

Puerto Rico—PM-10 Initial Nonattainment Areas

Designated Area	Designation		Classification	
	Date	Type	Date	Type
Guaynabo County.....	11/15/90	Nonattainment	11/15/90	Moderate

* * * * *

58. Section 81.356 is amended by revising the tables for "Virgin Islands—O₃" and "Virgin Islands—CO" to be

inserted in alphabetical order immediately following the tabular entry for "Virgin Islands—SO₂" to read as follows:

§ 81.356 Virgin Islands.

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Virgin Islands—Carbon Monoxide

Designated Area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Statewide..... St. Croix St. John St. Thomas		Unclassifiable/Attainment		

¹ This date is November 15, 1990, unless otherwise noted.

Virgin Islands—Ozone

Designated Area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Statewide..... St. Croix St. John St. Thomas		Unclassifiable/Attainment		

¹ This date is November 15, 1990, unless otherwise noted.

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November 6, 1991

Part III

Department of Labor

**Employment and Training Administration;
Wage and Hour Division**

20 CFR Part 655

29 CFR Part 508

Attestations by Employers for Off-Campus Work Authorization for Students (F-1 Nonimmigrants); Interim Final Rule

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

RIN 1205-AA88

Wage and Hour Division

29 CFR Part 508

RIN 1215-AA

Attestations by Employers for Off-Campus Work Authorization for Students (F-1 Nonimmigrants)

AGENCIES: Employment and Training Administration, Labor; and Wage and Hour Division, Labor.

ACTION: Interim final rule; request for comments.

SUMMARY: The Employment and Training Administration (ETA) and the Employment Standards Administration (ESA) of the Department of Labor (DOL or Department) are promulgating regulations governing the filing and enforcement of attestations by employers seeking to use aliens admitted as students on F-1 visas (F-1 students) in off-campus work. Under the Immigration and Nationality Act (INA), as amended by the Immigration Act of 1990 (Act), employers are required to submit these attestations to DOL and the educational institution in order for such students, if otherwise qualified, to receive work authorization from the Attorney General. The attestation process will be administered by ETA, while complaints and investigations regarding violations of the attestation provisions and procedures will be handled by ESA.

DATES: *Effective Date:* October 1, 1991.

Comments: Written comments on the interim final rule are invited from interested parties. Comments shall be received on or before December 6, 1991.

ADDRESSES: Send comments to Roberts T. Jones, Assistant Secretary, Employment and Training Administration, Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, Attention: Immigration Task Force, Room N-4470.

FOR FURTHER INFORMATION CONTACT: On 20 CFR part 655, subpart J, and 29 CFR part 508, subpart J, contact Mr. David O. Williams, Immigration Task Force. Telephone: 202-535-0174 (this is not a toll-free number).

On 20 CFR part 655, subpart K, and 29 CFR part 508, subpart K, contact Mr. Solomon Sugarman, Chief, Farm Labor Programs, Wage and Hour Division,

Employment Standards Administration, Department of Labor, Room S-3502, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: 202-523-7605 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:**I. Paperwork Reduction Act**

The information collection requirements contained in this interim final rule have been submitted to the Office of Management and Budget for clearance under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control No. 1205-0315.

The Employment and Training Administration (ETA) estimates that employers will file approximately 40,000 attestations on behalf of approximately 125,000 F-1 students each year. The public reporting burden for this collection of information is estimated to average 1-2 hours per response, including the time for reviewing instructions, searching existing information/data sources, gathering information, and completing and reviewing the attestation.

Written comments on the collection of information requirements should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Employment and Training Administration, Washington, DC 20503.

II. Background

On November 29, 1990, the Immigration Act of 1990 (Act), Public Law 101-649, 104 Stat. 4978, was enacted into law. The law amends the Immigration and Nationality Act (INA) 8 U.S.C. 1101 *et seq.*, and assigns responsibility to the Department of Labor (DOL or the Department) for the implementation of several provisions of the Act relating to the entry of immigrants and nonimmigrants under employment-based categories. One of the provisions of the Act the Department is charged with implementing is section 221, which supplements sections 101(a)(15)(F) and 214 of the INA. Section 221 of the Act creates a three-year program which allows F-1 students to work off-campus if: (1) The alien has completed one year of study and is maintaining good academic standing at the institution; (2) the alien will not be employed off-campus for more than twenty hours per week during the academic term but may be employed full-time during vacation periods and between terms; and (3) the employer provides an attestation to the Department and to the educational institution. The employer must attest

that it has recruited for the position for at least sixty days and will pay the higher of the actual wage at the worksite or the prevailing wage for the occupation in the area of employment. When the Department determines that an employer has made an attestation that is materially false or has failed to pay wages in accordance with the attestation, after notice and opportunity for a hearing, the employer shall be disqualified from employing an F-1 student under the Section 221 program, which expires on September 30, 1994. 8 U.S.C. 1184 note.

III. The Process of Developing Regulations

In order to provide all interested parties an opportunity to comment and give their views on the meaning of the Act and their recommendations on its implementation, an Advance Notice of Proposed Rulemaking (ANPRM) was published in the *Federal Register* on March 20, 1991. 55 FR 11705. The notice provided a detailed description of those provisions of the Act which give responsibilities to the Department of Labor and raised a number of issues about which the Department sought comment. The Department also welcomed comments on any other issues.

Comments and recommendations were received from a variety of persons and organizations. These comments have been carefully reviewed and were fully considered in developing these regulations. The Department continues to seek comments and recommendations from all interested parties with the publication of these interim final regulations.

IV. Attestation Process and Requirements

The overall intent of Congress in promulgating the Section 221 provision was to provide an attestation mechanism to safeguard the job opportunities and wages of U.S. workers, while also enabling F-1 students to obtain off-campus work authorization. The regulations implement the Congressional intent by establishing an attestation process which requires the employer to make promises about (attest to) the recruitment of workers and the payment of wages. The regulations specify that the employer must be able to demonstrate the veracity of its attestation statements with appropriate documentation. While the regulations do not require any specific records to be kept, they identify the specific documentation, which, if kept by the

employer and if accurate, would satisfy the employer's burden of proof. The employer retains the right to meet its burden of proof in proving its attestation through other sufficient means.

A. Where and When to File

The Department considered various approaches to the manner of filing the employer's attestation in support of its employment of F-1 students. The Department believes that a reasonable interpretation of section 221(a)(2), which requires the employer to provide both the educational institution and DOL with the attestation, is that Congress intended to permit simultaneous filing of the attestation with DOL and the educational institution. The Department recognizes that student work authorization needs to be acted upon promptly and that the attestation process should be as streamlined as possible. Therefore, the regulations permit, but do not require, an employer to simultaneously file the attestation with DOL and the Designated School Official (DSO) at the educational institution. If an employer chooses to file an attestation simultaneously, the terms of the attestation are enforceable, whether or not DOL has received the attestation, since the employer shall warrant on the form to the DSO that the document was filed with DOL. In the alternative, the employer may prefer to receive the accepted attestation back from DOL before it is filed with the DSO.

DOL contemplates that, under Immigration and Naturalization Service (INS) regulations, the DSO may grant work authorization to F-1 students (if other statutory conditions are met) upon receipt of the employer's attestation warranting that it has been filed with DOL, whether it has been accepted by DOL or not. The DOL regulations require that an employer's attestation supporting its employment of F-1 students under section 221 be filed with the Department no later than 60 days after the employer's 60-day recruitment period has ended. The employer may file an attestation for a single position or for multiple positions in the same occupation or in multiple occupations, provided that all positions are located within the same geographic area of intended employment. The employer's attestation must list the position(s) and state the specific rate(s) of pay applicable to each position. The employer's attestation must also identify the Dictionary of Occupational Titles (DOT) Two-Digit Occupational Division, as well as the employer's own job title, for each occupation listed on the attestation. A list of the two-digit

divisions is included at Appendix B of this subpart. The Department will not use the two-digit occupational division for prevailing wage purposes, but rather, for keeping track of and reporting the occupations in which F-1 students are employed. Employers are cautioned that, in fact, occupational divisions at the two-digit level are too broad to meet the requirements to determine the prevailing wage.

B. Attestation Elements

1. Recruitment

The Act requires employers to attest that they recruited for a period of 60 days for the position(s) in which they intend to employ F-1 students; however, the statute does not specify a recruitment source or the precise nature of the recruitment efforts required of employers. The Department received a number of comments to the ANPRM on this subject, suggesting the kinds of recruitment efforts employers should be required to undertake. These suggestions included a State Employment Service agency (SESA) job order and/or weekly newspaper advertisement and a job posting at the student placement office and/or at the worksite.

The Department believes that recruitment efforts in support of the employment of F-1 students must recognize that off-campus employment job opportunities for these students will be primarily short-term and part-time in nature. At the same time, the recruitment efforts must be designed to provide adequate protection for U.S. workers. The Department is, therefore, requiring that a dual recruitment source be used to ensure that: (1) U.S. workers who may be interested in these positions have an opportunity to apply for them; and (2) the employer's recruitment efforts reflect current labor market conditions. For this purpose the Department is requiring that in order to recruit qualified workers, employers shall place a job order with the SESA and post the job vacancy at the place of employment. Also, since many U.S. workers seeking part-time employment opportunities may be students, the Department encourages employers to send a copy of the prospective employer's vacancy announcement to the school placement office during the employer's 60-day recruitment effort. Employers must file the attestation with DOL no later than 60 days immediately following the last day of recruitment. Employers may hire F-1 students as needed, for a period of 90 days following the last day of recruitment, provided an

attestation has been filed with DOL and the DSO.

The regulations also establish a new mechanism for assuring that employers continue to recruit before hiring F-1 student(s) throughout the three-year validity period of the attestation. Employers have the option of choosing the recruitment approach best suited to their anticipated need for workers and potential use of F-1 students. Employers may either: (1) Maintain an "open job order" for the position(s) with the SESA for the validity period of the attestation and hire F-1 students at any time during this period; or, (2) conduct a new 60-day recruitment effort for any opening(s) in any position(s) covered by the attestation and then hire F-1 students during the 90-day period following the last day of each such separate recruitment effort.

The ANPRM asked for comments on whether DOL should require employers to submit to DOL information documenting their recruitment efforts as part of the attestation. Approximately half of the commenters stated that such information should neither be required nor evaluated by DOL, because it is not specifically contained in the Act. The remaining commenters stated that employers should be required to attest that the recruitment was unsuccessful and/or that DOL should evaluate the results of the employers' recruitment efforts. After considering these comments, the Department has concluded that Congress, by requiring employers to recruit for 60 days, intended that unsuccessful recruitment of U.S. workers be a precondition to the employment of F-1 students, and that, therefore employers must be able to substantiate their good faith attempts to comply with this intent with appropriate documentation, in the event that an investigation is commenced. The Department is thus requiring that employers attest that they have been unsuccessful in recruiting U.S. workers for the jobs into which F-1 students are hired. Employers have the burden of proof as to their compliance with this recruitment requirement. While the regulations do not mandate that particular documentation be maintained by employers for this purpose, appendix A of subpart J identifies the documentation that the Department would consider to be sufficient for this purpose, provided, of course, that this information is found to be truthful, accurate, and substantiates compliance upon investigation.

2. Wages

The Department considered several approaches to implementing the prevailing wage provision of the Act which requires that employers attest they are paying the higher of the actual wage for the occupation at the worksite or the local prevailing wage for the occupation. These possible approaches included a prevailing wage determination by DOL when the attestation is filed. Several commenters to the ANPRM favored this approach and stated that the prevailing wage provisions of the Act should be implemented in the same manner the Department currently implements the permanent labor certification regulations at 20 CFR 656.40. Other commenters asserted deficiencies in the 20 CFR 656.40 methodology and suggested that employers themselves will most likely know the prevailing wage. Thus, they suggested that absent a published prevailing wage determination by DOL, employers should be able to establish the prevailing wage by making a good faith inquiry among competitors. One of these commenters suggested that employers should be required to do nothing more than attest that the prevailing wage will be paid and that challenges to this attestation should be handled on a case-by-case basis.

The regulations strike an appropriate balance between wage protections for U.S. workers and a streamlined attestation procedure which does not unduly burden the student work authorization process. The regulations require that, in the absence of a collective bargaining agreement or a wage determination issued under the Davis-Bacon Act or the Service Contract Act, the prevailing wage shall be determined through either: (1) A prevailing wage survey published by an independent authoritative source, as defined in the regulations (e.g., a professional, business, trade, educational, or governmental organization or association); or (2) a prevailing wage determination issued by the SESA for the occupation within the area of employment. The employer has the burden of proof in establishing compliance with this statutory requirement. While the regulations do not mandate that any specific documentation be maintained by all employers for this purpose, Appendix A of Subpart J of the regulations identifies the documentation that the Department would consider to be sufficient for this purpose, provided, of course, that this information is found to be truthful,

accurate, and substantiates compliance upon investigation.

If the employer obtains a prevailing wage determination from the SESA, the Department of Labor will accept that prevailing wage determination as correct and will not contest its validity where the employer produces a copy of the SESA prevailing wage determination. Where the Wage and Hour Division determines that a complaint involves only an allegation that a prevailing wage determination obtained from a SESA is inaccurate, the Wage and Hour Division will not charge a violation therefor. Where the employer arranges for the conduct of a prevailing wage survey, absent fraud and misrepresentation, the procedure must comply with the criteria regarding the independent authoritative source, and the survey must apply sound survey methodology (20 CFR 656.40 and Technical Assistance Guide No. 656) to current wage data. Where the employer's prevailing wage determination is based on a wage survey from an independent authoritative source, the employer will be found in compliance—provided that the criteria for independent authoritative source surveys are met and that the survey has been applied correctly to the occupation and geographic area—unless the Administrator has significant evidence which reasonably shows a substantial variance between the employer's attested wage and the prevailing wage for the occupation in the geographic area.

The Department believes that the Act requires that workers covered by the provision must be paid the current prevailing wage for the entire attestation period. Consequently, the regulations require that an attesting employer update the prevailing wage determination annually from the date of filing, and that the F-1 students and similarly employed workers receive the greater of the actual or the updated prevailing wage for the occupation for the entire period of the attestation. As with the initial prevailing wage determination, the employer has an option as to the methodology of determination and has the burden of proof as to the validity of the updated prevailing wage. The employer also has the burden of proving actual payment of the required wages, which may be demonstrated through payroll records maintained in compliance with existing regulations under the Fair Labor Standards Act.

3. Documentation

The Act contemplates that the burden of proving the validity of the attestation is on the employer. The regulations, therefore, require employers to meet their burden of proof on their recruitment and wage attestations with appropriate substantiating documentation. A majority of commenters to the ANPRM suggested that this documentation should not have to be submitted to DOL or the educational institution. The Department agrees that documentation shall not be submitted with the attestation, and the regulations require that the employer be able to produce documentation to support the attestation elements. This documentation must be made available to DOL upon request to determine whether the employer has made an attestation that is materially false or has failed to pay wages in accordance with the attestation.

4. Validity Period

The Department agrees with the views of most commenters that the validity period of the attestation should be reasonable and that there should be a fixed period of time within which the employer may employ as many F-1 students pursuant to an attestation as needed. The Department believes that a reasonable validity period is consistent with the streamlined approach to F-1 student attestations intended by Congress. The regulations, therefore, provide that an attestation will be valid for the duration of the F-1 student work authorization provision, i.e., beginning on the date it is accepted for filing by DOL and lasting until September 30, 1994. During the validity period, employers may recruit for 60 days and hire F-1 students within the 90-day period immediately following the last day of each recruitment effort, from as many educational institutions in the area of intended employment as needed to fill vacant positions. If, after the 90-day hiring period, additional F-1 students are needed, employers must recruit for another 60-day period before hiring additional F-1 students. Employers who file "open job orders" with the SESA, as part of their recruitment effort, may hire F-1 students at any time throughout the validity period of the attestation.

In order to employ F-1 students in any position(s) not named in the attestation or to employ F-1 students in a different geographical area of intended employment, the employer must conduct a new recruitment effort, file a new attestation with the Department, and

provide a copy of the new attestation to each educational institution at which it proposes to hire F-1 students. Once any attestation has been accepted for filing, the employer must comply with all of its terms for the duration of the validity period of the attestation.

V. DOL Review of Attestations

The Act states that the attestation is to be filed with the Department and the educational institution. Although the Act is silent with regard to the type of review Congress intended the Department to make of F-1 student attestations, this dual filing requirement suggests that Congress intended that DOL act promptly on attestations filed by employers. The Act also assigns to the Department the responsibility for determining whether an employer has provided an attestation that is materially false or has failed to pay wages in accordance with the attestation. In such cases, the regulations spell out notice, hearing, and disqualification provisions.

In determining the Department's general approach to its review of attestations, the Department considered various options ranging from the simple filing of all attestations with no review, as suggested by several commenters to the ANPRM, to a thorough review of each attestation element. The regulations specify that the Department will review an attestation to ensure that it is complete and signed by the attesting employer, and to determine whether the Wage and Hour Division (Administrator) has previously disqualified the attesting employer from employing F-1 students. The Department believes that this simplified review process will provide an for the expedited filing of attestations that are enforceable. Therefore, in the regulations, all F-1 student attestations are deemed to be accepted for filing as of the date received by DOL. Incomplete attestations will be returned to the employer and must be corrected and resubmitted within 15 days. Any attestation submitted by an employer previously disqualified from employing F-1 students will be rejected on submission.

VI. Public Access to Attestations

The Act does not contain a provision for public examination of employer attestations once they are submitted to DOL. Many commenters stated that DOL should not provide public access to the attestations absent a legislative requirement to do so. However, some type of public disclosure or reasonable access by the public to F-1 student attestations is necessary to give full

meaning to the notice, hearing, and disqualification provisions of the new Act and to provide a measure of consistency with the requirements of the other attestation-like programs (*i.e.*, H-1B Specialty Occupations and D-Crewmembers). Therefore, as the regulations provide, the Department will compile and maintain a list of any employers who filed attestations. The list will state the occupation, geographical area, and wage rate. The list will be available for public inspection at the DOL office at which the attestation was filed. The public may review the list and obtain a copy of the attestation upon request. While this approach is more moderate than the legislatively mandated provisions for the other attestation-like programs administered by DOL, the Department believes it is sufficient to enable the public to challenge an employer's attestation when the facts warrant it. See *e.g.*, 8 U.S.C. 1182(m)(2)(A)(vi), (m)(2)(E)(i), (n)(1)(D), and 1288 (c)(1)(B)(ii) and (c)(4)(A).

VII. Investigations and Dispositions

A. Investigation and Hearing

Section 221(a) of the Act requires that the Secretary make determinations about whether an employer provided an attestation which is materially false or has failed to pay wages in accordance with the attestation. The Secretary is not authorized to make determinations as to the validity of an F-1 student's work authorization. Thus, the INS—not DOL—is responsible for appropriate action with respect to the validity or continuing validity of an F-1 student's work authorization based on academic standing and work schedule (*e.g.*, working more than 20 hours per week during the academic term).

The regulations emphasize that it is the employer's obligation to establish that it has complied with all attestation elements. The regulations also require that the employer cooperate in any investigation which is undertaken by the Wage and Hour Administrator, and specify that the employer is prohibited from taking retaliatory action against persons who file complaints, assist in the investigation, or participate in administrative proceedings. Under the regulations, any aggrieved person may file a complaint regarding an attesting employer with respect to an attestation.

The Act requires that the Secretary provide an opportunity for a hearing, and the regulations establish an administrative law judge (ALJ) procedure, under which an employer charged by the Wage and Hour Administrator with a violation may

request an evidentiary hearing. The regulations do not afford the opportunity for a hearing to an aggrieved party where the Administrator has not found reasonable cause to conduct an investigation or where, on investigation, the Administrator has found no violation(s) to have occurred. Interested parties may request authorization to participate in the hearing as intervenors or amici curiae, at the discretion of the ALJ. Because of the problems of proof to be anticipated in a proceeding involving wage determinations and key witnesses who may well be outside the U.S. and unavailable to testify at the hearing, the regulations specify that the hearing will not be subject to the ALJ rules of evidence. Although not required by the Act, the regulations provide an opportunity for discretionary review by the Secretary following a decision of an ALJ. Either the employer or the Administrator may request review, and any interested parties who participated in the ALJ proceeding may also participate in the Secretarial review proceeding. Both the ALJ hearing and the Secretarial review procedures are subject to somewhat stringent deadlines, in light of the Department's conclusion that the three-year F-1 program cannot be effectively administered and its operation cannot be realistically evaluated if the review procedures are extended.

B. Penalties

An employer of an F-1 student has a statutory obligation to pay the wage rate that is the higher of either the prevailing wage for the occupation in the area where the employee is employed, or the wage rate at the establishment for that same occupation; this wage rate must be paid to both the F-1 student(s) and the U.S. worker(s) employed in the same occupation at the establishment. The Act provides that, as a sanction for failing to pay the required wage, the employer will be disqualified from the F-1 program. The Act imposes the same sanction if the Department determines that the employer provided an attestation that is materially false.

The regulations implement these provisions by specifying that notice of the Administrator's finding of violation(s) by, and disqualification of an employer, will be sent to the employer, the Attorney General (INS), and ETA upon completion of an ALJ procedure that sustains a finding of violation(s), or upon issuance of the Administrator's determination where no hearing is timely requested by an employer found in violation.

Upon receipt of the Administrator's notice, ETA will invalidate the employer's attestation(s) and not accept additional attestation(s) from the disqualified employer; the disqualified employer will also be identified in the periodic list of disqualified employers to be published by ETA in the **Federal Register**, so that DSOs can readily determine whether work authorization should be invalidated and may not thereafter be issued for employment by a particular disqualified employer.

Upon receipt of the Administrator's notice, the INS will take appropriate steps under its regulations to secure cancellation of any F-1 student's authorization for employment by such employer and prevent any further issuance of work authorization to F-1 students for the employer. To the extent known from the investigation, the Administrator will specify in the notice to the INS the names of the schools which have issued work authorization for any F-1 students who have been employed by the disqualified employer; INS will inform the DSOs of those schools that they are to revoke F-1 work authorization and not issue future F-1 work authorization(s) for that employer. In addition, the Administrator may provide a copy of the notice to the INS to any school known by the Administrator to have authorized any F-1 student's employment by a disqualified employer.

Receipt by the DSO of any such communication from the Administrator, absent any specific notice from the INS, shall be a sufficient basis for the DSO of such school to revoke any F-1 work authorization for the disqualified employer and to refuse to issue any future F-1 work authorization for that employer. A disqualified employer's continued or new employment of any F-1 student shall constitute a violation of the INA's employer sanctions provisions, irrespective of whether the F-1 student's work authorization has been formally revoked or erroneously issued by the DSO or INS.

The Department considered whether it should also require the payment of back wages where it is found that the employer has failed to pay the F-1 student(s) and similarly employed workers the wages required by the Act to give the protection to F-1 students and U.S. workers that the Congress intended. Further, in some circumstances, back pay may be remedial, such as where payment is in accord with the employer's attestation but it is found that the prevailing wage attested to varies substantially from the prevailing wage for the occupation in

the area of intended employment. The Department considered whether a back wage remedy—in effect "making whole" the F-1 student(s) and/or U.S. worker(s) inappropriately paid—might, in such circumstances, serve to resolve a finding of failure to pay wages. However, the only sanction expressly stated in section 221 is disqualification of the employer from the F-1 program. Therefore, the Department has not included a back wage remedy for F-1 wage violation(s). The penalty to an employer for any violation under this section of the Act is permanent disqualification from the F-1 program. An employer's attestation which is found to be incorrect (e.g., the attested prevailing wage substantially varies from the actual prevailing wage for the occupation in the area of intended employment) may constitute a violation (as "misrepresentation") and result in the employer's disqualification from the program. The Department notes that to knowingly furnish any false information in the preparation of the attestation form is a felony, punishable by \$10,000 fine or five years in the penitentiary, or both.

Regulatory Impact and Administrative Procedure

E.O. 12291

The rule does not have the financial or other impact to make it a major rule and, therefore, the preparation of a regulatory impact analysis is not necessary. See Executive Order 12291, 3 CFR, 1981 Comp., Page 127, 5 U.S.C. 601 note.

Regulatory Flexibility Act

This rule was not preceded by a notice of proposed rulemaking and, thus, is not covered by the Regulatory Flexibility Act. Nevertheless, the Department of Labor has notified the Chief Counsel for Advocacy, Small Business Administration, and made the certification pursuant to the Regulatory Flexibility Act at 5 U.S.C. 605(b), that the rule does not have a significant economic impact on a substantial number of small entities.

Interested parties are requested to submit, as part of their comments on this rule, information on the potential economic impact of the rule.

Immediate Effective Date

The interim final rule is being published, effective October 1, 1991, without a prior notice of proposed rulemaking. The Immigration Act of 1990 provides that the off-campus work program for nonimmigrant alien students begins on that date. Absent immediate standards for this program

nonimmigrant students and their U.S. co-workers would lack the protections necessary under this program; and employers would not be fully aware of their responsibilities. For those reasons, the Department of Labor for good cause finds that a notice of proposed rulemaking is impracticable and contrary to the public interest. 5 U.S.C. 553(b)(B). For the same reasons, the Department of Labor has found good cause to exist to make the interim final rule effective on the statutory effective date of October 1, 1991. 5 U.S.C. 553(d)(3). Nevertheless, the Department invites interested members of the public to comment on the interim final rule, for the period set forth in the "DATES" section above.

Catalog of Federal Domestic Assistance Number

This program is not yet listed in the Catalog of Federal Domestic Assistance.

List of Subjects

20 CFR Part 655

Administrative practice and procedure, Agriculture, Aliens, Crewmembers, Employment, Enforcement, Forest and forest products, Guam, Health professions, Immigration, Labor, Longshore work, Migrant labor, Nurse, Penalties, Registered nurse, Reporting and recordkeeping requirements, Specialty occupation, Students, Wages.

29 CFR Part 508

Administrative practice and procedure, Aliens, Employment, Enforcement, Immigration, Labor, Penalties, Reporting and recordkeeping requirements, Specialty occupation, Students, Wages.

Text of the Interim Final Joint Rule

The text of the interim final joint rule as adopted by ETA and the Wage and Hour Division, ESA, in this document appears below:

Subpart J—Attestations by Employers Using F-1 Students in Off-Campus Work

Sec.

- 900 Purpose, procedure and applicability of subparts J and K of this part.
- 910 Overview of process.
- 920 Definitions.
- 930 Addresses of Department of Labor regional offices.
- 940 Employer attestations.
- 950 Public access.

Appendix A to Subpart J: Documentation in Support of Attestations Made by Employers**Subpart K—Enforcement of the Attestation Process for Attestations Filed by Employers Utilizing F-1 Students in Off-campus Work.**

Sec.

- ____.1000 Enforcement authority of Administrator, Wage and Hour Division.
- ____.1005 Complaints and investigative procedures.
- ____.1010 Remedies.
- ____.1015 Written notice and service of Administrator's determination.
- ____.1020 Request for hearing.
- ____.1025 Rules of practice for administrative law judge proceedings.
- ____.1030 Service and computation of time.
- ____.1035 Administrative law judge proceedings.
- ____.1040 Decision and order of administrative law judge.
- ____.1045 Secretary's review of administrative law judge's decision.
- ____.1050 Administrative record.
- ____.1055 Notice to the Employment and Training Administration (ETA) and the Attorney General (AG).
- ____.1060 Non-applicability of the Equal Access to Justice Act.

Subpart J—Attestations by Employers Using F-1 Students in Off-Campus Work**§ ____900 Purpose, procedure and applicability of subparts J and K of this part.**

(a) *Purpose.* The Immigration Act of 1990 (Act) at section 221 creates a three-year work authorization program beginning October 1, 1991, for aliens admitted as F-1 students described in subparagraph (F) of section 101 (a)(15) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(F). The Act specifies that the Attorney General shall grant an alien authorization to be employed in a position unrelated to the alien's field of study (*i.e.*, a position not involving curricular or post-graduate practical training) and off-campus if:

- (1) The alien has completed one year of school as an F-1 student and is maintaining good academic standing at the educational institution;
 - (2) The employer provides the educational institution and the Secretary of Labor with an attestation regarding recruitment and rate of pay specified in paragraph (b) of this section; and
 - (3) The alien will not be employed more than 20 hours each week during the academic term (but may be employed on a full-time basis during vacation periods and between academic terms).
- Subpart J of this part sets forth the procedure for filing attestations with the Department of Labor (the Department or DOL) for employers who seek to use F-1 students for off-campus work. Subpart K

of this part sets forth complaint, investigation, and disqualification provisions with respect to such attestations.

(b) *Procedure.* (1) An employer must comply with the following procedure in order to hire F-1 students for off-campus employment:

- (i) Recruit for 60 days before filing an attestation;
- (ii) File the attestation with the DOL and the Designated School Official (DSO) of the educational institution before hiring any F-1 student(s);
- (iii) Hire F-1 student(s) during the 90-day period following the last day of the recruitment period; and
- (iv) Initiate a new 60-day recruitment effort in order to hire any F-1 student(s), under the valid attestation, after the 90-day hiring period. (A job order placed with the SESA as part of the employer's initial recruitment which remains "open" with the SESA shall satisfy the requirement regarding a new 60-day recruitment effort.)

(2) The employer's attestation shall state that the employer:

- (i) Has recruited unsuccessfully for at least 60 days for the position and will recruit for 60 days for each position in which an F-1 student is hired under that attestation until September 30, 1994; and
- (ii) Will provide for payment to the alien and to other similarly situated workers at a rate not less than the actual wage for the occupation at the place of employment, or if greater, the prevailing wage for the occupation in the area of intended employment.

