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Analysis of Homeland Security Regulations, Small Steps Forward, Giant Leaps to Go[*]

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Executive Summary

This paper reviews the use of cost-benefit analysis in evaluating homeland security regulations. Until the recent use of "break-even analysis" by the Department of Homeland Security, analysis of regulations to reduce the risk of a terrorist attacks have been severely lacking. The costs were likely to be understated particularly because the costs of restrictions on immigration and of the curbing of civil liberties are omitted. Benefits were often left uncalculated leaving it impossible to meaningfully evaluate the policies being promulgated. The use of break-even analysis has improved the ability to evaluate homeland security policy. However, DHS needs to provide this information in a more consistent format in order to allow comparison of regulatory initiatives. DHS also needs to provide its own assessment of what the break-even analysis tells us about the likelihood that the benefits of their regulations outweigh their costs.

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I. Introduction

Since the terrorist attacks of September 11, 2001, the area of homeland security has gained a prominent role in government. This is particularly true in the regulatory sphere where homeland security has joined environmental protection, food safety and other areas as a primary focus. When social regulation gained prominence in the 1960s and 1970s, it prompted a reaction from anti-regulation forces that included the adoption of cost-benefit analysis as a means of assessing regulations (Conley).

The use of cost-benefit analysis has greatly increased our understanding of environmental policy and many other areas. Homeland security rules creates unique challenges for cost-benefit analyses. While there are numerous problems in calculating the costs of these regulations, the primary challenges are in measuring the benefits of homeland security rules. Since much of the information required to assess the value of preventing terrorist attacks is not only highly uncertain but also classified, many rules on homeland security have escaped serious economic analysis.

In the past year however, the Department of Homeland Security (DHS) has utilized a new technique of analyzing their most costly regulations. This use of "break even analysis" allows some comparison between costs between benefits. Analysis of homeland security regulations however still has a long way to go before it is as detailed as analysis of other federal regulatory requirements.[1] This paper assesses the progress that has been made in evaluating homeland security rules and presents some ideas for improving these evaluations.

The most significant proposal that I present is the idea of analyzing "general security rules" or rules that are designed to reduce the likelihood of any attack differently from "specific security rules" or rules designed to prevent a specific type of attack. In making this distinction, I introduce the concept of a replacement level attack. Coupled

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[1] Independent commissions such as the Securities and Exchange Commission and the Federal Communications Commission are not required to conduct cost-benefit analyses of their regulatory requirements and do not do so.

with break even analysis, this concept may allow us to better assess the benefits of homeland security regulations.

The paper proceeds as follows. In the next section, I review the various bodies of academic literature that bears on assessing the costs and benefits of homeland security regulations. I also review the break even analyses conducted recently by DHS. In Section III I discuss the issues involved in evaluating the costs of homeland security rules. I present the concept of general and specific security rules and the idea of a "replacement level attack" in the context of a broader discussion of the benefits of homeland security rules in Section IV. I offer conclusions in Section V.

II. Existing Work on the Benefits and Costs of Homeland Security

While there are not a large number of works that speak specifically to the question of cost-benefit analysis of homeland security policies, a number of different literatures provide information relevant to this problem. A number of different economists and modelers have attempted to assess the costs of terrorist attacks, a key component of any cost-benefit analysis. The edited volume *The Economic Impacts of Terrorist Attacks* (Richardson, Gordon, and Moore eds 2005) contains a number of these estimates including an estimate for the cost of bioterrorist attacks (Abt 2005), an estimate for the cost of an attack on Seattle's highways (Bae, Blaine, and Bassok 2005) and the cost of an attack on the ports of Los Angeles and Long Beach (Gordon et. al. 2005).

The journal *Risk Analysis* dedicated an issue to the costs of terrorism in June 2007. Several of the articles in this issue also gave estimates for the cost of terrorist attacks including an attack on the aviation system (Gordon et. al. 2007), an attack on the power system for Los Angeles (Rose, Oladosu, and Liao 2007) and another estimate of the cost of an attack on the LA and Long Beach ports. Other attacks that have been estimated include several on the Washington DC area (Cheng, Stough,and Kocornik-Minaand 2006). The attacks and the estimates of their costs are below in Table 1.[2]

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[2] In a related work, Abadie and Garbdeazabal (2003) discuss the effect of attacks in Basque country on stock prices and find that stocks do better during truces between the Basque separatists and the Spanish government.

