

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 100

DEPARTMENT OF ENERGY

U.S. Customs and Border Protection

19 CFR Part 122

[Docket No. USCBP–2026–0892]

RIN 1651–AB51

Withdrawal of International Airport Designation of Chalk Seaplane Base

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of proposed rulemaking.

SUMMARY: U.S. Customs and Border Protection (CBP) is proposing to withdraw the international airport designation of Chalk Seaplane Base, now operating as Miami Seaplane Base. This proposal is based on evidence that the facility at this location has not been in compliance with CBP regulatory and security standards and the amount of business clearing through the airport does not justify continued maintenance of inspection equipment and personnel. The proposed change is part of CBP's continued efforts to use its personnel, facilities, and resources more efficiently and to provide better service to carriers, importers, and the public.

DATES: Send comments on or before October 20, 2026.

ADDRESSES: Please submit comments, identified by docket number [USCBP–2026–0892], by the following method:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. For detailed instructions on submitting

comments and additional information on the rulemaking process, see the “Public Participation” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Joshua Serian, Special Advisor, Facilities and Tech Division, Office of Field Operations, U.S. Customs and Border Protection, by phone at 202–713–8649 or email at Joshua.Serian@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of the notice of proposed rulemaking. CBP also invites comments that relate to the economic, environmental, or federalism effects that might result from this proposal. Comments that will provide the most assistance to CBP will reference a specific portion of the proposed rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change.

II. Background

A. Legal Authority

Section 402 of the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2142, as amended (HSA) (6 U.S.C. 202), sets forth the responsibilities of the Secretary of Homeland Security (Secretary), including, in pertinent part, securing the borders, ports, and air transportation systems of the United States, including managing and coordinating those functions transferred to the Department of Homeland Security (DHS) at ports of entry; carrying out certain immigration enforcement functions transferred to DHS; and administering the customs laws of the United States.¹ Section 403 of the HSA,

¹ Section 1512 of the HSA (6 U.S.C. 552) contains savings provisions governing completed administrative actions, pending proceedings and civil actions, references, employment provisions, and statutory reporting requirements following the transfer of functions to DHS. Section 1517 of the HSA (6 U.S.C. 557) provides that, with respect to transferred functions, references in Federal law to a department, commission, agency, officer, or office

codified at 6 U.S.C. 203, transferred to the Secretary of DHS the functions of the United States Customs Service, including functions of the Secretary of the Treasury relating thereto. *See* 6 U.S.C. 203(1). Although section 412 of the HSA, codified at 6 U.S.C. 212, retained certain customs revenue functions with the Secretary of the Treasury, the authority under 19 U.S.C. 1644a was not among the functions retained. *See* 6 U.S.C. 212(a). Accordingly, the Secretary may designate ports of entry in the United States for civil aircraft arriving in the United States from a place outside the United States and for property transported on that aircraft, and may, by regulation, apply to civil air navigation, the laws and regulations on carrying out the customs laws, to the extent and under conditions the Secretary considers necessary. *See* section 2 of the Act of July 5, 1994, Public Law 103–272, 108 Stat. 745, 1358 (19 U.S.C. 1644a).

Additionally, the Secretary is charged with the administration and enforcement of the Immigration and Nationality Act (INA) and all other laws relating to the immigration and naturalization of aliens, except insofar as those laws relate to the powers, functions, and duties conferred upon the President, the Attorney General, the Secretary of State, officers of the Department of State, or diplomatic consular officers. *See* section 103(a)(1) of the INA, Public Law 82–414, 66 Stat. 163, 173 (1952)), as amended (INA) (8 U.S.C. 1103(a)(1)).² Pursuant to the HSA, the immigration functions previously exercised by the Attorney General through the Immigration and Naturalization Service were transferred to the Secretary of Homeland Security. Section 402 of the HSA (6 U.S.C. 202) further provides that the Secretary is responsible for securing the borders, territorial waters, ports, waterways, and air, land, and sea transportation systems, including managing and coordinating those functions transferred to the Department at ports of entry. Accordingly, the Secretary is authorized by regulation to designate as ports of entry for aliens arriving by aircraft any of the ports of entry for civil aircraft designated as such in accordance with law. *See* INA sec. 234 (8 U.S.C. 1224).

are deemed to refer to the Secretary, other official, or component of DHS to which the function is transferred.