(3) The employer shall file the attestation with the Designated School Official (DSO) of each educational institution from which it seeks to hire F-1 students. In fulfilling this requirement, the employer may file the attestation initially:

- (i) With the appropriate Regional Office of ETA only; or
- (ii) Simultaneously with the DSO and the appropriate Regional Office of ETA. In either instance, under paragraph (b)(3) of this section, ETA will return to the employer a copy of the attestation with ETA's acceptance indicated thereon. The employer must then send a copy of each accepted attestation to the DSO. Where the employer has chosen to file the attestation simultaneously with DOL and the DSO, as described in paragraph (b)(3)(ii) of this section, the employer shall provide a copy of the accepted attestation to the DSO within 15 days after receiving the accepted attestation from DOL. The employer shall also retain the accepted attestation and produce it in the event the Department conducts an investigation to determine if the employer has made an

attestation that is materially false or has failed to pay wages in accordance with the attestation. In no case may an employer hire an F-1 student for off-campus employment without first filing an attestation with DOL and the DSO. The employer may not file the attestation with the DSO before it is filed with DOL or in the absence of filing the attestation with DOL. The DSO may treat an attestation as accepted for filing by DOL for the purpose of authorizing F-1 student employment upon its receipt by the school.

(4) The employer may file an attestation for one or more openings in the same occupation, or one or more positions in more than one occupation, provided that all occupations are listed on the attestation and all positions are located within the same geographic area of intended employment.

(5) The attestation shall be deemed "accepted for filing" on the date it is received by DOL. Where the attestation is not completed as set forth at § ____940(f)(1) of this part, it shall be returned to the employer which will have 15 days to correct the deficiency or it will be rejected. If the attestation is rejected, DOL will notify INS. Attestations deemed unacceptable under § ____940(f)(2) of this part may not be resubmitted.

(c) *Applicability.* Subparts J and K of this part apply to all employers who seek to employ F-1 students in off-campus work in positions unrelated to their field(s) of study.

(d) *Final date.* ETA will not accept attestations under this program after September 30, 1994.

§ ____910 Overview of process.

This section provides a context for the attestation process to facilitate understanding by employers that seek to employ F-1 students in off-campus work.

(a) *Department of Labor's responsibilities.* The Department of Labor (DOL) administers the attestation process. Within DOL, the Employment and Training Administration (ETA) shall have responsibility for accepting and filing employer attestations on behalf of F-1 students; the Employment Standards Administration (ESA) shall be responsible for conducting any investigations concerning such attestations.

(b) *Employer attestation responsibilities.* Prior to hiring any F-1 student(s) for off-campus employment, an employer must submit an attestation on Form ETA-9034, as described in § ____940 of this part, to the Employment and Training

Administration (ETA) of DOL at the address set forth at § ____930 of this part.

(1) The attesting employer shall file the attestation with the Designated School Official (DSO) of each educational institution from which it seeks to hire F-1 students. If the employer is filing the attestation with the DSO simultaneously to filing it with DOL, or prior to DOL's accepting it, the employer must provide the DSO with a copy of the accepted attestation within 15 days after receiving the attestation from DOL.

(2)(i) Each attestation shall be valid for three years, or until September 30, 1994, whichever is sooner. Throughout the validity period of the attestation, the employer may hire F-1 students as needed, during the 90-day period immediately following each 60-day recruitment period, for the positions specified on Form ETA-9034, at the required wage rate, from any educational institution in the geographic area of intended employment. In order to employ F-1 students in any occupation(s) different from the occupation(s) specified in the attestation, the employer shall file a new attestation with ETA.

(ii) The employer shall have the burden of proving the truthfulness and accuracy of each attestation element in the event that such attestation element is challenged in an investigation.

(iii) Substantiating documentation in support of each attestation element must be maintained by the employer and shall be made available to DOL for inspection and copying upon request. If the employer maintains the specific documentation recommended in appendix A of this subpart, and the documentation is found to be truthful, accurate, and substantiates compliance, it shall meet the burden of proof. If the employer chooses to support its attestation in a manner other than in accordance with appendix A of this subpart, the employer's documentation must be of equal probative value to that shown in appendix A of this subpart in the event of an investigation.

(c) *Designated School Official (DSO) responsibilities.* The Department notes that the basic responsibilities of the DSO are outlined in INS regulations at 8 CFR 214.2(f).

(1) DOL understands INS regulations to mean that the DSO at the educational institution is expected to assure that, prior to authorizing the off-campus employment of any F-1 student(s):

(i) It has received an attestation from the prospective employer;

(ii) The prospective employer has not been disqualified from participation in

the F-1 student work authorization program (Employers disqualified from participation in the program are listed in the Federal Register. See § ____950(b) of this part); and

(iii) The F-1 student(s) has completed one year of study and is maintaining good academic standing at the institution.

(2) It is also understood that the DSO will not authorize F-1 student(s) to work in excess of 20 hours per week during the academic term, and that the DSO shall notify ETA when the employer of F-1 student(s) has not provided the educational institution with an accepted copy of the attestation within 90 days of its receipt of the attestation from the employer.

(d) *Complaints.* (1) Complaints alleging that an attestation is materially false or that wages were not paid in accordance with the attestation may be filed by any aggrieved party with the Wage and Hour Division (Administrator), of the Employment Standards Administration, DOL, according to the procedures set forth in subpart K of this part.

(i) Examples of violations that may be alleged in a complaint include:

(A) The employer failed to pay an F-1 student the prevailing wage for the occupation in the area of intended employment;

(B) The employer failed to pay the actual wage for the position(s) at the employer's place of business; or

(C) The employer's recruitment efforts demonstrated that qualified U.S. workers were available for the position(s) filled by F-1 students.

(ii) The Administrator shall review the allegations contained in the complaint to determine if there are reasonable grounds to conduct an investigation. If, after investigation, the Administrator finds a violation, the Administrator shall disqualify the employer (after notice and opportunity for a hearing) from employing F-1 students and shall so notify INS.

(2) Complaints alleging that an F-1 student is not maintaining the required academic standing or is working in excess of the authorized number of hours of employment per week shall be filed with the INS.

(e) *Termination of program.* The pilot F-1 student visa program of section 221 of the Immigration Act of 1990 expires on September 30, 1994, and the Department of Labor will not accept any further employer attestations after that date. 8 U.S.C. 1184 note. However, complaints and appeals arising out of actions occurring prior to September 30, 1994, will continue to be received, investigated, and processed under the

standards and procedures of subparts J and K of this part. Therefore, subparts J and K of this part remain in effect through the completion of such enforcement.

§ ____920 Definitions.

For the purposes of subparts I and K of this part:

Accepted for filing means that an attestation submitted by the employer or his designated agent or representative has been received and filed by the Employment and Training Administration of the Department of Labor.

Act means the Immigration Act of 1990, as amended.

Actual wage means the wage rate paid by the attesting employer to all similarly situated employees in the occupation at the worksite at the time of employment.

Administrative Law Judge means an official appointed pursuant to 5 U.S.C. 3105.

Administrator means the Administrator of the Wage and Hour Division, Employment Standards Administration, Department of Labor, or such authorized representatives as may be designated to perform any of the functions of the Administrator under subparts J and K of this part.

Area of intended employment means the geographic area within normal commuting distance of the place (address) of intended employment. If the place of intended employment is within a Metropolitan Statistical Area (MSA), any place within the MSA is deemed to be within normal commuting distance of the place of intended employment.

Attestation means a properly completed Form ETA-9034.

Attesting employer means any employer who has filed an attestation required by section 221 of the Act.

Attorney General means the chief official of the U.S. Department of Justice or the Attorney General's designee.

Chief Administrative Law Judge means the chief official of the Office of the Administrative Law Judges of the Department of Labor or the Chief Administrative Law Judge's designee.

Date of filing means the date an attestation is received by ETA as indicated by the date stamped on the attestation.

Department and *DOL* mean the United States Department of Labor.

Designated School Official (DSO) means the official of the educational institution who has authority to authorize off-campus employment of F-1 students pursuant to Immigration and

Naturalization Service regulations at 8 CFR parts 214 and 274a.

Educational institution means the educational institution at which an alien admitted to the United States as an F-1 student is enrolled in a full course of study.

Employer means a person, firm, corporation, or other association or organization, which suffers or permits a person to work; and

(1) Which has a location within the United States to which U.S. workers may be referred for employment, and which proposes to employ workers at a place within the United States; and

(2) Which has an employer-employee relationship with respect to employees under subparts J and K of this part, as indicated by the fact that it may hire, fire, supervise or otherwise control the work of any such employee.

Employment and Training Administration (ETA) means the agency within the Department which includes the United States Employment Service (USES).

Employment Standards Administration (ESA) means the agency within the Department which includes the Wage and Hour Division.

F-1 nonimmigrant student (F-1 student) means an alien who has an F-1 visa. See 8 U.S.C. 1101(A)(15)(F)(i). INS grants such a visa to an alien who has a residence in a foreign country which he/she has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who entered the United States temporarily and solely for the purpose of pursuing such a course of study at an established institution of learning or other recognized place of study in the United States, particularly designated by him/her and approved by the Attorney General after consultation with the Department of Education of the United States. For purposes of subparts J and K, the term "F-1 student" shall refer to F-1 student(s) who will be employed in off-campus employment unrelated to their field(s) of study.

Immigration and Naturalization Service (INS) means the component of the Department of Justice which administers the Department of Justice's principal functions under the Act.

INA means the Immigration and Nationality Act, as amended, 8 U.S.C. 1101 *et seq.*

Independent authoritative source means a professional, business, trade, educational or governmental association, organization, or other similar entity, not owned or controlled by the employer, which has a recognized expertise in the occupational field.

Independent authoritative source survey means a survey of wages conducted by an independent authoritative source and published in a book, newspaper, periodical, looseleaf service, newsletter, or other similar medium, within the 24-month period immediately preceding the filing of the employer's attestation and each succeeding annual prevailing wage update. Such survey shall:

(1) Reflect the average wage paid to workers similarly employed in the area of intended employment;

(2) Be based upon recently collected data—e.g., within the 24-month period immediately preceding the date of publication of the survey; and

(3) Represent the latest published prevailing wage finding by the authoritative source for the occupation in the area of intended employment.

Position means a single job opening in an occupation for which the attesting employer has recruited and either proposes to fill or has filled with an F-1 student.

Regional Certifying Officer means the official in the Employment and Training Administration in a Department of Labor regional office (or his/her designee) who is authorized to act on labor certifications and employment attestations on behalf of the Secretary of Labor.

Required wage rate means the rate of pay which is the higher of:

(1) The actual establishment wage rate for the occupation in which the F-1 student is to be (or is) employed; or

(2) The prevailing wage rate (adjusted on an annual basis) for the occupation in which the F-1 student is to be (or is) employed in the geographic area of intended employment.

Secretary means the Secretary of Labor or the Secretary's designee.

United States is defined at 8 U.S.C. 1101(a)(38).

United States (U.S.) worker means any U.S. citizen or alien who is legally permitted to work indefinitely within the United States.

§ 930 Addresses of Department of Labor regional offices.

Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont): One Congress Street 10th Floor, Boston, Massachusetts 02114-2021. Telephone: 617-565-4446.

Region II (New York, New Jersey, Puerto Rico, and the Virgin Islands): 201 Varick Street, room 755, New York, New York 10014. Telephone: 212-660-2185.

Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia): Post Office

Box 8796, Philadelphia, Pennsylvania 19101. Telephone: 215-596-6363.

Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee): 1371 Peachtree Street, NE., Atlanta, Georgia 30309. Telephone: 404-347-3938.

Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin): 230 South Dearborn Street, room 605, Chicago, Illinois 60604. Telephone: 312-353-1550.

Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas): 525 Griffin Street, room 314, Dallas, Texas 75202. Telephone: 214-767-4989.

Region VII (Iowa, Kansas, Missouri, and Nebraska): 911 Walnut Street, Kansas City, Missouri 64106. Telephone: 816-426-3796.

Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming): 1961 Stout Street, 16th Floor, Denver, Colorado 80294. Telephone: 303-844-4613.

Region IX (Arizona, California, Guam, Hawaii, and Nevada): 71 Stevenson Street, room 830, San Francisco, California 94119. Telephone: 415-744-6647.

Region X (Alaska, Idaho, Oregon, and Washington): 1111 Third Avenue, room 900, Seattle, Washington 98101. Telephone: 206-553-5297.

The telephone numbers set forth in this section are not toll-free.

§ 940 Employer attestations.

(a) *Who may submit attestations?* An employer (or the employer's designated agent or representative) seeking to employ F-1 student(s) for off-campus work shall submit an attestation on Form ETA-9034. The attestation shall be signed by the employer (or the employer's designated agent or representative). For this purpose, the employer's authorized agent or representative shall mean an official of the employer who has the legal authority to commit the employer to the terms and conditions of F-1 student attestations.

(b) *Where and when should attestations be submitted?* (1) Attestations shall be submitted, by U.S. mail, private carrier, or facsimile transmission, to the appropriate ETA Regional office, as defined in § 920 of this part, not later than 60 days after the employer's recruitment period (see paragraph (d) of this section) has ended and shall be accepted for filing, returned, or rejected by ETA in accordance with paragraph (f) of this section.

(2) Attestations shall also be submitted to the Designated School

Official (DSO) at each educational institution from which the employer seeks to hire any F-1 student(s). Attestations may be filed simultaneously with ETA and the DSO, or the employer may file the approved attestation with the DSO. However, in no case shall the employer file the attestation with the DSO before filing the attestation with ETA or in the absence of filing the attestation with ETA.

(3) If the attestation is submitted simultaneously with ETA and the DSO, and ETA does not receive its copy of the attestation, the Administrator, for purposes of enforcement proceedings under subpart K of this part, shall consider that the attestation was accepted for filing by ETA as of the date the attestation is received by the DSO.

(c) *What should be submitted?* (1) Form ETA-9034. One completed and dated original Form ETA-9034 (or a facsimile), containing the attestation elements referenced in paragraphs (d) and (e) of this section, and the original signature (or a facsimile of the original signature) of the employer (or the employer's authorized agent or representative) and one copy of Form ETA-9034 shall be submitted to ETA. Each attestation form shall identify the position(s) for which the attestation is provided, state the occupational division in which the position is located, by Dictionary of Occupational Titles (DOT) Two-Digit Occupational Divisions code, and shall state the rate(s) of pay for the position(s). The DOT Two-Digit Occupational Division code is required for DOL recordkeeping and reporting purposes only and should not be used by the employer to determine the prevailing wage, as it is too general for this purpose. (Copies of Form ETA-9034 are available at the addresses listed in § 930 of this part). When an employer has filed an attestation by facsimile transmission, the employer shall retain in its files the original of the attestation which contains the employer's original signature.

(2) The employer may file an attestation for a single position or for multiple positions in the same occupation, or in multiple occupations, provided that all positions are located within the same geographic area of intended employment.

(3) If the employer files the attestation simultaneously with ETA and the DSO, or files the attestation first with ETA and subsequently files with the DSO before an accepted copy is returned from ETA to the employer, the employer shall, within fifteen days of receipt of ETA's notification of acceptance of the attestation for filing, provide an exact

copy of the accepted attestation to the DSO at each educational institution from which the employer seeks to employ an F-1 student. The DSO shall notify ETA if the educational institution has not been provided with a copy of the attestation indicating that it was accepted for filing by ETA within 90 days from the date that the attestation was filed with the DSO.

(4) *Attestation Elements.* The attestation elements referenced in § 940 (d) and (e) of this section are mandated by Section 221(a)(2) of the Act (8 U.S.C. 1184 note). Section 221(a)(2) of the Act provides that one of the conditions for the Attorney General to grant F-1 students work authorization, as described in INA Section 101(a)(15)(F), to be employed off-campus in positions unrelated to their field of study, is that the employer provides the educational institution and the Secretary with an attestation that the employer:

(i) Has recruited for at least 60 days for the position; and

(ii) Will pay the F-1 student and all other similarly situated workers at a rate not less than the "required wage rate" (see § 920 of this part).

(d) *The first attestation element: 60-day recruitment.* An employer seeking to employ an F-1 student shall attest on Form ETA-9034 that it has recruited for at least 60 days for the position(s) and that a sufficient number of U.S. workers were not able, qualified, and available for the position(s).

(1) *Establishing the 60-day recruitment requirement.* (i) The first attestation element is demonstrated if the employer attests that:

(A) It has recruited unsuccessfully for U.S. workers for at least 60 days for the position prior to filing the attestation; and

(B) It will conduct at least 60 days of unsuccessful recruitment for U.S. workers for each position in which, and at each time at which (until September 30, 1994), an F-1 student is subsequently employed.

(ii) To satisfy paragraph (d)(1)(i)(A) of this section, the employer shall recruit for the position for 60 consecutive days by posting the job vacancy (or help wanted) notice at the worksite and by placing a job order with the State Employment Service agency (SESA) local office which services the worksite.

(iii) To satisfy paragraph (d)(1)(i)(B) of this section, the employer shall either:

(A) Recruit for each position vacancy in the manner required by paragraph (d)(1)(ii) of this section; or

(B) File an "open job order" with the SESA local office which services the worksite. The employer shall accept

referrals from the SESA local office on the "open job order".

(2) *Documenting the first attestation element.* In the event of an investigation, the employer shall have the burden of proving that it has complied with the elements described in paragraph (d)(1) of this section and attested to on ETA Form 9034. Documentation that is truthful, accurate and substantiates compliance as identified in Appendix A to this subpart shall be sufficient to meet the employer's burden of proof. The employer retains the right to meet its burden of proof in proving its attestation through other sufficient means.

(i) Documentation shall not be submitted to ETA or to the DSO with the attestation, but employers must be able to produce sufficient documentary evidence to substantiate the attestation in the event of an investigation. Such documentation shall be made available to DOL as described in §§ 900(b)(3) and 1000(c) of this part.

(ii) Because complaints may be filed and enforcement proceedings may be conducted during a considerable period after the recruitment, the employer should be able to produce such substantiating documentary evidence for a period of no less than 18 months after the close of the recruitment period or, in the event of an investigation, for the period of the enforcement proceeding under subpart K of this part.

(e) *The second attestation element: wages.* An employer seeking to employ F-1 students shall state on Form ETA-9034 that it will pay the F-1 student(s) and other similarly employed worker(s) the "required wage rate" as defined in § 920 of this part. For purposes of this paragraph "similarly employed" shall mean employees of the employer working in the same positions under like conditions, such as the same shift on the same days of the week. Neither the actual wage rate nor a prevailing wage determination for attestation purposes made pursuant to this section shall permit an employer to pay a wage lower than that required under any other Federal, State, or local law.

(1) *Establishing the wage requirement.* The second attestation element shall be satisfied when the employer signs Form ETA-9034, attesting that for the validity period of the attestation the "required wage rate" will be paid to the F-1 student(s) and other similarly situated workers; that is, that the wage will be no less than the actual wage rate paid to workers similarly employed at the worksite, or the prevailing wage (adjusted on an annual basis) for the occupation in the area of intended employment, whichever is higher. The

employer's obligation to pay the "required wage rate" for the position(s) named in the attestation shall continue throughout the validity period of the attestation; the employer's determination of the prevailing wage shall be updated annually, beginning with the date of the attestation. The prevailing wage rate for a position(s) named in the attestation, unless the subject of a Davis-Bacon Act or McNamara-O'Hara Service Contract Act wage determination described in paragraph (b)(4)(i) of appendix A of this subpart or a union contract as described in paragraph (b)(4)(ii) of appendix A of this subpart, shall be: the average rate of wages paid to workers similarly employed in the area of intended employment. Since it is not always feasible to determine such an average rate of wages with exact precision, the wage set forth in the application shall be considered as meeting the prevailing wage standard if it is within 5 percent of the average rate of wages. For purposes of this section, "similarly employed" means having substantially comparable jobs in the occupational category in the area of intended employment, except that if no such workers are employed by employers other than the employer applicant in the area of intended employment "similarly employed" shall mean:

(i) Having jobs requiring a substantially similar level of skills within the area of intended employment; or

(ii) If there are no substantially comparable jobs in the area of intended employment, having substantially comparable jobs with employers outside of the area of intended employment.

(2) *Documentation of the second attestation element.* In the event of a complaint and investigation, the employer shall have the burden of proving the validity of and compliance with the attestation element referenced in paragraph (e)(1) of this section and attested to on ETA Form 9034. Documentation that the Department finds to be truthful, accurate and substantiates compliance as identified in appendix A of this subpart should be sufficient to meet the employer's burden of proof. The employer retains the right to meet its burden of proof in proving its attestation through other sufficient means.

(i) Documentation shall not be submitted to ETA or to the DSO with the attestation, but the employer must substantiate its attestation with appropriate documentation in the event of an investigation. Such documentation shall be made available to DOL as

described in §§ ____ .900(b)(3) and ____ .1000(c) of this part.

(ii) Because complaints may be filed and enforcement proceedings may be conducted during a considerable period after the determination the employer should be able to produce documentation substantiating its attestation for a period of no less than 18 months after the determination or update, or in the event of an investigation, for the period of the enforcement proceedings under subpart K of this part.

(f) *Actions on attestations submitted for filing.* Upon receipt of an attestation pursuant to this subpart, the Regional Certifying Officer shall determine whether the attestation is properly completed and whether there is cause to return the attestation to the employer as unacceptable.

(1) *Acceptable Attestations.* (i) Where all items on Form ETA-9034 have been completed and the attestation contains the signature of the employer or its authorized representative, the Regional Certifying Officer, except as provided in paragraph (f)(2)(ii) of this section, shall accept the attestation for filing. The Regional Certifying Officer shall return a copy of the accepted attestation to the employer or the employer's designated agent or representative, with ETA's acceptance indicated thereon. An attestation which is properly filled out in accordance with this section shall be deemed accepted for filing as of the date it is received by ETA as indicated by the date stamped thereon.

(ii) The employer shall file a copy of the accepted attestation with the DSO at the educational institution pursuant to § ____ .940(c)(3) of this part.

(2) *Unacceptable Attestations.* ETA shall not accept an attestation for filing and shall return such attestation as unaccepted to the employer or the employer's designated agent or representative, when any one of the following conditions exists:

(i) Form ETA-9034 is not properly completed. Examples of Form ETA-9034 which is not properly completed include: instances where the employer has failed to complete all of the necessary items; or where the employer has failed to identify the position(s) or state the rate(s) of pay; or where the attestation does not contain the original signature (or facsimile of the signature when the attestation is submitted by facsimile transmission) of the employer or its authorized representative.

(ii) The Administrator, Wage and Hour Division, after notice and opportunity for a hearing pursuant to subpart K of this part, has notified ETA

in writing that the employer has been disqualified from employing F-1 students under Section 221 of the Immigration Act.

(3) If the attestation is not accepted for filing pursuant to paragraph (f)(2)(i) of this section, ETA shall return it to the employer or the employer's agent or representative with written and dated notification of the reason(s) that the attestation is unacceptable. If the employer does not complete and return the attestation within 15 days of the date of such notification (as stated in paragraph (f)(4) of this section), ETA shall invalidate the attestation and shall notify the Attorney General of such invalidation. The Attorney General may then use such notification in its enforcement responsibilities. Employers shall not employ F-1 students without a valid attestation.

(4) *Resubmission.* When the attestation is determined to be unacceptable and is returned to the employer for completion pursuant to paragraph (f)(2)(i) of this section, the employer may resubmit the attestation. The employer shall resubmit the attestation within 15 days of the date of nonacceptance to avoid the invalidation of its attestation and ETA's notice to the Attorney General. Upon resubmission, if the attestation is determined to be acceptable pursuant to paragraph (f)(1) of this section, the Regional Certifying Officer shall accept the attestation for filing as of the original date of receipt by ETA, and shall return a copy of the attestation to the employer with ETA's acceptance indicated thereon.

(g) *Challenges to Attestations.* (1) ETA will not consider, prior to the acceptance or return of the attestation, information contesting an attestation received by ETA. Such information shall not be made part of ETA's administrative record on the attestation, but shall be referred to the Administrator to be processed as a complaint pursuant to subpart K of this part, and, if such attestation is accepted for filing by ETA, the complaint shall be handled by ESA under subpart K of this part.

(2) DOL is not the guarantor of the accuracy, truthfulness or adequacy of an attestation accepted for filing pursuant to this subpart.

(h) *Effective date and validity of filed attestations.* (1) A properly completed attestation accepted pursuant to paragraph (f)(1) of this section shall be deemed accepted for filing as of the date it is received and date stamped by the Regional Certifying Officer and shall be valid for the duration of the F-1 student work authorization program which

expires on September 30, 1994, unless withdrawn pursuant to paragraph (i) of this section or invalidated pursuant to paragraph (j) of this section or subpart K of this part.

(2) During the validity period of an attestation which has been accepted for filing as described in paragraph (f)(1) of this section, the attesting employer may hire, during the 90-day period following the last day of its 60-day recruitment period, or at any time if the employer has placed an "open job order" with the SESA as part of their recruitment effort, F-1 students as needed from as many educational institutions as it deems necessary to fill the positions described in the attestation, at the location(s) specified in the attestation, and at the "required wage rate." The employer shall provide a copy of the accepted attestation to the DSO at each educational institution from which it hires any F-1 student(s).

(3) The DSO may grant work authorization for an F-1 student to be employed by a particular attesting employer for the duration of the F-1 student's course of study or until September 30, 1994, whichever period is shorter, provided the F-1 student continues to be employed by the attesting employer and is otherwise eligible for F-1 student work authorization as determined by the Attorney General.

(i) *Withdrawal of accepted attestations.* (1) An employer who has submitted an attestation which has been accepted for filing may withdraw such attestation at any time before the expiration of the validity period of the attestation, unless the Administrator has found reasonable cause to commence an investigation of the attestation under subpart K of this part. Requests for such withdrawals shall be in writing and shall be directed to the Regional Certifying Officer with whom the attestation was filed.

(2) Upon the Regional Certifying Officer's receipt of an employer's written request to withdraw an attestation, it shall be the employer's responsibility to promptly notify the DSO at each school where F-1 students it employs are enrolled.

(3) Withdrawal of an attestation shall not affect an employer's liability with respect to any failure to meet the conditions attested to which took place before the withdrawal, or for material misrepresentations in an attestation. However, if an employer has not yet employed any F-1 student(s) pursuant to the attestation, the Administrator shall not find reasonable cause to investigate unless it is alleged, and there is reasonable cause to believe, that the

employer has made material misrepresentations in the attestation.

(j) *Invalidation of filed attestation.* Invalidation of an attestation may result from enforcement action(s) by the Administrator, Wage and Hour Division, under subpart K of this part (*i.e.*, investigation(s) conducted by the Administrator regarding the employer's material misrepresentation of an attestation element or failure to pay wages in accordance with attestation). Invalidation of an attestation may also result where ETA determines that the attestation is unacceptable and the employer fails to resubmit the attestation to ETA within 15 days.

(1) *Result of Wage and Hour Division action.* Upon a determination of a violation under subpart K of this part, the Administrator shall notify ETA and shall notify the Attorney General of the violation and of the Administrator's notice to ETA.

(2) *Result of ETA action.* If, after accepting an attestation for filing, ETA finds that it is unacceptable because it falls within one of the categories set forth at paragraph (f)(2)(i) of this section, ETA shall return the attestation to the employer for correction and resubmission within 15 days. If the employer fails to resubmit the attestation within 15 days of the date of the notification, ETA shall invalidate the attestation. ETA shall notify the Attorney General of such invalidation. Where the attestation has been invalidated, ETA shall return a copy of the attestation form to the employer, or the employer's agent or representative, and shall notify the employer in writing of the reason(s) that the attestation is invalidated. When an attestation is invalidated pursuant to paragraph (f)(2)(ii) of this section, ETA shall invalidate all attestations filed by the employer. Such action shall be the final decision of the Secretary of Labor and is not subject to appeal.

(k) *Employers subject to disqualification.* No attestation shall be accepted for filing from an employer which has been found to be disqualified from participation in the F-1 student work authorization program as determined in a final agency action following an investigation by the Administrator pursuant to subpart K of this part. (Approved by the Office of Management and Budget under Control No. 1205-0315)

§ 950 Public access.

(a) *Public examination at ETA.* ETA shall compile and maintain a list of employers who filed attestations specifying the occupation(s), geographical location, and wage rate(s)

attested to. The list shall be available for public inspection at the ETA office at which the attestation was filed and such list shall be updated monthly.

(b) *Notice to Public.* ETA shall publish semiannually a list in the **Federal Register** of employers which have been disqualified from participating in the F-1 student work authorization program pursuant to § 940(k) of this part.

Appendix A to Subpart J: Documentation in Support of Attestations Made by Employers

This appendix sets forth the documentation that the Department of Labor considers to be sufficient to satisfy the employer's burden of proof regarding substantiated attestations made on Form ETA-9034, pursuant to subpart J of this part, provided the documentation is found to be truthful, accurate, and substantiates compliance. The employer retains the right to meet its burden of proof in proving its attestations through other sufficient means. The employer's failure to substantiate its attestation in the event of an investigation shall be found to be a violation.

(a) *Documenting the first attestation element.* The employer shall have the burden of proving that it has complied with the recruitment requirements described in regulations at § 940(d)(1) of this part and attested to on ETA Form-9034. The employer's failure to satisfy the burden of proof through the production of adequate documentation shall be found to be a violation.

(1) Documentation shall not be submitted to ETA or to the DSO with the attestation, but shall be made available to DOL as described in §§ 900(b)(3) and 1000(c) of this part. To be effective in satisfying the burden of proof, the documentation should be contemporaneous with the recruitment, not created after the fact and particularly not after the commencement of an investigation under subpart K of this part.

(2) Because complaints may be filed and enforcement proceedings may be conducted during a considerable period after the recruitment, the employer should maintain the documentation for a period of no less than 18 months after the close of the recruitment period or, in the event of an investigation, for the period of the enforcement proceeding under subpart K of this part.

(3) The employer should be able to produce the following documentation:

(i) Evidence that a job order for the position was on file with the SESA local office within the area of intended employment for at least 60 consecutive

days. Such evidence of a job order should include the employer's contemporaneous written statement setting forth the name and address of the SESA office with which the job order was placed; the name of the SESA employee with whom the job order was placed; the date on which the order was placed; and the dates on which the job order was on file with the SESA office.