Table I Costs of Various Terrorist Attacks

Author	Attack	Cost Estimate
Gordon et. al.	Aviation System	$214-421 billion not counting lives
Rose, Oladosu, Liao	L.A. Blackout	$2.8 -20.5 billion depending on resilience
Rosoff and Winterfeldt	Dirty Bomb in LA/Long Beach ports	$130 million- $100 billion depending on length of shutdown, lives lost expected to be zero
Gordon et. al.	LA, Long Beach Ports	$1.1 billion/10,061 person years employment -- $34 billion/212,000 person years of employment
Cheng, Stough,and Kocornik-Minaand	Power Plant Attack in DC	$1.18 billion
Abt	Bioterrorist Attack	$200 billion -$3 trillion, deaths from 500,000 to 30 million
Bae, Blaine, Basso	Seattle Highways	$1.2-$1.5 billion

In addition, the private company, "Risk Management Solutions" has developed a model for use by insurance companies to measure the risk of terrorist attacks. This model has been used by DHS to generate probabilities for various attacks which can then be fed into a cost-benefit analysis. The model is available for private purchase but does not appear to have been subject to peer review and the assumptions that underlie the model are not obvious to the outside researcher.[3]

Because one of the primary effects of a terrorist attack is loss of life, a fair evaluation of homeland security regulations will include an economic valuation of the probable lives lost in a terrorist attack. Many of the above sources do not include the value of the statistical lives saved (or more accurately the value of the risk reduction to individuals) in their analysis. A vast literature, developed to assess the benefits of other policies such as environmental protections, food safety requirements, and auto safety mandates, exists on methodologies for reducing risks and valuing the "statistical lives" saved by such policies (eg. Ashenfelter 2006 Sunstein 2003). Agencies regularly use the

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[3] See http://www.rms.com/Terrorism/Solutions/ProbabilisticTerrorismModel.asp for more details.

"value of a statistical life (VSL)" which varies from $1-$7 million in their assessments of the benefits of their regulations (OMB 2004).[4]

Posner (2004), in his book *Catastrophe*, discusses ways of conducting benefit cost analysis when there is tremendous uncertainty. While Posner focuses on cases of catastrophic risks, some of his suggestions, most notably "inverse cost-benefit analysis" are potentially applicable to homeland security questions. In three recent regulations, DHS has utilized inverse benefit-cost analysis, renaming it, "break-even analysis."

The first of these analyses appeared in the DHS proposed rule on the Western Hemisphere Travel Initiative (WHTI), which would require travelers U.S. citizens and travelers from other western hemisphere countries to present passports to enter the United States. The direct costs of this rule were estimated as $360 million on an annualized basis. DHS then used an RMS model for the entire costs of terrorist attacks to this country. They varied the methodology for valuing lives saved and preventing injuries from terrorist attacks to come up with "critical risk reduction" values. If the WHTI reduced risks by more than this amount, then the benefits of the rule would exceed the costs. For example with a VSL of $6 million, the WHTI would need to reduce the baseline risk of a terrorist attack by 6.9% in order for the benefits of the WHTI to exceed its costs (DHS 2007a).

Another break-even analysis was conducted by DHS in its "Secure Flight" proposed rulemaking. Under this rule, according to DHS,

> The Transportation Security Administration (TSA) would receive passenger and certain non-traveler information, conduct watch list matching against the No Fly and Selectee portions of the Federal Government's consolidated terrorist watch list, and transmit boarding pass printing instructions back to aircraft operators.

In the analysis supporting this proposed rule, DHS assumed that the rule would prevent one attack similar to the 9-11 attacks over the next ten years. They estimated that the 9-11 attacks ranged in costs from $63.9 billion to $374.7 billion. For each of these values DHS presented a break-even frontier, graphing the possible values of the baseline probability of such an attack vs. the possible values of how much the Secure Flight rule

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[4] Sunstein (2003) also discusses the role that fear plays in increasing the amount that people value the prevention of terrorist attacks and how this may lead to higher VSL numbers.

would reduce the likelihood of an attack. Points to the northeast of the frontier would mean that the benefits of the rule exceeded the costs and points to the southwest signify that the opposite was true (DHS 2007b).