B. Current Regulations

The airports designated for arriving aircraft under the authorities described above are known as “international airports.” See sections 234.1 and 234.4 of title 8 and section 122.1(e) of title 19 of the Code of Federal Regulations (CFR). Such international airports are so designated for the entry of aircraft arriving in the United States from any place outside thereof and for the merchandise carried on such aircraft, that is, for administration of the customs laws of the United States; as well as for the entry of aliens arriving on such aircraft, that is, for administration of the immigration laws of the United States. See 8 CFR 234.1, 234.4 (immigration); 19 CFR 122.1(e) (customs). Generally, the first landing of an aircraft entering the United States from a foreign area will be at a designated international airport unless the aircraft has been exempted or permission to land elsewhere has been granted. See 8 CFR 234.2; 19 CFR 122.33.

For purposes of the administration of the customs laws, such designated international airports are listed in 19 CFR 122.13 and are open to all aircraft for entry and clearance at no charge by CBP, as detailed in 19 CFR 122.12, along with other operational requirements. Each designated international airport must provide, without cost to the Federal Government, proper office and other space as detailed in 19 CFR 122.11(c). The following reasons for withdrawal of the designation as an international airport are set forth in 19 CFR 122.11(b): (1) the amount of business clearing through the airport does not justify maintenance of inspection equipment and personnel; (2) proper facilities are not provided or maintained by the airport; (3) the rules and regulations of the Federal Government are not followed; or (4) some other location would be more useful.

For purposes of the administration of immigration laws, such designated international airports are described in 8 CFR 234.4 and listed in 8 CFR 100.4(b). Each designated international airport must provide adequate facilities at such airport without cost to the Federal Government for the proper inspection and disposition of aliens, including office space and such temporary detention quarters as may be found necessary, as detailed in 8 CFR 234.4. Pursuant to 8 CFR 234.4, the designation of an airport as an international airport for the entry of aliens may be withdrawn whenever, in the judgment of the Commissioner of

CBP, there appears just cause for such action.

IV. Purpose of the Rule and Proposed Amendments

DHS and CBP are proposing to remove Chalk Seaplane Base, now operating as Miami Seaplane Base (CSB),³ from the lists of designated international airports in both title 8 and title 19 of the CFR.⁴ 8 CFR 100.4(b) and 19 CFR 122.13. As detailed below, this proposal is based on the judgment of the Commissioner of CBP that there is just cause for the withdrawal of the designation for immigration purposes. See 8 CFR 234.4. Separately, the proposal is based on airport management’s failure to maintain proper CBP facilities and an insufficient volume of business at the airport for customs purposes. See 19 CFR 122.11(b).

A. History of Operations at Chalk Seaplane Base

In 1926, Chalks Airline built CSB on Watson Island, in Biscayne Bay, near the city of Miami, Florida, and was authorized to operate CSB by the City of Miami. CSB was added to the list of international airports for arriving aliens then codified at the former 8 CFR 231.6 on December 19, 1952 (17 FR 11469, 11501), and to the list of customs international airports in 19 CFR 122.13, on March 22, 1988 (53 FR 9292, 9295). Beginning in approximately 1929, Chalks Airline and other airlines operated flights to and from CSB, including international flights. Chalks Airline ceased flight operations in 2007 when the U.S. Department of Transportation revoked the airline’s flight authority due to safety issues, and Chalks Airline has not operated flights since that time. However, Chalks Airline still possessed the rights to operate CSB. In 2012, Nautilus Enterprises purchased Chalks Airline and, with it, the rights to operate CSB. Until May 2021, CBP processed passengers for customs and immigration purposes for up to 11 flights at CSB, on a weekly basis. The

³ While the airport is now commonly known as “Miami Seaplane Base,” the regulations refer to it as “Chalks Flying Service Seaplane Base” and “Chalk Seaplane Base.” (8 CFR 100.4 and 19 CFR 122.13.) For ease, this document will use the abbreviation “CSB” when referring to the seaplane base.

