

constructed with USAID funds would have a durable sign, plaque or other marking installed, thereby reflecting USAID (and U.S. Government) support for the religion observed in the house of worship or school.

**USAID Response:** As previously stated, USAID has no intent to use funds to acquire or construct new houses of worship or other, similar religious structures (as opposed to rehabilitation or restoration of existing religious structures) that are dedicated to religious activities. Also, as previously stated, the likelihood that USAID would find circumstances where it would finance the construction of such structures is slim. In any event, USAID's regulations governing branding and marking include waiver provisions based on "compelling political concerns." Should USAID funds be used for rehabilitation or restoration of existing religious structures, such as following a natural disaster overseas, the agency would avail itself of this waiver authority and would not install any type of sign, plaque or other marking identifying the structure with the U.S. Government.

### III. Findings and Certifications or Impact Assessment

#### *Regulatory Planning and Review*

This is a significant regulatory action and, therefore, is subject to review under section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804. USAID has concluded that the current rule goes beyond the requirements of the Establishment Clause and other Federal law, and unnecessarily and unduly constrict USAID's ability to pursue the national security and foreign policy interests of the United States overseas. The changes do not, however, pose any new paperwork or reporting requirements, nor would they represent an increase in costs to either applicants for USAID funding or to USAID itself.

#### *Regulatory Flexibility Act*

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), USAID has considered the economic impact of the proposed rule and has determined that its provisions would not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 22 CFR Part 205

Foreign aid, Grant programs, Nonprofit organizations.

For the reasons stated in the preamble, USAID amends chapter II of

title 22 of the Code of Federal Regulations as follows:

### PART 205—PARTICIPATION BY RELIGIOUS ORGANIZATIONS IN USAID PROGRAMS

■ 1. The authority citation for part 205 continues to read as follows:

**Authority:** 22 U.S.C. 2381(a).

■ 2. Amend § 205.1 as follows:

■ a. Revise paragraph (d).

■ b. Redesignate paragraphs (j) and (i) as paragraphs (i) and (k) respectively.

■ c. Add a new paragraph (j).

The revision and addition read as follows:

#### § 205.1 Grants and cooperative agreements.

\* \* \* \* \*

(d) USAID must implement its programs in accordance with the Establishment Clause. Nothing in this part shall be construed as authorizing the use of USAID funds for activities that are not permitted by Establishment Clause jurisprudence or otherwise by law. USAID will consult with the U.S. Department of Justice if, in implementing a specific program involving overseas acquisition, rehabilitation, or construction of structures used for explicitly religious activities, there is any question about whether such funding is consistent with the Establishment Clause. USAID will describe any program implemented after such consultation on its Web site.

\* \* \* \* \*

(j) Nothing in this part shall be construed as authorizing the use of USAID funds for the acquisition, construction, or rehabilitation of religious structures inside the United States.

**Mark Brinkmoeller,**

*Director, Center for Faith-Based and Community Initiatives.*

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### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2016-0181]

#### Drawbridge Operation Regulation; North Landing River, Chesapeake, VA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from drawbridge regulations; modification.

**SUMMARY:** The Coast Guard has modified a temporary deviation from the operating schedule that governs the S165 (North Landing Road) Bridge across the North Landing River, mile 20.2, at Chesapeake, VA. This modified deviation is necessary to perform emergency bridge repairs and provide for safe navigation. This modified deviation allows the bridge to remain in the closed-to-navigation position.

**DATES:** This deviation is effective from 6 p.m. on June 30, 2016, through 6:00 p.m. on September 30, 2016.

**ADDRESSES:** The docket for this deviation, [USCG-2016-0181] is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH". Click on Open Docket Folder on the line associated with this deviation.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email Mr. Hal R. Pitts, Bridge Administration Branch Fifth District, Coast Guard, telephone 757-398-6222, email [Hal.R.Pitts@uscg.mil](mailto:Hal.R.Pitts@uscg.mil).

**SUPPLEMENTARY INFORMATION:** On March 11, 2016, the Coast Guard published a temporary deviation entitled "Drawbridge Operation Regulation; North Landing River, Chesapeake, VA" in the **Federal Register** (81 FR 12824) and on April 8, 2016, the Coast Guard published a modified temporary deviation entitled "Drawbridge Operation Regulation; North Landing River, Chesapeake, VA" in the **Federal Register** (81 FR 20529). These documents were necessary to authorize a temporary deviation from the operating regulations to perform repairs to the south swing span of the bridge due to damage sustained as a result of a vessel allision with the bridge that occurred on March 1, 2016. The United States Army Corps of Engineers, Norfolk District Office, who owns and operates the S165 (North Landing Road) Bridge, has requested a modified temporary deviation from the current operating regulations to perform repairs to the south swing span of the bridge, following completion of an ongoing roadway construction project on Elbow Road, Chesapeake, VA, in which the S165 (North Landing Road) Bridge is currently serving as a detour route. The modified temporary deviation request is necessary to provide for public safety and access during the roadway construction project.