Finally, in January of 2008, DHS issued a final "Real ID rule" which set minimum standard for state issued drivers licenses that also contained a break-even analysis. While the final regulatory evaluation has not yet been made public, the evaluation on the proposed rule states also assumes that the rule will prevent one attack similar to the 9-11 attacks. In order for the proposed rule to have positive net benefits, the rule would have to reduce the probability of such an attack between 0.7% and 3.6%. The rule also has other ancillary benefits according to DHS and taken together, these ancillary benefits and the reduction in risk of a terrorist attack, "justify the rule's economic costs." (DHS 2007c).

These recent break-even analyses are indeed steps forward for the analysis of homeland security regulations. Before 2007, the myriad rules issued to reduce the likelihood of terrorist attacks had no information on the benefits of these rules making an economic assessment of the rules impossible. While these three break-even analyses represent definite improvements on the previous lack of information, the discussion below will demonstrate that there is still much to be done to effectively assess homeland security rules.

III. <u>What are the costs of homeland security regulations?</u>

Every year, the Office of Management and Budget (OMB) reports to Congress on the annual benefits and costs of regulations. In the area of homeland security, OMB says that "Because the benefits of homeland security regulation are a function of the likelihood and severity of a hypothetical future terrorist attack, they are very difficult to forecast, quantify, and monetize." (OMB 2007 p13). However OMB does keep track of the costs of a subset of homeland security regulations.

This subset consists of those regulations that are "economically significant" under Executive Order 12866. These regulations each have an impact on the economy of more than $100 million in at least one calendar year. Since 2002, there have been ten such

regulations. Most of these have been issued by DHS but several have been issued by the Food and Drug Administration (FDA) to prevent bioterrorist attacks.

These ten regulations have been estimated to"impose a total cost on the economy of between $2.2 billion to $4.1 billion a year." (OMB 2007 p. 13). As the only known figure of the cost of homeland security regulation, it is tempting to use this as an estimate. However there are very compelling reasons to believe that it vastly understates the amount of resources the federal government is forcing private entities to devote to homeland security. There are two reasons that this number is likely to be an understatement. One reason is that OMB does not include all regulations in its estimate. The other reason is omissions in the calculations of the costs of individual regulations.

The first reason that the $4.1 billion is likely an underestimate is that there have been far more than ten rules issued since 2002 that impact homeland security. OMB has never estimated the cost of rules not deemed "economically significant" but has stated that the rules included in their totals, the "economically significant" rules, likely make up the bulk of regulatory costs. However, Robert Hahn, in an examination of an EPA rule, has noted that even economically insignificant rules can have significant costs (Hahn 2006).

I have gone through the Unified Agenda from 2002-2007 to find how many other final regulations have been designed to reduce the likelihood of terrorist attacks.[5] I have found that in addition to the 10 economically significant rules, 45 other final rules have been promulgated by agencies in response to the potential for terrorist attacks. A list of these rules appears in Appendix 1.

Many of these rules are not counted because the promulgating agency estimates that they cost less than $100 million per year.[6] Some rules are missing because they were issued after the time period covered by the latest OMB report. In this latter category is included the Western Hemisphere Travel Initiative (WHTI) for air and sea, which DHS estimates will cost $650 million/year and the Real ID rule mentioned above There are also numerous other rules that are required by statute but have not yet been finalized that

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[5] The Unified Agenda is published semiannually and contains agency descriptions of all of the regulations they plan on issuing over the next six months and all those that they have issued in the previous six months.
[6] Technically the rules should be counted if the benefits exceed $100 million in any given year as well but since benefits are never counted it is likely that some rules that should be in the OMB total are not included.

will have very significant costs. These were not included in Appendix I. "Real ID" alone has present value costs of $17 billion, which translates to $2.3 billion/year.

Adding the rules (issued by December 31, 2007) that were too recent to be included in the OMB estimate would add at least a billion dollars to the cost of homeland security regulation. As for the rules that cost less than $100 million/year, even if they only cost $25 million/year each, their inclusion would add another billion dollars to the costs. And there is good reason to think that for these rules in particular the costs may be large (perhaps even greater than the $100 million/year threshold).

Of those rules with costs estimated as less than $100 million/year, many make it more difficult for immigrants to enter the United States. Since there is no analysis on rules with costs below $100 million/year, it is impossible to ascertain whether the agency considered the broader effect on the economy of immigration rules. Such rules may have large effects on sectors such as agriculture, which employ large numbers of immigrants. These indirect costs likely are much greater than the direct costs that agencies usually estimate in cost benefit analyses. While they may not make the cost of any of these rules rise above $100 million, it is also unlikely that the rules have trivial costs.

