

information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-ICEEU-2013-10 and should be submitted on or before September 26, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>21</sup>

**Kevin M. O'Neill,**

*Deputy Secretary.*

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## DEPARTMENT OF STATE

[Public Notice 8449; No. 2013-5]

### Determination Pursuant to the Foreign Missions Act

Pursuant to the authority vested in me under the Foreign Missions Act, 22 U.S.C. 4301 *et seq.* ("the Act"), and Department of State Delegation of Authority No. 198 of September 16, 1992, I hereby determine that the plans submitted by the Embassy of the Republic of South Africa to the Public Space Committee of the District of Columbia's Department of Consumer and Regulatory Affairs concerning the location of a flagpole in public space at its chancery located at 3051 Massachusetts Avenue NW., demonstrate substantial compliance with District of Columbia building and related codes in a manner determined by the Secretary to be inconsistent with the international obligations of the United States, in accordance with section 206(g) of the Act.

Dated: August 20, 2013.

**Patrick F. Kennedy,**

*Under Secretary for Management.*

[FR Doc. 2013-21600 Filed 9-4-13; 8:45 am]

**BILLING CODE 4710-43-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### Registration and Financial Security Requirements for Brokers of Property and Freight Forwarders

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice.

**SUMMARY:** FMCSA announces guidance concerning the implementation of certain provisions of the Moving Ahead

for Progress in the 21st Century Act (MAP-21) concerning persons acting as a broker or a freight forwarder. Section 32915 of MAP-21 requires anyone acting as a broker or a freight forwarder and subject to FMCSA jurisdiction, including motor carriers, to register and obtain broker or freight forwarder authority from FMCSA. Section 32918 amended the financial security requirements applicable to property brokers and created new requirements for freight forwarders. FMCSA provides guidance for brokers and freight forwarders on how to comply with the new requirements and information regarding FMCSA's enforcement of these provisions.

**DATES:** This guidance is effective October 1, 2013.

#### FOR FURTHER INFORMATION CONTACT:

Jeffrey Secrist or Gerald Folsom, Office of Registration and Safety Information, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave. SE., Washington, DC 20590-0001, (202) 385-2367/2405 regarding financial security requirements or Kenneth Rodgers, Office of Enforcement and Compliance, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave. SE., Washington, DC 20590-0001, (202) 385-2400 regarding enforcement.

**SUPPLEMENTARY INFORMATION:** On July 6, 2012, the President signed MAP-21 (Pub. L. 112-141, 126 Stat. 405 (2012)) into law, which included a number of mandatory, non-discretionary changes to FMCSA programs. Some of these changes amended the financial security requirements applicable to property brokers and freight forwarders operating under FMCSA's jurisdiction. Others required motor carriers to register as brokers if they were also performing brokerage functions. The FMCSA provides guidance to ensure that all interested parties are aware of the self-executing statutory provisions that take effect on October 1, 2013, and how those subject to the requirements can achieve compliance with the law.

#### A. General Broker/Freight Forwarder Information

FMCSA has received a number of requests from motor carriers and other transportation companies requesting additional information about when registration as a broker or freight forwarder is required. The Agency has compiled a list of the most common questions and our responses and presents the information below in question-and-answer format.

**Question 1:** What is a broker?

**Answer:** A broker is a person or an entity that, for compensation, arranges,

or offers to arrange, for the transportation of property by a motor carrier. A broker does not transport the property and does not assume responsibility for the property. Although MAP-21 left in place the previous statutory definition of "broker," which expressly excludes motor carriers and their agents and employees (49 U.S.C. 13102(2)), the new law separately prohibits motor carriers from brokering transportation services unless they are registered as a broker (49 U.S.C. 13902(a)(6)).

**Question 2:** What is a freight forwarder?

**Answer:** A freight forwarder is a person or entity that holds itself out to the general public as providing transportation of property for compensation, and in the ordinary course of its business:

- Assembles and consolidates, or provides for assembling and consolidating, shipments and performs or provides for break-bulk and distribution operations of the shipments;

- Assumes responsibility for the transportation from the place of receipt to the place of destination; and

- Uses for any part of the transportation a rail, motor or water carrier subject to the jurisdiction of either FMCSA or the Surface Transportation Board.

**Question 3:** Are freight forwarders and brokers required to register with FMCSA?

**Answer:** Yes. Freight forwarders and brokers that are involved in interstate commerce and subject to FMCSA jurisdiction are required to register with FMCSA. Freight forwarders that perform both freight forwarder services and motor carrier services (beyond the scope of their freight forwarding operations) must register both as freight forwarders and as motor carriers. Additionally, as noted in Q1 above, MAP-21 requires motor carriers that broker loads, even occasionally, to register both as motor carriers and as brokers.

**Question 4:** How would a motor carrier that also brokers loads apply for broker authority?

**Answer:** Anyone seeking broker authority must file a Form OP-1 and submit it to FMCSA. Companies with existing motor carrier authority should include their current USDOT Number on the OP-1 form but leave the MC Number field blank. FMCSA will issue a separate MC Number for the broker authority. While MAP-21 requires FMCSA to establish an indicator of the type of transportation or service for which the USDOT registration number is issued, including whether the

<sup>21</sup> 17 CFR 200.30-3(a)(12).