The current operating schedule is set out in 33 CFR 117.1021. Under this modified temporary deviation, the north span of the bridge will open-to-navigation on the hour and half hour, upon request, from 6 a.m. to 7 p.m., and

on demand from 7 p.m. to 6 a.m. The north and south spans of the bridge will open to navigation concurrently, with the south span only opening partially due to damage, upon request, for: (1) Scheduled openings at 9:30 a.m. for vessels transiting southeast, (2) 10:30 a.m. for vessels transiting northwest, and (3) at noon and 2 p.m. for two-way vessel traffic through the bridge, Monday through Friday. The north and south spans of the bridge will open to navigation concurrently, with the south span only opening partially due to damage, upon request, for: (1) Scheduled openings at 9:30 a.m. for vessels transiting southeast and (2) 10:30 a.m. for vessels transiting northwest, Saturday and Sunday. The horizontal clearance of the bridge with the south span closed-to-navigation is 38 feet and the horizontal clearance of the bridge with the south span partially open-to-navigation is 70 feet. The modified temporary deviation is necessary to relieve vessel congestion and provide for safe navigation on the waterway. The bridge is a double swing draw bridge and has a vertical clearance in the closed position of 6 feet above mean high water.

The North Landing River is used by a variety of vessels including small U.S. government and public vessels, small commercial vessels, tug and barge, and recreational vessels. The Coast Guard has carefully considered the nature and volume of vessel traffic on the waterway in publishing this temporary deviation.

During the closure times there will be limited opportunity for vessels which are able to safely pass through the bridge in the closed position to do so. Vessels able to safely pass through the bridge in the closed position may do so, after receiving confirmation from the bridge tender that it is safe to transit through the bridge. The north span of the bridge will be able to open for emergencies. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transit to minimize any impact caused by the modified temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: June 23, 2016.

**Hal R. Pitts.**

*Bridge Program Manager, Fifth Coast Guard District.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2016-0605]

#### Drawbridge Operation Regulation; Lewis and Clark River, Astoria, OR

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the Oregon State (Lewis and Clark River) highway bridge across the Lewis and Clark River, mile 1.0, at Astoria, Oregon. The deviation is necessary to accommodate bridge maintenance activities during the effective time period. The deviation allows the bridge to remain in the closed-to-navigation position such that it need not open to maritime traffic.

**DATES:** This deviation is effective from 7 a.m. on July 15, 2016 to 5 p.m. on October 31, 2016.

**ADDRESSES:** The docket for this deviation, [USCG-2016-0605] is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this deviation.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206-220-7282, email [d13-pf-d13bridges@uscg.mil](mailto:d13-pf-d13bridges@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Oregon Department of Transportation (ODOT) has requested that the Lewis and Clark River Bridge, mile 1.0, be allowed to remain in the closed-to-navigation position such that it need not open to vessel traffic from 7 a.m. on July 15, 2016 until 5 p.m. on October 31, 2016. The deviation is necessary to facilitate bridge maintenance activities to include repairing and preserving the bascule drawbridge structural steel. The Lewis and Clark River Bridge provides a vertical clearance of 17 feet above mean high water when in the closed-to-navigation position. However, during

the bridge maintenance activities, the bascule span of the bridge will have a containment system installed which will reduce the vertical clearance by 5 feet to 12 feet above mean high water. The normal operating schedule of this bridge is detailed at 33 CFR 117.899(c).

This deviation allows the bascule span of the Lewis and Clark River Bridge to remain in the closed-to-navigation position such that it such that it need not open to maritime traffic from 7 a.m. on July 15, 2016 until 5 p.m. on October 31, 2016. However, the bascule span will be available to open on Wednesdays and Sundays with at least three-hour advanced notice. The bascule span will also open at any time for emergency situations with at least three-hour advanced notice. Vessels able to pass through the bridge in the closed position may do so at anytime.

Waterway usage on the Lewis and Clark River is primarily small recreational boaters and fishing vessels transiting to and from Fred Wahl Marine Construction Inc. ODOT has coordinated with Fred Wahl Marine Construction Inc. in this regard. No immediate alternate route is available for vessels to pass. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: June 23, 2016.

**Steven M. Fischer,**

*Bridge Administrator, Thirteenth Coast Guard District.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2016-0539]

#### Drawbridge Operation Regulation; Isle of Wight (Sinepuxent) Bay, Ocean City, MD

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulations.