his or her designee or any other federal agency to invoke against any foreign country or its nationals any other remedy, penalty, or enforcement action available by law.

**Jeh Charles Johnson,**  
 Secretary.

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## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

[CIS No. 2590-16; DHS Docket No. USCIS-2015-0003]

RIN 1615-ZB60

### Extension of the Designation of Nepal for Temporary Protected Status

**AGENCY:** U.S. Citizenship and Immigration Services, Department of Homeland Security.

**ACTION:** Notice.

**SUMMARY:** Through this Notice, the Department of Homeland Security (DHS) announces that the Secretary of Homeland Security (Secretary) is extending the designation of Nepal for Temporary Protected Status (TPS) for a period of 18 months, effective December 25, 2016, through June 24, 2018.

This extension allows eligible Nepalese nationals (and aliens having no nationality who last habitually

resided in Nepal) to retain TPS through June 24, 2018, so long as they otherwise continue to meet the eligibility requirements for TPS. The Secretary has determined that an extension is warranted because conditions in Nepal supporting its designation for TPS continue to be met.

Through this Notice, DHS also sets forth procedures necessary for nationals of Nepal (or aliens having no nationality who last habitually resided in Nepal) to re-register for TPS and to apply for renewal of their Employment Authorization Documents (EAD) with U.S. Citizenship and Immigration Services (USCIS). Re-registration is limited to persons who have previously registered for TPS under the designation of Nepal and whose applications have been granted. Certain nationals of Nepal (or aliens having no nationality who last habitually resided in Nepal) who have not previously applied for TPS may be eligible to apply under the late initial registration provisions, if they meet: (1) At least one of the late initial filing criteria; and, (2) all TPS eligibility criteria (including continuous residence in the United States since June 24, 2015, and continuous physical presence in the United States since June 24, 2015).

For individuals who have already been granted TPS under Nepal's designation, the 60-day re-registration period runs from October 26, 2016 through December 27, 2016. USCIS will issue new EADs with a June 24, 2018 expiration date to eligible Nepal TPS beneficiaries who timely re-register and apply for EADs under this extension. Given the timeframes involved with processing TPS re-registration applications, DHS recognizes that not all re-registrants will receive new EADs before their current EADs expire on December 24, 2016. Accordingly, through this Notice, DHS automatically extends the validity of EADs issued under the TPS designation of Nepal for 6 months, through June 24, 2017, and explains how TPS beneficiaries and their employers may determine which EADs are automatically extended and their impact on the Employment Eligibility Verification (Form I-9) and E-Verify processes.

**DATES:** The 18-month extension of the TPS designation of Nepal is effective December 25, 2016, and will remain in effect through June 24, 2018. The 60-day re-registration period runs from October 26, 2016 through December 27, 2016. (Note: It is important for re-registrants to timely re-register during this 60-day period and not to wait until their EADs expire.)

**FOR FURTHER INFORMATION CONTACT:**

- For further information on TPS, including guidance on the application process and additional information on eligibility, please visit the USCIS TPS Web page at <http://www.uscis.gov/tps>.

You can find specific information about the extension of Nepal's designation for TPS by selecting "Nepal" from the menu on the left side of the TPS Web page.

- You can also contact Guillermo Roman-Riefkohl, TPS Program Manager at the Waivers and Temporary Services Branch, Service Center Operations Directorate, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue NW., Washington, DC 20529-2060; or by phone at 202-272-1533 (this is not a toll-free number). Note: The phone number provided here is solely for questions regarding this TPS Notice. It is not for individual case status inquires.

- Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at <http://www.uscis.gov>, or call the USCIS National Customer Service Center at 800-375-5283 (TTY 800-767-1833). Service is available in English and Spanish.

- Further information will also be available at local USCIS offices upon publication of this Notice.

#### SUPPLEMENTARY INFORMATION:

#### Table of Abbreviations

BIA—Board of Immigration Appeals  
 DHS—Department of Homeland Security  
 EAD—Employment Authorization Document  
 FNC—Final Nonconfirmation  
 Government—U.S. Government  
 IJ—Immigration Judge  
 INA—Immigration and Nationality Act  
 OSC—Department of Justice, Office of Special Counsel for Immigration-Related Unfair Employment Practices  
 SAVE—USCIS Systematic Alien Verification for Entitlements Program  
 Secretary—Secretary of Homeland Security  
 TNC—Tentative Nonconfirmation  
 TPS—Temporary Protected Status  
 TTY—Text Telephone  
 USCIS—U.S. Citizenship and Immigration Services

#### What is Temporary Protected Status (TPS)?

- TPS is a temporary immigration status granted to eligible nationals of a country designated for TPS under the Immigration and Nationality Act (INA), or to eligible persons without nationality who last habitually resided in the designated country.

- During the TPS designation period, TPS beneficiaries are eligible to remain in the United States, may not be