(ii) Evidence that a vacancy notice announcing the position was posted for 60 consecutive days at the worksite. Evidence should include a copy of the notice that was posted at the worksite, the dates when the notice was posted, and a description of the specific location at the worksite at which the notice was posted.

(iii) Evidence that a job order for the position was continuously on file and "open" with the SESA local office within the area of intended employment, throughout the validity period of the attestation. Such evidence should include the employer's contemporaneous written statement setting forth the name and address of the SESA office with which the job order was placed; the name of the SESA employee with whom the job order was placed; the date on which the order was placed; and the dates on which the job order was on file with the SESA office.

(iv) Evidence that the employer was unsuccessful in recruiting a sufficient number of U.S. workers who are able, qualified, and available for the position(s) through the SESA job order and the worksite posting notice. Such evidence should include a contemporaneous written summary of the results of recruitment for each position for which an attestation was filed by the employer. Such summary should include:

(A) The number of job openings in each occupation included in the occupation;

(B) The number of U.S. workers and F-1 students that applied for each position;

(C) The number of U.S. workers that were hired;

(D) The number of F-1 students that were hired;

(E) The number of U.S. workers that were not hired; and

(F) The lawful job-related reason(s) for which each U.S. worker was not hired. An example of a job-related reason for which a U.S. worker can be rejected for a job opportunity is that the U.S. worker does not have the training and experience required for the position.

(4) *Investigations.* In the event that an investigation is conducted pursuant to regulations at subpart K of this part, concerning whether the employer failed

to satisfy its recruitment requirement, in that it failed to conduct recruitment or to hire qualified U.S. worker(s) for a position for which an F-1 student(s) was hired, the Administrator shall determine whether the employer has produced documentation sufficient to prove the employer's compliance with the attestation requirements.

(i) Where the focus of the investigation is upon whether recruitment was conducted, the employer shall have satisfied its burden of proof if the documentation described in paragraphs (a)(3)(i), (ii), and (iii) of this appendix is produced, provided the documentation is found to be truthful, accurate and substantiates compliance.

(ii) Where the focus of the investigation is upon whether the employer's recruitment of U.S. workers was unsuccessful because the employer declined to hire U.S. worker(s) without lawful reason(s) for such action, the employer shall have satisfied the burden of proof if the documentation described in paragraph (a)(3)(iv) of this appendix is produced, provided that the Administrator has no significant evidence which reasonably shows that the employer's recruitment or hiring was deficient. In determining whether the employer has demonstrated that U.S. workers were rejected for lawful job-related reasons, the Administrator may contact ETA which shall provide the Administrator with advice as to whether U.S. workers were properly rejected.

(b) *Documentation of the second attestation element.* The employer shall have the burden of proving the validity of and compliance with the attestation element referenced in § 940(e) of this part and attested to on Form ETA-9034.

(1) The employer shall be prepared to produce documentation sufficient to satisfy this requirement. Documentation shall not be submitted to ETA or to the DSO with the attestation, but shall be made available to DOL as described in §§ 900(b)(3) and § 1000(c) of this part. The documentation specified in paragraphs (b)(4) and (5) of this appendix will be sufficient to satisfy the employer's burden of proof, provided the documentation is found to be truthful, accurate and substantiates compliance upon investigation. The employer's failure to satisfy the burden of proof through the production of adequate documentation shall be found to be a violation.

(2) To be effective in satisfying the employer's burden of proof regarding the determination of the prevailing wage, the employer's documentation should be contemporaneous with the determination or the annual update of

the prevailing wage, not created after the fact and particularly not after the commencement of an investigation under subpart K of this part.

(3) Because complaints may be filed and enforcement proceedings may be conducted during a considerable period after the determination or the annual update, the employer should be prepared to produce documentation for a period of no less than 18 months after the determination or update, or in the event of an investigation, for the period of the enforcement proceedings under subpart K of this part.

(4) Documentation described in paragraphs (b)(1) through (3) of this appendix should consist of the following:

(i) If the position is in an occupation which is the subject of a wage determination in the area under the provisions of the Davis-Bacon Act, 40 U.S.C. 276a *et seq.*, (see 29 CFR part 1) or the McNamara-O'Hara Service Contract Act, 41 U.S.C. 351 *et seq.*, (see 29 CFR part 4), an excerpt from the wage determination showing the wage rate for the occupation in the area of intended employment; or

(ii) If the position is covered by a union contract which was negotiated at arms-length between a union and the employer, an excerpt from the union contract showing the wage rate(s) for the occupation(s) set forth in the union contract.

(iii) If position is not covered by the provisions of paragraphs (b)(4)(i) or (ii) of this appendix, the employers' documentation shall consist of:

(A) A prevailing wage finding from the SESA for the occupation within the area of employment; or

(B) A prevailing wage survey for the occupation in the area of intended employment published by an independent authoritative source as defined in § 920 of this part. For purposes of this paragraph (b)(4)(iii)(B) "prevailing wage survey" means a survey of wages published in a book, newspaper, periodical, looseleaf service, newsletter, or other similar medium, within the 24-month period immediately preceding the filing of the employer's attestation and each succeeding annual prevailing wage update. Such survey shall:

(1) Reflect the average wage paid to workers similarly employed in the area of intended employment;

(2) Be based upon recently collected data, *e.g.*, within the 24-month period immediately preceding the date of publication of the survey; and

(3) Represent the latest published prevailing wage finding by the

authoritative source for the occupation in the area of intended employment.

(5) The employer should be prepared to produce documentation to prove the payment of the required wage, including payroll records, commencing on the date on which the employer first employs the F-1 student, showing the wages paid to employees in the occupation(s) named in the attestation at the worksite. Such payroll records maintained in accordance with regulations under the Fair Labor Standards Act (see 29 CFR part 516) would include for each employee in the occupation:

- (i) The rate(s) of pay, including shift differentials, if any;
- (ii) The employee's earnings per pay period;
- (iii) The number of hours worked per week by the employee; and
- (iv) The amount of and reasons for any and all deductions made from the employee's wages.

(6) *Investigations.* In the event that an investigation is conducted pursuant to subpart K of this part, concerning whether the employer made a material misrepresentation regarding the required wage or failed to pay the required wage, the Administrator shall determine whether the employer has produced documentation sufficient to satisfy the burden of proof.

(i) The employer's documentation of the prevailing wage determination shall be found to be sufficient where the determination is pursuant to the Davis-Bacon Act or Service Contract Act wage determination or a SESA determination.

(ii) Where the employer's prevailing wage determination is based on a survey by an independent authoritative source, the Administrator shall consider the employer's documentation to be sufficient, provided that it satisfies the standards for independent authoritative source surveys and is properly applied, and provided further that the Administrator has no significant evidence which reasonably shows that the prevailing wage finding obtained by the employer from an independent authoritative source varies substantially from the wage prevailing for the occupation in the area of intended employment. In the event such significant evidence shows a substantial variance, the Administrator may contact ETA, which shall provide the Administrator with a prevailing wage determination, which the Administrator shall use as the basis for the determination as to violations. ETA may consult with the appropriate SESA to ascertain the prevailing wage applicable to the occupation under investigation. (Approved by the Office of Management

and Budget under Control No. 1205-0315)

Subpart K—Enforcement of the Attestation Process for Attestations Filed by Employers Utilizing F-1 Students in Off-Campus Work

§ ____1000 Enforcement authority of Administrator, Wage and Hour Division.

(a) The Administrator shall perform all the Secretary's investigative and enforcement functions under section 221 of the Act and subparts J and K of this part.

(b) The Administrator shall conduct such investigations as may be appropriate and, in connection therewith, enter and inspect such places and such records (and make transcriptions or copies thereof), question such persons and gather such information as deemed necessary to determine compliance with section 221(a) of the Act and subparts J and K of this part.

(c) An employer being investigated pursuant to this subpart shall have the burden of proof as to compliance with section 221(a) of the Act and the validity of its attestation, and in this regard shall make available to the Administrator such records, information, persons, and places as the Administrator deems appropriate to copy, transcribe, question, or inspect. No employer subject to the provisions of section 221 of the Act and subparts J and K of this part shall interfere with any official of the Department of Labor performing an investigation, inspection or law enforcement function pursuant to section 221 of the Act or subpart J or K of this part. Any such interference shall be a violation of the attestation and subparts J and K of this part, and the Administrator may take such further actions as the Administrator deems appropriate.

Note: Federal criminal statutes prohibit certain interference with a Federal officer in the performance of official duties. 18 U.S.C. 111 and 18 U.S.C. 1114.

(d) An employer subject to subparts J and K of this part shall at all times cooperate in administrative and enforcement proceedings. No employer shall intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against any person because such person has:

- (1) Filed a complaint or appeal under or related to section 221 of the Act or subparts J or K of this part;
- (2) Testified or is about to testify in any proceeding under or related to section 221 of the Act or subpart J or K of this part;

(3) Exercised or asserted on behalf of himself or herself or others any right or protection afforded by section 221 of the Act or subpart J or K of this part.

(4) Consulted with an employee of a legal assistance program or an attorney on matters related to section 221 of the Act or to subpart J or K of this part or any other DOL regulation promulgated pursuant to section 221 of the Act. In the event of any intimidation or restraint as described in this section, the conduct shall be a violation of the attestation and these regulations, and the Administrator may take such further actions as the Administrator considers appropriate.

(e) The Administrator shall, to the extent possible under existing law, protect the confidentiality of any person, including any complainant, who provides information to the Department in confidence during the course of an investigation or otherwise under subpart J or K of this part.

§ ____1005 Complaints and Investigative procedures.

(a) The Administrator, through an investigation, shall determine whether an employer of F-1 students has:

(1) Provided an attestation which is materially false

Note: Federal criminal statutes provide penalties of up to \$10,000 and/or imprisonment of up to 5 years for knowing and willful submission of false statements to the Federal Government. 18 U.S.C. 1001; see also 18 U.S.C. 1546.

(2) Failed to pay the appropriate wage rate as required under § ____940(e) of this part; or

(3) Failed to comply with the provisions of subpart J or K of this part.

(b) Any aggrieved person or organization may file a complaint alleging a violation of the provisions of subpart J or K of this part. No particular form is required, except that the complaint shall be written or, if oral, shall be reduced to writing by the Wage and Hour Division official who receives the complaint. The complaint shall set forth sufficient facts for the Administrator to determine whether there is reasonable cause to believe that a particular part or parts of the attestation or regulations may have been violated. The complaint may be submitted to any local Wage and Hour Division office, the addresses of which can be found in local telephone directories. The office or person receiving such a complaint shall refer it to the office of the Wage and Hour Division administering the area in which the reported violation is alleged to have occurred.

(c) The Administrator shall determine whether there is reasonable cause to believe that a complaint warrants investigation. If it is determined that a complaint fails to present reasonable cause, the Administrator shall so notify the complainant, who may submit a new complaint with such additional information as may be available. If the Administrator determines that reasonable cause exists, an investigation will be conducted.

(d) In the event that the Administrator, after an investigation, determines that the employer has committed any violation(s) described in paragraph (a) of this section, the Administrator shall issue a written determination to the employer in accordance with § _____.1015 of this part and an opportunity for a hearing shall be afforded in accordance with the procedures specified in § _____.1020 of this part.

§ _____.1010 Remedies.

Where the Administrator, after notice and opportunity for a hearing, determines that an employer has committed a violation identified in § _____.1005(a) of this part, the employer shall be disqualified from employing F-1 student(s) under section 221 of the Act. The Administrator shall so notify the Attorney General and ETA pursuant to § _____.1055 of this part. Upon receipt of the Administrator's notice, the Attorney General and ETA shall take the action specified in § _____.1055 of this part, *i.e.*, cancel any existing attestation(s) or work authorizations, and shall not accept future attestation(s) or grant new work authorization(s) with respect to that employer.

§ _____.1015 Written notice and service of Administrator's determination.

(a) The Administrator's written determination, issued pursuant to §§ _____.1005 and _____.1010 of this part, shall be served on the employer by personal service or by certified mail at the address of the employer or the employer's agent shown on the attestation. Where service by certified mail is not accepted by the employer, the Administrator may exercise discretion to serve the determination by regular mail.

(b) The Administrator's written determination, issued pursuant to §§ _____.1005 and _____.1010 of this part, shall:

(1) Set forth the Administrator's determination of the violation(s) and the Administrator's reason or reasons therefor.

(2) Inform the employer that it may request a hearing pursuant to § _____.1020 of this part.

(3) Inform the employer that in the absence of a timely request for a hearing, received by the Chief Administrative Law Judge within 15 calendar days of the date of the determination, the determination of the Administrator shall become final and not appealable.

(4) Set forth the procedure for requesting a hearing, and give the addresses of the Chief Administrative Law Judge (with whom the request must be filed) and the representative of the Solicitor of Labor (who must be served with a copy of the request).

(5) Inform the employer that, if no timely request for a hearing is filed pursuant to § _____.1020 of this part, the employer shall be disqualified from employing F-1 students, effective upon the expiration of the period for filing a request for a hearing. In such event, the Administrator shall, pursuant to § _____.1055 of this part, notify ETA and the Attorney General of the occurrence of a violation by the employer, and that the employer has been disqualified from employing F-1 students.

§ _____.1020 Request for hearing.

(a) An employer desiring to request an administrative hearing on a determination issued pursuant to § _____.1015 of this part shall make such request in writing to the Chief Administrative Law Judge at the address stated in the notice of determination. Copies of the request shall be served upon the Wage and Hour Division official who issued the notice of determination and upon the representative of the Solicitor of Labor identified in the notice of determination.

(b) No particular form is prescribed for any request for hearing permitted by this section. However, any such request shall:

(1) Be dated;

(2) Be typewritten or legibly written;

(3) Specify the issue or issues stated in the notice of determination giving rise to such request;

(4) State the specific reason or reasons why the employer believes such determination is in error;

(5) Be signed by the employer making the request or by an authorized representative of the employer; and

(6) Include the address at which the employer or authorized representative desires to receive further communications relating thereto.

(c) The request for such hearing must be received by the Chief Administrative Law Judge, at the address stated in the Administrator's notice of determination,

no later than 15 calendar days after the date of the determination.

(d) The request may be filed in person, by facsimile transmission, by certified or regular mail, or by courier service. For the requesting party's protection, if the request is by mail, it should be by certified mail. If the request is by facsimile transmission, the original of the request, signed by the employer or authorized representative, shall be filed within ten days thereafter.

(e) A copy of the request for a hearing shall be sent by the requestor to the Administrator at the address shown on the Administrator's notice of determination.

§ _____.1025 Rules of practice for administrative law judge proceedings.

(a) Except as specifically provided in this subpart, and to the extent they do not conflict with the provisions of this subpart, the "Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges" established by the Secretary at 29 CFR part 18 shall apply to administrative proceedings under this

(b) As provided in the Administrative Procedure Act, 5 U.S.C. 556, any oral or documentary evidence may be received in proceedings under this part. The Federal Rules of Evidence and subpart B of the Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges (29 CFR part 18, subpart B) shall not apply, but principles designed to ensure production of relevant and probative evidence shall guide the admission of evidence. The administrative law judge may exclude evidence which is immaterial, irrelevant, or unduly repetitive.

§ _____.1030 Service and computation of time.

(a) Under this subpart, a party may serve any pleading or document by regular mail. Service on a party is complete upon mailing to the last known address. No additional time for filing or response is authorized where service is by mail. In the interest of expeditious proceedings, the administrative law judge may direct the parties to serve pleadings or documents by a method other than regular mail.

(b) Two (2) copies of all pleadings and other documents in any administrative law judge proceeding shall be served on the attorneys for the Administrator. One copy shall be served on the Associate Solicitor, Division of Fair Labor Standards, Office of the Solicitor, U.S. Department of Labor, 200 Constitution Avenue NW., room N-2716, Washington,

DC 20210, and one copy on the attorney representing the Administrator in the proceeding.

(c) Time under this subpart shall be computed beginning with the day following the action and includes the last day of the period unless it is a Saturday, Sunday, or federally-observed holiday, in which case the time period includes the next business day.

§ ____ .1035 Administrative law judge proceedings.

(a) Upon receipt of a timely request for a hearing filed pursuant to and in accordance with § ____ .1020 of this part, the Chief Administrative Law Judge shall promptly appoint an administrative law judge to hear the case.

(b) The date of the hearing shall be not more than 60 calendar days from the date of the Chief Administrative Law Judge's receipt of the request for hearing.

(c) The administrative law judge may prescribe a schedule by which the parties are permitted to file a prehearing brief or other written statement of fact or law. Any such brief or statement shall be served upon each other party in accordance with § ____ .1030 of this part. Posthearing briefs shall not be permitted except at the request of the administrative law judge. When permitted, any such brief shall be limited to the issue or issues specified by the administrative law judge, shall be due within the time prescribed by the administrative law judge, and shall be served in accordance with § ____ .1030 of this part.

(d) Amicus curiae participation or intervention by interested parties may be permitted by the administrative law judge in his/her discretion pursuant to 29 CFR 18.10. If such participation is granted, the amicus curiae and/or intervenor shall serve all documents and be served by the parties in accordance with § ____ .1030 of this part. In no event, however, shall such participation be permitted to delay the proceedings beyond the deadline specified in paragraphs (b) and (c) of this section.

§ ____ .1040 Decision and order of administrative law judge.

(a) Within 90 calendar days after receipt of the transcript of the hearing, the administrative law judge shall issue a decision.

(b) The decision of the administrative law judge shall include a statement of findings and conclusions, with reasons and basis therefore, upon each material issue presented on the record. The decision shall also include an appropriate order which may affirm,

deny, reverse, or modify, in whole or in part, the determination of the Administrator; the reason or reasons for such order shall be stated in the decision.

(c) The administrative law judge, in accordance with § ____ .940 (d) and (e) of this part, shall impose upon the employer the burden of proving the validity of and compliance with the attestation.

(d) If the administrative law judge finds that the employer has failed to pay the required wage rate or has provided an attestation which is materially false, the judge shall order that the employer be disqualified from employing F-1 students.

(e) In the event that the Administrator's determination(s) of wage violation(s) is based upon a wage determination obtained by the Administrator from ETA during the investigation (paragraph (b)(6) of Appendix A of subpart J of this part), the administrative law judge shall not determine the prevailing wage rate *de novo*, but shall, based on the evidence (including the ETA administrative record), either accept the wage determination or vacate the wage determination. If the wage determination is vacated, the administrative law judge shall remand the case to the Administrator, who may then refer the matter to ETA and, upon the issuance of a new wage determination by ETA, resubmit the case to the administrative law judge. Under no circumstances shall source data obtained in confidence by ETA, or the names of establishments contacted by ETA, be submitted into evidence or otherwise disclosed.

(f) The administrative law judge shall not render determinations as to the legality of a regulatory provision or the constitutionality of a statutory provision.

(g) The decision shall be served on all parties in person or by certified or regular mail.

§ ____ .1045 Secretary's review of administrative law judge's decision.

(a) Any party desiring review of the decision and order of an administrative law judge shall petition the Secretary to review the decision and order. To be effective, such petition must be received by the Secretary within 30 calendar days of the date of the decision and order. Copies of the petition shall be served on all parties and the administrative law judge.

(b) No particular form is prescribed for any petition for the Secretary's review permitted by this subpart. However, any such petition shall:

(1) Be dated;

(2) Be typewritten or legibly written;

(3) Specify the issue or issues stated in the administrative law judge decision and order giving rise to such petition;

(4) State the specific reason or reasons why the party petitioning for review believes such decision and order are in error;

(5) Be signed by the party filing the petition or by an authorized representative of such party;

(6) Include the address at which such party or authorized representative desires to receive further communications relating thereto; and

(7) Attach copies of the administrative law judge's decision and order, and any other record documents which would assist the Secretary in determining whether review is warranted.

(c) Whenever the Secretary determines to review the decision and order of an administrative law judge, a notice of the Secretary's determination shall be served upon the administrative law judge and all parties within 30 calendar days after the Secretary's receipt of the petition for review.

(d) Upon receipt of the Secretary's notice, the Office of Administrative Law Judges shall within 15 calendar days forward the complete hearing record to the Secretary.

(e) The Secretary's notice may specify:

(1) The issue or issues to be reviewed;

(2) The form in which submissions shall be made by the parties (*e.g.*, briefs);

(3) The time within which such submissions shall be made.

(f) All documents submitted to the Secretary shall be filed with the Secretary of Labor, U.S. Department of Labor, Washington, DC 20210, Attention: Executive Director, Office of Administrative Appeals, room S-4309. An original and two copies of all documents shall be filed. Documents are not deemed filed with the Secretary until actually received by the Secretary. All documents, including documents filed by mail, must be received by the Secretary either on or before the due date.

(g) Copies of all documents filed with the Secretary shall be served upon all other parties involved in the proceeding. Service upon the Administrator shall be in accordance with § ____ .1030(b) of this part.

(h) The Secretary's final decision shall be issued within 180 calendar days from the date of the notice of intent to review. The Secretary's decision shall be served upon all parties and the administrative law judge.

(i) Upon issuance of the Secretary's decision, the Secretary shall transmit the entire record to the Chief Administrative Law Judge for custody pursuant to § ____1050 of this part.

§ ____1050 **Administrative record.**

The official record of every completed administrative hearing procedure provided by subpart K of this part shall be maintained and filed under the custody and control of the Chief Administrative Law Judge. Upon receipt of a complaint seeking review of the final agency action in a United States District Court, the Chief Administrative Law Judge shall certify the official record and shall transmit such record to the clerk of the court.

§ ____1055 **Notice to the Employment and Training Administration (ETA) and the Attorney General (AG).**

(a) The Administrator shall notify the Attorney General and ETA of the final determination of a violation by an employer, and of the disqualification of the employer from employing F-1 students, upon the earliest of the following events:

(1) When the Administrator issues a written determination that the employer has committed a violation, and no timely request for hearing is made by the employer pursuant to § ____1020 of this part; or

(2) When, after a hearing on a timely request pursuant to § ____1020 of this part, the administrative law judge issues a decision and order finding a violation by the employer; or

(3) When, although the administrative law judge found that there was no violation by the employer, the Secretary, upon subsequent review upon a timely request pursuant to § ____1045 of this part, issues a decision finding that a violation was committed by the employer.

(b) The Attorney General, upon receipt of notification from the Administrator pursuant to paragraph (a) of this section, shall take appropriate action to cancel work authorization to F-1 students for employment with that employer, and to prevent issuance of new work authorization with respect to that employer.

(1) The Administrator's notice to the Attorney General shall, to the extent known from the investigation, specify the school(s) which issued work authorization for the F-1 students who were employed by the employer. The Attorney General shall inform the appropriate authority at each of the specified school(s) that any work authorization(s) issued for F-1 student(s) to be employed by that

employer shall immediately be revoked, and that no new work authorization shall be issued for employment of F-1 student(s) by that employer. The Attorney General shall, in addition, take any other appropriate action to effectuate the disqualification of that employer through revocation of work authorization(s) at any other school(s) that may authorize employment with the disqualified employer.

(2) A copy of the Administrator's notice to the Attorney General may also be sent by the Administrator to each school identified in the notice as a school from which F-1 students have been employed by the disqualified employer. Such copy of the Administrator's notice, upon receipt by the school, shall constitute sufficient notice for the DSO to revoke work authorization(s) and to refuse to issue new work authorization(s) for employment of F-1 students by that employer. Any school which issued or may issue work authorization(s) for employment of any F-1 student(s) by the employer, but which was not known by the Administrator to have done so, or notified by copy of the Administrator's decision, shall comply with any instructions from the Attorney General regarding revocation and nonissuance of work authorization for employment of any F-1 student(s) by the employer. In addition, any school (whether or not it received a copy of the Administrator's notice to the Attorney General regarding the employer) shall revoke F-1 work authorization(s) and refuse to issue new F-1 work authorization(s) for any employer which is identified as a disqualified employer on the list published periodically in the **Federal Register** by ETA.

(3) Continued or new employment of any F-1 student by the employer shall constitute a violation of the INA's employer sanctions provisions, irrespective of whether the F-1 student's work authorization has been formally revoked by the DSO or INS.

(c) ETA, upon receipt of the Administrator's notice pursuant to paragraph (a) of this section, shall cancel any F-1 attestation filed by the employer under subpart J of this part, shall not accept for filing any attestation submitted by the employer, and shall so notify the employer.

§ ____1060 **Non-applicability of the Equal Access to Justice Act.**

A proceeding under subpart K of this part is not subject to the Equal Access to Justice Act, as amended, 5 U.S.C. 504. In such a proceeding, the administrative law judge shall have no authority to award attorney fees and/or other

litigation expenses pursuant to the provisions of the Equal Access to Justice Act.

Adoption of the Interim Final Rule

The agency-specific adoption of the joint rule, which appears at the end of the common preamble, appears below:

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER V—EMPLOYMENT AND TRAINING ADMINISTRATION, DEPARTMENT OF LABOR

Accordingly, part 655 of Chapter V of Title 20, Code of Federal Regulations, is amended as follows:

PART 655—TEMPORARY EMPLOYMENT OF ALIENS IN THE UNITED STATES

1. The authority citation for part 655 is revised to read as follows:

Authority: Section 655.0 issued under 8 U.S.C. 1101(a)(15)(H) (i) and (ii), 1182 (m) and (n), 1184, 1188, and 1288(c); 29 U.S.C. 49 *et seq.*; sec. 3(c)(1), Pub. L. 101-238, 103 Stat. 2099, 2103 (8 U.S.C. 1182 note); sec. 221(a), Pub. L. 101-649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note); and 8 CFR 214.2(h)(4)(i).

Section 655.00 issued under 8 U.S.C. 1101(a)(15)(H)(ii), 1184, and 1188; 29 U.S.C. 49 *et seq.*; and 8 CFR 214.2(h)(4)(i).

Subparts A and C issued under 8 U.S.C. 1101(a)(15)(H)(ii)(b) and 1184; 29 U.S.C. 49 *et seq.*; and 8 CFR 214.2(h)(4)(i).

Subpart B issued under 8 U.S.C. 1101(a)(15)(H)(ii)(a), 1184, and 1188; and 29 U.S.C. 49 *et seq.*

Subparts D and E issued under 8 U.S.C. 1101(a)(15)(H)(i)(a), 1182(m), and 1184; 29 U.S.C. 49 *et seq.*; and sec. 3(c)(1), Pub. L. 101-238, 103 Stat. 2099, 2103 (8 U.S.C. 1182 note).

Subparts F and G issued under 8 U.S.C. 1184 and 1288(c); and 29 U.S.C. 49 *et seq.*

Subparts H and I issued under 8 U.S.C. 1101(a)(15)(H)(i)(b), 1182(n), and 1184; and 29 U.S.C. 49 *et seq.*

Subparts J and K issued under 29 U.S.C. 49 *et seq.*; and sec. 221(a), Pub. L. 101-649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note).

2. Section 655.0 is amended by adding a new paragraph (e), to read as follows:

§ 655.0 **Scope and purpose of part.**

(e) *Subparts J and K of this part.* Subparts J and K of this part set forth the process by which employers can file attestations with the Department of Labor for the purpose of employing nonimmigrant alien students on F-visas in off-campus employment and enforcement provisions relating thereto.

§ 655.000 [Redesignated]

3. Section 655.000 of part 655 is redesignated as § 655.4 of subpart A of part 655; and newly designated § 655.4 is revised to read as follows:

§ 655.4 Territory of Guam.

Subpart A of this part does not apply to temporary employment in the Territory of Guam, and the Department of Labor does not certify to the Immigration and Naturalization Service (INS) the temporary employment of nonimmigrant aliens under H-2B visas in the Territory of Guam. Pursuant to INS regulations, that function is performed by the Governor of Guam, or the Governor's designated representative within the Territorial Government.

4. A new § 655.215 is added to subpart C to read as follows:

§ 655.215 Territory of Guam.

Subpart C of this part does not apply to temporary employment in the Territory of Guam, and the Department of Labor does not certify to the Immigration and Naturalization Service (INS) the temporary employment of nonimmigrant aliens under H-2B visas in the Territory of Guam. Pursuant to INS regulations, that function is performed by the Governor of Guam, or the Governor's designated representative within the Territorial Government.

5. Part 655 is amended by adding new subparts J and K as set forth at the end of the common preamble.

Subpart J—Attestations by Employers Using F-1 Students in Off-Campus Work

Sec.

- 655.900 Purpose, procedure and applicability of subparts J and K of this part.
- 655.910 Overview of process.
- 655.920 Definitions.
- 655.930 Addresses of Department of Labor regional offices.
- 655.940 Employer attestations.
- 655.950 Public access.

Appendix A to Subpart J—Documentation in Support of Attestations Made by Employers**Subpart K—Enforcement of the Attestation Process for Attestations Filed by Employers Utilizing F-1 Students in Off-campus Work.**

Sec.

- 655.1000 Enforcement authority of Administrator, Wage and Hour Division.
- 655.1005 Complaints and investigative procedures.

Sec.

- 655.1010 Remedies.
- 655.1015 Written notice and service of Administrator's determination.
- 655.1020 Request for hearing.
- 655.1025 Rules of practice for administrative law judge proceedings.
- 655.1030 Service and computation of time.
- 655.1035 Administrative law judge proceedings.
- 655.1040 Decision and order of administrative law judge.
- 655.1045 Secretary's review of administrative law judge's decision.
- 655.1050 Administrative record.
- 655.1055 Notice to the Employment and Training Administration (ETA) and the Attorney General (AG).
- 655.1060 Non-applicability of the Equal Access to Justice Act.

Signed at Washington, DC, this 28th day of Oct, 1991.

Roberts T. Jones,

Assistant Secretary for Employment and Training.

Cari M. Dominguez,

Assistant Secretary for Employment Standards.

Lynn Martin,

Secretary of Labor.

TITLE 29—LABOR**CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR**

Accordingly, title 29, Code of Federal Regulations, is amended by adding a new part 508 to read as set forth below and subparts J and K are added to new part 508 as set forth at the end of the common preamble.