⁴ CBP ports of entry are also listed, along with a citation to their geographic boundaries in most cases, in 19 CFR 101.3. The geographic boundaries listed in 19 CFR 101.3 for the Miami port of entry include the location of CSB (as described in T.D. 53514). However, withdrawing the designation of CSB as an international airport will not affect the geographic boundaries of the Miami port of entry. Therefore, DHS is not proposing to amend 19 CFR 101.3 with regard to the Miami port of entry.

flights typically originated from the Bahamas and contained about five passengers each. During that time, CBP officers traveled from the Miami Seaport, located three miles away from CSB, to process passengers at CSB. Beginning in 2013, CBP engaged in several rounds of communication with CSB management regarding CSB’s facilities that did not meet CBP’s regulatory criteria for safety and security relating to inspectional activities and low passenger volume. Due to CSB’s continued failure to provide a compliant facility, CBP began denying all aircraft traveling from foreign areas permission to land at CSB starting in May 2021, as discussed below. The airport still exists and operates for non-international flights. All international flights use nearby aviation facilities such as Fort Lauderdale-Hollywood International and Miami International airports for CBP processing.⁵

B. Noncompliant CBP Processing Facility

The facilities at CSB do not meet CBP’s compliance standards as required in 8 CFR 234.4 and 19 CFR 122.11(b), despite repeated requests by CBP to the President of Chalks Airline, as the manager in charge of operations at CSB, to provide adequate space. After multiple rounds of communication between Chalks Airline and CBP regarding the noncompliant facility, on August 6, 2019, CBP sent the President of Chalks Airline a formal notice stating that CSB must provide a compliant facility within 12 months. CBP explained that if a compliant facility was not provided during this time, all passengers and crewmembers would be transported under safeguard to Port of Miami facilities for processing, at the expense of the operator. Chalks Airline confirmed receipt of this notice in October 2019, during conversations with CBP, but ultimately did not commit to providing compliant facilities. On March 2, 2020, CBP notified Chalks Airline that the transportation of passengers and crewmembers to Port of Miami facilities under safeguard would not be allowed after November 4, 2020, citing ongoing safety and security concerns. CBP stated that, after this date, CBP would deny permission to land to all aircraft operators seeking to land at CSB from any foreign area, until CSB provides and maintains a compliant facility. Due to the COVID-19 pandemic, this deadline was not enforced until 2021. On April 15, 2021, CBP sent Chalks Airline a

⁵ Information provided by CBP’s Office of Field Operations’ subject matter expert on July 8, 2024.

formal notice that CBP would begin denying permission to all aircraft operators seeking to land at CSB from any foreign area, on May 15, 2021. Since May 15, 2021, CBP has denied permission to land to all aircraft operators at CSB from foreign areas and has directed these flights to land at Miami International Airport or Fort Lauderdale-Hollywood International Airport, for CBP customs and immigration processing.

In April 2022, Chalks Airline stated that it had not started constructing a compliant facility and that it would be about two years until the facility would be complete. No progress has been made to date. Chalks Airline has repeatedly provided to CBP over the past five years an artistic rendition of the proposed new terminal. However, CBP has continued to state that the layout of this facility is still not compliant with the 2021 CBP Airport Terminal Design Standard. Therefore, CSB continues to violate the requirements of 8 CFR 234.4 and 19 CFR 122.11(b)(2) and (c).

C. Insufficient Passenger Volume

Even if Chalks Airline provided a compliant facility for CBP processing, there are not enough passengers traveling through CSB to warrant an international airport designation. The applicable customs regulations for the designation of international airports state that the designation may be withdrawn because the amount of business clearing through the airport does not justify maintenance of inspection equipment and personnel. 19 CFR 122.11(b)(1). As stated above, before 2021, CBP was only processing about 55 passengers weekly at CSB from only one international destination: the Bahamas. Furthermore, Miami International Airport is only three miles from CSB, offering a reasonable alternative to flights that would have otherwise been processed at CSB. Further, as noted above, designation as an international airport for entry of aliens may be withdrawn if the Commissioner of CBP finds just cause for such withdrawal. See 8 CFR 234.4. The Commissioner has recommended to the Secretary that the international airport designation for CSB should be withdrawn.

D. Proposed Amendments

For the aforementioned reasons, CBP is proposing to amend the regulations to remove “Chalk Seaplane Base” from the lists of designated international airports for immigration and customs purposes in 8 CFR 100.4(b) and 19 CFR 122.13. Revocation of the international airport designation would not result in any

significant reduction in CBP services in the area, as there are two suitable international airports nearby, Miami International Airport and Fort Lauderdale-Hollywood International Airport.