Some of the rules that are included in the OMB totals also restrict immigration but the analysis of the costs of these rules ignore the impacts of restricted immigration on the U.S. economy. An entire literature exists on the costs and benefits of immigration to the United States (see for example Borjas 2005). This literature is far too complex to discuss here but it is quite likely that measures to restrict immigration have important economic impacts.

Many of the rules, both those counted by OMB, and those not counted, also restrict individual liberties and privacy. While the rules may mention these costs, there is no attempt to quantify them. Indeed, quantifying such costs would be a very difficult task. However, such costs certainly exist, and their absence from the analyses justifying homeland security regulations, means that the costs presented by agencies are certainly lower than the true costs. In fairness to DHS, the academic literature has only touched on this issue. Viscusi and Zeckhauser (2003) have analyzed the tradeoff between civil liberties and the prevention of terrorism and noted that people are willing to trade off some liberties and convenience for increased safety.

Therefore significant work needs to be done to better understand the costs of individual homeland security regulations. Including the costs of restricting immigration to the United States and the costs of limits on privacy and civil liberties would drive up the costs of some homeland security rules. The increase in the costs of such rules, particularly those issued by the immigration agencies could be significant enough to lead to serious questions about the wisdom of such regulations.

In addition to affecting our judgment about individual rules, the omissions in the cost calculations lead to the inevitable conclusion that the upper limit of the costs of homeland security regulations as stated by OMB to be $4.1 billion/year, it is likely to be much greater. Counting the recent rules which are not yet included in the OMB estimates, and the rules which cost less than $100 million/year individually, these costs are likely to be well above $10 billion/year and may be significantly higher.

IV. **What are the Benefits of Homeland Security Regulation?**

Until 2007, even those regulations that thoroughly analyzed the costs of homeland security rules, gave very little attention to the benefits. For example, the analysis for the recently promulgated Western Hemisphere Travel Initiative for air and sea states, ". . . it is not possible to obtain a single value estimate that comprises the bundle of benefits derived from the regulation in question. . ." and "we are unable to quantitatively estimate the incremental reduction in the probability of a terrorist attack that will result from this rule." (WHTI 2007). This language was fairly typical for homeland security regulations that do have a cost-benefit analysis.

The benefits of homeland security regulation can be crudely stated as:

$$B = (P_a - P_b)C$$

where: B = the benefits of the regulation
P_a = the probability of an attack after the regulation
P_b = the probability of an attack before the regulation
C = the cost (in economic terms) of an attack

The central problem of course is that there is no data on a central component of the benefits estimate, $(P_a - P_b)$. This information may be genuinely unknown or it may

classified to a degree that not even the agency promulgating the regulation (or the economists conducting the analysis) are allowed to use it or make it part of a public analysis.

For five years after September 11, this led to a complete lack of analysis of benefits of homeland security regulations. While the focus of this paper is to suggest areas needed for improvement in the analysis of homeland security rules, it would be remiss not to note that we have no idea about the economic wisdom of over fifty rules issued in the wake of 9-11. At some point in the future, if we can improve the analysis of current rules, it would be wise to re-examine these older regulations and to compare their costs and benefits.

As discussed above, DHS has employed break-even analysis to evaluate the wisdom of the three recent policy changes. Break-even analysis has the virtue of, in the absence of data on P_a and P_b, potentially providing a bound on the risk reduction necessary for benefits to exceed costs. If a break-even analysis concludes that a 50% reduction in the likelihood of a terrorist attack is necessary for the policy to have greater benefits than costs, then the policy seems unlikely to be a good idea. On the other hand, if such an analysis shows that only a 0.01% reduction is needed, then the policy is likely to have benefits that exceed its costs.

The recent break-even analyses conducted by DHS are a step forward but still leave many unanswered questions. One difficulty in interpreting the break-even analyses conducted by DHS is the lack of consistency. One analysis calculated various values for a "critical risk reduction probability" (the WHTI rule). The Secure Flight rule presented a "break even frontier" which allowed both the underlying probability of an attack and the risk reduction to vary. The proposed real ID rule gave a range of break-even probabilities. This lack of consistency makes it hard for outsiders to evaluate and compare regulatory initiatives.