PART 508—ATTESTATIONS FILED BY EMPLOYERS UTILIZING F-1 STUDENTS FOR OFF-CAMPUS WORK**Subparts A, B, C, D, E, F, G, H, and I [Reserved]****Subpart J—Attestations by Employers Using F-1 Students in Off-Campus Work**

Sec.

- 508.900 Purpose, procedure and applicability of subparts J and K of this part.
- 508.910 Overview of process.
- 508.920 Definitions.

Sec.

- 508.930 Addresses of Department of Labor regional offices.
- 508.940 Employer attestations.
- 508.950 Public access.

Appendix A to Subpart J—Documentation in Support of Attestations Made by Employers**Subpart K—Enforcement of the Attestation Process for Attestations Filed by Employers Utilizing F-1 Students in Off-campus Work.**

Sec.

- 508.1000 Enforcement authority of Administrator, Wage and Hour Division.
- 508.1005 Complaints and investigative procedures.
- 508.1010 Remedies.
- 508.1015 Written notice and service of Administrator's determination.
- 508.1020 Request for hearing.
- 508.1025 Rules of practice for administrative law judge proceedings.
- 508.1030 Service and computation of time.
- 508.1035 Administrative law judge proceedings.
- 508.1040 Decision and order of administrative law judge.
- 508.1045 Secretary's review of administrative law judge's decision.
- 508.1050 Administrative record.
- 508.1055 Notice to the Employment and Training Administration (ETA) and the Attorney General (AG).
- 508.1060 Non-applicability of the Equal Access to Justice Act.

Authority: 29 U.S.C. 49 *et seq.*; and sec. 221(a), Pub. L. 101-649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note).

Signed at Washington, DC, this 28th day of October 1991.

Roberts T. Jones,

Assistant Secretary for Employment and Training.

Cari M. Dominguez,

Assistant Secretary of Employment Standards.

Lynn Martin,

Secretary of Labor.

Note: Attachment (Not to be Codified with the CFR): Form ETA-9034. Printed below is a copy of Form ETA-9034.

BILLING CODE 4510-10-M, 4510-27-M

Attestation by Employers For
Off-Campus Work Authorization
for F-1 StudentsU.S. Department of Labor
Employment and Training Administration
U.S. Employment Service**PART A: OFFER OF EMPLOYMENT**OMB Approval No. 1205-0315
Expiration Date: 04/30/92

1. Employer (Full Legal Name of Employer)		3. Telephone Number (Area Code and Number)	
2. Address (No., Street, City, State and ZIP Code)		4. Federal Employer I.D. Number	
5. Occupational Information (Continue on reverse side if necessary)			
a. Titles of Jobs to be Filled by F-1 Students	b. Two Digit Occupational Division	c. Rate of Pay	d. Location(s) Where Alien(s) Will Work (see instructions)
_____	_____	\$ _____ per _____	_____
_____	_____	\$ _____ per _____	_____
_____	_____	\$ _____ per _____	_____
_____	_____	\$ _____ per _____	_____

PART B: EMPLOYER ATTESTATIONS

6. Recruitment Attestation.

a. Recruitment for the position(s) identified in this attestation was conducted for 60 days, and a sufficient number of U.S. workers were not able, qualified and available for the position(s):

(i) A job order for the position(s) was on file for 60 consecutive days ending _____ with the _____
and _____ Date _____ State Employment Service Name _____

(ii) A vacancy announcement(s) for the position(s) was posted at the place of employment for 60 consecutive days.

b. Recruitment for the position(s) identified in this attestation will be conducted for each F-1 student hired more than 90 days after the end of the recruitment period referenced in Item 6.a. F-1 students will be hired only when recruitment did not result in a sufficient number of U.S. workers who were able, qualified and available.

(i) A job order will be on file with the local office of the State employment service indicated above until September 30, 1994; or

(ii) A job order will be on file with the local office of the State employment service indicated above for 60 consecutive days ending no more than 90 days before the date of hire and a vacancy announcement(s) will be posted at the place of employment for 60 consecutive days ending no more than 90 days before the date of hire.

7. Wage Attestation.

F-1 Students and other similarly situated workers will be paid the actual wage for the occupation at the place of employment or the prevailing wage level for the occupation in the area of employment, whichever is greater.

PART C: EMPLOYER DECLARATION

This attestation will be submitted to the educational institution either simultaneous to or after filing with the Department of Labor (DOL). In no case will this attestation be filed with an educational institution prior to or without filing with DOL.

Pursuant to 28 USC 1746, I declare under penalty of perjury the information provided on this form is true and correct. In addition, I declare that I will comply with DOL regulations governing this program and in particular, that I will make this attestation, supporting documentation, and other records, files and documents available to officials of DOL, upon such official request, during any investigation under this attestation or the Immigration and Nationality Act.

Name and Title of the Hiring Official _____ Signature of the Hiring Official _____ Date _____

FOR US GOVERNMENT USE ONLY: By virtue of my signature below, I acknowledge that this attestation is accepted for filing on _____ and will be valid to September 30, 1994 unless the employer withdraws it or is disqualified from employing F-1 students by DOL. _____ Date _____

Signature of Authorized DOL Official _____ ETA Case No. _____ Date _____

The Department of Labor is not the guarantor of the accuracy, truthfulness or adequacy of an attestation accepted for filing.

Public reporting burden for this collection of information is estimated to average 60 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Information Management, Department of Labor, Room N1301, 200 Constitution Avenue, N.W., Washington, D.C. 20210; and to the Office of Management and Budget, Paperwork Reduction Project (1205-0315) Washington, D.C. 20503.

INSTRUCTIONS FOR COMPLETING FORM ETA-9034
 ATTESTATION BY EMPLOYERS FOR OFF-CAMPUS WORK
 AUTHORIZATION FOR F-1 STUDENTS

IMPORTANT: READ CAREFULLY BEFORE COMPLETING THE FORM

Print legibly in ink or use a typewriter. Sign and date one form in original signature. Citations below to "regulation" are citations to identical provisions at 20 CFR 655, Subparts J and K, and 29 CFR Part 508, Subparts J and K.

Employers seeking to hire F-1 students for off-campus employment must submit the completed and dated original Form ETA-9034 (or a facsimile) and one copy of the completed original Form ETA-9034 to the Regional Certifying Officer in the Department of Labor (DOL), Employment and Training Administration (ETA) Regional Office having jurisdiction over the State in which the position is located, any time after the last date of recruitment, but no more than 60 days after the last day of recruitment. See § ____ .930 for DOL Regional Office addresses.

Employers must also submit an attestation to the educational institution(s) at which the F-1 student(s) to be employed is enrolled in a full course of study. The attestation may be submitted simultaneously to DOL, and the educational institution; or it may be submitted first to DOL and subsequently to the educational institution, before an accepted copy is returned from DOL to the employer. In no case shall the attestation be submitted to the educational institution prior to or without submitting to DOL. See § ____ .940 for detailed explanation.

To knowingly furnish any false information in the preparation of this form, or to aid, abet or counsel another to do so is a felony, punishable by \$10,000 fine or five years in the penitentiary, or both (18 U.S.C. 1001). Other penalties apply as well to fraud and misuse of this immigration document (18 U.S.C. 1546) and to perjury with respect to this form (18 U.S.C. 1546 and 1621).

PART A: OFFER OF EMPLOYMENT

Item 1. Employer. Enter the full legal name of the business, firm, or organization, or, if an individual, enter name used for legal purposes on documents.

Item 2. Address. Self explanatory.

Item 3. Telephone Number. Self explanatory.

Item 4. Federal Employee I.D. Number. Enter the employer's Federal employer identification number assigned by the Internal Revenue Service.

Item 5(a). Titles of Jobs to be Filled by F-1 Students. Enter the common name(s) or payroll title(s) of the job(s) being offered.

Item 5(b). Two digit occupational division. Enter the two digit code which most closely describes the job(s) to be performed.

Item 5(c). Rate of Pay. Enter the salary to be paid in terms of the amount per hour, week, year, etc.

Item 5(d). Location(s) Where Alien(s) Will Work. Enter the full address of the site or location where the work will actually be performed, if different from the address in Item 2.

with the local office of the State employment service in the area of intended employment for 60 consecutive days, and post an announcement of the job vacancy for 60 consecutive days, at the employer's place of business. The 60-day job order and the 60-day posting of the job vacancy shall not end more than 90 days before the date of hire.

Item 7. Wage attestation. Employers must attest that they will pay the F-1 student(s) and any other similarly situated worker(s) the actual wage for the place of occupation at the intended area of employment, whichever is higher. The employer shall update the prevailing wage for the occupation named in the attestation on an annual basis and shall continue paying the actual wage or the prevailing wage for the entire validity period of the attestation.

The prevailing wage rate for positions named in the attestation, unless subject to the Davis-Bacon Act or the McNamara-O'Hara Service Contract Act, is the average rate of wages paid to workers similarly employed in the area of intended employment as determined by a prevailing wage survey published by an independent authoritative source or a prevailing wage finding from the State Employment Service in the intended area of employment.

Employers should be prepared to produce documentary evidence in support of the employer attestations for at least 18 months from the closing date of the recruitment period to which the documentation is applicable, and make it available to officials of DOL upon such officials' request. See Appendix A to subpart J for guidance on the documentation to support these attestations.

PART B: EMPLOYER ATTESTATIONS

Item 8. Recruitment attestation. Employers must attest that they have recruited for the position for 60 days, and that a sufficient number of U.S. workers were not able, qualified and available. To satisfy this requirement employers must: 1. place a job order for 60 consecutive days with the local office of the State employment service in the area of intended employment; and 2. post a vacancy announcement at the place of business.

Employers must also attest that for an F-1 student(s) hired more than 90 days after the end of the 60 day recruitment referenced above, subsequent recruitment will be conducted prior to hiring each student(s). To satisfy this attestation employers must either: 1. place an open job order for the position(s) with the local office of the State employment service in the intended area of employment until September 30, 1994; or, 2. place a job order

PART C: EMPLOYER DECLARATION

By signing this form, the hiring official is attesting to the accuracy of the information on the form, and having complied with the conditions of **PART B: EMPLOYER ATTESTATIONS**. False statements are subject to Federal criminal penalties, as stated above. If the Secretary of Labor determines that an employer has provided an attestation that is materially false or has failed to pay wages in accordance with the attestation, after notice and an opportunity for a hearing, the employer shall be disqualified from employing an F-1 student.

The Department of Labor will accept this attestation upon receipt from the employer. The employer may submit it to the educational institution, without indication of Department of Labor acceptance, for off-campus work authorization for F-1 students. A copy of the attestation form indicating the Department's acceptance, or notification of nonacceptance will be returned to the employer. Within 15 days thereafter, the employer must provide the educational institution with a copy of the attestation accepted by the Department of Labor as indicated thereon. Failure to provide a copy of the accepted attestation to the educational institution shall result in notification to the U.S. Attorney General that the employer does not have a valid attestation on file with the Department of Labor.

TWO-DIGIT OCCUPATIONAL DIVISIONS

PROFESSIONAL, TECHNICAL, AND MANAGERIAL OCCUPATIONS

- 00/01 OCCUPATIONS IN ARCHITECTURE, ENGINEERING AND SURVEYING
- 02 OCCUPATIONS IN MATHEMATICS AND PHYSICAL SCIENCES
- 03 COMPUTER-RELATED OCCUPATIONS
- 04 OCCUPATIONS IN LIFE SCIENCES
- 05 OCCUPATIONS IN SOCIAL SCIENCES
- 07 OCCUPATIONS IN MEDICINE AND HEALTH
- 09 OCCUPATIONS IN EDUCATION
- 10 OCCUPATIONS IN MUSEUM, LIBRARY, AND ARCHIVAL SCIENCES
- 11 OCCUPATIONS IN LAW AND JURISPRUDENCE
- 12 OCCUPATIONS IN RELIGION AND THEOLOGY
- 13 OCCUPATIONS IN WRITING
- 14 OCCUPATIONS IN ART
- 15 OCCUPATIONS IN ENTERTAINMENT AND RECREATION
- 16 OCCUPATIONS ADMINISTRATIVE SPECIALIZATIONS
- 18 MANAGERS AND OFFICIALS
- 19 MISCELLANEOUS PROFESSIONAL, TECHNICAL, AND MANAGERIAL OCCUPATIONS

CLERICAL AND SALES OCCUPATIONS

- 20 STENOGRAPHY, TYPING, FILING AND RELATED OCCUPATIONS
- 21 COMPUTING AND ACCOUNT-RECORDING OCCUPATIONS
- 22 PRODUCTION AND STOCK CLERKS AND RELATED OCCUPATIONS
- 23 INFORMATION AND MESSAGE DISTRIBUTION OCCUPATIONS
- 24 MISCELLANEOUS CLERICAL OCCUPATIONS
- 25 SALES OCCUPATIONS, SERVICES
- 26 SALES OCCUPATIONS, CONSUMABLE COMMODITIES
- 27 SALES OCCUPATIONS, OTHER COMMODITIES
- 29 MISCELLANEOUS SALES OCCUPATIONS

SERVICE OCCUPATIONS

- 30 DOMESTIC SERVICE OCCUPATIONS
- 31 FOOD AND BEVERAGE PREPARATION AND SERVICE OCCUPATIONS
- 32 LODGING AND RELATED SERVICE OCCUPATIONS
- 33 BARBERING, COSMETOLOGY, AND RELATED SERVICE OCCUPATIONS
- 34 AMUSEMENT AND RECREATION SERVICE OCCUPATIONS
- 35 MISCELLANEOUS PERSONAL SERVICE OCCUPATIONS
- 36 APPAREL AND FURNISHINGS SERVICE OCCUPATIONS
- 37 PROTECTIVE SERVICE OCCUPATIONS
- 38 BUILDING AND RELATED SERVICE OCCUPATIONS

AGRICULTURAL, FISHERY, FORESTRY, AND RELATED OCCUPATIONS

- 40 PLANT FARMING OCCUPATIONS
- 41 ANIMAL FARMING OCCUPATIONS
- 42 MISCELLANEOUS AGRICULTURAL AND RELATED OCCUPATIONS
- 44 FISHERY AND RELATED OCCUPATIONS
- 45 FORESTRY OCCUPATIONS
- 46 HUNTING, TRAPPING AND RELATED OCCUPATIONS

PROCESSING OCCUPATIONS

- 50 OCCUPATIONS IN PROCESSING OF METAL
- 51 ORE REFINING AND FOUNDRY OCCUPATIONS
- 52 OCCUPATIONS IN PROCESSING OF FOOD, TOBACCO, AND RELATED PRODUCTS

- 53 OCCUPATIONS IN PROCESSING OF PAPER AND RELATED MATERIALS
- 54 OCCUPATIONS IN PROCESSING OF PETROLEUM, COAL, NATURAL AND MANUFACTURED GAS AND RELATED PRODUCTS
- 55 OCCUPATIONS IN PROCESSING OF RUBBER, PAINT AND RELATED PRODUCTS
- 56 OCCUPATIONS IN PROCESSING OF WOOD AND WOOD PRODUCTS
- 57 OCCUPATIONS IN PROCESSING OF STONE, CLAY, GLASS AND RELATED PRODUCTS
- 58 OCCUPATIONS IN PROCESSING OF LEATHER, TEXTILES AND RELATED PRODUCTS
- 59 OTHER PROCESSING OCCUPATIONS

MACHINE TRADES OCCUPATIONS

- 60 METAL MACHINING OCCUPATIONS
- 61 OTHER METALWORKING OCCUPATIONS
- 62/63 MECHANICS AND MACHINERY REPAIRERS
- 64 PAPERWORKING OCCUPATIONS
- 65 PRINTING OCCUPATIONS
- 66 WOOD MACHINING OCCUPATIONS
- 67 OCCUPATIONS IN MACHINING STONE, CLAY, GLASS, AND RELATED MATERIALS
- 68 TEXTILE OCCUPATIONS
- 69 OTHER MACHINE TRADES OCCUPATIONS

BENCHWORK OCCUPATIONS

- 70 OCCUPATIONS IN FABRICATION, ASSEMBLY, AND REPAIR OF METAL PRODUCTS
- 71 OCCUPATIONS IN FABRICATION AND REPAIR OF SCIENTIFIC, MEDICAL, PHOTOGRAPHIC, OPTICAL, HOROLOGICAL, AND RELATED PRODUCTS
- 72 OCCUPATIONS IN ASSEMBLY AND REPAIR OF ELECTRICAL EQUIPMENT
- 73 OCCUPATIONS IN FABRICATION AND REPAIR OF PRODUCTS MADE FROM ASSORTED MATERIALS
- 74 PAINTING, DECORATING, AND RELATED OCCUPATIONS
- 75 OCCUPATIONS IN FABRICATION AND REPAIR OF PLASTICS, SYNTHETICS, RUBBER, AND RELATED PRODUCTS
- 76 OCCUPATIONS IN FABRICATION AND REPAIR OF WOOD PRODUCTS
- 77 OCCUPATIONS IN FABRICATION AND REPAIR OF SAND, STONE, CLAY, AND GLASS PRODUCTS
- 78 OCCUPATIONS IN FABRICATION AND REPAIR OF TEXTILE, LEATHER, AND RELATED PRODUCTS
- 79 OTHER BENCHWORK OCCUPATIONS

STRUCTURAL WORK OCCUPATIONS

- 80 OTHER OCCUPATIONS IN METAL FABRICATING
- 81 WELDERS, CUTTERS AND RELATED OCCUPATIONS
- 82 ELECTRICAL ASSEMBLING, INSTALLING, AND REPAIRING OCCUPATIONS
- 84 PAINTING, PLASTERING, WATERPROOFING, CEMENTING, AND RELATED OCCUPATIONS
- 85 EXCAVATING, GRADING, PAVING, AND RELATED OCCUPATIONS
- 86 OTHER CONSTRUCTION OCCUPATIONS
- 89 OTHER STRUCTURAL WORK OCCUPATIONS

MISCELLANEOUS OCCUPATIONS

- 90 MOTOR FREIGHT OCCUPATIONS
- 91 OTHER TRANSPORTATION OCCUPATIONS
- 92 PACKAGING AND MATERIALS HANDLING OCCUPATIONS
- 93 OCCUPATIONS IN EXTRACTION OF MINERALS
- 95 OCCUPATIONS IN PRODUCTION AND DISTRIBUTION OF UTILITIES
- 96 OTHER AMUSEMENT, RECREATION, MOTION PICTURE, RADIO AND TELEVISION OCCUPATIONS
- 97 OCCUPATIONS IN GRAPHIC ART WORK

federal register

Wednesday
November 6, 1991

Part IV

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 5-Year Review of Listed Species; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 5-Year Review of Listed Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of review.

SUMMARY: The Service announces a review of all endangered and threatened species listed before January 1, 1991, under the Endangered Species Act (Act) of 1973, as amended. The Act requires such a review at least once every 5 years. The purpose of the review is to ensure that the Lists of Endangered and Threatened Wildlife and Plants accurately reflect the most current status information for each listed species. The Service requests comments and any scientific or commercial information on these species. If the present status classification is not consistent with the best scientific and commercial information available at the conclusion of this review, the Service will propose changes to the list accordingly.

DATES: In order to be considered in this review, comments must be received no later than May 4, 1992. The Service will continue to accept information about any listed species at any time.

ADDRESSES: U.S. Fish and Wildlife Service Regional Offices with lead responsibility for species in the tables at the end of this notice are identified in **SUPPLEMENTARY INFORMATION**. Comments should be submitted to the appropriate Region.

Comments and materials sent in response to this notice of review will be available for public inspection at the appropriate office (see "Addresses of Regional Offices" in **SUPPLEMENTARY INFORMATION** and the tables of species at the end of the notice) by appointment during normal business hours.

FOR FURTHER INFORMATION CONTACT: Dr. Larry Shannon, Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, Mail Stop 452-ARLSQ, Washington, DC 20240 (703/358-2171, FTS 921-2171).

SUPPLEMENTARY INFORMATION:**Addresses of Regional Offices**

The following Regional Offices have lead responsibilities for species in the tables at the end of this notice:

Region 1.—California, Hawaii, Idaho, Nevada, Oregon, Washington, Commonwealth of the Northern Mariana

Islands, and Pacific Territories of the United States.

Region 2.—Arizona, New Mexico, Oklahoma, and Texas.

Region 3.—Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

Region 4.—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the U.S. Virgin Islands.

Region 5.—Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

Region 6.—Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

Region 7.—Alaska.

Region 8. All foreign species (i.e., historic range totally outside U.S. jurisdiction) in Table 3 below; comments on foreign populations of species in Tables 1 or 2 should be directed to the Region indicated in column 1 of the appropriate table.

Region 9. Regional Director (ARD/Research), U.S. Fish and Wildlife Service, Mail Stop 725-ARLSQ, Washington, DC 20240.

Region 10. Regional Director (FWE/SE), U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111 (612/725-3276 or FTS 725-3276).

Region 11. Regional Director (FWE/SE), U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103 (505/766-2914 or FTS 474-2914).

Region 12. Regional Director (FWE), U.S. Fish and Wildlife Service, The Richard B. Russell Federal Building, 75 Spring Street, SW., Atlanta, Georgia 30303 (404/331-3580 or FTS 841-3580).

Region 13. Regional Director (FWE), U.S. Fish and Wildlife Service, One Gateway Center, suite 700, Newton Corner, Massachusetts 02158 (617/965-5100, ext. 316, 317, or 318 or FTS 829-9316).

Background

The Lists of Endangered and Threatened Wildlife and Plants are

found in 50 CFR 17.11 (wildlife) and 17.12 (plants). The most recent codification of such lists was in the Code of Federal Regulations of October 1, 1990 (the lists were reprinted July 15, 1991, in a document available free of charge from the Publication Unit, U.S. Fish and Wildlife Service, 130-ARLSQ, Washington, DC 20240). The recovery status of each U.S. listed species has been detailed in a recent Report to Congress (U.S. Fish and Wildlife Service 1991). The previous 5-year review notice was published July 7, 1987 (52 FR 25523).

The procedural rules for listing, reclassifying, or removing species from the lists are codified at 50 CFR part 424. The Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), as amended, and 50 CFR 424.21 require the Secretary to conduct a review of each listed species at least once every 5 years. The present review will be completed during Fiscal Year 1992, and will consider all species initially listed prior to January 1, 1991, as detailed in the tables below. Some 578 U.S. and 514 foreign species (including populations with separate classifications) are included in this review. Species listings subsequently affected by rules reclassifying all or significant parts of their populations are considered for this review according to their dates of initial listing.

Tables 1-3 below are lists of the species under consideration in this review. Table 1 contains a group of species being reviewed somewhat more intensively because they are already prospective candidates for reclassification, either because they may be extinct or because they are responding well to recovery efforts and have met a large fraction of the recovery goals that have been established for them in recovery planning. Table 2 contains the remainder of U.S. listed species, and Table 3 separately groups the foreign species listed as endangered or threatened by the United States.

The Office of Scientific Authority will review all comments submitted to Region 8 regarding species in Table 3. The Office of Scientific Authority would also appreciate receiving copies of comments on foreign populations of the saltwater crocodile, *Crocodylus porosus*, a species that occurs in U.S. Pacific Island territories but for which most regulatory activity involves foreign populations.

Comments regarding the U.S. listed species in Tables 1 and 2 should be forwarded to the appropriate Fish and Wildlife Service Regional Office given in column 1 of those two tables as listed above under "Addresses of Regional

Offices" in SUPPLEMENTARY INFORMATION.

Definitions

The following definitions are provided to assist those persons who contemplate submitting information regarding the status of the species given in the tables below:

1. *Critical Habitat* means (i) the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection, and (ii) specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

2. *Endangered* means any species that is in danger of extinction throughout all or a significant portion of its range.

3. *Species* includes any species or subspecies of fish or wildlife or plant, and any distinct population segment of any species or subspecies of a vertebrate, which is capable of interbreeding when mature.

4. *Threatened* means any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

A species is determined to be endangered or threatened because of any of the following factors in 50 CFR 424.11(c):

(a) The present or threatened destruction, modification, or curtailment of its habitat or range;

(b) Overutilization for commercial, recreational, scientific, or educational purposes;

(c) Disease or predation;

(d) The inadequacy of existing regulatory mechanisms; or

(e) Other natural or manmade factors affecting its continued existence.

These same five factors must be considered before removing a species from the lists. Under 50 CFR 424.11(d) the data to support such removal must be the best scientific and commercial information available to the Service to substantiate that the species is neither endangered nor threatened for one or more of the following reasons:

1. *Extinction*. Unless all individuals of the listed species have been previously identified and located and are later found to be extirpated from their previous range, a sufficient period of time must be allowed before delisting to indicate clearly that the species is in fact extinct.

2. *Recovery of the species*. The principal goal of the Service is to return listed species to a point at which protection under the Act is no longer required. A species may be delisted on the basis of recovery only if the best scientific and commercial information available indicate that it is not longer endangered or threatened.

3. *Original data for classification in error*. Subsequent investigation may show that the best scientific or commercial information available when a species was listed, or the interpretation of such data, was erroneous.

Effects of the Review

If substantial new information is available to the Service or is presented by any party for one or more species in the tables below, the Service may propose new rules that could do any of the following:

(a) Reclassify a species from endangered to threatened,

(b) Reclassify a species from threatened to endangered, or

(c) Remove a species from the Lists of Endangered and Threatened Wildlife and Plants.

Distinct geographic populations of vertebrate species, as well as subspecies of all listed species, may be proposed for separate reclassification or for removal from the lists. If substantial information is not available after completing this 5-year review of a particular species to suggest a status change for that species, then the next formal status review for that species will be announced no later than 5 years hence. The Service continuously reviews the status of listed species, however, and tries to initiate reclassification or delisting whenever substantial new information indicates that such action is appropriate.

Public Comments Solicited

The Service requests comments concerning the status of any of the species in the tables below. Comments

from any foreign government or agency, the public, other Federal, State, and local governmental agencies, the scientific community, industry, or any other interested party are hereby solicited. The proposed and final listing rules for each species described the data that formed the basis for the original classification. The recovery status of each U.S. listed species has been recently reviewed (U.S. Fish and Wildlife Service 1991). The Service primarily seeks any new or additional information that indicates a need for a change in status. If significant new information is available warranting a change in a species' classification under the Act, the Service may propose a rule to modify its status.

Comments and data are requested regarding past and present numbers and distribution of the involved species, subspecies, or distinct vertebrate populations; particularly factors threatening the species; and, if appropriate, the features and importance of any critical habitat. Preferably, this information should be supported by documentation, such as maps, a list of bibliographic references, or copies of any pertinent publications, reports or letters by knowledgeable sources.

References Cited

U.S. Fish and Wildlife Service. 1991. Report to Congress: Endangered and Threatened Species Recovery Program—1990. U.S. Department of the Interior, Fish and Wildlife Service, Washington, DC vii + 406 pp.

Author

The primary author of this notice is Dr. George E. Drewry, Division of Endangered Species, U.S. Fish and Wildlife Service, Mail Stop 452-ARLSQ, Washington, DC 20240 (703/358-2171).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Dated: October 25, 1991.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

TABLE 1. U.S. SPECIES UNDER SPECIAL REVIEW FOR POSSIBLE RECLASSIFICATION OR DELISTING

Lead Region ¹	Status	Common name	Scientific name	Likely Current Range
1	E	Deer, Columbian white-tailed	<i>Odocoileus virginianus leucurus</i>	OR, WA.
5	T	Shrew, Dismal Swamp southeastern	<i>Sorex longirostris fisheri</i>	NC, VA.
3	E,T	Eagle, bald	<i>Haliaeetus leucocephalus</i>	E= CA, ID, NV, AZ, UT, MT, CO, WY, NM, TX, OK, ND, SD, NE, IA, KS, LA, MS, AR, MO, TN, KY, OH, IL, IN, PA, WV, VA, FL, GA, NC, SC, MD, DE, NJ, NY, RI, CT, MA, NH, VT, ME, AL T= WA, OR, MN, WI, MI.
7	E (CH)	Falcon, American peregrine (Alaskan)	<i>Falco peregrinus anatum</i>	AK.
5	E (CH)	Falcon, American peregrine (Eastern)	<i>Falco peregrinus anatum</i>	IA, LA, MS, AR, MO, TN, KY, OH, IL, IN, PA, WV, VA, FL, GA, NC, SC, MD, DE, NJ, NY, CT, RI, MA, VT, NH, ME, AL, MN, WI, MI, DC, PR, VI.
1	E (CH)	Falcon, American peregrine (Western)	<i>Falco peregrinus anatum</i>	CA, ID, NV, AZ, UT, CO, WY, MT, NM, TX, OK, ND, SD, NE, KS, WA, OR.
7	T	Falcon, Arctic peregrine	<i>Falco peregrinus tundrius</i>	AK, WA, OR, ID, CA, NV, MT, WY, UT, CO, AZ, NM, TX, OK, NE, SD, ND, MN, WI, IA, MI, IL, IN, OH, MO, KY, TN, AR, LA, AL, MS, FL, GA, SC, NC, VA, WV, MD, DE, NJ, PA, NY, CT, RI, MA, VT, NH, ME, KS, DC, PR, VI, entire hemisphere.
1	E	Pelican, brown (California)	<i>Pelecanus occidentalis californicus</i>	CA, OR, WA.
1	E	Hawk, Hawaiian (Io)	<i>Buteo solitarius</i>	HI.
4	E	Woodpecker, Ivory-billed	<i>Campephilus principalis principalis</i>	Thought to be extirpated from the wild except in Cuba.
4	T	Turtle, ringed sawback	<i>Graptemys oculifera</i>	LA, MS.
2	E (CH)	Toad, Houston	<i>Bufo houstonensis</i>	TX.
4	T (CH)	Darter, slackwater	<i>Etheostoma boschungii</i>	AL, TN.
1	E	Killifish, Pahrump	<i>Empetrichthys latos latos</i>	NV.
2	E (CH)	Gambusia, San Marcos	<i>Gambusia georgei</i>	TX.
4	E	Pocketbook, fat	<i>Potamilus (= Proptera) capax</i>	AR, IA, IL, IN, KY, MO.
4	E	Pearly mussel, pink mucket	<i>Lampsilis orbiculata</i>	AL, IN, IL, KY, MO, OH, TN, VA, WV.
2	E	Cactus, Siler pincushion	<i>Pediocactus sileri</i>	AZ, UT.
2	E	Cactus, Sneed pincushion	<i>Coryphantha sneedii</i> var. <i>sneedii</i>	TX, NM.
5	E	Cinquefoil, Robbins'	<i>Potentilla robbinsiana</i>	NH, VT.
1	E	Coyote-thistle, Loch Lomond	<i>Eryngium constancei</i>	CA.
1	E	Four-o'clock, MacFarlane's	<i>Mirabilis macfarlanei</i>	ID, OR.
2	E	Globe-berry, Tumamoc	<i>Tumamoca maddougallii</i>	AZ, Mexico (Sonora).
5	E	Mallow, Peter's Mountain	<i>Ilamna corei</i>	VA.
5	E	Pogonia, small whorled	<i>Isotria medeoloides</i>	CT, DC, DE, GA, IL, MA, MD, ME, MI, MO, NC, NG, NJ, NY, PA, RI, SC, TN, VA, VT, Canada (ON), GA.
4	E	Rattleweed, hairy	<i>Baptisia arachnifera</i>	GA.