V. Congressional Notification

On November 25, 2025, the Secretary of DHS notified Congress of DHS’s intention to remove the designation of Chalk Seaplane Base, fulfilling the congressional notification requirements of 19 U.S.C. 2075(g)(2) and section 417 of the Homeland Security Act (6 U.S.C. 217).

VI. Statutory and Regulatory Requirements

A. Executive Orders 12866, 13563, and 14192

Executive Orders 12866 (Regulatory Planning and Review) and Executive Order 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 14192 (Unleashing Prosperity Through Deregulation) directs agencies to significantly reduce the private expenditures required to comply with Federal regulations and provides that “any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.”

The Office of Management and Budget (OMB) has not designated this rule a “significant regulatory action” under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it.

This rule is an Executive Order 14192 deregulatory action because this rule clarifies the regulations by removing a CBP port of entry from the codified lists of designated airports that has not been in use for CBP processing of international arrivals as of May 2021. Doing so eliminates public confusion for those who consult the regulations for a list of ports they may use. As this port has not been in use for several years, CBP believes the savings from eliminating the rule to be negligible and does not estimate any monetized savings associated with this deregulatory action. See OMB Memorandum M–25–20, “Guidance Implementing Section 3 of Executive Order 14192, titled ‘Unleashing

Prosperity Through Deregulation’ ” (Mar. 26, 2025).

As of May 2021, CBP has stopped the processing of arrivals at CSB due to the noncompliant nature of the facility and insufficient traveler volume. Instead, seaplanes now land at either Miami International Airport or Fort Lauderdale-Hollywood International Airport. Both Miami International and Fort Lauderdale-Hollywood International airports have facilities that meet CBP safety and inspection criteria. CBP is proposing to remove CSB from the lists of international airports in 8 CFR 100.4(b) and 19 CFR 122.13 and continue the processing of arrivals associated with Chalks Airline at the nearby facilities. CBP will not process any future arrivals at CSB, even in the absence of this rule, as the facility is not safe for CBP’s operations, and the seaplane base operator had more than five years to correct the deficiencies and did not do so.

Since CSB does not meet safety and security requirements for safe CBP operations, CBP will continue to process seaplane arrivals at either Miami International Airport or Fort Lauderdale-Hollywood International Airport. The effect of this proposed rule would be simply to update the CFR to reflect the current list of international airports in operation. CBP thus does not anticipate that this proposed rule would have any costs. Passengers will continue to land and disembark at either Miami International Airport or Fort Lauderdale-Hollywood International Airport for processing and will be unaffected by this rule. Since airplanes already land at Miami International Airport and Fort Lauderdale-Hollywood International Airport, there is no change from the baseline for these facilities either. Therefore, the economic cost on all parties is expected to be zero.

This proposed rule would remove an airport not used for international flights for several years from the lists of international airports in the regulations. To the extent that this alleviates public confusion, this proposed rule would have a minor transparency benefit.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires agencies to assess the impact of regulations on small entities when the agency is required to publish a general notice of proposed rulemaking for a rule. A small entity may be a small business (defined as any independently owned and operated business not dominant in its field that qualifies as a small business

per the Small Business Act); a small not-for-profit organization; or a small governmental jurisdiction (locality with fewer than 50,000 people). Because this proposed rule would merely remove an airport not used for international flights for several years from the lists of international airports, the proposed rule does not have a significant economic impact. As the proposed rule would affect only one party, the rule does not affect a substantial number of small entities. Accordingly, CBP certifies that this proposed rule does not have a significant economic impact on a substantial number of small entities.

C. Unfunded Mandates Reform Act

This proposed rule would 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 would not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 *et seq.*).

D. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that CBP consider the impact of paperwork and other information collection burdens imposed on the public. There is no new collection of information required in this document; therefore, the provisions of the Paperwork Reduction Act are inapplicable.

VII. Authority

The amendment to part 100 of title 8 of the CFR is proposed under the authority of 8 U.S.C. 1103, 8 U.S.C. 1185 note (section 7209 of Pub. L. 108–458), and 8 CFR part 2.