Furthermore, as described by Posner (2005), the main idea of break-even analysis is to allow some subjective evaluation of the policy in question. In none of the break-even analyses, does DHS draw any conclusion about the wisdom of the policy in question. In the WHTI rule, critical risk reduction probabilities are presented without comment on whether the WHTI is likely to reduce the likelihood of terrorist attacks by

any amount close to these probabilities. In Secure Flight, the reader is given no idea, whether we may be below or above the break-even frontier. Without some type of normative judgment, the break-even analysis is an interesting academic exercise that does little to help make policy decisions.

Asking DHS to put precise values on risk reduction probabilities is probably unreasonable given security concerns and the likely public reaction (one can envision the headline, "DHS estimates attack to be 24% likely!!!"). Still, break-even analysis does not require this degree of precision. DHS could plausibly make arguments that its regulations reduced risks by more than the critical probabilities or that it was on the correct side of the break-even frontier. This would allow the public to evaluate DHS' arguments and more importantly evaluate the policies embodied in the regulations.

Of course in order to meaningfully use break-even analysis, one needs a reasonable value for C. As discussed above, a number of academic studies however have estimated the costs of various types of attacks. It is entirely possible that additional studies could be done to assess the costs of a greater variety of attacks. Of the considerable gaps in the data, this appears to be one of the easier ones to correct.

On the other hand, there are additional problems with measuring the value of "C" that federal agencies have not even begun to consider. Homeland security rules can be thought of as falling into two categories. There are rules that are designed to prevent a specific type of attack. Examples of rules in this category include FDA rules designed to protect the food supply[7] and Transportation Security Administration (TSA) rules designed to protect air travel. There are other rules that are designed to make it harder for terrorists to conduct any type of attack. Rules that make it harder to enter the United States are in this category.

The value of "C" for these two types of rules should be thought of differently. The first category of rules, which I will call "specific security rules" make a particular type of attack less likely but do not have much of an effect on the probability of some type of attack. One must assume that rational terrorists will alter their behavior in the wake of new restrictions. For example, protecting the food supply sends the signal to

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[7] See for example Federal Register, 69 FR 71561.

terrorist organizations that they are better off spending their resources planning a different type of attack.

Therefore the value of "C" for a specific security rule should be the differential value between the benefit of preventing the specific attack (or reducing its likelihood) and the cost of a "replacement level" attack (the type of attack that a terrorist would turn to if their first choice attack was made too difficult).[8] In some cases where attacks are particularly deadly, the differential benefits between the specific attack and the replacement attack may be significant. Protecting nuclear facilities or large chemical plants may very well fall into this category. For other types of specific security rules, the benefits of the rule may be less than we imagine because the rule will only encourage the terrorist to look for a different venue (Smith and Hallstrom 2005).

On the other hand, rules, which I will call "general security rules," designed to make it harder for terrorists to enter this country, or to make it easier to apprehend terrorists, reduce the likelihood of all attacks. Immigration rules fall in this category. Of course, these rules may just encourage terrorists to attack our allies rather than the United States. Benefit-cost analyses typically are concerned only with benefits and costs accruing to this country but we should keep in mind that for immigration rules, a global benefit-cost analysis would make some general security rules appear like specific security rules. Indeed, one may argue that the tightened immigration rules issued since 9-11 have played a role in the numerous attacks in Europe since 2001.

Assessing the benefits of general security rules should be done differently than for specific security rules. I would suggest that analysts for such rules assume a rational terrorist who will undertake the most destructive attack feasible. The value of C for preventing such a terrorist from entering the country or of capturing such a terrorist would be the reduced probability of such an attack. The economic cost of the 9-11 attacks could serve as a reasonable proxy for "C".

In either case, specific or general security regulations, estimating C is likely to be feasible. Estimates exist for the cost of the 9-11 attacks (Smith and Hallstrom 2005), which could be used as C for assessing the benefits of general security rules. Specific

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[8] The idea of replacement level is used in analysis of the value of baseball players. A given players true value is value minus the value of the player that would typically be used to replace him. (Kahrl 2007).

security rules would be harder but as the literature cited above shows, estimates are possible. The greater challenge will be estimating how regulations change the probability of an attack.