¹ See "Addresses of Regional Offices" in SUPPLEMENTARY INFORMATION for explanation of this column.

TABLE 2. U.S. LISTED SPECIES TO BE REVIEWED ²

Lead Region ¹	Status	Common name	Scientific name	Likely Current Range
VERTEBRATES				
MAMMALS				
3	E	Bat, gray	<i>Myotis grisescens</i>	IN, IL, TN, KY, MO, AR, OK, FL, GA, VA, KS, AL.
1	E	Bat, Hawaiian hoary	<i>Lasiurus cinereus semotus</i>	HI.
3	E (CH)	Bat, Indiana	<i>Myotis sodalis</i>	WI, MI, OH, IL, IN, MO, IA, KS, OK, AR, AL, MS, FL, GA, SC, NC, VA, KY, TN, WV, MD, PA, NY, NJ, VT, NY.
1	E	Bat, little Mariana fruit	<i>Pteropus tokudae</i>	GU.
1	E	Bat, Mariana fruit	<i>Pteropus mariannus mariannus</i>	GU.
2	E	Bat, Mexican long-nosed	<i>Leptonycteris nivalis</i>	NM, TX, Mexico, Central America.
2	E	Bat, Ozark big-eared	<i>Plecotus townsendii ingens</i>	MO, OK, AR.
2	E	Bat, Sanborn's long-nosed	<i>Leptonycteris sanborni (= yerbabuena)</i>	AZ, NM, Mexico, Central America.
5	E (CH)	Bat, Virginia big-eared	<i>Plecotus townsendii virginianus</i>	KY, WV, VA, NC.
6	T	Bear, grizzly or brown	<i>Ursus arctos (= U.a. horribilis)</i>	WA, ID, MT, WY (Extirpated from Regions 2 and 3).
1	E	Caribou, woodland	<i>Rangifer tarandus caribou</i>	ID, WA, Canada-S.E. British Columbia.
5	E	Cougar, eastern	<i>Felis concolor cougar</i>	Presumed extinct in wild.
4	E	Deer, key	<i>Odocoileus virginianus clavium</i>	FL.
1	E	Dugong	<i>Dugong dugon</i>	PW (Palau), East Africa to southern Japan.
6	E	Ferret, black-footed	<i>Mustela nigripes</i>	CO, MT, ND, SD, UT, WY (Presumed to be extirpated in other States of range and Canada).
1	E	Fox, San Joaquin kit	<i>Vulpes macrotis mutica</i>	CA.
2	E	Jaguarundi	<i>Felis yagouaroundi cacomilli</i>	TX, Mexico.
2	E	Jaguarundi	<i>Felis yagouaroundi tolteca</i>	AZ, Mexico.
4	E (CH)	Manatee, West Indian (Florida)	<i>Trichechus manatus</i>	NC, SC, GA, FL, MS, LA, TX, PR, VI, Mexico, Caribbean.
4	E (CH)	Mouse, Alabama beach	<i>Peromyscus polionotus ammobates</i>	AL.
4	E	Mouse, Anastasia Island beach	<i>Peromyscus polionotus phasma</i>	FL.
4	E (CH)	Mouse, Choctawhatchee beach	<i>Peromyscus polionotus allophrys</i>	FL.
4	E	Mouse, Key Largo cotton	<i>Peromyscus gossypinus allapaticola</i>	FL.
4	E (CH)	Mouse, Perdido Key beach	<i>Peromyscus polionotus trissyllepsis</i>	AL, FL.
1	E	Mouse, Salt marsh harvest	<i>Reithrodontomys raviventris</i>	CA.

TABLE 2. U.S. LISTED SPECIES TO BE REVIEWED ²—Continued

Lead Region ¹	Status	Common name	Scientific name	Likely Current Range
4	T	Mouse, southeastern beach	<i>Peromyscus polionotus niveiventris</i>	FL.
2	E	Ocelot	<i>Felis pardalis</i>	AZ, TX, Mexico, Central & South America.
1	T	Otter, southern sea	<i>Enhydra lutris nereis</i>	CA, Mexico.
4	E	Panther, Florida	<i>Felis concolor coryi</i>	FL.
6	T	Prairie dog, Utah	<i>Cynomys parvidens</i>	UT.
2	E	Pronghorn, Sonoran	<i>Antilocapra americana sonoriensis</i>	AZ, Mexico.
4	E	Rabbit, Lower Keys	<i>Sylvilagus palustris hefneri</i>	FL.
1	E (CH)	Rat, Fresno kangaroo	<i>Dipodomys nitratoides exilis</i>	CA.
1	E	Rat, giant kangaroo	<i>Dipodomys ingens</i>	CA.
1	E (CH)	Rat, Morro Bay kangaroo	<i>Dipodomys heermanni morroensis</i>	CA.
1	E	Rat, Stephens' kangaroo	<i>Dipodomys stephensi</i> (incl. <i>D. cascus</i>)	CA.
1	E	Rat, Tipton kangaroo	<i>Dipodomys nitratoides nitratoides</i>	CA.
4	E	Squirrel, Carolina northern flying	<i>Glaucomys sabrinus coloratus</i>	NC, TN.
5	E	Squirrel, Delmarva Peninsula fox	<i>Sciurus niger cinereus</i>	(Delmarva Peninsula) MD, VA, DE (except Sussex Co.).
2	E (CH)	Squirrel, Mount Graham red	<i>Tamiasciurus hudsonicus grahamensis</i>	AZ.
5	E	Squirrel, Virginia northern flying	<i>Glaucomys sabrinus fuscus</i>	VA, WV.
1	E (CH)	Vole, Amargosa	<i>Microtus californicus scirpensis</i>	CA.
2	E	Vole, Hualapai Mexican	<i>Microtus mexicanus hualpaiensis</i>	AZ.
3	E, T (CH)	Wolf, gray	<i>Canis lupus</i>	T=MN E=ID, MI, MT, WA, WI, WY (Extirpated in Regions 2, 4, 5, probably Mexico).
4	E	Wolf, red	<i>Canis rufus</i>	Presumed extinct in wild except experimental population in NC.
4	E	Woodrat, Key Largo	<i>Neotoma floridana smalli</i>	FL.
BIRDS				
1	E	Akepa, Hawaii (honeycreeper)	<i>Loxops coccineus coccineus</i>	HI.
1	E	Akepa, Maui (honeycreeper)	<i>Loxops coccineus ochraceus</i>	HI.
1	E	'Akiāloa, Kauai (honeycreeper)	<i>Hemignathus procerus</i>	HI.
1	E	'Akiāpolāau (honeycreeper)	<i>Hemignathus munroi</i>	HI.
4	E (CH)	Blackbird, yellow-shouldered	<i>Agelaius xanthomus</i>	PR.
2	E	Bobwhite, masked (quail)	<i>Colinus virginianus ridgwayi</i>	AZ, Mexico.
1	E	Broadbill, Guam	<i>Myiagra freycineti</i>	GU, Western Pacific.
4	T	Caracara, Audubon's (Florida) crested	<i>Polyborus plancus audubonii</i>	FL.
1	E (CH)	Condor, California	<i>Gymnogyps californianus</i>	CA.
1	E	Coot, Hawaiian (= alae keo keo)	<i>Fulica americana alai</i>	HI.
4	E (CH)	Crane, Mississippi sandhill	<i>Grus canadensis pulla</i>	MS.
2	E (CH)	Crane, whooping	<i>Grus americana</i>	MT, ND, SD, NE, KS, TX, ID, NM, OK, UT, WY, CO, Canada, Mexico.
1	E	Creeper, Hawaiian	<i>Oreomystis mana</i>	HI.
1	E	Creeper, Molokai (Kakawahie)	<i>Oreomystis flammea</i>	HI.
1	E	Creeper, Oahu (alauwahio)	<i>Paroreomyza maculata</i>	HI.
1	E	Crow, Hawaiian ('alala)	<i>Corvus hawaiiensis</i>	HI.
1	E	Crow, Mariana	<i>Corvus kubaryi</i>	GU, MP (Rota).
7	E	Curlew, Eskimo	<i>Numenius borealis</i>	AK, KS, NE, OK, SD, TX, Canada, Central & South America.
1	E	Duck, Hawaiian (Koloa)	<i>Anas wyvilliana</i>	HI.
1	E	Duck, Laysan	<i>Anas laysanensis</i>	HI.
2	E	Falcon, northern aplomado	<i>Falco femoralis septentrionalis</i>	TX, Mexico, Guatemala.
1	E	Finch, Laysan (honeycreeper)	<i>Telespyza cantans</i>	HI.
1	E	Finch, Nihoa (honeycreeper)	<i>Telespyza ultima</i>	HI.
7	E	Goose, Aleutian Canada	<i>Branta canadensis leucopareia</i>	AK, CA, OR, WA, Japan, Mexico.
1	E	Goose, Hawaiian (nene)	<i>Nesochen sandvicensis</i>	HI.
1	E	Honeycreeper, crested ('akohekohe)	<i>Palmeria dolei</i>	HI.
4	T	Jay, Florida scrub	<i>Aphelocoma coerulescens coerulescens</i>	FL.
1	E	Kingfisher, Guam Micronesian	<i>Halcyon cinnamomina cinnamomina</i>	GU, Western Pacific.
4	E (CH)	Kite, Everglade snail	<i>Rostrhamus sociabilis plumbeus</i>	FL.
1	E	Mallard, Mariana	<i>Anas oustaleti</i>	MP (Saipan), Western Pacific.
1	E	Megapode, Micronesian (La Perouse's)	<i>Megapodius laperouse</i>	PW (Palau), MP, Western Pacific.
1	E	Millerbird, Nihoa (old world warbler)	<i>Acrocephalus familiaris kingi</i>	HI.
1	T	Monarch, Tinian	<i>Monarcha takatsukasae</i>	MP (Tinian), Western Pacific.
1	E	Moorhen (gallinule), Hawaiian common	<i>Gallinula chloropus sandvicensis</i>	HI.
1	E	Moorhen (gallinule), Mariana common	<i>Gallinula chloropus guami</i>	GU, MP (Tinian, Saipan), Western Pacific.
4	E	Nightjar (whip-poor-will), Puerto Rico	<i>Caprimulgus noctitherus</i>	PR.
1	E	Nukupū'u (honeycreeper)	<i>Hemignathus lucidus</i>	HI.
1	E	'O'o, Kauai (= 'O'o 'A'a)	<i>Moho braccatus</i>	HI.
1	E	'O'u (honeycreeper)	<i>Psittirostra psittacea</i>	HI.
1	T	Owl, northern spotted	<i>Strix occidentalis caurina</i>	CA, OR, WA, Canada (BC).
1	E (CH)	Palia (honeycreeper)	<i>Loxioides (= Psittirostra) bailleui</i>	HI.
4	E	Parrot, Puerto Rican	<i>Amazona vittata</i>	PR.
1	E	Parrotbill, Maui (honeycreeper)	<i>Pseudonestor xanthophrys</i>	HI.
2	E	Pelican, brown (Eastern)	<i>Pelecanus occidentalis carolinensis</i>	TX, MS, LA, PR, VI, Central and South America.
1	E	Petrel, Hawaiian dark-rumped	<i>Pterodroma phaeopygia sandwichensis</i>	HI.
4	E	Pigeon, Puerto Rican plain	<i>Columba inornata wetmorei</i>	PR.
5	T	Plover, piping (Atlantic)	<i>Charadrius melodus</i>	NY, FL, GA, SC, NC, VA, MD, DE, NJ, CT, RI, MA, ME, Can., W. Indies.

TABLE 2. U.S. LISTED SPECIES TO BE REVIEWED ²—Continued

Lead Region ¹	Status	Common name	Scientific name	Likely Current Range
3	E,T	Plover, piping (interior)	<i>Charadrius melodus</i>	E=GLks.:IL, IN, MI, MN, OH, PA, WI, NY, Canada(Ont), T= IL, IN, MI, MN, OH, WI, MT, ND, SD, CO, NE, KS, OK, TX, IA, MO, KY, LA, MS, AL, FL, Can., Mex.
1	E	Po'ouli (honeycreeper)	<i>Melamprosops phaeosoma</i>	HI.
2	E	Prairie-chicken, Attwater's	<i>Tympanuchus cupido attwateri</i>	TX.
1	E	Rail, California clapper	<i>Rallus longirostris obsoletus</i>	CA.
1	E	Rail, Guam	<i>Rallus owstoni</i>	GU.
1	E	Rail, light-footed clapper	<i>Rallus longirostris levipes</i>	CA.
2	E	Rail, Yuma clapper	<i>Rallus longirostris yumanensis</i>	AZ, CA.
1	T	Shearwater, Newell's Townsend's	<i>Puffinus auricularis newelli</i>	HI.
1	E	Shrike, San Clemente loggerhead	<i>Lanius ludovicianus mearnsi</i>	CA.
4	E (CH)	Sparrow, Cape Sable seaside	<i>Ammodramus (=Amospiza) maritimus mirabilis</i>	FL.
4	E (CH)	Sparrow, dusky seaside	<i>Ammodramus (=Amospiza) maritimus nigrescens</i>	Presumed extinct.
4	E	Sparrow, Florida grasshopper	<i>Ammodramus savannarum floridanus</i>	FL.
1	T	Sparrow, San Clemente sage	<i>Amphispiza belli clementeae</i>	CA.
1	E	Stilt, Hawaiian (=Ae'o)	<i>Himantopus himantopus knudseni</i>	HI.
4	E	Stork, wood	<i>Mycteria americana</i>	AL, FL, GA, SC.
1	E	Swiftlet, Mariana gray (=Vanikoro)	<i>Aerodramus vanikorensis bartschi</i>	GU; MP (Rota, Tinian, Saipan, Agiguan), Western Pacific.
1	E	Tern, California least	<i>Sterna antillarum browni</i>	CA, Mexico.
3	E	Tern, least (interior population)	<i>Sterna antillarum</i>	AR, CO, IA, IL, IN, KS, KY, LA, MS, MO, MT, NE, NM, ND, OK, SD, TN, TX, (Miss. R. & trib. N.).
5	E,T	Tern, roseate	<i>Sterna dougalli dougalli</i>	E= ME, MA, RI, CT, NY, Canada-NS, QU, T= FL, PR, VI, Bermuda, Western Hemisphere and adjacent oceans and seas where not listed as endangered.
1	E	Thrush, large Kauai	<i>Myadestes myadestinus</i>	HI.
1	E	Thrush, Moloai (oloma'o)	<i>Myadestes lanaiensis rutha</i>	HI.
1	E	Thrush, small Kauai (puaiohi)	<i>Myadestes palmeri</i>	HI.
1	T (CH)	Towhee, Inyo brown	<i>Pipilo fuscus eremophilus</i>	CA.
2	E	Vireo, black-capped	<i>Vireo atricapillus</i>	KS, OK, TX, Mexico.
1	E	Vireo, least Bell's	<i>Vireo bellii pusillus</i>	CA, Mexico.
1	E	Warbler (willow), nightingale reed	<i>Acrocephalus luscina</i>	MP (Saipan, Alamagan), FSM (Caroline Is.), Western Pacific.
4	E	Warbler (wood), Bachman's	<i>Vermivora bachmanii</i>	Presumed near extinction—no known localities of regular occurrence in since early 1970's (Cuba).
2	E	Warbler (wood), golden-cheeked	<i>Dendroica chrysoparia</i>	TX, Mexico, Guatemala, Honduras, Nicaragua.
3	E	Warbler (wood), Kirtland's	<i>Dendroica kirtlandii</i>	MI, WI, Canada, West Indies.
1	E	White-eye, bridled	<i>Zosterops conspicillatus conspicillatus</i>	GU, Western Pacific.
4	E	Woodpecker, red-cockaded	<i>Picoides borealis</i>	TX, OK, LA, MS, AR, FL, GA, SC, NC, VA, KY, TN, AL.
REPTILES				
4	E (CH)	Anole, Culebra Island giant	<i>Anolis roosevelti</i>	PR-Culebra Is..
4	T (CH)	Boa, Mona	<i>Epicrates monensis monensis</i>	PR.
4	E	Boa, Puerto Rican	<i>Epicrates inornatus</i>	PR.
4	E	Boa, Virgin Islands tree	<i>Epicrates monensis (=inornatus) granti</i>	British VI (presumed extirpated in US Virgin Is.).
4	E (CH)	Crocodile, American	<i>Crocodylus acutus</i>	FL, Mexico, West Indies, Central & South America.
1	E	Crocodile, saltwater	<i>Crocodylus porosus</i>	PW, Western Pacific.
4	E (CH)	Gecko, Monito	<i>Sphaerodactylus micropthecus</i>	PR.
4	T (CH)	Iguana, Mona ground	<i>Cyclura stejnegeri</i>	PR.
1	E	Lizard, blunt-nosed leopard	<i>Gambelia (Crotaphytus) silus</i>	CA.
1	T (CH)	Lizard, Coachella Valley fringe-toed	<i>Uma inornata</i>	CA.
1	T	Lizard, Island night	<i>Xantusia (Klauberina) riversiana</i>	CA.
4	E (CH)	Lizard, St. Croix ground	<i>Ameiva palops</i>	VI.
2	T (CH)	Rattlesnake, New Mexican ridge-nosed	<i>Crotalus willardi obscurus</i>	NM, Mexico.
4	T	Skink, blue-tailed mole	<i>Eumeces egregius lividus</i>	FL.
4	T	Skink, sand	<i>Neoseps reynoldsi</i>	FL.
4	T	Snake, Atlantic salt marsh	<i>Nerodia fasciata teeniata</i>	FL.
2	T	Snake, Concho water	<i>Nerodia harteri paucimaculata</i>	TX.
4	T	Snake, eastern indigo	<i>Drymarchon corais couperi</i>	AL, FL, GA, MS, SC.
1	E	Snake, San Francisco garter	<i>Thamnophis sirtalis tetrataenia</i>	CA.
1	T (CH)	Tortoise, desert	<i>Gopherus (=Scaptochelys, =Xerobates) agassizii</i>	T=AZ (north of Colorado R.), CA, NV, UT.
4	T	Tortoise, gopher	<i>Gopherus polyphemus</i>	AL (west of Tombigbee and Mobile R.), MS, LA.
4	E	Turtle, Alabama red-bellied	<i>Pseudemys alabamensis</i>	AL.
4	T	Turtle, flattened musk	<i>Sternotherus depressus</i>	AL.
2	E,T	Turtle, green sea	<i>Chelonia mydas</i>	T= AL, AS, GA, GU, HI, LA, MP, MS, NC, PR, PW, SC, TX, VA, VI, circumglobal in tropical and temperate waters; E= FL (breeding pop), CA, OR, WA, Mexico-Pacific Coast breeding pop.
2	E (CH)	Turtle, hawksbill sea (=carey)	<i>Eretmochelys imbricata</i>	AL, AS, CT, DE, FL, GA, GU, HI, LA, MA, MP, MD, MS, NC, NJ, NY, PR, PW, RI, SC, TX, VA, VI, tropical seas.
2	E	Turtle, Kemp's (Atlantic) ridley sea	<i>Lepidochelys kempi</i>	AL, FL, GA, LA, MS, NC, SC, TX, VA, Mexico-Atlantic Coast, tropical and temperate waters in Atlantic Basin.

TABLE 2. U.S. LISTED SPECIES TO BE REVIEWED²—Continued

Lead Region ¹	Status	Common name	Scientific name	Likely Current Range
2	E (CH)	Turtle, leatherback sea	<i>Dermodochelys coriacea</i>	AL, AS, CA, CT, DE, FL, GA, GU, HI, LA, MA, MD, MP, MS, NC, NJ, NY, OR, PR, PW, RI, SC, TX, VA, VI, WA, tropical, temperate; subpolar waters.
2	T	Turtle, loggerhead sea	<i>Caretta caretta</i>	AL, AS, CT, DE, FL, GA, GU, HI, LA, MA, MD, MP, MS, NC, NJ, NY, PR, PW, RI, SC, TX, VA, VI, GU, tropical and temperate seas.
2	E, T	Turtle, olive (Pacific) ridley sea	<i>Lepidochelys olivacea</i>	T = AS, GU, HI, MP, PW, Pacific Ocean, except breeding pops on Pacific Coast of Mexico; E = CA, OR, WA, Mexico (Pacific Coast breeding pop. only).
5	E (CH)	Turtle, Plymouth red-bellied	<i>Pseudemys (Chrysemys) rubriventris bangsi</i>	MA.
AMPHIBIANS				
4	T (CH)	Coqui, golden	<i>Eleutherodactylus jasperi</i>	PR.
5	T	Salamander, Cheat Mountain	<i>Plethodon nettingi</i>	WV.
1	E	Salamander, desert slender	<i>Batrachoseps aridus</i>	CA.
4	T	Salamander, Red Hills	<i>Phaeognathus hubrichti</i>	AL.
2	T (CH)	Salamander, San Marcos	<i>Eurycea nana</i>	TX.
1	E	Salamander, Santa Cruz long-toed	<i>Ambystoma macrodactylum croceum</i>	CA.
5	E	Salamander, Shenandoah	<i>Plethodon shenandoah</i>	VA.
2	E	Salamander, Texas blind	<i>Typhlomolge rathbuni</i>	TX.
4	T	Toad, Puerto Rican crested	<i>Peltophryne lemur</i>	PR, BVI.
6	E	Toad, Wyoming	<i>Bufo hemiophrys baxteri</i>	WY.
FISHES				
2	T (CH)	Catfish, Yaqui	<i>Ictalurus pricei</i>	AZ, Mexico.
4	E (CH)	Cavefish, Alabama	<i>Speoplatyrhinus poulsoni</i>	AL.
4	T	Cavefish, Ozark	<i>Amblyopsis rosae</i>	MO, OK, AR.
6	E	Chub, bonytail	<i>Gila elegans</i>	AZ, CA, CO, NV, UT.
1	E (CH)	Chub, Borax Lake	<i>Gila boraxobius</i>	OR.
2	T	Chub, Chihuahua	<i>Gila nigrescens</i>	NM, Mexico-Chihuahua.
6	E	Chub, humpback	<i>Gila cypha</i>	AZ, CO, UT, .
1	T	Chub, Hutton tui	<i>Gila bicolor ssp.</i>	OR.
1	E	Chub, Mohave tui	<i>Gila bicolor mohavensis</i>	CA.
1	E (CH)	Chub, Owens tui	<i>Gila bicolor snyderi</i>	CA.
1	E	Chub, Pahrnagat roundtail	<i>Gila robusta jordani</i>	NV.
4	T (CH)	Chub, slender	<i>Hybopsis cahni</i>	TN, VA.
2	T (CH)	Chub, Sonora	<i>Gila ditaenia</i>	AZ, Mexico.
4	T (CH)	Chub, spottin	<i>Cyprinella (=Hybopsis) monacha</i>	NC, TN, VA.
6	E	Chub, Virgin River	<i>Gila robusta seminuda</i>	AZ, NV, UT.
2	E (CH)	Chub, Yaqui	<i>Gila purpurea</i>	AZ, Mexico.
1	E	Cui-ui	<i>Chasmistes cujus</i>	NV.
1	E (CH)	Dace, Ash Meadows speckled	<i>Rhinichthys osculus nevadensis</i>	NV.
4	T	Dace, blackside	<i>Phoxinus cumberlandensis</i>	KY, TN.
1	E	Dace, Clover Valley speckled	<i>Rhinichthys osculus oligoporus</i>	NV.
1	T (CH)	Dace, desert	<i>Eremichthys acros</i>	NV.
1	T	Dace, Fosskett speckled	<i>Rhinichthys osculus ssp.</i>	OR.
1	E	Dace, Independence Valley speckled	<i>Rhinichthys osculus lethoporus</i>	NV.
6	E	Dace, Kendall Warm Springs	<i>Rhinichthys osculus thermalis</i>	WY.
1	E	Dace, Moapa	<i>Moapa coriacea</i>	NV.
4	E (CH)	Darter, amber	<i>Percina antesella</i>	AL, GA.
4	T	Darter, bayou	<i>Etheostoma rubrum</i>	MS.
4	E	Darter, boulder (=Elk River)	<i>Etheostoma wapiti</i>	AL, TN.
2	E (CH)	Darter, fountain	<i>Etheostoma fonticola</i>	TX.
2	T (CH)	Darter, leopard	<i>Percina pantherina</i>	AR, OK.
5	E (CH)	Darter, Maryland	<i>Etheostoma sellare</i>	MD.
3	T (CH)	Darter, Niangua	<i>Etheostoma nianguae</i>	MO.
4	E	Darter, Okaloosa	<i>Etheostoma okaloosae</i>	FL.
4	T	Darter, snail	<i>Percina tanasi</i>	AL, GA, TN.
4	E	Darter, watercress	<i>Etheostoma nuchale</i>	AL.
2	E	Gambusia, Big Bend	<i>Gambusia galgei</i>	TX.
2	E	Gambusia, Clear Creek	<i>Gambusia heterochir</i>	TX.
2	E	Gambusia, Pecos	<i>Gambusia nobilis</i>	NM, TX.
4	E (CH)	Logperch, Conasauga	<i>Percina jenkinsi</i>	GA, TN.
5	E	Logperch, Roanoke	<i>Percina rex</i>	VA.
6	T	Madtom, Neosho	<i>Noturus placidus</i>	KS, MO, OK.
3	E	Madtom, Scioto	<i>Noturus trautmani</i>	OH.
4	E (CH)	Madtom, Smoky	<i>Noturus baileyi</i>	TN.
4	T (CH)	Madtom, yellowfin	<i>Noturus flavipinnis</i>	TN, VA.
2	T	Minnow, loach	<i>Tiaroga cobitis</i>	AZ, NM, Mexico.
1	E (CH)	Pupfish, Ash Meadows Amargosa	<i>Cyprinodon nevadensis mionectes</i>	NV.
2	E	Pupfish, Comanche Springs	<i>Cyprinodon elegans</i>	TX.
2	E (CH)	Pupfish, desert	<i>Cyprinodon macularius</i>	AZ, CA, Mexico.
1	E	Pupfish, Devil's Hole	<i>Cyprinodon diabolis</i>	NV.
2	E (CH)	Pupfish, Leon Springs	<i>Cyprinodon bovinus</i>	TX.
1	E	Pupfish, Owens	<i>Cyprinodon radiosus</i>	CA.
1	E	Pupfish, Warm Springs	<i>Cyprinodon nevadensis pectoralis</i>	NV.
4	T	Sculpin, pygmy	<i>Cottus pygmaeus</i>	AL.
2	T (CH)	Shiner, beautiful	<i>Cyprinella formosa</i>	AZ, NM, Mexico.