The amendment to part 122 of title 19 of the CFR is proposed under the authority of 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1415, 1431, 1433, 1436, 1448, 1459, 1590, 1594, 1623, 1624, 1644, 1644a, and 2071 note.

VIII. Signing Authority

The signing authority for the proposed amendment to an immigration port of entry under title 8 of the CFR is governed by Section 441 of the Homeland Security Act of 2002, as amended (6 U.S.C. 251).

The signing authority for the proposed amendment to a customs port of entry under title 19 of the CFR falls under 19 CFR 0.2(a).

Accordingly, this notice of proposed rulemaking is signed by the Secretary of Homeland Security.

List of Subjects

8 CFR Part 100

Organization and functions (Government agencies).

19 CFR Part 122

Administrative practice and procedure, Air carriers, Aircraft, Airports, Alcohol and alcoholic beverages, Cigars and cigarettes, Cuba, Drug traffic control, Freight, Penalties, Reporting and recordkeeping requirements, Security measures.

IX. Proposed Regulatory Amendments

For the reasons stated in the preamble, DHS proposes to amend 8 CFR part 100 and 19 CFR part 122 as set forth below:

Title 8—Aliens and Nationality

PART 100—STATEMENT OF ORGANIZATION

SUBCHAPTER B—IMMIGRATION REGULATIONS

- 1. The authority citation for part 100 continues to read as follows:

Authority: 8 U.S.C. 1103; 8 U.S.C. 1185 note (section 7209 of Pub. L. 108–458); 8 CFR part 2.

- 2. Amend section 100.4 by removing the entry “Miami, FL, Chalks Flying Service Seaplane Base” under District No. 6—Miami, Florida, in paragraph (b).

Title 19—Customs Duties

PART 122—AIR COMMERCE REGULATIONS

Subpart B—Classes of Airports

- 1. The authority citation for part 122 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1415, 1431, 1433, 1436, 1448, 1459, 1590, 1594, 1623, 1624, 1644, 1644a, 2071 note.

Section 122.22 is also issued under 46 U.S.C. 60105.

Section 122.48b also issued under 49 U.S.C. 44901 note.

Section 122.49a also issued under 8 U.S.C. 1101, 1221, 19 U.S.C. 1431, 49 U.S.C. 44909.

Section 122.49b also issued under 8 U.S.C. 1221, 19 U.S.C. 1431, 49 U.S.C. 114, 44909.

Section 122.49c also issued under 8 U.S.C. 1221, 19 U.S.C. 1431, 49 U.S.C. 114, 44909.

Section 122.49d also issued under 49 U.S.C. 44909(c)(3).

Section 122.75a also issued under 8 U.S.C. 1221, 19 U.S.C. 1431.

Section 122.75b also issued under 8 U.S.C. 1221, 19 U.S.C. 1431, 49 U.S.C. 114.

- 2. Amend section 122.13 by removing the entry “Miami, Fla.—Chalk Seaplane

Base” from the list of international airports.

Markwayne Mullin,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2026–17108 Filed 8–20–26; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 103

[CIS No. 2798–25; DHS Docket No. USCIS–2026–0331]

RIN 1615–AD21

Genealogy Program Regulations To Clarify the Impact of Federal Records Requirements

AGENCY: U.S. Citizenship and Immigration Services, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The U.S. Department of Homeland Security (DHS) proposes to amend its regulation governing genealogy program related records requests to revise its genealogy program regulations to clarify the impact of statutory and regulatory federal records requirements. This is necessary for individuals who request immigration records through the agency’s genealogy program to better understand which records may be requested.

DATES: Written comments must be submitted on or before October 20, 2026. The electronic Federal Docket Management System will accept comments prior to midnight eastern time at the end of that day.

ADDRESSES: You may submit comments on this proposed amendment, identified by Docket No. USCIS–2026–0331, through the federal eRulemaking Portal at <http://www.regulations.gov>. Follow the website instructions for submitting comments.

Comments must be submitted in English, or an English translation must be provided. Comments that will provide the most assistance to U.S. Citizenship and Immigration Services (USCIS) in implementing these changes will reference a specific portion of the proposed rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change. Comments submitted in a manner other than the one listed above, including emails or letters sent to DHS or USCIS officials, will not be considered comments on the proposed rule and may not receive a response from DHS. Please note that DHS and USCIS cannot