The recent break-even analyses conducted by DHS serve as instructive examples. The Western Hemisphere Travel Initiative is what I would term "general security rules." The WHTI used a model by the company RMS to assess the average cost of a terrorist attack likely to occur over the next ten years. This seems like a reasonable approach. The Secure Flight rule on the other hand is a specific security rule, protecting only against attacks using aircraft as weapons. For C in this rule, DHS used the cost of the 9-11 attacks. I would maintain that this overstates the value of C, since if Secure Flight is likely to be successful, the result will not be a lack of terrorist attack, but rather a different (possibly less lethal) attack. The cost of this replacement attack should be subtracted from the cost of the 9-11 attacks in order to come up with a meaningful value of C.

Finally attention should be given to the possibility of using information markets to better ascertain information on both the change in probability of an attack and the costs of a potential attack. Hahn and Tetlock (2005) describe information markets and the possibility that they could be used by government decisionmakers to better evaluate parameters that are otherwise unknown. Homeland security may be a particularly rich field for information markets since private actors may have significantly better information than government decisionmakers on the probability and consequences of terrorist attacks (see also Wolfers and Zitzewitz 2004).

VII. Conclusion

Over the past 25 years, cost-benefit analysis has become a permanent fixture in the regulatory process for many agencies. One result of this is that we can say with considerable certainty that our efforts to clean up our environment (particularly reducing air pollution) have been a huge success (EPA 1997). We can make no such statements about our efforts to make the country less likely to suffer a terrorist attack. We have required private expenditures of billions of dollars to enhance homeland security. Have these dollars been well spent? We don't know.

Since September 11, 2001, at least 55 final rules have been issued to attempt to reduce the likelihood of a terrorist attack. Many of these rules have been issued without any data on their benefits or their costs. Even those rules that are required to have a benefit-cost analysis conducted prior to their issuance have had virtually no information on the expected benefits of the policies they implement. While few would question the need for policies to deter terrorist attacks, promulgating such policies in the absence of data on their impacts is a recipe for unwise decisionmaking.

While the lack of information on the benefits of homeland security regulations is the primary area of concern in evaluating these rules, there are also significant questions about the estimates of costs. These questions include the lack of estimates of the costs of restrictions on immigration and the inability for agencies to quantify the sacrifices to privacy and civil liberties imposed by homeland security requirements. Significant work is needed in both of these areas so that we can better understand the tradeoffs involved in improving homeland security.

The recent steps by DHS to introduce break-even analysis are laudable. Such analysis allows the reader of these regulations to better evaluate their wisdom. However, DHS needs to provide this information in a more consistent format in order to allow comparison of regulatory initiatives. DHS also needs to provide its own assessment of what the break-even analysis tells us about the likelihood that the benefits of their regulations outweigh their costs.

This paper also highlights the distinction between specific and general homeland security measures and the need to analyze them differently. The benefits of specific security measures are likely to be much smaller than those of general security measures. This distinction, coupled with the modes of analysis suggested above, may lead to a rethinking of homeland security policy. If such a rethinking leads to a focus on the terrorist events with the greatest impacts, then the potential of benefit-cost analysis may be realized even if a full benefit-cost analysis is not possible.

Appendix I Homeland Security Rules Issued Since 9-11-01.

Rules Included in the OMB Total Cost Estimate

Rule Title	Department-Agency
Establishment and Maintenance of Records Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002	HHS-FDA
Registration of Food Facilities under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002	HHS-FDA
Prior Notice of Imported Food under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002	HHS-FDA
Required Advance Electronic Presentation of Cargo Information	DHS-CBP
Area Maritime Security	DHS-USCG
Vessel Security	DHS-USCG
Facility Security	DHS-USCG
Authority To Collect Biometric Data From Additional Travelers and Expansion to the 50 Most Highly Trafficked Land Border Ports of Entry (US-VISIT)	DHS-BTS
Electronic Transmission of Passenger and Crew Manifests for Vessels and Aircraft	DHS-CBP
Air Cargo Security Requirements	DHS-TSA

Rules Not Included in the OMB Total Cost Estimate

Rule Title	Agency
Agricultural Bioterrorism Protection Act of 2002; Possession, Use and Transfer of Biological Agents and Toxins	USDA- APHIS
India and Pakistan: Lifting of Sanctions, Removal of Indian and Pakistani Entities, and Revision in License Review	Commerce-BIS
Possession, Use and Transfer of Select Agents and Toxins	HHS-CDC
Screening of Aliens and Other Designated Individuals Seeking Flight Training	DOJ
Attorney General's Evaluations of the Designations of Belgium, Italy, Portugal, and Uruguay as Participants under the Visa Waiver Program	DOJ-INS
Requirements for Biometric Border Crossing Identifications Cards (BCCs) and Elimination of Non-Biometric BCCs on	DOJ-INS