TABLE 2. U.S. LISTED SPECIES TO BE REVIEWED²—Continued

Lead Region ¹	Status	Common name	Scientific name	Likely Current Range
4	E (CH)	Shiner, Cape Fear	<i>Notropis mekistocholas</i>	NC.
2	T (CH)	Shiner, Pecos bluntnose	<i>Notropis simus pecosensis</i>	NM.
4	T (CH)	Silverside, Waccamaw	<i>Menidia extensa</i>	NC.
2	T	Spinedace	<i>Meda fulgida</i>	AZ, NM, Mexico.
1	T (CH)	Spinedace, Big Spring	<i>Lepidomeda mollispinis pratensis</i>	NV.
2	T (CH)	Spinedace, Little Colorado	<i>Lepidomeda vittata</i>	AZ.
1	E (CH)	Spinedace, White River	<i>Lepidomeda albivallis</i>	NV.
1	E (CH)	Springfish, Hiko White River	<i>Crenichthys baileyi grandis</i>	NV.
1	T (CH)	Springfish, Railroad Valley	<i>Crenichthys nevadae</i>	NV.
1	E (CH)	Springfish, White River	<i>Crenichthys baileyi baileyi</i>	NV.
6	E	Squawfish, Colorado	<i>Ptychocheilus lucius</i>	AZ (except Salt & Verde R.), CA, CO, UT, WY.
1	E	Stickleback, unarmored threespine	<i>Gasterosteus aculeatus williamsoni</i>	CA.
6	E	Sturgeon, pallid	<i>Scaphirhynchus albus</i>	AR, IA, IL, KS, KY, LA, MO, MS, MT, ND, NE, SD, TN.
6	E (CH)	Sucker, June	<i>Chasmistes liorus</i>	UT.
1	E	Sucker, Lost River	<i>Deltistes luxatus</i>	CA, OR.
1	E (CH)	Sucker, Modoc	<i>Catostomus microps</i>	CA.
1	E	Sucker, shortnose	<i>Chasmistes brevirostris</i>	CA, OR.
1	T (CH)	Sucker, Warner	<i>Catostomus warnerensis</i>	OR.
2	E	Topminnow, Yaqui	<i>Poeciliopsis occidentalis</i>	AZ, NM.
2	T	Trout, Apache	<i>Oncorhynchus apache</i>	AZ.
2	E	Trout, Gila	<i>Oncorhynchus gilae</i>	NM, AZ.
6	T	Trout, greenback cutthroat	<i>Oncorhynchus clarki stomias</i>	CO.
1	T	Trout, Lahontan cutthroat	<i>Oncorhynchus clarki henshawi</i>	CA, NV, OR, UT.
1	T (CH)	Trout, Little Kern golden	<i>Oncorhynchus aguabonita whitei</i>	CA.
1	T	Trout, Paiute cutthroat	<i>Oncorhynchus clarki seleniris</i>	CA.
6	E	Woundfin	<i>Plagopterus argentissimus</i>	AZ, NV, UT (except Gila R. drainage of AZ, NM).
INVERTEBRATES				
SNAILS				
4	T	Shagreen, Magazine Mountain	<i>Mesodon magazinensis</i>	AR.
5	T	Snail, Chittenango ovate amber	<i>Succinea chittenangoensis</i>	NY.
5	T	Snail, flat-spined three-toothed land	<i>Triodopsis platysayoides</i>	WV.
3	E	Snail, Iowa Pleistocene	<i>Discus macclintocki</i>	IA, IL.
4	T	Snail, Noonday	<i>Mesodon clarki nantahala</i>	NC.
1	E	Snails, Oahu tree (19 spp.)	<i>Achatinella spp.</i>	HI.
4	T	Snail, painted snake coiled forest	<i>Anguispira picta</i>	TN.
4	T	Snail, Stock Island	<i>Orthalicus reses</i> (not incl. <i>nesodyas</i>)	FL.
5	E	Snail, Virginia fringed mountain	<i>Polygyriscus virginianus</i>	VA.
CLAMS				
4	E	Fanshell	<i>Cyprogenia stegana</i> (= <i>irrorata</i>)	AL, IL, IN, KY, OH, PA, TN, VA, WV.
4	T	Fatmucket, Arkansas	<i>Lampsilis powelli</i>	AR.
4	T	Heelsplitter, inflated	<i>Potamilus inflatus</i>	AL, LA, MS.
4	E	Mussel, Curtus'	<i>Pleurobema curtum</i>	AL, MS.
5	E	Mussel, dwarf wedge	<i>Alasmidonta heterodon</i>	MA, MD, NC, NH, NY, VA, VT, Canada (NB).
4	E	Mussel, Judge Tait's	<i>Pleurobema taitianum</i>	AL, MS.
4	E	Mussel, Marshall's	<i>Pleurobema marshalli</i>	AL, MS.
4	E	Mussel, penitent	<i>Epioblasma</i> (= <i>Dysnomia</i>) <i>penita</i>	AL, MS.
4	E	Mussel, ring pink	<i>Obovaria retusa</i>	AL, KY, PA, TN, WV.
4	E	Pearlshell, Louisiana	<i>Margaritifera hembeli</i>	LA.
4	E	Pearly mussel, Alabama lamp	<i>Lampsilis virescens</i>	AL, TN.
4	E	Pearly mussel, Appalachian monkeyface	<i>Quadrula sparsa</i>	TN, VA.
4	E	Pearly mussel, birdwing	<i>Conradilla caelata</i>	TN, VA.
4	E	Pearly mussel, cracking	<i>Hemistena</i> (= <i>Lastena</i>) <i>lata</i>	AL, KY, TN, VA.
4	E	Pearly mussel, Cumberland bean	<i>Villosa</i> (= <i>Micromya</i>) <i>trabalis</i>	KY, TN, VA.
4	E	Pearly mussel, Cumberland monkeyface	<i>Quadrula intermedia</i>	AL, TN, VA.
3	E	Pearly mussel, Curtus'	<i>Epioblasma</i> (= <i>Dysnomia</i>) <i>florentina curtisi</i>	MO.
4	E	Pearly mussel, dromedary	<i>Dromus dromas</i>	KY, TN, VA.
4	E	Pearly mussel, green-blossom	<i>Epioblasma</i> (= <i>Dysnomia</i>) <i>torulosa gubernaculum</i>	TN, VA.
3	E	Pearly mussel, Higgins' eye	<i>Lampsilis higginsii</i>	IL, IA, MN, MO, NE, WI.
4	E	Pearly mussel, little-wing	<i>Pegias fabula</i>	AL, KY, NC, TN, VA.
4	E	Pearly mussel, orange-footed	<i>Plethobasus cooperianus</i>	AL, IL, KY, TN.
4	E	Pearly mussel, pale lilliput	<i>Toxolasma</i> (= <i>Carunculina</i>) <i>cyindrellus</i>	AL, TN.
4	E	Pearly mussel, purple cat's paw	<i>Epioblasma</i> (= <i>Dysnomia</i>) <i>obliquata</i> (= <i>sulcata</i>) <i>o.</i>	AL, KY, TN.
4	E	Pearly mussel, tubercled-blossom	<i>Epioblasma</i> (= <i>Dysnomia</i>) <i>torulosa torulosa</i>	IL, KY, TN, WV, IN.
4	E	Pearly mussel, turgid-blossom	<i>Epioblasma</i> (= <i>Dysnomia</i>) <i>turgidula</i>	AL, TN.
3	E	Pearly mussel, white cat's paw	<i>Epioblasma</i> (= <i>Dysnomia</i>) <i>sulcata delicata</i>	IN, OH.
4	E	Pearly mussel, white wartyback	<i>Plethobasus cicatricosus</i>	AL, IN, IL, KY, TN.
4	E	Pearly mussel, yellow-blossom	<i>Epioblasma</i> (= <i>Dysnomia</i>) <i>florentina florentina</i>	AL, TN.
4	E	Pigtoe, fine-rayed	<i>Fusconia cuneolus</i>	AL, TN, VA.
4	E	Pigtoe, rough	<i>Pleurobema plenum</i>	KY, TN, VA.

TABLE 2. U.S. LISTED SPECIES TO BE REVIEWED²—Continued

Lead Region ¹	Status	Common name	Scientific name	Likely Current Range
4	E	Pigtoe, shiny	<i>Fusconaia edgariana</i>	AL, TN, VA.
4	E	Pocketbook, speckled	<i>Lampsilis streckeri</i>	AR.
4	E	Riffle shell, tan	<i>Epioblasma walkeri</i>	KY, TN, VA.
4	E	Shell, stirrup	<i>Quadrula stapes</i>	AL, MS.
5	E	Spiny mussel, James River (=Virginia)	<i>Pleuroberma collina</i>	VA, WV.
4	E	Spiny mussel, Tar River	<i>Elliptio (=Canthya) steinstansana</i>	NC.
CRUSTACEANS				
5	E	Amphipod, Hay's spring	<i>Stygobromus hayi</i>	DC.
4	E	Crayfish, Cave	<i>Cambarus zophonastes</i>	AR.
4	E	Crayfish, Nashville	<i>Orconectes shoupi</i>	TN.
1	E	Crayfish, Shasta (=placid)	<i>Pacifastacus thouti</i>	CA.
5	T	Isopod, Madison Cave	<i>Antrolana lira</i>	VA.
2	E	Isopod, Socorro	<i>Thermosphaeroma (=Exosphaeroma) thermophilus</i>	NM.
4	E	Shrimp, Alabama cave	<i>Palaemonias alabamiae</i>	AL.
1	E	Shrimp, California freshwater	<i>Syncaris pacifica</i>	CA.
4	E (CH)	Shrimp, Kentucky Cave	<i>Palaemonias ganteri</i>	KY.
4	T	Shrimp, Squirrel Chimney (=Florida) cave	<i>Palaemonetes cummingsi</i>	FL.
INSECTS				
5	E	Beetle, Amer. burying (=giant carrion)	<i>Nicrophorus americanus</i>	AR, KY, MA, NE, OK, RI; Canada (ON).
1	T (CH)	Beetle, delta green ground	<i>Elaphrus viridis</i>	CA.
2	E	Beetle, Kretschmarr Cave mold	<i>Texamaurops reddelli</i>	TX.
5	T	Beetle, northeastern beach tiger	<i>Cicindela dorsalis dorsalis</i>	CT, MA, MD, NJ, NY, PA, RI, VA.
5	T	Beetle, Puritan tiger	<i>Cicindela puritana</i>	CT, MA, MD, NH, VT.
2	E	Beetle, Tooth Cave ground	<i>Rhadine persephone</i>	TX.
1	T (CH)	Beetle, valley elderberry longhorn	<i>Desmocerus californicus dimorphus</i>	CA.
1	T	Butterfly, bay checkerspot	<i>Euphydryas editha bayensis</i>	CA.
1	E	Butterfly, El Segundo blue	<i>Euphydryas (=Shijimiaeoides) battoides alnyi</i>	CA.
1	E	Butterfly, Lange's metalmark	<i>Apodemia mormo langei</i>	CA.
1	E	Butterfly, lotis blue	<i>Lycaeides argyrognomon lotis</i>	CA.
1	E	Butterfly, mission blue	<i>Icaricia icarioides missionensis</i>	CA.
1	T (CH)	Butterfly, Oregon silverspot	<i>Speyeria zerene hippolyta</i>	CA, OR, WA.
1	E (CH)	Butterfly, Palos Verde blue	<i>Glaucopsyche lygdamus palosverdesensis</i>	CA.
1	E	Butterfly, San Bruno elfin	<i>Callophrys mossii bayensis</i>	CA.
4	E	Butterfly, Schaus swallowtail	<i>Heraclides (Papilio) aristodemus ponceanus</i>	FL.
1	E	Butterfly, Smith's blue	<i>Euphydryas (=Shijimiaeoides) enoptes smithi</i>	CA.
1	T	Moth, Kern primrose sphinx	<i>Euproserpinus euterpe</i>	CA.
1	T (CH)	Naucorid, Ash Meadows	<i>Ambrysus amargosus</i>	NV.
6	T	Skipper, Pawnee montane	<i>Hesperia leonardus (=pawnee) montana</i>	CO.
ARACHNIDS				
2	E	Harvestman, Bee Creek Cave	<i>Texella reddelli</i>	TX.
2	E	Pseudoscorpion, Tooth Cave	<i>Microcreagnis texana</i>	TX.
2	E	Spider, Tooth Cave	<i>Leptoneta myopica</i>	TX.
PLANTS				
1	E	'Akoko, Ewa Plains	<i>Chamaesyce (=Euphorbia) skottsbergii</i> var. <i>kalaeoana</i>	HI.
2	E	Agave, Arizona	<i>Agave arizonica</i>	AZ.
4	T	Amphianthus, little	<i>Amphianthus pusillus</i>	AL, GA, SC.
4	E	Arrowhead, bunched	<i>Sagittaria fasciculata</i>	NC, SC.
3	T	Aster, decurrent false	<i>Boftonia decurrens</i>	IL, MO.
4	E	Aster, Florida golden	<i>Chrysopsis floridana (=Heterotheca floridana)</i>	FL.
4	E	Aster, Ruth's golden	<i>Pityopsis ruthii (=Heterotheca r. Chrysopsis r.)</i>	TN.
4	E	Avens, spreading	<i>Geum radiatum</i>	NC, TN.
1	E	Barberry, Truckee	<i>Berberis sonnei (=Mahonia s.)</i>	CA.
4	E	Bariaco	<i>Trichilia triacantha</i>	PR.
6	E	Bear-poppy, dwarf	<i>Arctomecon humilis</i>	UT.
6	E	Beardtongue, Penland	<i>Penstemon penlandii</i>	CO.
4	E	Beauty, Harper's	<i>Harperocalis flava</i>	FL.
4	E	Bellflower, Brooksville	<i>Campanula robinsiae</i>	FL.
1	E	Bidens, cuneate	<i>Bidens cuneata</i>	HI.
5	E	Birch, Virginia round-leaf	<i>Betula uber</i>	VA.
1	E	Bird's beak, palmate-bracted	<i>Cordylanthus palmatus</i>	CA.
1	E	Bird's-beak, salt marsh	<i>Cordylanthus maritimus</i> ssp. <i>maritimus</i>	CA, Mexico (Baja California).
4	E	Bittercress, small-anthered	<i>Cardamine micranthera</i>	NC.
6	T	Bladderpod, Dudley Bluffs	<i>Lesquerella congesta</i>	CO.
4	T	Bladderpod, lyrate	<i>Lesquerella lyrata</i>	AL.
3	E	Bladderpod, Missouri	<i>Lesquerella filiformis</i>	MO.
2	E	Bladderpod, white	<i>Lesquerella pallida</i>	TX.

TABLE 2. U.S. LISTED SPECIES TO BE REVIEWED²—Continued

Lead Region ¹	Status	Common name	Scientific name	Likely Current Range
1	T	Blazingstar, Ash Meadows	<i>Mentzelia leucophylla</i>	05/20.
4	T	Blazingstar, Heller's	<i>Liatris helleri</i>	NC.
4	E	Blazingstar, scrub	<i>Liatris ohlingerae</i>	FL.
2	E	Blue-star, Kearney's	<i>Amsonia kearneyana</i>	AZ.
4	E	Bluet, Roan Mountain	<i>Hedyotis purpurea</i> var. <i>montana</i>	NC, TN.
4	T	Bonamia, Florida	<i>Bonamia grandiflora</i>	FL.
4	E	Boxwood, Vahl's	<i>Buxus vahlii</i>	PR.
1	E	Broom, San Clemente Island	<i>Lotus dendroideus</i> ssp. <i>traskiae</i>	CA.
1	E	Buckwheat, steamboat	<i>Eriogonum ovalifolium</i> var. <i>williamsiae</i>	NV.
3	T	Bush-clover, prairie	<i>Lespedeza leptostachya</i>	IA, IL, MN, WI.
1	E	Bush-mallow, San Clemente Island	<i>Malacothamnus clementinus</i>	CA.
6	E	Buttercup, autumn	<i>Ranunculus acrifolius</i> var. <i>aestivalis</i>	UT.
4	E	Button, Mohr's Barbara	<i>Marshallia mohrii</i>	AL, GA.
2	E	Cactus, Arizona hedgehog	<i>Echinocereus triglochidiatus</i> var. <i>arizonicus</i>	AZ.
1	E	Cactus, Bakersfield	<i>Opuntia treleasei</i>	CA.
2	E	Cactus, black lace	<i>Echinocereus reichenbachii</i> var. <i>albertii</i>	TX.
2	E	Cactus, Brady pincushion	<i>Pediocactus bradyi</i>	AZ.
2	T	Cactus, bunched cory	<i>Coryphantha ramillosa</i>	TX, Mexico (Coahuila).
2	T	Cactus, Chisos Mtn. hedgehog	<i>Echinocereus chisoensis</i> var. <i>chisoensis</i>	TX.
2	T	Cactus, Cochise pincushion	<i>Coryphantha robbinsorum</i> (= <i>Cochisea r.</i> , <i>Escobaria r.</i>)	AZ, Mexico (Sonora).
4	E	Cactus, Key tree	<i>Cereus robinii</i>	FL.
2	E	Cactus, Knowlton	<i>Pediocactus knowltonii</i>	NM, CO.
2	E	Cactus, Kuenzler hedgehog	<i>Echinocereus fendleri</i> var. <i>kuenzleri</i>	NM.
2	T	Cactus, Lee pincushion	<i>Coryphantha sneedii</i> var. <i>lesi</i>	NM.
2	E	Cactus, Lloyd's hedgehog	<i>Echinocereus lloydii</i>	TX.
2	T	Cactus, Lloyd's Mariposa	<i>Neolloydia mariposensis</i>	TX, Mexico (Coahuila).
2	T	Cactus, Mesa Verde	<i>Sclerocactus mesae-verdae</i> (= <i>Pediocactus m.</i>)	CO, NM.
2	E	Cactus, Nellie cory	<i>Coryphantha minima</i>	TX.
2	E	Cactus, Nichol's Turk's head	<i>Echinocactus horizontalis</i> var. <i>nicholii</i>	AZ.
2	E	Cactus, Peebles Navajo	<i>Pediocactus peeblesianus</i> var. <i>peeblesianus</i>	AZ.
6	E	Cactus, San Rafael	<i>Pediocactus despainii</i>	UT.
6	E	Cactus, spineless hedgehog	<i>Echinocereus triglochidiatus</i> var. <i>inermis</i>	CO, UT.
2	E	Cactus, Tobusch fishhook	<i>Ancistrocactus tobuschii</i> (= <i>Echinocactus t.</i> , <i>Mammillaria t.</i>)	TX.
6	T	Cactus, Unita Basin hookless	<i>Sclerocactus glaucus</i> (= <i>Echinocactus g.</i> , <i>S. whipplei</i>)	CO, UT.
6	E	Cactus, Wright fishhook	<i>Sclerocactus wrightiae</i> (= <i>Pediocactus w.</i>)	UT.
4	E	Cassia mirabilis (= Sci. name)	<i>Cassia mirabilis</i>	PR.
1	T	Centauray, spring-loving	<i>Centaureum namophilum</i> (= <i>C. n.</i> var. <i>namophilum</i>)	CA, NV.
1	E	Chaff-flower, round-leaved	<i>Achyranthes splendens</i> var. <i>rotundata</i>	HI.
1	E	Checker-mallow, pedate	<i>Sidalcea pedata</i>	CA.
4	T	Chumbo, higo	<i>Harrisia</i> (= <i>Cereus</i>) <i>portoricensis</i>	PR.
2	E	Cliff-rose, Arizona	<i>Purshia subintegra</i> (= <i>Cowania s.</i>)	AZ.
3	E	Clover, running buffalo	<i>Trifolium stoloniferum</i>	AR, IL, IN, KS, KY, MO, OH, WV.
4	E	Coneflower, Tennessee purple	<i>Echinacea tennesseensis</i>	TN.
6	E	Cress, toad-flax	<i>Glaucocarpum suffrutescens</i>	UT.
6	T	Cycladenia, Jones	<i>Cycladenia humilis</i> var. <i>jonesii</i>	AZ, UT.
1	E	Cypress, Santa Cruz	<i>Cupressus abramsiana</i>	CA.
3	T	Daisy, lakeside	<i>Hymenoxys acaulis</i> var. <i>glabra</i>	OH, IL, Canada (ON).
6	E	Daisy, Maguire	<i>Erigeron maguirei</i> var. <i>maguirei</i>	UT.
4	E	Daphnopsis hellerana (no common name)	<i>Daphnopsis hellerana</i>	PR.
2	E	Dawn-flower, Texas prairie	<i>Hymenoxys texana</i>	TX.
2	E	Dogweed, ashy	<i>Thymophylla tephroleuca</i> (= <i>Dyssodia tephroleuca</i>)	TX.
4	E	Dropwort, Canby's	<i>Oxypolis canbyi</i>	DE, GA, MD, NC, SC.
4	E	Erubia	<i>Solanum drymophilum</i>	PR.
1	E	Evening-primrose, Antioch Dunes	<i>Oenothera deltoides</i> ssp. <i>howellii</i>	CA.
1	E	Evening-primrose, Eureka Valley	<i>Oenothera avita</i> ssp. <i>eurekaensis</i>	CA.
1	T	Evening-primrose, San Benito	<i>Camissonia benitensis</i>	CA.
7	E	Fern, Aleutian shield	<i>Polystichum aleuticum</i>	AK.
4	T	Fern, American hart's-tongue	<i>Phyllitis scolopendrium</i> var. <i>americana</i>	AL, MI, NY, TN, Canada.
4	E	Fern, Elfin tree	<i>Cyathea dryopteroides</i>	PR.
1	E	Fiddleneck, Large-flowered	<i>Amsinckia grandiflora</i>	CA.
2	T	Fleabane, Rhizome	<i>Erigeron rhizomatus</i>	NM.
2	E	Frankenia, Johnston's	<i>Frankenia johnstonii</i>	TX, Mexico (Nuevo Leon).
1	E	Gardenia, Hawaiian (na'u)	<i>Gardenia brighamii</i>	HI.
4	T	Geocarpon minimum (no common name)	<i>Geocarpon minimum</i>	AR, MO.
5	E	Gerardia, sandplain	<i>Agalinis acuta</i>	CT, MA, MD, NY, RI.
4	E	Goetzea, beautiful (matabuey)	<i>Goetzea elegans</i>	PR.
4	T	Goldenrod, Blue Ridge	<i>Solidago spithamea</i>	NC, TN.
3	T	Goldenrod, Houghton's	<i>Solidago houghtonii</i>	MI, Canada (ON).

TABLE 2. U.S. LISTED SPECIES TO BE REVIEWED ²—Continued

Lead Region ¹	Status	Common name	Scientific name	Likely Current Range
4	E	Goldenrod, Short's	<i>Solidago shortii</i>	KY.
4	T	Goldenrod, white-haired	<i>Solidago albopilosa</i>	KY.
4	T	Gooseberry, Miccosukee (Florida)	<i>Ribes echinellum</i>	FL, SC.
1	E	Gouania hillebrandii (no common name)	<i>Gouania hillebrandii</i>	HI.
1	E	Grass, Eureka Dune	<i>Swallenia alexandrae</i>	CA.
1	E	Grass, Solano	<i>Tuctoria mucronata</i> (= <i>Orcuttia m.</i>)	CA.
2	T	Groundsel, San Francisco Peaks	<i>Senecio franciscanus</i>	AZ.
1	T	Gumplant, Ash Meadows	<i>Grindelia fraxinopratisensis</i>	CA, NV.
1	E	Haplostachya, narrow-leaved	<i>Haplostachys haplostachya</i> var. <i>angustifolia</i>	HI.
4	E	Harperella	<i>Ptilimnium nodosum</i> (= <i>P. fluviatile</i>)	AL, GA, MD, NC, SC, WV.
4	T	Heartleaf, dwarf-flowered	<i>Hexastylis naniflora</i>	NC, SC.
4	T	Heather, mountain golden	<i>Hudsonia montana</i>	NC.
4	E	Higuero de Sierra	<i>Crescentia portoricensis</i>	PR.
4	E	Holly, Cook's	<i>Ilex cookii</i>	PR.
4	E	Hypericum, highlands scrub	<i>Hypericum cumulicola</i>	FL.
1	E	Indian paintbrush, San Clemente Island	<i>Castilleja grisea</i>	CA.
3	T	Iris, dwarf lake	<i>Iris lacustris</i>	MI, WI, Canada (ON).
1	T	Ivesia, Ash Meadows	<i>Ivesia kingii</i> var. <i>eremica</i>	NV.
1	E	Jewelflower, California	<i>Caulanthus californicus</i>	CA.
1	E	Kauai hau kuahiwi	<i>Hibiscadelphus distans</i>	HI.
1	E	Ko'olua'ula	<i>Abutilon menziesii</i>	HI.
1	E	Koki'o (=hau-hele'ula or Hawaii tree cotton)	<i>Kokia drynarioides</i>	HI.
1	E	Kokio, Cooke's	<i>Kokia cookii</i>	HI.
2	E	Ladies'-tresses, Navasota	<i>Spiranthes parksii</i>	05/06.
1	E	Lagu, Hyan	<i>Serianthes nelsonii</i>	Guam, Rota.
1	E	Larkspur, San Clemente Island	<i>Delphinium kinkiense</i>	CA.
4	E	Lead-plant, Crenulate	<i>Amorpha crenulata</i>	FL.
4	E	Leather flower, Alabama	<i>Clematis socialis</i>	AL.
3	E	Lily, Minnesota trout	<i>Erythronium propullans</i>	MN.
1	E	Lipochaeta venosa (no common name)	<i>Lipochaeta venosa</i>	HI.
1	E	Liveforever, Santa Barbara Island	<i>Dudleya traskiae</i>	CA.
3	T	Locoweed, Fassett's	<i>Oxytropis campestris</i> var. <i>chartacea</i>	WI.
1	E	Lomatium, Bradshaw's	<i>Lomatium bradshawii</i>	OR.
4	E	Loosestrife, rough-leaved	<i>Lysimachia asperulaefolia</i>	NC, SC.
5	E	Lousewort, Furbish	<i>Pedicularis furbishiae</i>	ME, Canada (New Brunswick).
4	E	Lupine, scrub	<i>Lupinus aridorum</i>	FL.
1	E	Mallow, Kern	<i>Eremalche kernensis</i>	CA.
4	T	Manaca, palma de	<i>Calyptronoma rivalis</i>	PR.
1	E	Manzanita, Presido (= Raven's)	<i>Arctostaphylos pungens</i> ssp. <i>ravenii</i>	CA.
4	E	Meadowrue, Cooley's	<i>Thalictrum cooleyi</i>	NC, FL.
1	E	Mesa-mint, San Diego	<i>Pogogyne abramsii</i>	CA.
1	T	Milk-vetch, Ash meadows	<i>Astragalus phoenix</i>	NV.
6	T	Milk-vetch, heliotrope	<i>Astragalus montii</i> (= <i>A. limnocharis</i> var. <i>montii</i>)	UT.
5	E	Milk-vetch, Jesup's	<i>Astragalus robbinsii</i> var. <i>jesupi</i>	NH, VT.
2	E	Milk-vetch, Mancos	<i>Astragalus humillimus</i>	CO, NM.
6	E	Milk-vetch, Osterhout	<i>Astragalus osterhoutii</i>	CO.
2	E	Milk-vetch, Sentry	<i>Astragalus cremnophylax</i> var. <i>cremnophylax</i>	AZ.
4	E	Milkpea, Small's	<i>Galactia smallii</i>	FL.
3	T	Milkweed, Mead's	<i>Asclepias meadii</i>	IL, IN, IA, KS, MO, WI.
6	T	Milkweed, Welsh's	<i>Asclepias welschii</i>	AZ, UT.
4	E	Mint, Garrett's (=scrub, in part)	<i>Dicerandra christmanii</i> (formerly = <i>frutescens</i>)	FL.
4	E	Mint, Lakela's	<i>Dicerandra immaculata</i>	FL.
4	E	Mint, longspurred	<i>Dicerandra cornutissima</i>	FL.
4	E	Mint, scrub	<i>Dicerandra frutescens</i>	FL.
3	E	Monkey-flower, Michigan	<i>Mimulus glabratus</i> var. <i>michiganensis</i>	MI.
3	T	Monkshood, northern wild	<i>Aconitum noveboracense</i>	IA, NY, OH, WI.
4	E	Mustard, Carter's	<i>Warea carteri</i>	FL.
1	E	Mustard, slender-petaled	<i>Thelypodium stenopetalum</i>	CA.
1	E	Naupaka, dwarf	<i>Scaevola coriacea</i>	HI.
4	T	Negra, cobana	<i>Stahlia monosperma</i>	PR.
1	E	Niterwort, Amargosa	<i>Nitrophila mohavensis</i>	CA.
2	T	Oak, Hinckley	<i>Quercus hinckleyi</i>	TX.
3	T	Orchid, eastern prairie fringed	<i>Platanthera leucophaea</i>	AR, IA, IL, IN, ME, MI, MO, NE, NJ, NY, OH, OK, PA, VA, WI, Canada.
3	T	Orchid, western prairie fringed	<i>Platanthera praeclara</i>	IA, MN, MO, NE, ND, OK, KS, SD, Canada.
4	E	Palo de Nigua	<i>Comutia obovata</i>	PR.
4	E	Palo de Ramon	<i>Banara vanderbiltii</i>	PR.
1	E	Panicgrass, Carter's	<i>Panicum lauriei</i> var. <i>carteri</i>	HI.
4	E	Pawpaw, beautiful	<i>Deeringothamnus pulchellus</i>	FL.
4	E	Pawpaw, four-petal	<i>Asimina tetramera</i>	FL.
4	E	Pawpaw, Rugel's	<i>Deeringothamnus rugelii</i>	FL.
4	E	Pelos del diablo	<i>Aristida portoricensis</i>	PR.
2	T	Pennyroyal, McKittrick	<i>Hedeoma apiculatum</i>	TX, NM.
2	E	Pennyroyal, Todsens	<i>Hedeoma todsenii</i>	NM.

TABLE 2. U.S. LISTED SPECIES TO BE REVIEWED¹—Continued

Lead Region ¹	Status	Common name	Scientific name	Likely Current Range
6	E	Penstemon, blowout	<i>Penstemon haydenii</i>	NE.
4	E	Peperomia, Wheeler's	<i>Peperomia wheeleri</i>	PR.
6	E	Phacelia, clay	<i>Phacelia argillacea</i>	UT.
6	E	Phacelia, North Park	<i>Phacelia formosula</i>	CO.
5	T	Pink, swamp	<i>Heionias bullata</i>	DE, GA, MD, NC, NJ, NY, SC, VA.
4	E	Pinkroot, gentian	<i>Spigelia gentianoides</i>	FL.
2	E	Pitaya, Davis' green	<i>Echinocereus viridiflorus</i> var. <i>davisii</i>	TX.
4	E	Pitcher-plant, Alabama canebrake	<i>Sarracenia rubra</i> ssp. <i>alabamensis</i>	AL.
4	E	Pitcher-plant, green	<i>Sarracenia oreophila</i>	AL, GA, TN.
4	E	Pitcher-plant, mountain sweet	<i>Sarracenia rubra</i> ssp. <i>jonesii</i>	NC, SC.
4	E	Plum, scrub	<i>Prunus geniculata</i>	FL.
4	E	Polygala, tiny	<i>Polygala smallii</i>	FL.
4	E	Pondberry	<i>Lindera melissifolia</i>	AL, AR, FL, GA, LA, MO, MS, NC, SC.
2	E	Poppy, Sacramento prickly	<i>Argemone pleiacantha</i> ssp. <i>pinnatisecta</i>	NM.
2	E	Poppy-mallow, Texas	<i>Callirhoe scabriuscula</i>	TX.
4	T	Potato-bean, Price's	<i>Apios priceana</i>	AL, IL, KY, MS, TN.
4	E	Prickly-apple, fragrant	<i>Cereus eriophorus</i> var. <i>fragrans</i>	FL.
4	E	Prickly-ash, St. Thomas	<i>Zanthoxylum thomasianum</i>	PR, VI.
6	T	Primrose, Maguire	<i>Primula maguirei</i>	UT.
4	E	Quillwort, black spored	<i>Isoetes melanospora</i>	GA, SC.
4	E	Quillwort, mat-forming	<i>Isoetes tegetiformans</i>	GA.
4	E	Rhododendron, Chapman	<i>Rhododendron chapmanii</i>	FL.
6	E	Ridge-cress (=pepper-cress), Barneby	<i>Lepidium barnebyanum</i>	UT.
1	E	Rock-cress, McDonald's	<i>Arabis mcdonaldiana</i>	CA.
5	E	Rock-cress, shale barren	<i>Arabis serotina</i>	VA, WV.
4	E	Rosa, palo de	<i>Ottoschulzia rhodoxylon</i>	PR.
2	E	Rush-pea, slender	<i>Hoffmannseggia tonella</i>	TX.
2	E	Sand-verbena, large-fruited	<i>Abronia macrocarpa</i>	TX.
1	E	Sandalwood, Lanai or 'ilihi	<i>Santalum freycinetianum</i> var. <i>lanaiense</i>	HI.
4	E	Sandwort, Cumberland	<i>Arenaria cumberlandensis</i>	KY, TN.
1	E	Schiedea, Diamond Head	<i>Schiedea adamantis</i>	HI.
2	T	Sedge, Navajo	<i>Carex specuicola</i>	AZ.
1	E	Silversword, 'Ahinahina Mauna Kea	<i>Argyroxiphium sandwicense</i> ssp. <i>sandwicense</i>	HI.
4	E	Skullcap, large-flowered	<i>Scutellaria montana</i>	GA, TN.
4	E	Snakeroot	<i>Eryngium cunatifolium</i>	FL.
2	E	Snowbells, Texas	<i>Styrax texana</i>	TX.
1	E	Spineflower, slender-horned	<i>Dodecahema leptoceras</i> (= <i>Centrostegia l.</i>)	CA.
5	T	Spiraea, Virginia	<i>Spiraea virginiana</i>	GA, KY, NC, PA, TN, VA, WV.
4	E	Spurge, deltoid	<i>Chamaesyce deltoidea</i> ssp. <i>deltoidea</i> (= <i>Euphorbia d. spp. d.</i>)	FL.
4	T	Spurge, Garber's	<i>Chamaesyce</i> (= <i>Euphorbia</i>) <i>garberi</i>	FL.
1	E	Stenogyne, narrow-leaved	<i>Stenogyne angustifolia</i> var. <i>angustifolia</i>	HI.
4	E	Sumac, Michaux's	<i>Rhus michauxii</i>	NC, SC, GA.
1	T	Sunray, Ash Meadows	<i>Encelopsis nudicaulis</i> var. <i>corrugata</i>	NV.
3	T	Thistle, Pitcher's	<i>Cirsium pitcheri</i>	IL, IN, MI, WI, Canada (ON).
2	T	Thistle, Sacramento Mountains	<i>Cirsium vinaceum</i>	NM.
1	E	Thornmint, San Mateo	<i>Acanthomintha obovata</i> ssp. <i>duttonii</i>	CA.
4	E	Torreya, Florida	<i>Torreya taxifolia</i>	FL, GA.
6	T	Townsendia, Last Chance	<i>Townsendia aprica</i>	UT.
4	E	Tree, pygmy fringe	<i>Chionanthus pygmaeus</i>	FL.
4	E	Trillium, persistent	<i>Trillium persistens</i>	GA, SC.
4	E	Trillium, relict	<i>Trillium reliquum</i>	AL, GA, SC.
6	T	Twinpod, Dudley Bluffs	<i>Physaria obcordata</i>	CO.
1	E	Uhiuhi	<i>Caesalpinia kawaiense</i> (= <i>Mezoneuron k.</i>)	HI.
1	E	Vetch, Hawaiian	<i>Vicia menziesii</i>	HI.
1	E	Wallflower, Contra Costa	<i>Erysimum capitatum</i> var. <i>angustatum</i>	CA.
4	E	Warea, wide-leaf	<i>Warea amplexifolia</i>	FL.
4	T	Water-plantain, Kral's	<i>Sagittaria secundifolia</i>	AL, GA.
4	E	Water-willow, Cooley's	<i>Justicia cooleyi</i>	FL.
4	T	Whitlow-wort, papery	<i>Paronychia chartacea</i>	FL.
6	E	Wild-buckwheat, clay-loving	<i>Eriogonum peltinophilum</i>	CO.
2	T	Wild-buckwheat, gypsum	<i>Eriogonum gypsophilum</i>	NM.
2	E	Wild-rice, Texas	<i>Zizania texana</i>	TX.
1	E	Wire-lettuce, Malheur	<i>Stephanomeria malheurensis</i>	OR.
4	E	Wireweed	<i>Polygonella basiramia</i>	FL.
1	T	Woolly-star, Hoover's	<i>Eriastrum hooveri</i>	CA.
1	E	Woolly-star, Santa Ana River	<i>Eriastrum densifolium</i> ssp. <i>sanctorum</i>	CA.
1	E	Woolly-threads, San Joaquin	<i>Lembertia congdonii</i>	CA.
4	E	Ziziphus, florida	<i>Ziziphus cetata</i>	FL.

¹ See "Addresses of Regional Offices" in SUPPLEMENTARY INFORMATION for explanation of this column.² Table 2 does not include species listed in Table 1.

TABLE 3. FOREIGN SPECIES TO BE REVIEWED¹

Status	Common name	Scientific name	Range
VERTEBRATES			
MAMMALS			
E	Anoa, Lowland	<i>Bubalus depressicornis</i> (= <i>B. anoa depressicornis</i>)	Indonesia
E	Anoa, mountain	<i>Bubalus quarlesi</i> (= <i>B. anoa quarlesi</i>)	Indonesia
E	Antelope, giant sable	<i>Hippotragus niger varians</i>	Angola
E	Argali	<i>Ovis ammon hodgsoni</i>	China (Tibet, Himalayas)
E	Armadillo, giant	<i>Priodontes maximus</i> (= <i>giganteus</i>)	Venezuela and Guyana to Argentina
E	Armadillo, pink fairy	<i>Chlamyphorus truncatus</i>	Argentina
E	Ass, African wild	<i>Equus asinus</i> (= <i>africanus</i>)	Somalia, Sudan, Ethiopia
E	Ass, Asian wild (= kulan, onager)	<i>Equus hemionus</i>	Southwestern and Central Asia
E	Avahi	<i>Avahi</i> (= <i>Lichanotus</i>) <i>laniger</i> (= <i>entre</i> genus)	Malagasy Republic (= Madagascar)
E	Aye-Aye	<i>Daubentonia madagascariensis</i>	Malagasy Republic (= Madagascar)
E	Babirusa	<i>Babyrousa babyrussa</i>	Indonesia
E	Bandicoot, barred	<i>Perameles bougainville</i>	Australia
E	Bandicoot, desert	<i>Perameles eremiana</i>	Australia
E	Bandicoot, lesser rabbit	<i>Macrotis leucura</i>	Australia
E	Bandicoot, pig-footed	<i>Chaeropus ecaudatus</i>	Australia
E	Bandicoot, rabbit	<i>Macrotis lagotis</i>	Australia
E	Banteng	<i>Bos javanicus</i> (= <i>banteng</i>)	Southeast Asia
E	Bat, Bulmer's fruit (flying fox)	<i>Aproteles bulmerae</i>	Papua New Guinea
E	Bat, bumblebee	<i>Craseonycteris thonglongyai</i>	Thailand
E	Bat, Rodrigues fruit (flying fox)	<i>Pteropus rodricensis</i>	Indian Ocean: Rodrigues Island
E	Bat, Singapore roundleaf horseshoe	<i>Hipposideros ridleyi</i>	Malaysia
E	Bear, Baluchistan	<i>Ursus thibetanus gedrosianus</i>	Iran, Pakistan
E	Bear, brown	<i>Ursus arctos pruinosus</i>	China (Tibet)
E	Bear, brown	<i>Ursus arctos arctos</i>	Italy
E	Bear, grizzly or brown	<i>Ursus arctos</i> (= <i>U. a. nelsonii</i>)	Mexico
E	Beaver	<i>Castor fiber birulai</i>	Mongolia
E	Bison, wood	<i>Bison bison athabasca</i>	Canada
E	Bobcat (Mexico)	<i>Felis rufus escuinapae</i>	Central Mexico
E	Bontebok (antelope)	<i>Damaliscus dorcas dorcas</i>	South Africa
E	Camel, Bactrian	<i>Camelus bactrianus</i> (= <i>ferus</i>)	Mongolia, China
E	Cat, Andean	<i>Felis jacobita</i>	Chile, Peru, Bolivia, Argentina
E	Cat, black-footed	<i>Felis nigripes</i>	Southern Africa
E	Cat, flat-headed	<i>Felis planiceps</i>	Malaysia, Indonesia
E	Cat, Iriomote	<i>Felis (Mayailurus) iriomotensis</i>	Japan (Iriomote Island, Ryukyu Islands)
E	Cat, leopard	<i>Felis bengalensis bengalensis</i>	India, Southeast Asia
E	Cat, marbled	<i>Felis marmorata</i>	Nepal, Southeast Asia, Indonesia
E	Cat, Pakistan sand	<i>Felis margarita schaffeli</i>	Pakistan
E	Cat, Temminck's (= golden cat)	<i>Felis temminckii</i>	Nepal, China, Southeast Asia, Indonesia (Sumatra)
E	Cat, tiger	<i>Felis tigrinus</i>	Costa Rica to northern Argentina
E	Chamois, Apennine	<i>Rupicapra rupicapra ornata</i>	Italy
E	Cheetah	<i>Acinonyx jubatus</i>	Africa to India
E	Chimpanzee, pygmy	<i>Pan paniscus</i>	Zaire
E	Chinchilla	<i>Chinchilla brevicaudata boliviana</i>	Bolivia
E	Civet, Malabar large-spotted	<i>Viverra megaspila civettina</i>	India
E	Deer, Bactrian	<i>Cervus elaphus bactrianus</i>	U.S.S.R., Afghanistan
E	Deer, Barbary	<i>Cervus elaphus barbarus</i>	Morocco, Tunisia, Algeria
E	Deer, Bawean	<i>Axis</i> (= <i>Cervus</i>) <i>porcinus kuhli</i>	Indonesia
E	Deer, Cedros Island mule	<i>Odocoileus hemionus cedrosensis</i>	Mexico (Cedros Island)
E	Deer, Corsican red	<i>Cervus elaphus corsicanus</i>	Corsica, Sardinia
E	Deer, Eid's brow-antlered	<i>Cervus eldi</i>	India to Southeast Asia
E	Deer, Formosan sika	<i>Cervus nippon taiouanus</i>	Taiwan
E	Deer, hog	<i>Axis</i> (= <i>Cervus</i>) <i>porcinus annamiticus</i>	Thailand, Indochina
E	Deer, marsh	<i>Blastocercus dichotomus</i>	Argentina, Uruguay, Paraguay, Bolivia, Brazil
E	Deer, McNeill's	<i>Cervus elaphus macneilli</i>	China (Sinkiang, Tibet)
E	Deer, musk (all species)	<i>Moschus spp.</i>	Central and East Afghanistan, Asia, Bhutan, Burma, China (Tibet, Yunnan), India, Nepal, Pakistan, Sikkim
E	Deer, North China sika	<i>Cervus nippon mandarinus</i>	China (Shantung and Chihli Provinces)
E	Deer, pampas	<i>Ozotoceros bezoarticus</i>	Brazil, Argentina, Uruguay, Bolivia, Paraguay
E	Deer, Persian fallow	<i>Dama dama mesopotamica</i>	Iraq, Iran
E	Deer, Philippine	<i>Axis</i> (= <i>Cervus</i>) <i>porcinus calamianensis</i>	Philippines (Calamian Islands)
E	Deer, Ryukyu sika	<i>Cervus nippon keramae</i>	Japan (Ryukyu Islands)
E	Deer, Shansi sika	<i>Cervus nippon grassianus</i>	China (Shansi Province)
E	Deer, South China sika	<i>Cervus nippon kopschi</i>	Southern China
E	Deer, swamp (= barasingha)	<i>Cervus duvaucelli</i>	India, Nepal
E	Deer, Visayan	<i>Cervus alfredi</i>	Philippines
E	Deer, Yarkand	<i>Cervus elaphus yarkandensis</i>	China (Sinkiang)
E	Dhole (= Asiatic wild dog)	<i>Cuon alpinus</i>	U.S.S.R., Korea, China, India, Southeast Asia
E	Dibbler	<i>Antechinus apicalis</i>	Australia
E	Dog, African wild	<i>Lycaon pictus</i>	Sub-Saharan Africa
E	Drill	<i>Papio leucophaeus</i>	Equatorial West Africa
E	Duiker, Jentink's	<i>Cephalophus jentinki</i>	Sierra Leone, Liberia, Ivory Coast
E	Eland, Western giant	<i>Taurotragus derbianus derbianus</i>	Senegal to Ivory Coast
E	Elephant, Asian	<i>Elephas maximus</i>	South-central and Southeast Asia
E	Fox, northern swift	<i>Vulpes velox hebes</i>	Canada (Technically not listed in the U.S.)
E	Fox, Simien	<i>Canis (Simenia) simensis</i>	Ethiopia
E	Gazelle, Arabian	<i>Gazella gazella</i>	Arabian Peninsula, Palestine, Sinai

TABLE 3. FOREIGN SPECIES TO BE REVIEWED¹—Continued

Status	Common name	Scientific name	Range
E	Gazelle, Clark's (= Dibatag)	<i>Ammodorcas clarkei</i>	Somalia, Ethiopia
E	Gazelle, Cuvier's	<i>Gazella cuvieri</i>	Morocco, Algeria, Tunisia
E	Gazelle, Mhor	<i>Gazella dama mhor</i>	Morocco
E	Gazelle, Moroccan (= Dorcas)	<i>Gazella dorcas massaesyia</i>	Morocco, Algeria, Tunisia
E	Gazelle, Pelzel's	<i>Gazella dorcas pelzelni</i>	Somalia
E	Gazelle, Rio de Oro Dama	<i>Gazella dama lozani</i>	Western Sahara
E	Gazelle, sand	<i>Gazella subgutturosa marica</i>	Jordan, Arabian Peninsula
E	Gazelle, Saudi Arabian	<i>Gazella dorcas saudiya</i>	Israel, Iraq, Jordan, Syria, Arabian Peninsula
E	Gazelle, slender-horned (= Rhim)	<i>Gazella leptoceros</i>	Sudan, Egypt, Algeria, Libya
E	Gibbon Family (9 spp.)	<i>Hylobates</i> spp. (including <i>Nomascus</i>)	China, India, Southeast Asia
E	Goat, wild (= Chiltan markhor)	<i>Capra aegagrus</i> (= <i>falconeri</i>) <i>chiltanensis</i>	Chiltan Range of west-central Pakistan
E	Goral	<i>Nemorhaedus goral</i>	East Asia
E	Gorilla	<i>Gorilla gorilla</i>	Central and Western Africa
E	Hare, hispid	<i>Caprolagus hispidus</i>	India, Nepal, Bhutan
E	Hartebeest, Swayne's	<i>Alcelaphus buselaphus swaynei</i>	Ethiopia, Somalia
E	Hartebeest, Tora	<i>Alcelaphus buselaphus tora</i>	Ethiopia, Sudan, Egypt
E	Hog, pygmy	<i>Sus salvanius</i>	India, Nepal, Bhutan, Sikkim
E	Horse, Przewalski's	<i>Equus przewalskii</i>	Mongolia, China
E	Huemul, North Andean	<i>Hippocamelus antisensis</i>	Ecuador, Peru, Chile, Bolivia, Argentina
E	Huemul, South Andean	<i>Hippocamelus bisulcus</i>	Chile, Argentina
E	Hutia, Cabrera's	<i>Capromys angelcabrerai</i>	Cuba
E	Hutia, dwarf	<i>Capromys nana</i>	Cuba
E	Hutia, large-eared	<i>Capromys auritus</i>	Cuba
E	Hutia, little earth	<i>Capromys santaliensis</i>	Cuba
E	Hyena, Barbary	<i>Hyena hyaena barbara</i>	Morocco, Algeria, Tunisia
E	Hyena, brown	<i>Hyena brunnea</i>	Southern Africa
E	Ibex, Pyrenean	<i>Capra pyrenaica pyrenaica</i>	Spain
E	Ibex, Wallia	<i>Capra walia</i>	Ethiopia
E	Impala, black-faced	<i>Aepyceros melampus petersi</i>	Namibia, Angola
E	Indri	<i>Indri indri</i> (= entire genus)	Malagasy Republic (= Madagascar)
E	Jaguar	<i>Panthera onca</i>	Mexico southward
E	Jaguarundi	<i>Felis yagouaroundi fossata</i>	Mexico, Nicaragua
E	Jaguarundi	<i>Felis yagouaroundi panamensis</i>	Nicaragua, Costa Rica, Panama
E	Kangaroo, Tasmanian forester	<i>Macropus giganteus tasmaniensis</i>	Australia (Tasmania)
E	Kouprey	<i>Bos sauveli</i>	Vietnam, Laos, Cambodia, Thailand
E	Langur, capped	<i>Presbytis pileata</i>	India, Burma, Bangladesh
E	Langur, Douc	<i>Pygathrix nemaeus</i>	Cambodia, Laos, Vietnam
E	Langur, entellus	<i>Presbytis entellus</i>	China (Tibet), India, Pakistan, Kashmir, Sri Lanka, Sikkim, Bangladesh
E	Langur, Francois'	<i>Presbytis francoisi</i>	China (Kwangsi), Indochina
E	Langur, golden	<i>Presbytis geei</i>	India (Assam), Bhutan
E	Langur, Pagi Island	<i>Nasalis (Simias) concolor</i>	Indonesia
E	Lemurs	Lemuridae (incl. Cheirogaleidae, Lepilemuridae); all members of genera <i>Lemur</i> , <i>Phaner</i> , <i>Hapalsmur</i> , <i>Lepilemur</i> , <i>Microcebus</i> , <i>Allocebus</i> , <i>Cheirogaleus</i> , <i>Varecia</i> .	Malagasy Republic (Madagascar)
E	Leopard, clouded	<i>Neofelis nebulosa</i>	Southeast and south-central Asia, Taiwan
E	Leopard, snow	<i>Panthera uncia</i>	Central Asia
E	Linsang, spotted	<i>Prionodon pardicolor</i>	Nepal, Assam, Vietnam, Cambodia, Laos, Burma
E	Lion, Asiatic	<i>Panthera leo persica</i>	Turkey to India
E	Lynx, Spanish	<i>Felis</i> (= <i>Lynx</i>) <i>pardina</i>	Spain, Portugal
E	Macaque, lion-tailed	<i>Macaca silenus</i>	India
E	Manatee, Amazonian	<i>Trichechus inunguis</i>	South America (Amazon River Basin)
E	Mandrill	<i>Papio sphinx</i>	Equatorial West Africa
E	Mangabey, Tana River	<i>Cercocebus galentus</i>	Kenya
E	Mangabey, white-collared	<i>Cercocebus torquatus</i>	Senegal to Ghana; Nigeria to Gabon
E	Margay	<i>Felis wiedii</i>	Mexico southward
E	Markhor, Kabei	<i>Capra falconeri megaceros</i>	Afghanistan, Pakistan
E	Markhor, straight-horned	<i>Capra falconeri jerdoni</i>	Afghanistan, Pakistan
E	Marmoset, buff-headed	<i>Callithrix flaviceps</i>	Brazil
E	Marmoset, buffy tufted-ear	<i>Callithrix jacchus aurita</i>	Brazil
E	Marmoset, cotton-top	<i>Saguinus oedipus</i>	Costa Rica to Colombia
E	Marmoset, Goeldi's	<i>Callimico goeldii</i>	Brazil, Colombia, Ecuador, Peru, Bolivia
E	Marmot, Vancouver Island	<i>Marmota vancouverensis</i>	Canada (Vancouver Island)
E	Marsupial, eastern jerboa	<i>Antechinomys laniger</i>	Australia
E	Marsupial-mouse, large desert	<i>Sminthopsis psammophila</i>	Australia
E	Marsupial-mouse, long-tailed	<i>Sminthopsis longicaudata</i>	Australia
E	Marten, Formosan yellow-throated	<i>Martes flavigula chrysospila</i>	Taiwan
E	Monkey (= langur), Yunnan snub-nosed	<i>Rhinopithecus</i> (= <i>Pygathrix</i>) <i>bieli</i>	China
E	Monkey (= langur), Tonkin snub-nosed	<i>Rhinopithecus</i> (= <i>Pygathrix</i>) <i>avunculus</i>	Viet Nam
E	Monkey (= langur), Sichuan snub-nosed	<i>Rhinopithecus</i> (= <i>Pygathrix</i>) <i>roxellana</i>	China
E	Monkey (= langur), Guizhou snub-nosed	<i>Rhinopithecus</i> (= <i>Pygathrix</i>) <i>brelichi</i>	China
E	Monkey, black colobus	<i>Colobus satanas</i>	Equatorial Guinea, People's Republic of Congo, Cameroon, Gabon
E	Monkey, Diana	<i>Cercopithecus diana</i>	Coastal West Africa
E	Monkey, howler	<i>Alouatta palliata</i> (= <i>villosa</i>)	Mexico to South America
E	Monkey, L'hoest's	<i>Cercopithecus lhoesti</i>	Upper Eastern Congo Basin, Cameroon
E	Monkey, Preuss' red colobus	<i>Colobus badius preussi</i>	Cameroon
E	Monkey, proboscis	<i>Nasalis larvatus</i>	Borneo

TABLE 3. FOREIGN SPECIES TO BE REVIEWED¹—Continued

Status	Common name	Scientific name	Range
E	Monkey, red-backed squirrel	<i>Saimiri oerstedii</i>	Costa Rica, Panama
E	Monkey, red-bellied	<i>Cercopithecus erythrogaster</i>	Western Nigeria
E	Monkey, red-eared nose-spotted	<i>Cercopithecus erythrotis</i>	Nigeria, Cameroon, Fernando Po
E	Monkey, spider	<i>Ateles geoffroyi panamensis</i>	Costa Rica, Panama
E	Monkey, spider	<i>Ateles geoffroyi frontatus</i>	Costa Rica, Nicaragua
E	Monkey, Tana River red colobus	<i>Colobus rufomitratus (=badius) rufomitratus</i>	Kenya
E	Monkey, woolly spider	<i>Brachyteles arachnoides</i>	Brazil
E	Monkey, yellow-tailed woolly	<i>Lagothrix flavicauda</i>	Andes of northern Peru
E	Monkey, Zanzibar red colobus	<i>Colobus kirki</i>	Tanzania
E	Mouse, Australian native	<i>Notomys aquilo</i>	Australia
E	Mouse, Australian native	<i>Zyzomys (=Notomys) pedunculatus</i>	Australia
E	Mouse, Field's	<i>Pseudomys fieldi</i>	Australia
E	Mouse, Gould's	<i>Pseudomys gouldii</i>	Australia
E	Mouse, New Holland	<i>Pseudomys novaehollandiae</i>	Australia
E	Mouse, Shark Bay	<i>Pseudomys praeconis</i>	Australia
E	Mouse, Shortridge's	<i>Pseudomys shortridgii</i>	Australia
E	Mouse, smoky	<i>Pseudomys fumeus</i>	Australia
E	Mouse, western	<i>Pseudomys occidentalis</i>	Australia
E	Muntjac, Fea's	<i>Muntiacus feae</i>	Northern Thailand, Burma
E	Native-cat, eastern	<i>Dasyurus viverrinus</i>	Australia
E	Numbat	<i>Mymecobius fasciatus</i>	Australia
E	Orangutan	<i>Pongo pygmaeus</i>	Borneo, Sumatra
E	Oryx, Arabian	<i>Oryx leucoryx</i>	Arabian Peninsula
E	Otter, Cameroon clawless	<i>Aonyx (Paraonyx) congica microdon</i>	Cameroon, Nigeria
E	Otter, giant	<i>Pteronura brasiliensis</i>	South America
E	Otter, long-tailed	<i>Lutra longicaudis (incl. platensis)</i>	South America
E	Otter, marine	<i>Lutra felina</i>	Peru south to Straits of Magellan
E	Otter, southern river	<i>Lutra provocax</i>	Chile, Argentina
E	Panda, giant	<i>Ailuropoda melanoleuca</i>	People's Republic of China
E	Pangolin (= scaly anteater)	<i>Manis temmincki</i>	Africa
E	Planigale, little	<i>Planigale ingrami subtilissima (=P. subtilissima)</i>	Australia
E	Planigale, southern	<i>Planigale tenuirostris</i>	Australia
E	Porcupine, thin-spined	<i>Chaetomys subspinosus</i>	Brazil
E	Possum, Leadbeater's	<i>Gymnobelideus leadbeateri</i>	Australia
E	Possum, mountain pygmy	<i>Burrmys parvus</i>	Australia
E	Possum, scaly-tailed	<i>Wyulda squamicaudata</i>	Australia
E	Prairie dog, Mexican	<i>Cynomys mexicanus</i>	Mexico
E	Pronghorn, peninsular	<i>Antilocapra americana peninsularis</i>	Mexico (Baja California)
E	Pudu (deer)	<i>Pudu pudu</i>	Southern South America
E	Puma, Costa Rican	<i>Felis concolor costaricensis</i>	Nicaragua, Panama, Costa Rica
E	Quokka	<i>Setonix brachyurus</i>	Australia
E	Rabbit, Ryukyu	<i>Pentalagus furnessi</i>	Japan (Ryukyu Islands)
E	Rabbit, volcano	<i>Romerolagus diazi</i>	Mexico
E	Rat, false water	<i>Xeromys myoides</i>	Australia
E	Rat, stick-nest	<i>Leporillus conditor</i>	Australia
E	Rat-kangaroo, brush-tailed	<i>Bettongia penicillata</i>	Australia
E	Rat-kangaroo, Gaimard's	<i>Bettongia gaimardi</i>	Australia
E	Rat-kangaroo, Lesueur's	<i>Bettongia lesueur</i>	Australia
E	Rat-kangaroo, plain	<i>Caloprymnus campestris</i>	Australia
E	Rat-kangaroo, Queensland	<i>Bettongia tropica</i>	Australia
E	Rhinoceros, black	<i>Diceros bicornis</i>	Sub-Saharan Africa
E	Rhinoceros, great Indian	<i>Rhinoceros unicornis</i>	India, Nepal
E	Rhinoceros, Javan	<i>Rhinoceros sondaicus</i>	Indonesia, Indochina, Burma, Thailand, Sikkim, Bangladesh, Malaysia
E	Rhinoceros, northern white	<i>Ceratotherium simum cottoni</i>	Zaire, Sudan, Uganda, Central African Republic
E	Rhinoceros, Sumatran	<i>Dicerorhinus (=Didermoceros) sumatrensis</i>	Bangladesh to Vietnam to Indonesia (Borneo)
E	Saiga, Mongolian (Antelope)	<i>Saiga tatarica mongolica</i>	Mongolia
E	Saki, southern bearded	<i>Chiropotes satanas satanas</i>	Brazil
E	Saki, white-nosed	<i>Chiropotes albinasus</i>	Brazil
E	Seledang (= Gaur)	<i>Bos gaurus</i>	Bangladesh, Southeast Asia, India
E	Serow, Sumatran	<i>Capricornis sumatraensis</i>	East Asia, Sumatra
E	Serval, Barbary	<i>Felis serval constantina</i>	Algeria
E	Shapo	<i>Ovis vignei vignei</i>	Kashmir
E	Shou	<i>Cervus elaphus wallichi</i>	Tibet, Bhutan
E	Siamang (gibbon)	<i>Symphalangus syndactylus</i>	Malaysia, Indonesia
E	Sifakas	<i>Propithecus spp. (all species)</i>	Malagasy Republic (= Madagascar)
E	Sloth, Brazilian three-toed	<i>Bradypus torquatus</i>	Brazil
E	Solenodon, Cuban	<i>Solenodon (Atopogale) cubanus</i>	Cuba
E	Solenodon, Haitian	<i>Solenodon paradoxus</i>	Dominican Republic, Haiti
E	Stag, Barbary	<i>Cervus elephus barbarus</i>	Tunisia, Algeria
E	Stag, Kashmir	<i>Cervus elephus hanglu</i>	Kashmir
E	Suni, Zanzibar	<i>Neotragus (Nesotragus) moschatus moschatus</i>	Zanzibar (and nearby islands)
E	Tahr, Arabian	<i>Hemitragus jayakari</i>	Oman
E	Tamaraw	<i>Bubalus mindorensis</i>	Philippines
E	Tamarin, golden-rumped	<i>Leontopithecus (=Leontideus) spp. (all species)</i>	Brazil
E	Tamarin, pied	<i>Saguinus bicolor</i>	Northern Brazil