Mexican and Canadian Borders	
Authorizing Collection of Fee Levied on F, J, and M Nonimmigrant Classifications under Illegal Immigration Reform and Immigrant Responsibility Act	DOJ-INS
Custody Procedures	DOJ-INS
Review of Custody Determinations	DOJ-INS
Requiring Change of Status from B to F-1 or M-1 Nonimmigrant Prior to Pursuing a Course of Study	DOJ-INS
Release of Information Regarding INS Detainees in Non-Federal Facilities	DOJ-INS
Requiring Certification of All Service Approved Schools for Enrollment in the Student and Exchange Visitor Information System (SEVIS)	DOJ-INS
Passenger Data Elements for Visa Waiver Program	DOJ-INS
Reduced Courseload for Certain F and M Nonimmigrant Students in Border Communities	DOJ-INS
National Security: Prevention of Acts of Violence and Terrorism	DOJ-BOP
Protective Orders in Immigration Administrative Proceedings	DOJ-EOIR
Student and Exchange Visitor Information System (SEVIS) Rule -- 22 C.F.R. Part 62, Subpart F	State
Aviation Security Infrastructure Fees	DOT-TSA
Civil Aviation Security Rules	DOT-TSA
Security Programs for Aircraft With a Maximum Certificated Takeoff Weight of 12,500 Pounds or More	DOT-TSA
Transportation of Explosives from Canada to the US Visa Commercial Motor Vehicle and Railroad Carrier	DOT-TSA
Aviation Security: Private Charter Security Rules	DOT-TSA
Threat Assessments Regarding Citizens of the US Who Hold or Apply for a Federal Aviation Administration Certificate	DOT-TSA
Aircraft Security under General Operating and Flights Rules	DOT-FAA
Flight Crew Compartment Access and Door Designer	DOT-FAA
Flight Crew Compartment Access and	DOT-FAA

Door Designer	
Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC Metropolitan Area Special Flight Rules Area	DOT-FAA
Security Considerations for the Flightdeck on Foreign-Operated transport Category Airplanes	DOT-FAA
Picture Identification Requirements	DOT-FAA
Ineligibility for an Airman Certificate Based on Security Grounds	DOT-FAA
Limitation on Construction or Alteration in the Vicinity of the Private Residence of the President of the United States	DOT-FAA
Limitation on the Issuance of Commercial Driver's Licenses with a Hazardous Materials Endorsemen	DOT-FMCSA
U.S. Locations Requirement for Dispatching of United States Rail Operation	DOT-FRA
Hazardous Materials: Security Requirements for Offerors and Transporters of Hazardous Materials	DOT-RSPA
Administrative Detention of Food for Human or Animal Consumption under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002	HHS-FDA
Evidence Requirement for Assignment of Social Security Administration Numbers (SSNs) and Assignment of SSNs for Nonwork Purposes	SSA
DNA Sampling of Federal Offenders Under the USA Patriot Act of 2001	DOJ
Screening of Aliens and Other Designated Individuals Seeking Flight Training	DOT-FAA
Retention and Reporting of Information for F, J, and M Nonimmigrants; SEVIS	DOJ-INS
Registration and Monitoring of Certain Nonimmigrants	DOJ-INS
Procedures for Handling Critical Infrastructure Information	DHS
Automatic Identification System Carriage Requirements	DHS-USCG
Threat Assessments Regarding Alien Holders of, and Applicants for, FAA Certificates	DHS-TSA

Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License	DHS-USCG
Hazmat Fee Rule: Fees for Security Threat Assessments on Hazmat Drivers	DHS-TSA
Notification of Arrival in U.S. Ports; Certain Dangerous Cargoes; Electronic Submission	DHS-USCG
Regulations Implementing the Support Anti-Terrorism by Fostering Effective Technologies Act of 2002	DHS
Documents Required for Travelers Departing From or Arriving in the United States at Air Ports-of-Entry From Within the Western Hemisphere	DHS-BCBP

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