TABLE 3. FOREIGN SPECIES TO BE REVIEWED¹—Continued

Status	Common name	Scientific name	Range
E	Tapir, Asian	<i>Tapirus indicus</i>	Burma, Laos, Cambodia, Vietnam, Malaysia, Indonesia, Thailand
E	Tapir, Brazilian	<i>Tapirus terrestris</i>	Colombia and Venezuela south to Paraguay and Argentina
E	Tapir, Central American	<i>Tapirus bairdii</i>	Southern Mexico to Colombia and Ecuador
E	Tapir, mountain	<i>Tapirus pinchaque</i>	Colombia, Ecuador and possibly Peru and Venezuela
E	Tiger	<i>Panthera tigris</i>	Temperate and Tropical Asia
E	Tiger, Tasmanian (=Thylacine)	<i>Thylacinus cynocephalus</i>	Australia
E	Uakari (all species)	<i>Cacajao</i> spp. (all species)	Peru, Brazil, Ecuador, Colombia, Venezuela
E	Urial	<i>Ovis musimon</i> (=orientalis) ophion	Cyprus
E	Vicuna	<i>Vicugna vicugna</i>	South America (Andes)
E	Wallaby, banded hare	<i>Lagostrophus fasciatus</i>	Australia
E	Wallaby, brindled nail-tailed	<i>Onychogalea fraenata</i>	Australia
E	Wallaby, crescent nail-tailed	<i>Onychogalea lunata</i>	Australia
E	Wallaby, Parma	<i>Macropus parma</i>	Australia
E	Wallaby, western hare	<i>Lagorchestes hirsutus</i>	Australia
E	Wallaby, yellow-footed rock	<i>Petrogale xanthopus</i>	Australia
E	Wolf, maned	<i>Chrysocyon brachyurus</i>	Argentina, Bolivia, Brazil, Paraguay, Uruguay
E	Wombat, hairy-nosed (=Barnard's and Quœnsi.)	<i>Lasiorchinus krefftii</i>	Australia
E	Yak, wild	<i>Bos grunniens</i>	China (Tibet), India
E	Zebra, mountain	<i>Equus zebra zebra</i>	South Africa
E,T	Chimpanzee	<i>Pan troglodytes</i>	E=in wild in West and Central Africa, T=in captivity outside natural range
E,T	Leopard	<i>Panthera pardus</i>	E= Africa, Asia (except where T) T= Africa in wild south of, and including, Gabon, Congo, Zaire, Uganda, Kenya
T	Baboon, gelada	<i>Theropithecus gelada</i>	Ethiopia
T	Elephant, African	<i>Loxodonta africana</i>	Africa
T	Kangaroo, eastern gray	<i>Macropus giganteus</i> (all ssp. except tasmanianensis)	Australia
T	Kangaroo, red	<i>Macropus (Megaleia) rufus</i>	Australia
T	Kangaroo, western gray	<i>Macropus fuliginosus</i>	Australia
T	Langur, long-tailed	<i>Presbytis potenziani</i>	Indonesia
T	Langur, purple-faced	<i>Presbytis senex</i>	Sri Lanka (=Ceylon)
T	Langur, Tonkin snub-nosed	<i>Presbytis (Rhinopithecus) avunculus</i>	Vietnam
T	Lechwe, red	<i>Kobus leche</i>	Southern Africa
T	Loris, lesser slow	<i>Nycticebus pygmaeus</i>	Indochina
T	Macaque, Formosan rock	<i>Macaca cyclopis</i>	Taiwan
T	Macaque, Japanese	<i>Macaca fuscata</i>	Japan (Shikoku, Kyushu and Honshu Islands)
T	Macaque, stump-tailed	<i>Macaca arctoides</i>	India (Assam) to southern China
T	Macaque, Toque	<i>Macaca sinica</i>	Sri Lanka (=Ceylon)
T	Manatee, West African	<i>Trichechus senegalensis</i>	West Coast of Africa from Senegal River to Cuanza River
T	Monkey, black howler	<i>Alouatta pigra</i>	Mexico, Guatemala, Belize
T	Tamarin, white-footed	<i>Saguinus leucopus</i>	Columbia
T	Tarsier, Philippine	<i>Tarsius syrichta</i>	Philippines
T	Zebra, Grevy's	<i>Equus grevyi</i>	Kenya, Ethiopia, Somalia
T	Zebra, Hartmann's mountain	<i>Equus zebra hartmannae</i>	Namibia, Angola
BIRDS			
E	Albatross, short-tailed	<i>Diomedea albatrus</i>	Northern Pacific Ocean, Japan, U.S.S.R.
E	Booby, Abbott's	<i>Sula abbotti</i>	Indian Ocean: Christmas Island
E	Bristlebird, western	<i>Dasyornis brachypterus longirostris</i>	Australia
E	Bristlebird, western rufous	<i>Dasyornis broadbenti littoralis</i>	Australia
E	Bulbul, Mauritius olivaceous	<i>Hypsipetes borbonicus olivaceus</i>	Indian Ocean: Mauritius
E	Bullfinch, Sao Miguel (finch)	<i>Pyrrhula pyrrhula murina</i>	Eastern Atlantic Ocean: Azores
E	Bushwren, New Zealand	<i>Xenicus longipes</i>	New Zealand
E	Bustard, great Indian	<i>Chonotus nigriceps</i>	India, Pakistan
E	Cahow (=Bermuda Petrel)	<i>Pterodroma cahow</i>	North Atlantic Ocean: Bermuda
E	Condor, Andean	<i>Vultur gryphus</i>	Colombia to Chile and Argentina
E	Cotinga, banded	<i>Cotinga maculata</i>	Brazil
E	Cotinga, white-winged	<i>Xipholena atropurpurea</i>	Brazil
E	Crane, black-necked	<i>Grus nigricollis</i>	China (Tibet)
E	Crane, Cuba sandhill	<i>Grus monacha</i>	West Indies: Cuba
E	Crane, hooded	<i>Grus monacha</i>	Japan, U.S.S.R.
E	Crane, Japanese	<i>Grus japonensis</i>	China, Japan, Korea, U.S.S.R.
E	Crane, Siberian white	<i>Grus leucogeranus</i>	U.S.S.R. (Siberia) to India, including Iran and China
E	Crane, white-naped	<i>Grus vipio</i>	Mongolia
E	Cuckoo-shrike, Mauritius	<i>Coquus (=Coracina) typicus</i>	Indian Ocean: Mauritius
E	Cuckoo-shrike, Reunion	<i>Coquus (=Coracina) newtoni</i>	Indian Ocean: Reunion
E	Curassow, razor-billed	<i>Mitu (=Crax) mitu mitu</i>	Brazil (Eastern)
E	Curassow, red-billed	<i>Crax blumenbachii</i>	Brazil
E	Curassow, Trinidad white-headed	<i>Pipile pipile pipile</i>	West Indies: Trinidad
E	Dove, cloven-feathered	<i>Drepanoptila holosericea</i>	Southwest Pacific Ocean: New Caledonia
E	Dove, Grenada gray-fronted	<i>Leptotilia rufaxilla wellsii</i>	West Indies: Grenada
E	Duck, pink-headed	<i>Rhodonessa caryophyllacea</i>	India
E	Duck, white-winged wood	<i>Cairina scutulata</i>	India, Malaysia, Indonesia, Thailand
E	Eagle, Greenland white-tailed	<i>Haliaeetus albicilla groenlandicus</i>	Greenland and adjacent Atlantic Islands
E	Eagle, harpy	<i>Harpia harpyja</i>	Mexico south to Argentina

TABLE 3. FOREIGN SPECIES TO BE REVIEWED ¹—Continued

Status	Common name	Scientific name	Range
E	Eagle, Philippine (= monkey-eating)	<i>Pithecophega jefferyi</i>	Philippines
E	Eagle, Spanish imperial	<i>Aquila heliaca adalberti</i>	Spain, Morocco, Algeria
E	Egret, Chinese	<i>Egretta eulophotes</i>	China, Korea
E	Falcon, Eurasian peregrine	<i>Falco peregrinus peregrinus</i>	Europe, Eurasia south to Africa and Mideast
E	Flycatcher, Euler's	<i>Empidonax euleri johnstonei</i>	West Indies: Grenada
E	Flycatcher, Seychelles paradise	<i>Terpsiphona corvina</i>	Indian Ocean: Seychelles
E	Flycatcher, Tahiti	<i>Pomarea nigra</i>	South Pacific Ocean: Tahiti
E	Fody, Seychelles (weaver-finch)	<i>Foudia sechellarum</i>	Indian Ocean: Seychelles
E	Frigatebird, Andrew's	<i>Fregata andrewsi</i>	East Indian Ocean
E	Goshawk, Christmas Island	<i>Accipiter fasciatus natalis</i>	Indian Ocean: Christmas Island
E	Grackle, slender-billed	<i>Quiscalus (= Cassidix) palustris</i>	Mexico
E	Grasswren, Eyrean (flycatcher)	<i>Amytornis goyderi</i>	Australia
E	Grebe, Atlitan	<i>Podilymbus gigas</i>	Guatemala
E	Greenshank, Nordmann's	<i>Tringa guttifer</i>	U.S.S.R., Japan south to Malaya, Borneo
E	Guan, horned	<i>Oreophaps derbianus</i>	Guatemala, Mexico
E	Guan, white-winged	<i>Penelope albigennis</i>	Peru
E	Gull, Audouin's	<i>Larus audouinii</i>	Mediterranean Sea
E	Gull, relict	<i>Larus relictus</i>	India, China
E	Hawk, Anjouan Island sparrow	<i>Accipiter francesii pusillus</i>	Indian Ocean: Comoro Islands
E	Hawk, Galapagos	<i>Buteo galapagoensis</i>	Ecuador (Galapagos Islands)
E	Hermit, hook-billed (hummingbird)	<i>Glaucis (= Ramphodon) dohrmii</i>	Brazil
E	Honeyeater, helmeted	<i>Meliphaga cassidix</i>	Australia
E	Hornbill, helmeted	<i>Rhinoplax vigil</i>	Thailand, Malaysia
E	Ibis, Japanese crested	<i>Nipponia nippon</i>	China, Japan, U.S.S.R., Korea
E	Ibis, Northern bald	<i>Geronticus eremita</i>	Southern Europe, southwestern Asia, northern Africa
E	Kagu	<i>Rhynchoceros jubatus</i>	South Pacific Ocean: New Caledonia
E	Kakapo (= owl-parrot)	<i>Strigops habroptilus</i>	New Zealand
E	Kestrel, Mauritius	<i>Falco punctatus</i>	Indian Ocean: Mauritius
E	Kestrel, Seychelles	<i>Falco araea</i>	Indian Ocean: Seychelles Islands
E	Kite, Cuba hook-billed	<i>Chondrohierax uncinatus wilsoni</i>	West Indies: Cuba
E	Kite, Grenada hook-billed	<i>Chondrohierax uncinatus mirus</i>	West Indies: Grenada
E	Kokako (wattlebird)	<i>Callaeas cinerea</i>	New Zealand
E	Macaw, glaucous	<i>Anodorhynchus glaucus</i>	Paraguay, Uruguay, Brazil
E	Macaw, indigo	<i>Anodorhynchus leari</i>	Brazil
E	Macaw, little blue	<i>Cyanopsitta spixii</i>	Brazil
E	Maggie-robin, Seychelles (thrush)	<i>Copsychus sechellarum</i>	Indian Ocean: Seychelles Islands
E	Malkoha, red-faced (cuckoo)	<i>Phaenicophaeus pyrrocephalus</i>	Sri Lanka (= Ceylon)
E	Megapode, Maleo	<i>Macrocephalon maleo</i>	Indonesia (Celebes)
E	Ostrich, Arabian	<i>Struthio camelus syriacus</i>	Jordan, Saudi Arabia
E	Ostrich, West African	<i>Struthio camelus spatzi</i>	Spanish Sahara
E	Owl, Anjouan scops	<i>Otus rutilus capnodes</i>	Indian Ocean: Comoro Island
E	Owl, giant scops	<i>Otus gurneyi</i>	Philippines: Marinduque and Mindanao Island
E	Owl, Madagascar red	<i>Tyto soumagnei</i>	Madagascar
E	Owl, Seychelles	<i>Otus insularis</i>	Indian Ocean: Seychelles Islands
E	Owlet, Morden's (= Sokoke)	<i>Otus iranae</i>	Kenya
E	Parakeet, Forbes	<i>Cyanoramphus auriceps forbesi</i>	New Zealand
E	Parakeet, golden	<i>Aratinga guarouba</i>	Brazil
E	Parakeet, golden-shouldered (= hooded)	<i>Psephotus chrysopterygius</i>	Australia
E	Parakeet, Mauritius	<i>Psittacula echo</i>	Indian Ocean: Mauritius
E	Parakeet, Norfolk Island	<i>Cyanoramphus novaezealandiae cookii</i>	Australia (Norfolk Island)
E	Parakeet, ochre-marked	<i>Pyrhura cruentata</i>	Brazil
E	Parakeet, orange-bellied	<i>Neophema chrysogaster</i>	Australia
E	Parakeet, paradise (= beautiful)	<i>Psephotus pulcherrimus</i>	Australia
E	Parakeet, scarlet-chested (= splendid)	<i>Neophema splendida</i>	Australia
E	Parakeet, turquoise	<i>Neophema pulchella</i>	Australia
E	Parrot, Australian	<i>Geopsittacus occidentalis</i>	Australia
E	Parrot, Bahaman or Cuban	<i>Amazona leucocephala</i>	West Indies: Cuba, Bahamas, Caymans
E	Parrot, ground	<i>Pezoporus wallicus</i>	Australia
E	Parrot, imperial	<i>Amazona imperialis</i>	West Indies: Dominica
E	Parrot, red-browed	<i>Amazona rhodocorytha</i>	Brazil
E	Parrot, red-capped	<i>Pionopsitta pileata</i>	Brazil
E	Parrot, red-necked	<i>Amazona arausiaca</i>	West Indies: Dominica
E	Parrot, red-spectacled	<i>Amazona pretrei pretrei</i>	Brazil, Argentina
E	Parrot, red-tailed	<i>Amazona brazilensis</i>	Brazil
E	Parrot, St. Vincent	<i>Amazona guildingii</i>	West Indies: St. Vincent
E	Parrot, St. Lucia	<i>Amazona versicolor</i>	West Indies: St. Lucia
E	Parrot, thick-billed	<i>Rhynchopsitta pachyrhyncha</i>	Mexico
E	Parrot, vinaceous-breasted	<i>Amazona vinacea</i>	Brazil
E	Penguin, Galapagos	<i>Spheniscus mendiculus</i>	Ecuador (Galapagos Islands)
E	Pheasant, bar-tailed	<i>Symaticus humala</i>	Burma, China
E	Pheasant, Blyth's tragopan	<i>Tragopan blythii</i>	Burma, China, India
E	Pheasant, brown eared	<i>Crossopilon mantchuricum</i>	China
E	Pheasant, Cabot's tragopan	<i>Tragopan caboti</i>	China
E	Pheasant, cheer	<i>Catreus wallichii</i>	India, Nepal, Pakistan
E	Pheasant, Chinese monal	<i>Lophophorus lhuysi</i>	China
E	Pheasant, Edward's	<i>Lophura edwardsi</i>	Vietnam
E	Pheasant, Elliot's	<i>Symaticus ellioti</i>	China
E	Pheasant, imperial	<i>Lophura imperialis</i>	Vietnam
E	Pheasant, Mikado	<i>Symaticus mikado</i>	Taiwan

TABLE 3. FOREIGN SPECIES TO BE REVIEWED ¹—Continued

Status	Common name	Scientific name	Range
E	Pheasant, Palawan peacock	<i>Polyplectron emphanum</i>	Philippines
E	Pheasant, Sclater's monal	<i>Lophophorus sclateri</i>	Burma, China, India
E	Pheasant, Swinhoe's	<i>Lophura swinhoii</i>	Taiwan
E	Pheasant, western tragopan	<i>Tragopan melanocephalus</i>	India, Pakistan
E	Pheasant, white eared	<i>Crossoptilon crossoptilon</i>	China (Tibet), India
E	Pigeon, Azores wood	<i>Columba palumbus azorica</i>	East Atlantic Ocean: Azores
E	Pigeon, Chatham Island	<i>Hemiphaga novaeseelandiae chathamensis</i>	New Zealand
E	Pigeon, Mindoro zone-tailed	<i>Ducula mindorensis</i>	Philippines
E	Piping-guan, black-fronted	<i>Pipile jacutinga</i>	Argentina
E	Pitta, Koch's	<i>Pitta kochi</i>	Philippines
E	Plover, New Zealand shore	<i>Thinornis novaeseelandiae</i>	New Zealand
E	Quail, Merriam's Montezuma	<i>Cyrtonyx montezumae merriami</i>	Mexico (Vera Cruz)
E	Quetzal, resplendent	<i>Pharomachrus mocinno</i>	Mexico to Panama
E	Rail, Auckland Island	<i>Rallus pectoralis muelleri</i>	New Zealand
E	Rail, Lord Howe wood	<i>Tricholimnas sylvestris</i>	Australia (Lord Howe Island)
E	Rhea, Darwin's	<i>Pterocnemia pennata</i>	Argentina, Bolivia, Peru, Uruguay
E	Robin, Chatham Island	<i>Petroica traversi</i>	New Zealand
E	Robin, scarlet-breasted (flycatcher)	<i>Petroica multicolor multicolor</i>	Australia (Norfolk Island)
E	Rockfowl, grey-necked	<i>Picathartes oreas</i>	Cameroon, Gabon
E	Rockfowl, white-necked	<i>Picathartes gymnocephalus</i>	Africa: Togo to Sierra Leone
E	Roller, long-tailed ground	<i>Uratelornis chimaera</i>	Malagasy Republic (=Madagascar)
E	Scrub-bird, noisy	<i>Atrichornis clamosus</i>	Australia
E	Shama, Cebu black (thrush)	<i>Copsychus niger cebuensis</i>	Philippines
E	Siskin, red	<i>Carduelis (=Spinus) cucullata</i>	South America
E	Starling, Ponape mountain	<i>Aplonis pelzeini</i>	Caroline Is. (Western Pacific)
E	Starling, Rothschild's (myna)	<i>Leucopsar rothschildi</i>	Indonesia (Bali)
E	Stork, oriental white	<i>Ciconia ciconia boyciana</i>	China, Japan, Korea, U.S.S.R.
E	Teal, Campbell Island flightless	<i>Anas aucklandica nesiotis</i>	New Zealand - Campbell Island
E	Thrasher, white-breasted	<i>Ramphocinclus brachyurus</i>	West Indies: St. Lucia, Martinique
E	Thrush, New Zealand (wattlebird)	<i>Turdagra capensis</i>	New Zealand
E	Tinamou, solitary	<i>Tinamus solitarius</i>	Brazil, Paraguay, Argentina
E	Trembler, Martinique (thrasher)	<i>Cinlocerthia ruficauda gutturalis</i>	West Indies: Martinique
E	Wanderer, plain (collared-hemipode)	<i>Pedionomus torquatus</i>	Australia
E	Warbler (willow), Seychelles	<i>Bebornis sechellensis</i>	Indian Ocean: Seychelles Island
E	Warbler (willow), Rodrigues	<i>Bebornis rodericanus</i>	Mauritius (Rodrigues Islands)
E	Warbler (wood), Semper's	<i>Leucopezia semperi</i>	West Indies: St. Lucia
E	Warbler (wood), Barbados yellow	<i>Dendroica petechia petechia</i>	West Indies: Barbados
E	Whipbird, western	<i>Psophodes nigrogularis</i>	Australia
E	White-eye, Norfolk Island	<i>Zosterops albogularis</i>	Indian Ocean: Norfolk Islands
E	White-eye, Ponape great	<i>Rukia longirostra (=sanfordi)</i>	Caroline Is. (Western Pacific)
E	White-eye, Seychelles	<i>Zosterops modesta</i>	Indian Ocean: Seychelles
E	Woodpecker, imperial	<i>Campephilus imperialis</i>	Mexico
E	Woodpecker, Tristram's	<i>Dryocopus javensis richardsi</i>	Korea
E	Wren, Guadeloupe house	<i>Troglodytes aedon guadeloupensis</i>	West Indies: Guadeloupe
E	Wren, St. Lucia house	<i>Troglodytes aedon mesoleucus</i>	West Indies: St. Lucia
REPTILES			
E	Alligator, Chinese	<i>Alligator sinensis</i>	China
E	Boa, Jamaican	<i>Epicrates subflavus</i>	Jamaica
E	Boa, Round Island	<i>Casarea dussumieri</i>	Indian Ocean: Mauritius
E	Boa, Round Island	<i>Bolyeria multocarinata</i>	Indian Ocean: Mauritius
E	Caiman, Apaporis River	<i>Caiman crocodilus apaporiensis</i>	Colombia
E	Caiman, black	<i>Melanosuchus niger</i>	Amazon basin
E	Caiman, broad-snouted	<i>Caiman latirostris</i>	Brazil, Argentina, Paraguay, Uruguay
E	Caiman, Yacare	<i>Caiman crocodilus yacare</i>	Bolivia, Argentina, Peru, Brazil
E	Chuckwalla, San Esteban Island	<i>Sauromalus varius</i>	Mexico
E	Crocodile, African slender-snouted	<i>Crocodylus cataphractus</i>	Western and central Africa
E	Crocodile, African dwarf	<i>Osteolaemus tetraspis tetraspis</i>	West Africa
E	Crocodile, Ceylon mugger	<i>Crocodylus palustris kimbula</i>	Sri Lanka
E	Crocodile, Congo dwarf	<i>Osteolaemus tetraspis osborni</i>	Congo River drainage
E	Crocodile, Cuban	<i>Crocodylus rhombifer</i>	Cuba
E	Crocodile, Morelet's	<i>Crocodylus moreletii</i>	Mexico, Belize, Guatemala
E	Crocodile, mugger	<i>Crocodylus palustris palustris</i>	India, Pakistan, Iran, Bangladesh
E	Crocodile, Orinoco	<i>Crocodylus intermedius</i>	South America: Orinoco River Basin
E	Crocodile, Philippine	<i>Crocodylus novaeguineae mindorensis</i>	Philippine Islands
E	Crocodile, Siamese	<i>Crocodylus siamensis</i>	Southeast Asia, Malay Peninsula
E	Gavial (=gharial)	<i>Gavialis gangeticus</i>	Pakistan, Burma, Bangladesh, India, Nepal
E	Gecko, day	<i>Phelsuma edwardnewtoni</i>	Indian Ocean: Mauritius
E	Gecko, Round Island day	<i>Phelsuma guentheri</i>	Indian Ocean: Mauritius
E	Iguana, Anegada ground	<i>Cyclura pinguis</i>	West Indies: British Virgin Islands (Anegada Islands)
E	Iguana, Barrington land	<i>Conolophus pallidus</i>	Ecuador (Galapagos Islands)
E	Iguana, Fiji crested	<i>Brachylophus vitiensis</i>	Pacific: Fiji
E	Iguana, Fiji banded	<i>Brachylophus fasciatus</i>	Pacific: Fiji, Tonga
E	Iguana, Grand Cayman ground	<i>Cyclura nubila lewisi</i>	West Indies: Cayman Islands
E	Iguana, Jamaican	<i>Cyclura collei</i>	West Indies: Jamaica
E	Iguana, Watling Island ground	<i>Cyclura rileyi rileyi</i>	West Indies: Bahamas
E	Lizard, Hierro giant	<i>Gallotia simonyi simonyi</i>	Spain (Canary Islands)
E	Monitor, Bengal	<i>Varanus bengalensis</i>	Iran, Iraq, India, Sri Lanka, Malaysia, Afghanistan, Burma, Vietnam, Thailand

TABLE 3. FOREIGN SPECIES TO BE REVIEWED¹—Continued

Status	Common name	Scientific name	Range
E	Monitor, desert	<i>Varanus griseus</i>	North Africa to Near East, Caspian Sea through U.S.S.R. to Pakistan, Northwest India
E	Monitor, Komodo Island	<i>Varanus komodoensis</i>	Indonesia (Komodo, Rintja, Padar, and western Flores Island)
E	Monitor, yellow	<i>Varanus flavescens</i>	West Pakistan through India to Bangladesh
E	Python, Indian	<i>Python molurus molurus</i>	Sri Lanka and India
E	Tartaruga	<i>Podocnemis expansa</i>	South America: Orinoco and Amazon River basins
E	Terrapin, river (=Tuntong)	<i>Batagur baska</i>	Malaysia, Bangladesh, Burma, India, Indonesia
E	Tomistoma	<i>Tomistoma schlegelii</i>	Malaysia, Indonesia
E	Tortoise, angulated	<i>Geochelone yniphora</i>	Malagasy Republic (=Madagascar)
E	Tortoise, Bolson	<i>Gopherus flavomarginatus</i>	Mexico
E	Tortoise, Galapagos	<i>Geochelone elephantopus</i>	Ecuador (Galapagos Islands)
E	Tortoise, radiated	<i>Geochelone (=Testudo) radiata</i>	Malagasy Republic (=Madagascar)
E	Tracaja	<i>Podocnemis unifilis</i>	South America: Orinoco and Amazon River basins
E	Tuatara	<i>Sphenodon punctatus</i>	New Zealand
E	Turtle, aquatic box	<i>Terrapene coahuila</i>	Mexico
E	Turtle, black softshell	<i>Trionyx nigricans</i>	Bangladesh
E	Turtle, Burmese peacock	<i>Morenia ocellata</i>	Burma
E	Turtle, Central American river	<i>Dermatemys mawii</i>	Mexico, Belize, Guatemala
E	Turtle, Cuatro Ciénegas softshell	<i>Trionyx ater</i>	Mexico
E	Turtle, geometric	<i>Psammobates geometricus (=Geochelone geometrica)</i>	South Africa
E	Turtle, Indian softshell	<i>Trionyx gangeticus</i>	Pakistan, India
E	Turtle, Indian sawback	<i>Kachuga tecta tecta</i>	India
E	Turtle, peacock softshell	<i>Trionyx hurum</i>	India, Bangladesh
E	Turtle, short-necked or western swamp	<i>Pseudemys umbrina</i>	Australia
E	Turtle, spotted pond	<i>Geoclemys (=Damonina) hamiltonii</i>	North India, Pakistan
E	Turtle, three-keeled Asian	<i>Melanochelys (=Geoemyde, Nicoria) tricarinata</i>	Central India
E	Viper, Lar Valley	<i>Vipera latifii</i>	Iran
E,T	Crocodile, Nile	<i>Crocodylus niloticus</i>	T=Zimbabwe, E=Entire, except Zimbabwe
T	Gecko, Serpent Island	<i>Cyrtodactylus serpensinsula</i>	Indian Ocean: Mauritius
T	Iguana, Acklins ground	<i>Cyclura rileyi nuchalis</i>	West Indies: Bahamas
T	Iguana, Allen's Cay	<i>Cyclura cychlura inornata</i>	West Indies: Bahamas
T	Iguana, Andros Island ground	<i>Cyclura cychlura cychlura</i>	West Indies: Bahamas
T	Iguana, Cayman Brac ground	<i>Cyclura nubila caymanensis</i>	West Indies: Cayman Islands
T	Iguana, Cuban ground	<i>Cyclura nubila nubila</i>	Cuba (excl. pop. introduced into Puerto Rico)
T	Iguana, Exuma Island	<i>Cyclura cychlura figginsi</i>	West Indies: Bahamas
T	Iguana, Maysguana	<i>Cyclura carinata bartschi</i>	West Indies: Bahamas
T	Iguana, Turks and Caicos	<i>Cyclura carinata carinata</i>	West Indies: Turks and Caicos Islands
T	Iguana, White Cay ground	<i>Cyclura rileyi cristata</i>	West Indies: Bahamas
T	Lizard, Ibiza wall	<i>Podarcis pityusensis</i>	Spain (Balearic Islands)
T	Rattlesnake, Aruba Island	<i>Crotalus unicolor</i>	Aruba Island (Netherlands Antilles)
T	Skink, Round Island	<i>Leiolopisma telfairi</i>	Indian Ocean: Mauritius
AMPHIBIANS			
E	Frog, Israel painted	<i>Discoglossus nigriventer</i>	Israel
E	Frog, Panamanian golden	<i>Atelopus varius zeteki</i>	Panama
E	Frog, Stephen Island	<i>Leiopelma hamiltoni</i>	New Zealand
E	Salamander, Chinese giant	<i>Andrias davidianus davidianus</i>	Western China
E	Salamander, Japanese giant	<i>Andrias davidianus japonicus</i>	Japan
E	Toad, African viviparous	<i>Nectophrynoides spp. (entire genus)</i>	Tanzania, Guinea, Ivory Coast, Cameroon, Liberia, Ethiopia
E	Toad, Cameroon	<i>Bufo superciliaris</i>	Equatorial Africa
E	Toad, Monte Verde	<i>Bufo periglenes</i>	Costa Rica
FISHES			
E	Ala Balik (trout)	<i>Salmo platyccephalus</i>	Turkey
E	Ayumodoki (loach)	<i>Hymenophysa (=Botia) curta</i>	Japan
E	Blindcat, Mexican (catfish)	<i>Prietella phreatophila</i>	Mexico
E	Bonytongue, Asian	<i>Scleropages formosus</i>	Thailand, Indonesia, Malaysia
E	Catfish (no common name)	<i>Pangasius sanitwongsei</i>	Thailand
E	Catfish, giant	<i>Pangasianodon gigas</i>	Thailand
E	Cicek (minnow)	<i>Acanthorutilus handlirschi</i>	Turkey
E	Nekogigi (catfish)	<i>Coreobagrus ichikawai</i>	Japan
E	Tango, Miyako (Tokyo bitterling)	<i>Tanakia tanago</i>	Japan
E	Temoleh, Ikan (minnow)	<i>Probarbus jullieni</i>	Thailand, Cambodia, Vietnam, Malaysia, Laos
INVERTEBRATES			
SNAILS			
E	Snail, Manus Island tree	<i>Papustyla pulcherrima</i>	Pacific Ocean: Admiralty Island (Manus Island)
CLAMS			
E	Pearly mussel, Nicklin's	<i>Megaloniais nicklineana</i>	Mexico
E	Pearly mussel, Tampico	<i>Cyrtoniais tampicoensis</i>	Mexico
INSECTS			
E	Butterfly, Queen Alexandra's birdwing	<i>Troides (=Ornithoptera) alexandrae</i>	Papua New Guinea

TABLE 3. FOREIGN SPECIES TO BE REVIEWED¹—Continued

Status	Common name	Scientific name	Range
PLANTS			
T.....	Fir, Guatemalan (=pinabete).....	<i>Abies guatemalensis</i>	Mexico, Guatemala, Honduras, El Salvador
E.....	Jatropha, Costa Rican.....	<i>Jatropha costaricensis</i>	Costa Rica
T.....	Larch, Chilean false (=alerce).....	<i>Fitzroya cupressoides</i>	Chile, Argentina

¹Submit all comments on foreign species to FWS Region 8 (see "Addresses of Regional Offices" in SUPPLEMENTARY INFORMATION section).

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